



**College Decision 2020-09
of 15 December 2020**

adopting a Code of Ethics for the members of the College and the Executive Board of Eurojust

THE COLLEGE OF EUROJUST,

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), replacing and repealing Council Decision 2002/187/JHA, hereinafter referred to as the 'Eurojust Regulation', in particular Articles 5(2)(i) and 72 thereof,

Having regard to the Rules of Procedure of Eurojust as amended, approved by the Council by Implementing Decision (EU) 2019/2250 of 19 December 2019 and Implementing Decision (EU) 2020/1114 of 23 July 2020 and adopted by the College on 20 December 2019 and 24 July 2020 respectively, and in particular Article 12 thereof,

Having regard to Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, as amended, hereinafter referred to as the Staff Regulations, and in particular Articles 11 to 19 thereof,

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, hereinafter referred to as 'Regulation 2018/1725',

Having regard to College Decision 2019-9 of 17 September 2019 on the Financial Regulation applicable to Eurojust, hereinafter referred to as the 'Eurojust Financial Regulation', and in particular Articles 30(2)(d), 39(2) and 42 thereof,

Having regard to the Code of Conduct for the College of Eurojust adopted on 23 March 2004,

Having regard to College Decision 2015-8 of 14 July 2015 adopting Guidelines on Gifts and Hospitality for members of the College of Eurojust,

Having regard to College Decision 2016-2 of 26 January 2016 adopting Guidelines on the prevention and management of conflicts of interest,

Having regard to the Executive Board Decision 2020-7 of 15 June 2020 adopting Eurojust's updated anti-fraud strategy, hereinafter referred to as the 'Eurojust's anti-fraud strategy',

ADOPTS THIS CODE OF ETHICS FOR THE MEMBERS OF THE COLLEGE AND THE EXECUTIVE BOARD OF EUROJUST,

Article 1

Scope

1. This Code of Ethics shall apply to:
 - (a) all national members, deputies and assistants having the status referred to in Article 7(4) and (7) of the Eurojust Regulation in the performance of their functions in the College and in the Executive Board; and
 - (b) the representative of the European Commission in the performance of management functions in the College and in the Executive Board, in accordance with Article 10(1)(b) and Article 16(4) of the Eurojust Regulation, without prejudice to his/her rights and obligations under Articles 11 to 19 of the Staff Regulations.
2. This Code of Ethics is without prejudice to the rules applicable to national members, deputies and assistants in accordance with the respective national legal systems when exercising operational functions. Substantial contradictions between the legal regime at national level and this Code of Ethics shall be immediately reported to Eurojust.
3. This Code of Ethics shall not apply to persons invited to attend the meetings of the College and the Executive Board as observers¹.
4. The President shall monitor the application of this Code of Ethics and propose to the College any measures necessary to ensure its implementation. In the context of Eurojust's anti-fraud strategy, awareness raising shall be organised in order to promote the effective application of this Code of Ethics.
5. Eurojust shall publish this Code of Ethics on its website and shall report on its implementation, in particular with regard to conflicts of interest, in its annual report.

Article 2

General principles

1. All persons subject to this Code of Ethics shall strive to perform their duties with impartiality, integrity, loyalty and discretion, taking account of the public interest.
2. When questions arise which are not explicitly covered by this Code of Ethics, persons subject to it shall adhere to generally accepted principles of integrity.
3. In order to foster impartiality and integrity, the College shall promote transparency whilst respecting personal dignity in compliance with data protection legislation, in particular Regulation 2018/1725 and the data protection provisions of the Eurojust Regulation.

¹Observers shall sign a declaration of ethical conduct prior to their first participation in such a meeting. That declaration will cover the general principle of avoidance of conflicts of interest, the prohibition on using confidential information and respect for the rules on professional secrecy.

Article 3

Prevention of conflicts of interest

1. All persons subject to this Code of Ethics shall take appropriate measures to prevent a conflict of interest from arising in the functions under their responsibility and address situations that may objectively be perceived as a conflict of interest.
2. For the purposes of this Code of Ethics:
 - (a) a conflict of interest exists where the impartial and objective exercise of the functions of a person subject to this Code of Ethics is compromised for reasons involving personal life, political affinity, economic interest or any other direct or indirect personal interest. Personal interests include but are not limited to any potential benefit or advantage to a person subject to this Code of Ethics.
 - (b) a perception of a conflict of interest shall be treated as if it were an actual conflict, as it may constitute a reputational risk, even if it turns out to be unsubstantiated.

Article 4

Declarations of interest

1. All persons subject to this Code of Ethics shall declare any interests which may give rise to a conflict of interest or which may be perceived as such in the performance of their tasks at Eurojust.
2. Upon taking up duties, each person subject to this Code of Ethics shall submit a declaration of interests form as set out in the Annex to this Code of Ethics and shall assume responsibility for its content. Declarations shall be re-submitted when the term of office of the person subject to this Code of Ethics is renewed and in case of changes in the information provided. New information shall be declared at the earliest opportunity and at the latest, within one month of the change in question, in order to ensure that declarations remain updated.
3. Declarations of interest² shall include current activities and activities held over the last five years, direct financial interests and any other relevant interests in so far as they may entail a conflict of interest or perceived conflict of interest related to the tasks of a person subject to this Code of Ethics at Eurojust as set out in the Annex to this Code of Ethics.
4. Where Eurojust becomes aware that information in a declaration of interest is inconsistent or incomplete, or in the event of failure to submit a declaration of interests when required, the President shall contact the person concerned with a view to rectifying this.

² Declaring an interest does not necessarily imply the existence of an actual or perceived conflict of interest. The declarations of interest allow Eurojust to react to any alleged conflict of interest, whether substantiated or not, and ensure that situations implying a risk of conflict of interest are managed adequately.

5. Declarations of interest shall be assessed within twenty working days of their receipt by the President to identify any declared interest that may represent a conflict of interest or perceived conflict of interest related to the tasks of a person subject to this Code of Ethics at Eurojust. The President may request additional information from the person concerned in case the declaration of interests is not sufficiently detailed to carry out the assessment. The declaration of interests of the President shall be assessed by the longest serving Vice-President.
6. The processing of personal data in the declaration of interests forms shall be undertaken in accordance with Regulation 2018/1725 and Article 36 of the Eurojust Regulation. The declarations of interest of the persons subject to this Code of Ethics and, if applicable, the assessments carried out by the President or a Vice-President on the declared interests, shall be kept in a register maintained by the Governance Secretariat for a maximum of two years following the end of the term of office of the persons concerned.
7. The declarations of interest of the national members and the representative of the European Commission in the College and the Executive Board shall be published on the website of Eurojust without signatures and until the end of their respective terms of office.

Article 5

Management of conflicts of interest

1. For the management of situations implying a conflict of interest or a perception of a conflict of interest:
 - (a) For management matters, all persons subject to this Code of Ethics may draw the attention of the President to a possible conflict of interest. For operational matters, the deputies and assistants shall do so through their respective national members. National members shall immediately inform other national members that are or might be affected by any such conflict of interest in a given case prior to informing the President.

The person concerned shall either give up the conflicting interest or recuse himself from participating in decision-making and, if appropriate, in the deliberations leading to the relevant decision in the College and/or the Executive Board. The person concerned shall not be involved in dealing with an operational case in which a conflict of interest or the perception of such exists.
 - (b) All persons subject to this Code of Ethics may declare orally or in writing, at a meeting of the College and/or the Executive Board, any interest that may be considered prejudicial to their objectivity in relation to the items on the agenda. The College and/or the Executive Board shall decide whether this person is allowed to participate in the deliberations leading to the relevant decision. Minutes of the meetings of the College and the Executive Board shall contain a reference to any declaration of interests made and consequent decision of the College and/or the Executive Board.

- (c) Where following the assessment by the President or a Vice-President on the interests declared under Article 4(5) of this Code of Ethics, a conflict or perceived conflict of interest is identified, the President may propose to the College to adopt preventative measures such as:
- i. suspending that person temporarily as a chair of a specific working group or as rapporteur on a matter where such person fails to recuse himself/herself.
 - ii. not appointing that person as chair of a specific working group or as rapporteur on a matter;
 - iii. not allowing that person to work on a specific topic or to be involved in certain activities;
 - iv. not allowing that person to participate in the deliberations leading to a relevant decision.
2. In case of failure to declare an actual or perceived conflict of interest or failure to comply with Articles 3 and 4 of this Code of Ethics, the College shall adopt proportionate remedial actions. The College, after having heard the person concerned, shall decide on those actions.
3. The College shall confirm in writing whether it considers that a conflict of interest exists or not. Where such a conflict of interest is deemed to exist, the College shall ensure that the person concerned ceases all relevant activities. The College may take any further appropriate actions. The College may also:
- (a) grant a reasoned waiver allowing the person concerned to contribute and take part in deliberations without voting rights;
 - (b) review or cancel the relevant decision(s) of the College and/or the Executive Board that may have been affected by a conflict of interest.

Article 6

Gifts and hospitality

1. For the purpose of this Code of Ethics:
 - (a) a gift includes a sum of money or any physical object, the possibility to participate for free in events which represent a certain value (such as complimentary tickets for sport events, concerts, theatre, conferences) and which are only usually accessible in return for payment or any other advantage with a pecuniary value (such as transport costs).
 - (b) hospitality includes an offer of food, drink, accommodation and/or entertainment with a pecuniary value from any entity outside Eurojust.
2. All persons subject to this Code of Ethics shall not accept any direct or indirect gifts or hospitality offered by third parties which may call into question their impartiality and integrity.

- (a) Acceptance of a gift worth up to €50 is presumed to be considered appropriate. A gift with a value higher than €50 shall only be accepted if in line with or if required as a matter of social or diplomatic courtesy. In that case, the person subject to this Code of Ethics shall notify the President in writing that the gift has been offered and accepted. In the case of a gift with a higher value than €50 is offered to and accepted by the President, the longest serving Vice-President shall be notified. The President or Vice-President shall decide whether the person may exceptionally keep the gift, whether the gift is entered into the Eurojust Assets Register³ or transmitted to charity. Offers of any sum of money shall always be refused. Gifts that are offered to Eurojust are not within the scope of this Code of Ethics⁴.
- (b) Acceptance of hospitality is presumed to be appropriate in the form of travel and accommodation costs, lunches or dinners strictly linked to the function of the persons subject to this Code of Ethics and as such not prejudicial to the interests and public image of Eurojust. The accumulation of hospitality offers may be seen to compromise the impartiality and integrity of the person subject to this Code of Ethics to the detriment of Eurojust's public image and shall be avoided.

Article 7

Loyalty and discretion

1. All persons subject to this Code of Ethics shall:
 - (a) inform the President, or the longest serving Vice-President in case the President is the person concerned, about any matter that may adversely affect the reputation of Eurojust. The deputies and assistants referred to in Article 1(1) of this Code of Ethics shall comply with this obligation through their respective national members.
 - (b) act and express themselves with the restraint and discretion that their office requires and refrain from making any statement outside Eurojust that may adversely affect the public perception of their impartiality and integrity or harm the reputation of Eurojust.
 - (c) be prepared to be accountable for the decisions of Eurojust. Where personal views are expressed, it shall be made clear that this does not necessarily represent the views of Eurojust.
 - (d) manage the human and material resources of Eurojust in a respectful and responsible manner, with due regard to the principle of sound financial management.

³ ABAC Assets is managed by the Accountant of Eurojust.

⁴ Article 22 of the Eurojust Financial Regulations on donations.

Article 8

Repeal

1. This decision repeals and replaces:
 - (a) The Code of Conduct for the College of Eurojust adopted on 23 March 2004;
 - (b) College Decision 2015-8 of 14 July 2015 adopting Guidelines on Gifts and Hospitality for members of the College of Eurojust;
 - (c) College Decision 2016-2 of 26 January 2016 adopting Guidelines on the prevention and management of conflicts of interest.

Article 9

Entry into force

1. This decision shall take effect on the date of its adoption.
2. The declarations of interest referred to in Article 4(2) of this Code of Ethics shall be submitted to the President within two months of the date of entry into force of this Code of Ethics.

Done at The Hague on 15 December 2020

On behalf of the College of Eurojust,



Ladislav Hamran
President of Eurojust



ANNEX

DECLARATION OF INTERESTS

Name:

Position:

I declare that the information provided in this declaration of interests is correct and complete, and that I will immediately notify any change to the President of Eurojust (or to the longest serving Vice-President in the case of the President).

Current activities and activities held over the last five years in so far as they may entail a conflict of interest or perceived conflict of interest related to my tasks at Eurojust

Declare activities referred to posts held in foundations, educational institutions, companies or other organisations; other memberships, affiliations or professional activities, including services, liberal professions, consulting activities and relevant public statements. Indicate the nature of the post and the name of those bodies.

Direct financial interests in so far as they may entail a conflict of interest or perceived conflict of interest related to my tasks at Eurojust

Declare direct financial interests above €10,000 referred to managerial stakes in companies (including ownership of patents or any other relevant intellectual property rights), assets, grants or other funding. Indicate their number and value as well as the name of the company or of the provider of the funding.

Declare any other relevant interests in so far as they may entail a conflict of interest or perceived conflict of interest related to my tasks at Eurojust

I agree that this declaration of interest is entered in a register maintained by the Governance Secretariat of Eurojust and is published on the website of Eurojust without my signature.

I declare that I have received the data protection notice regarding the processing of my personal data.

Done at the Hague on xx/xx/xx

Signature [only for internal copy]:



DATA PROTECTION NOTICE

DECLARATIONS OF INTEREST AT EUROJUST

Purpose of the processing

The purpose of processing the personal data collected via the declarations of interest is to manage the conflict of interests and to maintain the register of declarations of interest of national members, deputies and assistants having the status referred to in Article 7(4) and (7) of the Eurojust Regulation and the representative of the European Commission in the performance of their functions in the College and in the Executive Board, in accordance with Article 10(1)(b) and Article 16(4) of the Eurojust Regulation.

The data is necessary to carry out an assessment to identify if a declared interest represents a risk with regard to the work of the College and the Executive Board and to verify the compatibility of an interest declared with the duties of the person concerned. The declarations of interest of the national members will be published on the website of Eurojust without signatures.

Legal basis for the processing

Article 5(2)(i) of Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), replacing and repealing Council Decision 2002/187/JHA.

Article 12 of the Rules of Procedure of Eurojust as amended, approved by the Council by Implementing Decision (EU) 2019/2250 of 19 December 2019 and Implementing Decision (EU) 2020/1114 of 23 July 2020 and adopted by the College on 20 December 2019 and 24 July 2020 respectively.

Article 42 of the College Decision 2019-9 of 17 September 2019 on the Financial Regulation applicable to Eurojust.

Article 4 and 5 of the College Decision 2020/09 of 15 December 2020 adopting the Code of Ethics for the members of the College and the Executive Board of Eurojust.

Data controller and data processor

The data controller is the President. The data processor is the Head of the Governance Secretariat.

Categories of personal data

The following personal data will be processed: name; position; past and current activities; direct financial interests; other relevant interests; and information related to current activities.

Who can access the data?

The President and duly authorised Eurojust staff members from the Governance Secretariat will have access to the data for the purpose described above.



The declarations of interest of the national members and the representative of the European Commission in the College and the Executive Board will be published on the website of Eurojust without signatures.

Transfers to third countries/international organisations

Not applicable.

Data retention

The data is provided by the data subjects concerned upon taking up duties. Data shall be updated when the term of office of the data subject is renewed and in case of changes in the information provided. New information shall be declared at the earliest opportunity and, at the latest, within one month of the change in question in order to ensure that declarations remain updated.

The data shall be kept in the register for a maximum of two years following the end of the term of office of the data subjects; afterwards the data shall be deleted/destroyed.

Data subjects rights

A data subject has the right to access, correct, block or delete his/her personal data. Any such request should be directed to the data controller via email:

GovernanceSecretariat1@eurojust.europa.eu

In case of queries regarding the processing of personal data, the Eurojust Data Protection Officer can be contacted via email: dpo@eurojust.europa.eu

Right of recourse

If the data subject is not satisfied with the reply given to his/her request, he/she has the right of recourse to the European Data Protection Supervisor (EDPS) via email: edps@edps.europa.eu