

Brussels, 24 July 2020
srb.cm.02(2020)4517344

Mr Sven Giegold MEP
European Parliament
ASP 08H359
60 Rue Wiertz
B-1047 Brussels

Re: Reply to your letter on SRB staff rules and compliance

Dear Mr Giegold,

Thank you for your letter dated 13 May 2020¹, in which you raise the matter of “revolving doors” following the European Ombudswoman’s recent recommendation to the European Banking Authority. The SRB is among the youngest of the EU agencies, founded in 2015. Since then, its vision has been to be a trusted and respected resolution authority, identifying excellence in resolution and integrity as its core values.

Regarding your first question, the SRB’s founding Regulation (SRMR) contains rules on independence, confidentiality, and the duty to behave with integrity and discretion as regards the acceptance of certain appointments, even after leaving service. Based on these provisions, in 2015, the SRB adopted specific rules on “revolving doors” for all members of its governing bodies². These rules apply to the six full-time Board Members who, in their capacity as Chair, Vice-Chair and directors are also senior staff, and are set out in the Code of Conduct for the Members of the Plenary Session and Executive Session of the SRB (the “Code of Conduct”). Likewise, Board Members, as all other staff members, are subject to the staff regulations³ and the SRB Code of Ethics and Good Administrative Behaviour.

When staff, including also the full time Board members, leave the SRB, the SRB Compliance Officer looks at this on a case-by-case basis based on the existing rules and with emphasis on the public interest, balanced against the staff’s EU Charter right to work. The Code of Conduct forbids Board Members to engage, within the first year after departing from the SRB, in an occupational activity either with an entity such as a bank under direct SRB responsibility; or with any other entity for which a conflict of interest exists or could be perceived as existing. This period of one-year may be extended to two years, where the possibility of a conflict of interest cannot be excluded for a longer period.⁴

¹ Received on 3 June 2020

² For more information, see: <https://srb.europa.eu/en/content/governing-bodies>

³ E.g. the European Commission Decision of 29 June 2018 on outside activities and assignments and on occupational activities after leaving the service, which the SRB applies by analogy.

⁴ The one year period (referred to as a “cooling off period”) may also be reduced or waived where the possibility of conflicts of interest can be excluded.

Additionally, as full-time Board Members are staff under the SRs, if the new occupational activity relates to the work carried out during the last three years of service at the SRB, the Chair may either forbid such activity or approve subject to certain conditions, taking into account the interests of the service. As senior staff, they are prohibited during the 12 months after leaving the service from engaging in lobbying or advocacy *vis à vis* SRB staff on matters for which they were directly responsible during the last three years at the SRB.

As regards SRB staff as a whole, the SRB has put in place a variety of measures to make staff aware of the rules, both while in service and upon resignation. As such, all staff members joining the SRB must follow compulsory training from the compliance team on their Staff Regulation ("SR") obligations, including on their duties to continue to behave with integrity and discretion after leaving service (Article 16 of the SR) and are regularly reminded about their duties throughout their career.

For all these reasons the SRB believes that the focal areas of this inquiry have already been addressed in the SRB's evolving compliance framework even before the European Ombudswoman published her recommendations

Regarding your second question on the access to confidential information during the off-boarding period, the SRB has a robust system of checks and balances in place, to ensure throughout a staff member's service at the SRB that confidential information is accessed strictly on a need-to-know basis while SRB staff members perform their duties. This includes restricted access to document management systems and setting up of secrecy protocols.

The SRB is currently in the final stages of preparing an amended Code of Ethics for all SRB staff, which is intended to improve even further particularly the SRB's internal procedures for restricting access to confidential information. According to the new rules, a staff member's notification of pursuing a new occupational activity may, for instance, trigger a temporary suspension of this person's access to certain databases or document management systems. Alternatively, the staff member could be removed from sensitive projects on a temporary basis, so as to restrict access to confidential information until an opinion on the new occupational activity is issued.

I trust that these answers reassure you of the SRB's strong commitment towards addressing the challenges of "revolving doors" as and when they arrive and any resulting conflicts of interest. We remain at your disposal for any further questions on this important subject.

Yours sincerely,

Elke KÖNIG

Chair