



EUROPEAN MEDICINES AGENCY  
SCIENCE MEDICINES HEALTH

1 April 2019  
EMA/131220/2019  
Administration and Corporate Governance Division

## Annual report 2018 on staff engaging in an occupational activity within two years of leaving the service (Article 16 of the staff regulations)

### Annual report for 2018

Staff members are required to seek permission to engage in an occupation within a period of two years of leaving the Agency, in accordance with Article 16 of the Staff Regulations. National experts are also required to seek permission, although the period is restricted to the equivalent duration of the secondment or two years, whichever is the shorter period. In all cases, applications are reviewed to establish any potential conflict of interests to the Agency, and if so required, on the basis of an opinion of the Agency's Joint Committee, the Executive Director will issue a decision, which may impose restrictions on the staff member to mitigate against any potential conflict of interests.

The Agency adopted on 4 October 2018 the Commission decision on outside activities and assignments and on occupational activities after leaving the service. Under the new rules, taking up employment at a European Union institution does not trigger the obligation to inform the Agency as working for another EU institution does not lead to leaving the service of the Union for the purpose of applying Article 16 of the Staff Regulations. Therefore, any staff member leaving the European Medicines Agency to take up employment with another EU institution is not required to seek prior authorisation.

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For the period from 1 January 2018 to 31 December 2018, a total of 23 applications were made, resulting in 10 authorisations without restrictions, 12 authorisations with restrictions and 1 request for reconsideration on taking up a new job. Examples of restrictions imposed include: a distance clause, whereby the former staff member may not contact individual Agency staff for a period of time, e.g. 6-12 months; all decisions include a reminder of the binding obligation of confidentiality after leaving; and a requirement that opinions given in public presentations must be stated to be the former staff member's own and not linked to their former employment at the Agency. Information on restrictions applied to applications in 2018 is given below.

***Engaging in an occupational activity within two years of leaving the service - restrictions applied to applications in 2018:***

Case No	Job Title / Function at EMA	Length of service	Date of application	Date of JC opinion	Decision of the Head of Administration and Corporate Management	Date of ED decision
1	TA	7 years 3 months	15/02/2018	19/02/2018	<p>Holds that during a period of six months to be counted as of the date s/he leaves service, the staff member should refrain from individually liaising with any member of staff of the European Medicines Agency with regard to any professional activity s/he may have dealt with in the performance of his/her responsibilities at the Agency during his/her 7 years and 3 months at the Agency.</p> <p>The six month 'distance clause' provision is extended to a further six months with respect to interactions on the specific products s/he has worked on within the last three years.</p>	3/04/2018
2	SNE	4 years 5 months	26/03/2018	27/04/2018	<p>The activities related to his/her engagement may lead to perceptions of conflict of interest with his/her previous activities at the European Medicines Agency, which might affect the reputation of the Agency. In line with the Joint Committee opinion and in view of the fact that the staff member was a former Seconded National Expert, it was strongly recommended to reconsider this engagement.</p>	27/04/2018

Case No	Job Title / Function at EMA	Length of service	Date of application	Date of JC opinion	Decision of the Head of Administration and Corporate Management	Date of ED decision
3	TA	3 years 1 month	11/04/2018	12/04/2018	<p>Holds that during a period of six months to be counted as of the date s/he leaves service, the staff member should refrain from individually liaising with any member of staff of the European Medicines Agency with regard to any professional activity s/he may have dealt with in the performance of his/her responsibilities at the Agency during his/her 3 years and 1 month at the Agency.</p> <p>The six month 'distance clause' provision is extended to a further six months with respect to interactions on the specific products s/he has worked on within the last three years.</p>	07/05/2018
4	CA	3 years	5/02/2018	14/02/2018	<p>During a period of six months to be counted as of the end of contract date, the former staff member should refrain from individually liaising with any member of staff of the European Medicines Agency with regard to any professional activity s/he may have dealt with in the performance of his/her responsibilities at the Agency.</p>	7/03/2018
5	TA	14 years 4 months	14/05/2018	29/05/2018	<p>During a period of twelve months to be counted as of the end of contract date, the former staff member should refrain from individually liaising with any member of staff of the European Medicines Agency with regard to any professional activity s/he may have dealt with in the performance of his/her duties at the Agency during his/her 14 years and 4 months at the Agency.</p>	14/06/2018
6	CA and TA	11 years and 7 months	28/05/2018	29/05/2018	<p>During a period of twelve months to be counted as of the end of contract date, the former staff member should refrain from individually liaising with any member of staff of the European Medicines Agency with regard to any professional activity s/he may have dealt with in the performance of his/her responsibilities at the Agency during his/her 11 years and 7 months at the Agency.</p>	14/06/2018

Case No	Job Title / Function at EMA	Length of service	Date of application	Date of JC opinion	Decision of the Head of Administration and Corporate Management	Date of ED decision
7	CA	3 years 5 months	20/04/2018	4/05/2018	During a six months clause to be counted as of the end of employment the former staff member should refrain from individually liaising with any member of staff of the Agency with regard to any professional activity s/he dealt with in the performance of his/her responsibilities at the Agency in the 3 years and 5 months of service.	30/05/2018
8	CA	3 years 1 month	7/06/2018	21/06/2018	During a twelve month clause to be counted from the end of employment the former staff member should refrain from individually liaising with any member of staff of the Agency with regard to any professional activity s/he may have dealt with in the performance of his/her responsibilities at the Agency in the 3 years and 1 month of service.	20/08/2018
9	CA and TA	11 years 1 month	29/06/2018	19/07/2018	Twelve-month 'distance clause' provision with respect to interactions on the specific products s/he has worked on within the last three years;  Holds that, during a period of six months to be counted as of the date s/he leaves service, the former staff member should also refrain from individually liaising with any member of staff of the European Medicines Agency with regard to any professional activity s/he may have dealt with in the performance of his/her responsibilities at the Agency during his/her 11 years and 1 month at the Agency.	20/08/2018 and amended on 12/10/2018
10	TA	4 years 6 months	14/06/2018	21/06/2018	Holds that the former staff member, in the course of his/her professional activities, may not engage in any activity, whether gainful or not, which concerns any legal case involving the EMA, or any case connected to the EMA, and in which s/he was	26/07/2018

Case No	Job Title / Function at EMA	Length of service	Date of application	Date of JC opinion	Decision of the Head of Administration and Corporate Management	Date of ED decision
					<p>previously involved directly or indirectly. This restriction shall apply indefinitely;</p> <p>Holds that during a period of twelve months to be counted as of the date s/he leaves the service, s/he should also refrain from individually liaising with any member of staff of the EMA with regard to any professional activity and legal cases s/he may have dealt with in the performance of his/her responsibilities at the Agency during his/her 4 years and 6 months of service at the Agency, This is without prejudice to the possibility of the former staff member to liaise or attend meetings through the standard channels available to all members of the public, including standard procedural services and meetings offered by the Agency to the different stakeholders;</p>	
11	TA	12 years 3 months	3/08/2018	6/09/2018	<p>12-month '<i>distance clause</i>' provision with respect to all interactions on the specific products or EMA Regulatory Science strategy s/he has worked on within the last three years;</p> <p>Holds that during a period of 6 months to be counted as of the date s/he leaves the service, the former staff member should refrain from individually liaising with any member of staff of the Agency with regard to any professional activity s/he may have dealt with in the performance of his/her responsibilities at the Agency during his/her 12 years and 3 months of service;</p>	17/09/2018
12	TA	10 years 8 months	5/09/2018	26/09/2018	<p>Twelve-month '<i>distance clause</i>' provision with respect to all interactions on the specific products s/he has worked on within the last three years;</p> <p>Holds that during a period of 6 months to be counted as of the date s/he leaves the service, the former staff member should</p>	17/10/2018

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					refrain from individually liaising with any member of staff of the Agency with regard to any professional activity /he may have dealt with in the performance of his/her responsibilities at the Agency during his/her 10 years and 8 months of service	
13	TR, CA and TA	7 years 7 months	28/09/2018	18/10/2018	<p>In the course of his/her professional activities s/he may not engage in any activity, whether gainful or not, which concerns any legal case involving or connected to the Agency in which s/he was previously involved directly or indirectly. This restriction shall apply permanently;</p> <p>During a period of 12 months to be counted as of the date /she leaves the service, the former staff member should also refrain from individually liaising with any member of staff of the Agency with regard to any professional activity s/he may have dealt with in the performance of his/her responsibilities at the Agency during his/her 7 years and 7 months of service. This is without prejudice to the possibility to liaise or attend meetings through the standard channels available to all members of the public, including standard procedural services and meetings offered by the Agency to the different stakeholders;</p>	8/11/2018