



DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 6 MAY 2021

ON THE EPPO ETHICAL GUIDELINES

The College of the European Public Prosecutor's Office (EPPO),

Having regard to the Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), hereinafter referred to as "the EPPO Regulation", and in particular Article 96 thereof,

Having regard to the Staff Regulations of Officials of the European Communities (hereinafter referred to as "Staff Regulations") and the Conditions of Employment of Other Servants of the European Communities (hereinafter referred to as "CEOS") laid down by the Council Regulation (EEC, Euratom, ESCS) No 259/68 and in particular Articles 11, 11a, 12, 17a and 21 of the Staff Regulations and Article 11 of the CEOS,

Having regard to Decision of the College of the European Public Prosecutor's Office of 29 September 2020 laying down rules on condition of employment of the European Delegated Prosecutors (hereinafter referred to as "the CEEDP"),

Whereas:

- (1) The EPPO is the only independent body of the Union with investigative and prosecutorial tasks. Its staff should be perceived as objective, independent and professional so that the EPPO's stakeholders can have full trust in the EPPO's work.
- (2) The adoption of Ethical Guidelines helps ensuring that the EPPO's daily decisions, both in carrying out investigations and in running the Office, comply with the following principles: independence, integrity, impartiality, professionalism, adding value, excellence and efficiency.
- (3) These guidelines are complementing the Code on Good of Administrative Behaviour and the Code of Ethics for the Members of the College and European Delegated Prosecutors.

Has adopted the following decision:

Article 1

Adoption of the EPPO's ethical guidelines

The EPPO's Ethical Guidelines are laid down in the Annex which forms an integral part of this Decision.

Article 2

Entry into force

This Decision shall enter into force on the day following its adoption.

Done at Luxembourg on 6 May 2021.

On behalf of the College,

Andrés RITTÉR
Deputy European Chief Prosecutor



ANNEX: Ethical Guidelines for the European Public Prosecutor's Office

I. Introduction

The European Public Prosecutor's Office ('EPPO') has the following mission:

The European Public Prosecutor's Office is the independent public prosecution office of the European Union. It is responsible for investigating, prosecuting and bringing to judgment crimes against the financial interests of the EU. These include several types of fraud, VAT fraud with damages above 10 million euro, money laundering, corruption, etc.

The EPPO undertakes investigations, carries out acts of prosecution and exercises the functions of prosecutor in the competent courts of the participating Member States, until the case has been finally disposed of. Up until now, only national prosecution offices could investigate and prosecute these crimes, but their powers stopped at the borders of their country. EU agencies and bodies such as Eurojust, OLAF and Europol do not have the legal powers to carry out such criminal investigations and prosecutions.

To achieve its mission, the EPPO should be perceived as objective, independent and professional so that its stakeholders can have full confidence. To this end, the EPPO is now issuing a set of Ethical Guidelines.

The Ethical Guidelines are intended to help ensuring that the EPPO's daily decisions, both in carrying out investigations and in running the Office, comply with the following principles: independence, integrity, impartiality, professionalism, adding value, excellence and efficiency. They apply to all EPPO's staff: Members of the College, the European Chief Prosecutor, the European Delegated Prosecutors, the Administrative Director and staff in administrative and operational functions. Lastly, they embrace the relevant provisions contained in the Staff Regulations¹ as well as the principles of good administrative behaviour. Failure to respect ethical principles may constitute dereliction of duty and result in the opening of disciplinary procedures.

II. Trust, confidence and credibility

Staff should act in accordance with the EPPO's ethical requirements. They should seek advice on ethical matters where necessary.

- a. These guidelines shall be applicable to the European Public Prosecutor's Office. In the case of Members of the College, the EPPO's Internal Rules of Procedure and the Code

¹ Articles 11, 11a and 12 of the Staff Regulations.

of Ethics also establish ethical requirements for Members. In the case of the Administrative Director and EPPO staff, the Staff Regulations and the Conditions of Employment of Other Servants (CEOS) also set up ethical requirements.

- b. Staff shall contribute to instilling trust, confidence and credibility into the EPPO's stakeholders and the European Union's citizens. To this end, staff shall behave in an ethical manner and avoid any circumstances that might undermine the EPPO. This continues to apply after staff has left the Office.
- c. Staff shall familiarise their selves with the Office's ethical requirements. However, in the ethical matters there is no set answer for each question. In case of doubt, it is good to be open to considering ethical matters from more than one perspective: staff shall talk to superiors or to other colleagues.

III. Integrity

Staff should show integrity and due care in the performance of their duties.

- a. Staff shall apply the EPPO's internal policies and procedures and inform superiors of any potential deviation from these principles.
- b. Staff shall manage the EPPO's resources in a legal, regular and sound financial manner. The EPPO should act as a role model in financial management: its resources must be managed in full compliance with the EPPO's Financial Rules and with any other applicable rule.

IV. Independence, objectivity and impartiality

Staff should behave in a manner that promotes confidence in the EPPO's independence, objectivity and impartiality.

- a. It is vital that the Office's independence, objectivity and impartiality be beyond question. In its work, staff should refrain from being involved in professional matters in which they have a personal interest. In case of doubt, the hierarchical superior should be informed, who shall take the necessary steps to solve the situation.
- b. Staff shall carry out tasks without any political, national or other external influence.
- c. Staff shall avoid any conflict of interest, whether real or apparent. This might be the case, for example, in connection with membership of political organisations, political office, membership of boards and financial interest in entities under investigation.
- d. Staff shall not have any connection with the entities under investigation that might impair its independence. Matters that could affect independence include family and/or personal relationships with staff in the entity under investigation that could influence the results of the work. Before the assignment is carried out, staff should assess the potential impact of such relationships and inform their hierarchical superior.

- e. Staff shall only carry out external activities within the framework laid down by the Staff Regulations and always bearing in mind its duty of loyalty to the Office. Staff shall refrain from carrying out any activity that could harm the Office's reputation or cast doubt on its impartiality.
- f. Staff shall not accept, either for their selves or on behalf of others, gifts or other benefits that might influence are intended to influence or could be perceived as influencing their work. However, in a professional context (e.g. conferences, receiving visitors, etc.), staff may accept hospitality or accept small gifts which, in value and in nature, are considered within normal courtesy.
- g. In such cases, staff shall first consider whether accepting the gift or benefit might influence their impartiality or be detrimental to confidence in the Office. In case of doubt, staff shall talk to superiors. Any accepted invitations for breakfast, lunches or dinners -in the framework of a mission- should be stated in the mission cost declaration.

V. Professional secrecy

Staff shall have a duty of confidentiality in relation to their work. This duty should not curtail individual freedom of expression.

- a. Staff has access to a great deal of information about entities under investigation. Pursuant to the Staff Regulations, when joining the EPPO, staff should sign a declaration of confidentiality and (if applicable) obtain a security clearance.
- b. Staff shall avoid disclosing any information they have acquired in the course of their work to third parties.
- c. Staff shall respect the principles of security of information. In case of doubt, they should not hesitate to contact the EPPO's Data Protection Officer.
- d. The EPPO promotes internal openness and staff have a fundamental right to express their opinion. This right is guaranteed by the Staff Regulations² and should be guided by a duty of loyalty to the Office. The duty of confidentiality continues to apply after staff has left the Office.

VI. Competence and further professional training

Staff should always act in a professional manner and comply with high professional standards.

- a. To carry out their duties in a competent and impartial manner, staff shall know and apply the relevant legal and operative procedures. Staff shall not undertake work they

² Article 17a of the Staff Regulations.

are not competent to perform. Staff shall develop their professional skills and follow training courses.

- b. Members of the College have a particular responsibility for ensuring that staff receive training in the interest of the service. An individual's skills development shall be addressed in the staff performance appraisal system.

VII. An efficient organisation

Staff shall contribute to the development of the Office as an efficient organisation.

- a. A good working environment is essential both to achieve the Office's objectives and to ensure staff satisfaction. The Office shall contribute to this goal by fostering professional and personal cooperation. Members of the College have a particular responsibility for facilitating a good working environment.
- b. The Office shall avoid any form of discrimination and contribute to implementing a policy of equal opportunities for all staff. Members of the College shall take steps to ensure that all staff are given equal treatment and equal opportunities in their professional development. Staff's skills and potential shall be taken into consideration when responsibilities are assigned. Close relationships between employees can make it difficult to adhere to the equal treatment principle; therefore, spouses and partners shall avoid working in the same unit and should not work under a hierarchical relationship.
- c. Staff shall behave in a respectful manner to others, avoid any attitude that might offend other people's dignity and refrain from any form of harassment³. Staff shall also show respect for the opinions of others and accept reasonable disagreement in their work.
- d. Staff shall act in accordance with the Office's interests. This entails no obligation to follow orders to do anything illegal or unethical⁴.
- e. Staff are required to report to their hierarchical superiors any circumstances of which they are aware that might cause any harm to the Office or to any staff member. Such action should always be taken based on reasonable grounds, in good faith and in a confidential manner.
- f. Staff shall contribute to implementing the Office's policy of open internal and external communication. Information sharing must be balanced against the duty of confidentiality, but should not be limited to more than strictly necessary.

³ Article 12a of the Staff Regulations.

⁴ Article 21 of the Staff Regulations.

VIII. Good administrative conduct

Staff shall apply the principles of good administrative conduct⁵.

- a. Staff shall undertake to serve the interests of the European Union's citizens, who expect quality investigation services and an accessible administration.
- b. In dealing with the public, staff shall show commitment, ability, courtesy and helpfulness.
- c. Staff shall reply to requests for information on matters, which concern them or, for other matters, direct the requester to the responsible person.
- d. When receiving a request, staff should immediately send an acknowledgement of receipt, stating the information needed for contacting the person responsible for dealing with the matter (name, e-mail address, and telephone number). Staff shall reply promptly to any request, in principle within fifteen working days, and in the language used by the requester (if it is an official language of the European Union).
- e. Before sending any information, staff shall check whether it has already been made public by the Office. If that is not the case, staff shall direct the request to the Office's department in charge of communication.
- f. Staff must direct any request from a journalist to the Office's communications department. Members of the College will keep the communications department informed of their press contacts.
- g. Staff shall accept requests made by post, e-mail or telephone. Staff may also reply by any of those means but always taking into consideration any potential legal implication of the reply (e.g. statutory deadlines, evidence or receipt of the reply, etc.).
- h. In the case of improper requests for information or complaints (e.g. repetitive, lack of sense, drafted in a rude manner, etc.), staff shall reject them in polite but firm terms, always providing appropriate justification.

⁵ College Decision on the Code of Good Administrative Behaviour of 7 April 2021.