

As at 26th January 2024



CODE OF CONDUCT

for

MEMBERS OF THE

STATES OF DELIBERATION

Approved by Resolution of the States pursuant to article 20F(1)
of [The Reform \(Guernsey\) Law, 1948, as amended](#)

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2006	28 th September 2006
Amended	
2009	30 th September 2009
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Code of Conduct for Members of the States of Deliberation

PART I

Purpose and scope of the Code

1. The purpose of the Code of Conduct is to assist elected Members of the States of Deliberation [hereinafter referred to as “Members”] in the discharge of their obligations to the States, their constituents and the public. All Members are required to comply with the provisions of this code in all aspects of their public life. Whilst it does not seek to regulate what Members do in their purely private and personal lives they must, however, be aware that some private and personal matters may impinge on their public roles. The Code upholds Members’ right to freedom of expression.
2. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the ‘The Rules of Procedure of the States of Deliberation and their Committees’.
3. The Code does not apply to the conduct of a Member:
 - (i) in the States of Deliberation when Rule 8 of the ‘The Rules of Procedure of the States of Deliberation and their Committees’ applies.
 - (ii) in relation to the standard of service and outcomes received from a Member.

The conduct of Members during Meetings of the States of Deliberation and States of Election is normally dealt with by the Presiding Officer through application of Rule 8 relating to maintaining order during proceedings. If, in the course of dealing with such a matter, the Presiding Officer considers that the conduct requires further or fuller investigation, they may refer the matter to the Commissioner for Standards.

Public Duty

4. Members, before entering office¹, take an oath or affirm allegiance to be faithful and bear true allegiance to His Majesty the King, his heirs and successors, according to law. They also take an oath of office or make an affirmation in which they promise that “well and faithfully” they will perform the duties attaching to membership of the States of Deliberation and that they will adhere to the provisions set out in this Code of Conduct.
5. The primary duty of Members is to act in the public interest and to represent the interests of those who they have been elected to serve conscientiously. In so doing Members have a duty on all occasions to act in accordance with their oaths, and in accordance with the public trust placed in them. The Code imposes ethical standards upon Members rather than service or performance standards.
6. Members have a duty to respect the rule of law and the administration of justice. In this context “law” includes such international law and treaty obligations as are for the time being applicable.

¹ Article 19 of [The Reform \(Guernsey\) Law, 1948, as amended](#)

7. Elected members must give due priority to attendance at Meetings of the States of Deliberation and should be present in the Chamber when the States are meeting except with reasonable excuse.

Principles of Conduct

8. Members shall observe the following general principles of conduct for holders of public office

- - 1.1 Selflessness** Members must take decisions and act solely in terms of the public interest.
 - 1.2 Integrity** Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
 - 1.3 Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
 - 1.4 Accountability** Members are accountable for their decisions and actions to the States and the public and must submit themselves to whatever scrutiny is appropriate to their office to ensure this.
 - 1.5 Openness** Members must act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
 - 1.6 Honesty** Members have a duty to be truthful.
 - 1.7 Leadership** Members must exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

The Principles in Practice

Conflict between public and private interest

9. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest. After leaving their official positions, they will not take improper advantage of their previous office.

Members' Conduct

10. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Deliberation and

never undertake any action which would bring the States, or its Members generally, into disrepute.

11. Members shall at all times treat other Members, civil servants and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process. Members shall act in good conscience and exercise the privileges and discharge the duties of public office diligently and with civility, dignity, care and honour.
12. Members must not engage in unwanted behaviour, harassment, bullying or discrimination.

Relationship with the Civil Service

13. Members shall uphold the political impartiality of the Civil Service and shall not ask civil servants to act in a manner which would conflict with the Civil Service Code. Members should familiarize themselves with the contents of that Code. In reaching decisions they shall give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice from other persons.

Possible inducements, including gifts and hospitality

14. The acceptance by a Member of a bribe, including any fee, compensation or reward, to influence his or her conduct as a Member, in connection with the promotion of, or opposition to, any matter submitted or intended to be submitted to the States of Deliberation, or any Department or Committee of the States, and any trading in influence to secure undue advantage is contrary to law.²
15. The acceptance of hospitality may be acceptable in appropriate circumstances as a means of effecting States' business. However, Members shall not accept gifts, hospitality or services that might appear to place the recipient under any form of obligation to the giver. In receiving any gift or hospitality Members should consider subjectively whether they would be prepared to justify acceptance to the public.
16. Members must comply with the requirements of the Rules of Procedure of the States of Deliberation concerning declarations of interests in respect of gifts and hospitality. Any money or tangible gifts received by a Member which are required to be declared must not be retained but must be transferred or delivered into the ownership of the States.

Use of States facilities

17. To avoid misrepresentation of the States and to avoid the improper use of States' assets, Members must not use any goods, services or facilities provided for the functioning of government
 - (a) for private purposes; nor
 - (b) except where generally available in accordance with published arrangements to all Members, for electoral district purposes.

² [The Prevention of Corruption \(Bailiwick of Guernsey\) Law, 2003](#)

Register and Declaration of Members' Interests

18. Members must fulfil conscientiously the requirements of the Rules of Procedure of the States of Deliberation in respect of the registration of interests in the Register of Members' Interests and must always draw attention to any relevant and material interest in any proceedings of the States of Deliberation, its Departments or Committees.
19. A Member shall not knowingly or recklessly make a false statement in a Declaration of Unspent Convictions.
20. In any activities with, or on behalf of, any organisation with which a Member has a financial relationship, including activities which may not be a matter of public record such as informal meetings and functions, he or she must always bear in mind the need to be open and frank with the Presiding Officer, Law Officers, Ministers, Members and officials.

Payments from Third Parties

21. Members must not accept, from a third party, any payment or gift in respect of their participation in any proceedings of the States, its Departments or Committees.

Confidential Information

22. Members must bear in mind that confidential information which they receive in the course of their duties may only be used in connection with those duties, and that such information must never be used for the purpose of financial gain or otherwise in their own personal interest or that of their families, friends, business associates or any voluntary or charitable organisation with which they are involved.
23. For the avoidance of doubt the 'confidential information' referred to in the previous section includes, but is not limited to, Department and Committee minutes and other papers circulated to members thereof. The content of such minutes and other papers is not to be disclosed to any third party other than by resolution of the Department or Committee concerned.
24. In addition, Members shall not disclose publicly, or to any third party, personal information about named individuals which they receive in the course of their duties, unless it is both lawful and clearly in the wider public interest to do so. Members must, at all times, have regard to all relevant data protection, human rights and other legislation when dealing with confidential information and must be aware of the consequences of breaching confidentiality.
25. For the avoidance of doubt, all correspondence, howsoever received, between a Department or Committee and a Member of the States shall be treated as confidential under the Code of Practice for Access to Public Information unless expressed otherwise and shall not be disclosed to any third party, whether within the States or outside, in whole or in part, by any means, without the express consent of the author of that correspondence.
26. Members shall not disclose details in relation a Code of Conduct investigation except when authorised by law or by the investigatory authority. Information on complaints against Members for alleged breaches of the Code of Conduct is considered confidential information and should remain confidential from the point of submission until the complaint has been finally determined.

Members operating private office or administrative scheme

27. The obligations under section 24 not to disclose personal information publicly or to any third party, and under section 25 to treat correspondence as confidential and not to disclose correspondence to any third party, shall be treated as not having been breached or disregarded where the disclosure or treating takes place in accordance with arrangements approved for the operation and management of a private office or administrative scheme under section 28.
28. The Chief Executive may from time to time approve arrangements for the operation and management of any private office or administrative scheme that are proposed by any Member and are intended for the purpose of enabling that Member to deal with correspondence and information relating to the affairs or business of the States of Deliberation or any committee of the States. An approval under this section shall be made upon and subject to the current application process requirements being met and such terms and conditions as the Chief Executive and the States' Assembly & Constitution Committee thinks fit, including for the purpose of ensuring that –
- (a) information relating to the affairs of the States of Deliberation or any committee of the States, and
 - (b) information relating to any third party (including personal data relating to any individual),
- are given suitable protection including, in the case of personal data relating to a living individual, protection in accordance with the provisions of the current Data Protection Law.
29. Where the Chief Executive is of opinion that -
- (a) the terms or conditions of an approval given under section 28
 - (i) have been breached, or
 - (ii) are inadequate for the purpose referred to in section 28, or
 - (b) there is other good reason,
- he may at any time by written notice given to the Member concerned revoke, suspend or vary an approval under section 28.

PART II

Complaints to the Commissioner for Standards

30. Any person may complain to the Commissioner for Standards (the Commissioner) that an elected Member has breached the Code of Conduct relating to Part I matters.

Procedure for Complaints relating to Part I matters

31. Complaints, whether from Members or from members of the public, alleging that the conduct of a Member is in breach of the Code of Conduct set out in Part I must be addressed in writing to the Commissioner.

32. In the interests of natural justice, a complaint submitted to the Commissioner must remain confidential from the point of submission until the complaint has been determined, unless disclosure is authorised.
33. Whilst a complaint will normally be submitted by a third party, the Commissioner may initiate an investigation if they believe that a breach of the Code may have occurred. A Member can also request that their own behaviour is investigated by the Commissioner to establish if a breach of the Code has taken place.
34. Members must not make frivolous, vexatious or manifestly unfounded complaints to the Commissioner for Standards and where the Commissioner is of opinion that a complaint is frivolous, vexatious or manifestly unfounded, the Commissioner shall not initiate an investigation into the complaint.
35. Immediately upon receipt of a complaint, or notification that the Commissioner is initiating an investigation, the Commissioner shall notify the Member concerned that a complaint has been made and the nature of the complaint.
36. All Members are required to co-operate fully and promptly with the Commissioner during any consideration and/or investigation, even if the Member concerned considers that the alleged breach is unsubstantiated. Failure to co-operate in any investigation will, in itself, be regarded as a breach of the Code.
37. If the Commissioner, in the course of the investigation, has cause to believe that a criminal offence may have been committed, he or she shall immediately suspend the proceedings and forthwith refer the matter to the Chief Officer of Police. The investigation shall not be resumed until either judicial proceedings have been concluded or the Chief Officer of Police has certified to the Commissioner that they have no further interest in the matter
38. The Commissioner may decide to agree remedial action with the Member. Remedial action may be agreed if the complaint, though justified, is minor and is acknowledged by the Member concerned. Remedial action involves "putting the record straight", for instance by making an amendment to the Register of Interests of Elected Members. The Member will normally be expected to make a formal apology, either in writing or by means of a formal statement to the States. If the Commissioner and Member agree remedial action, the Commissioner will report the matter and remedial action direct to the States' Assembly & Constitution Committee. The Commissioner will inform the complainant of the action taken in response to the complaint.
39. Where the Commissioner finds that a complaint has been substantiated but is of the view that the breach of conduct was of a minor nature he or she will normally dispose of the matter by cautioning the Member concerned. A report of the Commissioner's decision in such cases shall be forwarded to the Presiding Officer and to the Greffier who shall make the said report available for public inspection whenever the Greffe is open for normal business.
40. Where the Commissioner finds that a complaint has been substantiated and is of the opinion that the Member should be formally reprimanded, suspended, removed from a particular office or expelled, or, where a Member refuses to accept a caution in the circumstances set out in the previous section, he or she shall report their findings to the States Assembly and Constitution Committee which, in turn, shall submit that report to the Presiding Officer for

inclusion in a Billet d'État with the recommendations of the Commissioner. Notwithstanding a Member's refusal to accept a caution, the States may resolve that the Member be cautioned.

41. A Member has a right of appeal against a decision of the Commissioner for Standards in accordance with the provisions of the First Schedule to the Reform (Guernsey) Law, 1948 and the mechanism established by the Commissioner for Standards thereunder.
42. For the avoidance of doubt mediation between the complainant and the accused Member is not permitted in the processing of complaints made pursuant to this Code of Conduct.

PART III

Absolute Privilege for States Proceedings

43. The Law³ confers absolute privilege on Members in respect of any words spoken in, or in any report to, the States or any Department or Committee thereof. This includes requêtes, amendments, sursis, questions, reports and other written documents. Absolute privilege is a complete defence to any legal proceedings arising as a result of what is said or published. It confers protection even when the words complained of are spoken or published maliciously, or when their being spoken or published would otherwise amount to a criminal offence.
44. Members are afforded this immunity to enable them to air any matter, regardless of the power, wealth or status of those criticised.
45. The counter-balance to privilege, however, is responsibility; and Part IV of this Code sets out the mechanism for the investigation of allegations of abuse of privilege and, where such an allegation is found to be substantiated, the penalties which may be imposed on the Member concerned.

PART IV

Investigation of Allegations of Abuse of Privilege

46. A Privileges Panel convened for the purpose of investigating an alleged abuse of privilege shall comprise five of the ten most senior Members, by length of service, appointed by the Presiding Officer, save that
 - a. If the Presiding Officer deems it inappropriate for some or all of the ten most senior Members to sit on the Privileges Panel he may appoint some or all of the next ten most senior Members as Members of the Panel;
 - b. The two Members appointed to sit on the First Instance Panel shall not be eligible to sit on the Privileges Panel.
47. A Member alleging that another Member has abused privilege shall request the Presiding Officer to direct that the alleged abuse be referred to a Privileges Panel for consideration.

³ Article 20A of [The Reform \(Guernsey\) Law, 1948, as amended](#)

48. A request that an alleged abuse of privilege be referred to a Privileges Panel shall include a statement that it is a motion laid pursuant to this section and shall set out the full details of the basis on which the Member making the request alleges abuse of privilege. In particular, the said Member shall provide sufficient information to show that there is a prima facie case for the matter to be referred to a Privileges Panel.
49. A request made pursuant to the previous section shall be referred by the Presiding Officer to a First Instance Panel selected by him and comprising two of the ten most senior Members, by length of service and one of the Law Officers.
50. The alleged abuse shall only be so referred to a Privileges Panel if the First Instance Panel has resolved that a prima facie case has been made by the Member alleging the abuse of privilege.
51. The Member concerned will be invited to address the Privileges Panel. All Members are required to co-operate fully with the Privileges Panel during any investigation, even if the Member concerned considers that the alleged abuse is unsubstantiated. Failure to co-operate in an investigation will be regarded as a breach of the Code.
52. The Privileges Panel may request the production of papers and records and may request the attendance of any person before it, and may request that specific documents in the possession of a Member relating to its inquiries be laid before it.
53. When the Privileges Panel has concluded its investigations it shall report its findings directly to the States, and, if the allegation is upheld, the Privileges Panel shall advise the States as to whether they should reprimand, suspend or expel the offending Member. When a suspension is proposed the terms of the proposed suspension shall be set out in the report of the Privileges Panel. Members of either the First Instance Panel or Privileges Panel shall not be precluded from taking part in the States proceedings.

PART V

Suspension of a Member

54. The States may, in dealing with breaches of conduct or abuse of privilege, suspend a Member either from all States service or from a particular office or function, e.g. from the membership of a particular Department or Committee.
55. A Member suspended from a particular office or function may not, during the period of his suspension, take any part in meetings or other matters relating to that office or function but may, in all other matters, continue to serve as a Member of the States.
56. A Member suspended from all States service shall not, during the period of his suspension:
 - enter the States Chamber or its precincts when the States are meeting;
 - take part in any meeting or other matter relating to the States or a Department or Committee of the States;
 - sign any report, requête or other document relating to the business of the States;
 - ask any question pursuant to Rule 14 of the Rules of Procedure.

57. The States shall, when resolving that a Member be suspended, specify in each case whether any or all of the allowances payable to the Member pursuant to the Rules for Payments to States Members should cease during the period of suspension.

PART VI

General

Applicability to Former Members of the States of Deliberation and Non-States Members of States Departments and Committees

58. This Code shall, where the context so permits, apply in relation to sections 23, 24 and 25 (Confidential Information), to former Members of the States of Deliberation and Non-States Members of States Departments and Committees.

Definitions

59. In this Code

- “absolute privilege” has the meaning assigned to it in Article 20A of the Reform (Guernsey) Law, 1948, as amended;
- “abuse of privilege” means abuse of absolute privilege;
- “Members of the States of Deliberation” and “Members” means People’s Deputies and Alderney Representatives;
- “bullying” means offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone, whether through persistent behaviour or a single grossly unacceptable act;
- “discrimination” includes behaviour that discriminates against any person on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, political opinion and language preference;
- “harassment” means unwanted conduct which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual and includes sexual harassment;
- “unwanted behaviour” means behaviour which is not encouraged or reciprocated by the recipient, regardless of whether it was meant to cause offence, and whether it is repeated or an isolated incident.
- In interpreting and applying the definitions of "bullying", harassment", "discrimination" and "unwanted behaviour":
 1. the intention of the person complained about is irrelevant.

2. the test is whether a reasonable and impartial person would consider the conduct would fall within one of the definitions having regard to the context of the behaviour complained about.
 3. the respective rights under the Human Rights (Bailiwick of Guernsey) Law, 2000 of both the person complained about and the person subject to the conduct in question must be respected.
- the disciplines and standards of behaviour prescribed are also applicable in the context of electronic communications.

Commencement

60. This Code of Conduct shall come into force on the day following the registration in the Royal Court of The Reform (Guernsey) (Amendment) Law, 2006.

Appendix 1

COMMISSIONER FOR STANDARDS

Commissioner for Standards Dr Melissa McCullough

Address: Commissioner for Standards
c/o The States' Greffier
The Royal Court House,
St Peter Port,
GY1 2NZ

E-mail Address: Commissioner@pi-cfs.org

Website Address: www.gov.gg/memberscodeofconduct

Appendix 2

CIVIL SERVICE CODE

INTRODUCTION

1. The Civil Service forms an integral and key part of government. It supports the States of Deliberation, Departments and Committees in formulating and implementing their policies, and in the delivery of public services. Civil servants are recruited on merit through fair and open competition. You can take pride in carrying out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality.
 - > **Integrity** is about putting the public good above your own personal interests in whatever you do as a civil servant.
 - > **Honesty** involves being truthful and transparent.
 - > **Objectivity** means that you base your advice and decisions on rigorous analysis of the evidence.
 - > **Impartiality** requires you to act solely according to the merits of the case and without bias. In a politically impartial Civil Service, you must not let your own political views influence your work.
2. These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of States Members¹, the public, other organisations it works with, and its many customers, and to fulfil its role in Island life.
3. This Code sets out the standards of behaviour expected of you and all other civil servants and the duties that civil servants owe to States Members² the public, other organisations the Civil Service works with, and its many customers. These standards and duties flow from the core values. Individual Departments and Committees may also have their own separate mission and values statements based on the core values including the standards of behaviour expected of you in your dealings with your colleagues.

¹States Members include non-States Members of States Departments or Committees.

²Similar standards are set out in the Code of Conduct for Members of the States of Guernsey.

STANDARDS OF BEHAVIOUR

INTEGRITY

4. You must:
 - > conscientiously fulfil your duties and obligations
 - > always act in a way that is professional and that deserves and retains the confidence of those with whom you have dealings, whether they be States Members, members of the public or other civil servants
 - > ensure the proper and efficient use of public money
 - > deal with the public and their affairs fairly, efficiently, promptly and effectively
 - > comply with the law.

5. You must not:

- > misuse your official position or information acquired in the course of your official duties to further your private interests or those of others
- > accept gifts or hospitality or receive other benefits from a third party which might reasonably be seen to compromise your personal judgement or integrity
- > disclose confidential information without authority. This duty continues to apply after you leave the Civil Service.

HONESTY

6. You must:

- > set out facts and issues truthfully
- > use resources only for the authorised public purposes for which they are provided.

7. You must not:

- > be influenced by pressures from others or the prospect of personal gain
- > deceive or knowingly mislead States Members, other civil servants or members of the public .

OBJECTIVITY

8. You must:

- > provide information and advice, including advice to States Members, on the basis of the evidence, and accurately present the options
- > take decisions on the merits of the case
- > take due account of expert and professional advice.

9. You must not:

- > ignore inconvenient facts or relevant considerations when providing advice or taking decisions
- > frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from decisions.

IMPARTIALITY

10. You must:

- > carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity.

11. You must not:

- > act in a way that unjustifiably favours or discriminates against particular individuals or interests.

POLITICAL IMPARTIALITY

12. Civil servants must maintain political impartiality: you must serve the States of Guernsey to the best of your ability in a way which is consistent with the requirements of this Code and irrespective of your own political beliefs.

13. You must:

- > implement decisions conscientiously
- > act in a way which deserves and retains the confidence of States Members, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in the future
- > comply with any restrictions that have been laid down on your political activities.

14. You must not:

- > allow your personal political views to determine any advice you give or your actions.

RIGHTS & RESPONSIBILITIES

15. Your Chief Officer has a duty to make you aware of this Code and its values. If you believe you are being required to act in a way which conflicts with this Code, your Chief Officer has a duty to consider your concern, and to ensure that you are not penalised for raising such a concern.
16. If you have such a concern¹, you should in the first instance raise it with your line manager or someone else in your line management chain. If for any reason you would find this difficult, you should raise the matter with your Chief Officer or equivalent.
17. If you become aware of actions by others which you believe conflict with this Code you should report this to your line manager or someone else in your line management chain; alternatively you may wish to seek advice from your Chief Officer or equivalent.
18. This Code is part of the contractual relationship between you and the States of Guernsey as your employer. It lays down the high standards of behaviour expected of you which follow from your position in public and Island life as a civil servant. You can take pride in living up to these values.

¹ *The Disclosure of Malpractice section in the Established Staff Directive "Conduct" may also apply in some circumstances, and is available on the States Intranet*
<http://bridge/hr/empinfo/Established%20Staff%20Information/Conduct.aspx>

Evidence of criminal or unlawful activity should be reported to the Police or other appropriate authorities.

November 2007