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The Adoption of the Ethics Framework in EU Member States

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introduction

- aims of this presentation
 - analyse how well the national integrity systems reflect the standards set out in the general guidelines proposed in the Ethics Framework
 - discuss the main future issues and priorities concerning public-service ethics
- background
 - Comparative Study on the Public-service Ethics of the EU Member States (Moilanen & Salminen 2007)
 - methodology: survey questionnaire to all 27 EU member states and European Commission
 - respondents consisted of state representatives working in the HRWG

main features of an Ethics Framework for the public sector

voluntary, non-legally binding European Code of Conduct; adopted by Directors General responsible for the Public Administration (22.11.2004)

1. general core values

- principle of the rule of law, impartiality / objectivity, reliability / transparency, duty of care, courtesy, and willingness to help in a respectful manner, professionalism / accountability

2. specific standards of conduct

- handling information / confidentiality / freedom of speech
- acceptance of gifts or favours
- avoiding conflicts of interest
 - regulations governing civil servants' outside activities
 - regulations governing civil servants' financial interests
 - regulations to counter 'revolving door employment'
- use of public resources, equipment and property
- use of email, intranet and Internet facilities
- purchasing and contracting
 - conflicts of interest in purchasing decision-making
 - tendering regulations (amounts below € 154,014 threshold)

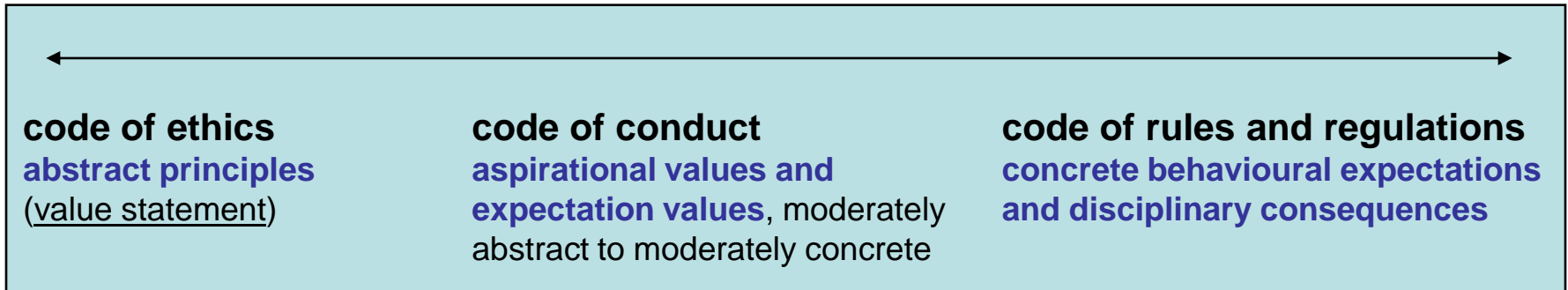
3. implementing, promoting and stimulating integrity

- recruitment, training, mobility, communication, leadership

4. methods and procedures to report - integrity related – offences

- confidential integrity counsellor (cic), reporting procedure for integrity breaches, sanctions

different kinds of codes: terminology



→ value statement

- sets the core values but does not provide detailed rules on how to adopt values in practical situations

→ code of conduct

- sets the guidelines or detailed standards of behaviour: can be seen as an extended value statement that transforms the values into practice
- in most cases, codes of conduct restate and elaborate the values and principles already embodied in legislation

codes of conduct in member states: overview of the current situation

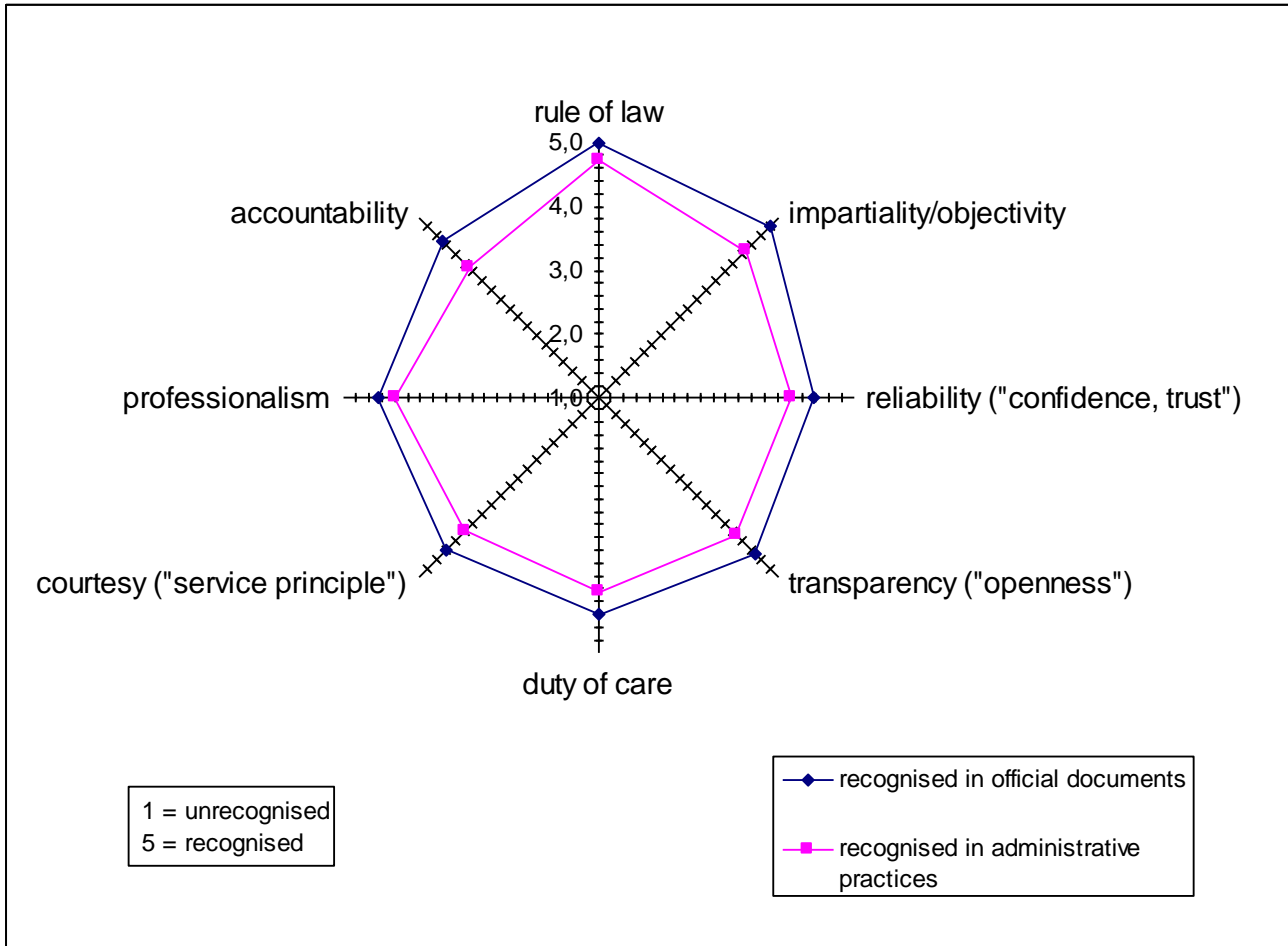
statement of official ethics by EU member states and EC in the form of value statement or code of ethics (n=28)

value statement				code of conduct		
general	branch	agency		general	branch	agency
16 (57%)	7 (25%)	9 (32%)		15 (54%)	8 (29%)	10 (36%)

- most of the member states have introduced value statements or codes of conduct: half of the member states use general value statements, the other half rely on general codes of conduct
- there are no good reasons for assuming that the number of value statements or codes of conduct leads to better public-service ethics as such (implementation and enforcement issues; links to legislation; overlapping issues)
- stages of development: (1) general value statement, (2) general code of conduct, (3) agency-level code of conduct

codes of conduct in member states: (1) general core values

reflection of core values in official documents vs. administrative practices (n=28)



- core values were clearly recognised in the official documents
- administrative practices seemed to follow the core values fairly well; however, due to methodological reasons these findings are hard to be generalised

codes of conduct in member states: (2) specific standards of conduct

regulation of specific ethical standards by means of legislation and/or code of conduct (N=28)

	regulated by law	regulated by code of conduct	regulated by law and by code of conduct	unregulated
1) handling of confidential information	100% (28)	46% (13)	46% (13)	0% (0)
2) acceptance of gifts or favours	89% (25)	57% (16)	46% (13)	0% (0)
3a) avoiding conflict of interest in purchasing	89% (25)	43% (12)	32% (9)	0% (0)
3b) regulations on outside activities	89% (25)	39% (11)	32% (9)	4% (1)
3c) tendering regulations (below 137.000 €)	86% (24)	14% (4)	11% (3)	7% (2)
3d) regulations on financial interests	79% (22)	43% (12)	29% (8)	7% (2)
3e) regulations on revolving door	57% (16)	21% (6)	4% (1)	25% (7)
4) use of public resources (e.g., phone, email)	29% (8)	50% (14)	7% (2)	29% (8)
<i>mean</i>	77 %	39 %	26%	9 %

codes of conduct in member states (3) implementation: HR measures

promotion of ethical behaviour through leadership and HRM policies by country and EC (N=28)

	A	B	C	D	E
Austria	1	1	1	2	3
Belgium	3	3	3	3	3
Cyprus	1	3	3	3	2
Czech Republic	1	2	2	2	3
Denmark	3	3	3	3	3
Estonia	3	2	2	3	3
Finland	2	2	2	2	3
France	3	1	1	3	2
Germany	1	1	1	1	1
Greece	1	2	1	3	2
Hungary	1	1	1	2	3
Ireland	1	2	1	2	1
Italy	1	1	2	2	2
Latvia	2	2	2	2	3
Lithuania	1	1	2	1	3
Luxembourg	1	1	3	3	3
Malta	1	2	1	1	2
the Netherlands	2	2	2	2	2
Poland	1	1	2	3	2
Portugal	1	2	2	1	3
Slovakia	3	2	2	2	3
Slovenia	1	2	2	2	2
Spain	2	1	2	1	
Sweden	3	2	3	3	3
United Kingdom	1	2	1	1	2
European Commission	1	1	1	1	1
Bulgaria	1		2	3	
Romania	2	2	2	1	1

A = leadership: there a specific component in the training programmes for managers to promote high ethical standards (e.g., emphasise that leader sets the example and is also responsible that the personnel acts in an appropriate manner)

B = training: training programs address public service values and ethical issues (e.g., how to act in a conflict of interest situation etc.)

C = communication: organisations emphasise that integrity is an integral part of public service (e.g., organisation has clear, specific and well communicated values, standards and regulations)

D= recruitment: values and standards are systematically taken into account when selecting new personnel (e.g., applicants knowledge on ethics and integrity are tested, ethical dilemmas in assessments are used)

E = mobility: there is a policy of mobility (e.g., the use of job rotation in order to prevent corruption, controlling potential conflict of interest situations)

1

= generic process for all

2

= agency-specific models

3

= ethical aspects are not systematically taken into account

codes of conduct in member states: (4) enforcement

use of specific instruments to deal with ethic-violation situations by country and EC (n=28)

	A	B	C	D	E	F	G
Austria	1	1	1	1	1	1	1
Belgium	1	1	3	3	3	3	3
Cyprus	1	1	2	3	3	3	3
Czech Republic	1	1	1	1	3	3	3
Denmark	1	1	1	1	3	1	3
Estonia	1	1	1	1		2	3
Finland	1	1	1	1	3	3	3
France	1	1	1	3	1	1	3
Germany	1	1	1	3	1	3	3
Greece	1	1	1	2	1	3	3
Hungary	1	1	3	3	2	2	3
Ireland	1	1	3	1	1	3	3
Italy	1	2	2	2	3	3	3
Latvia	1	2	2	3	3	1	3
Lithuania	1	1	1	1	1	1	1
Luxembourg	1	1	3	3	3	3	3
Malta	1	1	1	1	1	3	1
the Netherlands	1	1	1	1	2	1	1
Poland	1	1	2	1	2	3	3
Portugal	1	1	3	3	1	3	3
Slovakia	1	1	1	2	3	3	3
Slovenia	1	1	1	3	3	3	3
Spain	1	1	1	1	1	3	1
Sweden	1	1	1	1	3	1	3
United Kingdom	1	1	1	1	1	1	1
European Commission	1	1	1	1	1	1	3
Bulgaria				1	3	2	3
Romania	1	1	1		2	1	3
<i>mean</i>	1,00	1,07	1,52	1,78	2,04	2,18	2,57

- A = disciplinary mechanisms (warning, termination of employment)
- B = legal sanctions (e.g., punitive measures in the penal code)
- C = formal reporting procedures (e.g., what to report, to whom etc.)
- D = informal reporting procedures (e.g., part of development discussions)
- E = other respective bodies (e.g., Committee on Standards in Public Life)
- F = protection of whistle blowers
- G = confidential integrity counsellor

1	= is actually in use
2	= is formally in use
3	= is not in use
	= not known

main future issues and priorities

- the main future issues and priorities concerning public-service ethics as envisaged by the member states and the European Commission seem to be very divergent. However, some common tendencies can be pointed out:
 1. there is a considerable amount of activity among the member states to introduce codes of conduct
 2. several countries are working to improve training on ethical values and standards
 3. many countries are taking measures to fight against corruption
 4. several actions have been taken to strengthen the various bodies responsible for public-service ethics
 5. new issues such as whistle-blowing, post-employment restrictions and regulations concerning lobbying have not been amply addressed yet and only few member states seem to have focused on them

concluding remarks

- public-service ethics is taken seriously in every member state
- member states are at different stages of development and measures that are considered necessary in one country may be deemed irrelevant in others
- Ethics Framework has been useful to those countries that are still in the process of strengthening the ethical practices