



Protection level PUBLIC

Ethical Behaviour and Conduct Code

eu-LISA

Document Control Information

Settings	Value
Document Title:	Ethical Behaviour and Conduct Code
Project Name:	Ethical Behaviour and Conduct Code
Document Author:	VILKELYTE Daiva (EU-LISA)
Revision Status:	
Sensitivity:	Public
Issue Date:	04/04/2013

Document Approver(s):

Approver Name	Role
Management Committee	Agency's Management

Document Reviewers:

Reviewer Name	Role
Daiva Vilkelyte	Head of the HRTU

NOTE: All Reviewers in the list are considered required unless explicitly listed as Optional.

Summary of Changes:

Revision	Date	Created by	Short Description of Changes
1	1.09.2015	HRTU Training Team	Updates required for the production of the e-learning module for the Ethical Conduct Code
2	19.01.2016	Head of the HRTU	Updates to include the references to the eu-LISA Implementing Rules adopted in 2015 and visual identity

Configuration Management: Document Location

The latest version of this controlled document is stored here: T:\euLISA\02 HR\Ethics Code Presentation and References

Table of Contents

Introduction	4
Disclaimer	Error! Bookmark not defined.
1. PRINCIPLES OF STAFF ETHICS AND CONDUCT	4
1.1 ETHICAL PRINCIPLES.....	4
2. RULES OF THE ETHICAL STAFF CONDUCT	5
3. RELATIONS WITH THE PUBLIC.....	6
4. STANDARDS TO BE ADHERED TO IN THE RELATIONS WITH THE PUBLIC.....	6
4.1 The right to information	6
4.2 Dealing with enquiries (correspondence, telephone calls and e-mails)	6
4.3 REQUESTS FOR DOCUMENTS.....	7
4.4 REQUESTS FROM THE MEDIA	8
4.5 NON-DISCLOSURE OF INFORMATION / CONFIDENTIALITY	8
4.5.1 CONFIDENTIALITY OF BUSINESS INFORMATION	8
4.5.2 CLASSIFIED INFORMATION.....	9
5.1 RELATIONS WITH SUPERIORS	9
5.2 RELATIONS WITH PEERS AND SUBORDINATES	10
7.1 CONDUCT REFLECTING ON YOUR POSITION	11
7.2 AVOIDANCE OF CONFLICT OF INTEREST (EXTERNAL ACTIVITIES).....	11
7.2.1 GIFTS, FAVOURS AND PAYMENTS	11
7.2.2 HONOURS AND DECORATIONS	12
7.3 DECLARING A POTENTIAL CONFLICT OF INTEREST	12
7.4 REQUEST PRIOR PERMISSION FOR EXTERNAL ACTIVITIES	13
8.1 GIVING EVIDENCE IN LEGAL PROCEEDINGS	14
9.1 PUBLICATIONS AND SPEECHES, AND COMPENSATION FOR THEM	15
9.2 LIMITATIONS ON THE FREEDOM OF EXPRESSION	15
9.3 REMUNERATION	16
9.4 PUBLICATIONS AND SPEECHES ON MATTERS NOT RELATED TO THE EU-LISA	16
11.1 ETHICAL REASONING	17
11.2 FINANCIAL LIABILITY	17
11.3 SERIOUS WRONGDOING (WHISTLEBLOWING).....	18
11.3.1 THE WHISTLEBLOWING PROCEDURE.....	18
12.1 PSYCHOLOGICAL HARASSMENT.....	19
12.2 SEXUAL HARASSMENT	19
12.3 AGENCY'S POLICY	19

INTRODUCTION

As a public body, the eu-LISA is accountable to the other institutions, most notably the European Parliament, the European Commission, DG Home Affairs as well as to the Member State Governments, and ultimately, to the citizens of EU, for ensuring that it meets the highest standards in terms of independence, integrity, impartiality and objectivity.

The Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Union¹ (further referred to as “Staff Regulations” and “CEOs”) establish the general framework of rights and obligations affecting the eu-LISA staff.

This guide looks at how these standards should be applied on three levels (a) relations with the public, (b) behaviour at work (with superiors, peers and subordinates), and (c) individual obligations.

The guide covers a variety of issues, ranging from behavioural tips to compliance with legal obligations under the Staff Regulations and CEOs, violation of which could lead to disciplinary measures.

When it comes to the fulfilment of one’s individual obligations, it is worth keeping in mind that the details of each case vary and the Agency staff members have, therefore, to exercise good judgment and common sense in weighing up their individual aspects.

DISCLAIMER

This eu-LISA Ethical Behaviour and Conduct Code aims at making relevant Agency's standards, obligations and relevant procedures transparent and easy to understand.

However, only the legal texts are binding and must be referred to by in any legal or administrative proceedings. While every effort has been made to give accurate guidance, the only authentic interpretation of the rules is to be found in the judgments of the Court of Justice and the Court of First Instance.

The Code is subject to regular reviews and updates (at least once in two years) in order to follow changes in legislation and best practices in the public sector.

1. PRINCIPLES OF STAFF ETHICS AND CONDUCT

1.1 ETHICAL PRINCIPLES

Only by aspiring to the highest standards of integrity and loyalty towards the Agency you can ensure the Agency’s independence and credibility. This means adhering consistently to a moral or ethical code and making sound decisions. For the eu-LISA to fulfil its mission you’re the conduct and decision-making of its staff shall be guided by the following principles:

- Independence – conduct and decision-making should be determined by the need to serve the common good and the public interest, and never by any other interests whether private or otherwise or as a result, for example, of political pressure.

¹ http://ec.europa.eu/civil_service/docs/toc100_en.pdf

- Impartiality - in any decisions that Agency's staff members are called upon to make, they should exercise the unbiased approach.
- Objectivity – when drawing conclusions, these should be balanced and based on a thorough analysis of the facts and the legal background.
- Loyalty – staff loyalty is essential to the eu-LISA maintaining its independence and achieving its mission. It is also necessary for the functioning of each service.

Putting these principles into practice requires:

- Circumspection – stopping and reflecting on the possible consequences and implications of potential actions, showing a degree of moderation and conducting oneself at all times with a due sense of proportion and propriety.
- A sense of responsibility - carrying out the entrusted tasks as dutifully as possible and looking for solutions, when difficulties are encountered. eu-LISA staff members also need to know and respect the legal obligations and administrative rules and procedures in force.

Two documents are fundamental for guiding the conduct of staff:

- (1) The Staff Regulations (and decisions implementing those Regulations) and its principles transposed to the Conditions of Employment of Other Servants by analogy, which lays down the basic principles governing relations between the eu-LISA and its staff.
- (2) The eu-LISA Ethical Behaviour and Conduct Code, which provides clear guidance on how the eu-LISA provides clear guidance on how the eu-LISA staff shall behave in its daily internal and external interactions. This code does not have the same legal status as the Staff Regulations or CEOs, but it constitutes a set of internal rules by which the Agency has bound itself, and which staff are bound to follow as instructions to them.
- (3) Commission rule, used as a background document from which the eu-LISA Conduct Code is derived.
- (4) Implementing rule of the eu-LISA on Administration Inquiries C2014-5392 adopted by the Agency's Management Board in 2015;
- (5) Implementing rule on harassment C2014-5392 adopted by the Agency's Management Board in 2015;
- (6) Implementing rule on setting the Staff Committee C2014-5392 adopted by the Agency's Management Board in 2015.

2. RULES OF THE ETHICAL STAFF CONDUCT

To adhere to the essential elements involved in staff ethical conduct:

- Serve the public interest, by acting with integrity and being objective and impartial in the everyday work;
- Provide the quality service you would expect yourself;
- Remember that you are the human face of the eu-LISA and that others will judge the Agency on the basis of what they see and experience;

- Carry out the tasks assigned to you with responsibility and to the best of your ability;
- Treat your colleagues with respect;
- Make sure your conduct is beyond reproach, by not knowingly being a party to an activity that could bring the Agency into disrepute or could cause your impartiality to be questioned;
- Ensure that you are aware of the relevant legal obligations, rules and procedures;
- If you are unsure whether something you do or have been asked to do complies with the provisions of this Code, consult the relevant information – including this guide – and if in doubt, ask your line manager or the eu-LISA Human Resource and Training Unit.

3. RELATIONS WITH THE PUBLIC

Relations with the public form an essential part of the eu-LISA mission to serve the public interest. In your contacts with the public, you should be guided by the principles of openness and transparency, as well as courtesy, helpfulness and efficiency.

4. STANDARDS TO BE ADHERED TO IN THE RELATIONS WITH THE PUBLIC

Relations with the public should be based on the following standards:

- **Lawfulness** – eu-LISA staff should act in accordance with the law and apply the rules and procedures laid down in the EU legislation and implementing rules of the Agency.
- **The Non-discrimination and equal treatment** – staff should respect the principle of non-discrimination and, in particular, guarantee equal treatment irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age or sexual orientation.
- **Proportionality** – staff should ensure that the measures taken are proportional to the aim pursued.
- **Consistency** – staff should be consistent in their administrative behaviour and follow the Agency's normal practice. Any exceptions to this principle should be duly justified.
- **Objectivity and impartiality** – staff should always act objectively and impartially, in the interest of eu-LISA and for the public good. They should act independently within the framework of the policy fixed by the Agency and their conduct should never be guided by personal or national interest or political pressure.

4.1 The right to information

EU citizens are entitled to expect a speedy response when they address queries to the Agency.

4.2 Dealing with enquiries (correspondence, telephone calls and e-mails)

The eu-LISA General Coordination Unit undertakes to answer enquiries from citizens in the most appropriate

and rapid manner possible.

As a general rule for written correspondence, a substantive answer should be provided within 10 (ten) working days. If this is not possible, a holding response should be given within this period. When replying in writing, the English language that is the working language of the Agency should be used. Proper contact details should also be included.²

Inter-agency queries between Units and Departments of the eu-LISA shall be answered within 5 (five) working days, unless a different deadline is requested and agreed.

Should queries by the public be received by staff members of other Units, the query should be passed to the General Coordination Unit of the eu-LISA by e-mail or telephone call with clear indication on the nature of the query and the contact details of person asking the question.

When answering telephone calls, you should clearly identify yourself or your department and treat the caller at all times in a courteous and efficient manner. You should provide information on the telephone call to the General Coordination Unit of the eu-LISA, who will return telephone calls as promptly as possible.

When dealing with enquiries within your field of responsibility, you should establish the caller's identity and check whether information has already been made public or is accessible to the public before giving it out.

If this is not the case, you should explain why you cannot disclose the information. For subjects outside your field of competence, you should direct the caller to the eu-LISA General Coordination Unit. When appropriate, you should request confirmation in writing of telephone enquiries.

Where correspondence can reasonably be considered as "repetitive, abusive and/or pointless", the eu-LISA General Coordination Unit reserves the right to discontinue any such exchanges of correspondence.

In the interests of ensuring a coordinated, coherent response on the part of the Agency, a copy of any letter informing a member of the public of the decision to discontinue correspondence should be kept in a dedicated folder on the shared drive of the eu-LISA.

It is also important to guarantee continuity of service by ensuring, wherever possible, that your and your colleagues' phones are answered or use is made of voice mail.

Basically, e-mail messages should be treated promptly following the guidelines on telephone calls (described above). However, where the e-mail message is, by nature, the equivalent of a letter, it should be handled according to the guidelines on written correspondence (described above) and should be subject to the same deadlines. To guarantee continuity of service, remember to use your 'out of office' function when you are not available and give the name and telephone number of a contact person.

Also the Information Management Policy has been introduced in 2015 and every eu-LISA document is required to contain the security markings.³

4.3 REQUESTS FOR DOCUMENTS

What do you do if you receive a request from a citizen for a specific document?

² The ED decision No 3/2016 of 13/01/2016 of eu-LISA on working languages in eu-LISA

³ eu-LISA Information Management Policy eu-LISA /16-2015

If the document has been published, you should direct the person making the request, as appropriate, to the eu-LISA web site (once it becomes operational) where the document is available.

If a document has not yet been made public, the eu-LISA General Coordination Unit staff members may still be able to make it available, but this must be checked first and the relevant procedures followed.

4.4 REQUESTS FROM THE MEDIA

If contacted by the media, you should inform the journalist that relations with the media are handled by the eu-LISA Communication and Information Officer at the Agency's General Coordination Unit and provide him/her with the contact details of this officer. In addition you should enquire the contact details of the media representative and pass without hesitation the information on the nature of the query, type of the media, name and the last name of the journalist and his/her contact details (telephone number and an e-mail address) to the eu-LISA's Communication and Information Officer.

However, when requests for information concern technical subjects falling within your specific areas of responsibility, the eu-LISA Communications and Information Officer may ask you to provide input and technical knowledge needed for the answer. You should provide the information available to you to the Agency's Communication and Information Officer without hesitation.

When participating at conferences or other external events, as part of your duties, the possibility of spontaneous requests from the media should be anticipated and the same rule applied: queries from the media are handled by the General Coordination Unit of the eu-LISA.

4.5 NON-DISCLOSURE OF INFORMATION / CONFIDENTIALITY

While the eu-LISA is committed to the principles of openness and transparency, there are certain sectors of activity where non-disclosure of information and the confidentiality requirement may be applicable.

Without prejudice to the legislation on the protection of personal data, as a member of staff, or former member of staff, you have an obligation not to disclose, without authorisation, information to which you have been exposed in the course of your work, unless that information has already been made public or is accessible to the public (Article 17 of the Staff Regulations and Article 54 of the CEOs).

You may have to deal with sensitive information in the course of your work. Such information must be treated with the utmost discretion. For example, this applies to sensitive economic, security or staff data (e.g. medical or personnel matters).

Such sensitive, but non-classified information (e.g. also proceedings of an Open Competition Selection Committees, investigation reports from OLAF) must be protected. Professional secrecy is a fundamental obligation for all staff working in the eu-LISA Headquarters.

4.5.1 CONFIDENTIALITY OF BUSINESS INFORMATION

eu-LISA staff members are specifically required to respect the confidentiality that intrinsically applies to business information, particularly information relating to the content of tenders submitted for evaluation and selection (for example, details of a project applicant's financial situation or accounts).

You must constantly ensure that such information does not fall into unauthorised hands, if necessary by storing them in secure locations.

The unauthorised disclosure of such information can be harmful and the Agency could be held liable for loss

sustained if the act is attributable to you and the Agency could, in turn, bring proceedings against you if you are personally seriously at fault. As a member of staff, you have no personal rights over such information and its use for purposes other than those required for the performance of your tasks would constitute a misuse of information.

4.5.2 CLASSIFIED INFORMATION

With four levels of classification ("TRES SECRET UE/EU TOP SECRET", "SECRET UE", "CONFIDENTIEL UE" and "RESTREINT UE" as their equivalents of top secret, secret, confidential and restricted), the Agency's security provisions are aimed at protecting classified information produced or handled by the eu-LISA from being compromised, disclosed without authorisation or from spying.

These provisions are in line with the rules on public access to documents. If you have to deal with documents falling under the security provisions you are expected to know the rules. In general, this means considering what needs to be done in your immediate environment to protect the information with which you are dealing.

Staff member who compromise EU classified information by letting it fall into the hands of unauthorised persons face disciplinary procedures and/or criminal prosecution.

5. BEHAVIOUR AT WORK

Ethical behaviour is a way of life and applies to how you interact within the Agency, be it with your line manager, colleagues or other members of staff. At work, you may be faced with many different types of situations, which constantly require you to exercise good judgment and common sense, in line with the ethical principles and standards required of the eu-LISA staff.

Furthermore, staff must comply with Article 1d of the Staff Regulations and Article 10 (77) (96) of the CEOs which prohibits any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation.

5.1 RELATIONS WITH SUPERIORS

As stipulated in the Staff Regulations (Article 21) and in the CEOs (Article 54), whatever your rank, you have the obligation to "assist and tender advice" to your superiors and you are responsible for the performance of the duties assigned to you, that is, you must do your job properly.

The responsibility of a subordinate does not release the staff member from his or her own responsibility.

As a general rule, a member of staff must follow instructions, unless they are manifestly illegal or constitute a breach of the relevant safety standards. You should not confuse this with simple disagreements or differences of opinion.

In line with the Staff Regulations (Article 21a) and in the CEOs (Article 54), if your superior instructs you to do something which you consider to be irregular or likely to give rise to serious difficulties, you should ask for the instruction to be confirmed in writing. In the first instance, you should ask for confirmation from your immediate superior and then, if necessary, from his or her immediate superior. If the latter confirms the orders in writing, you should carry them out, unless they are manifestly illegal or breach safety standards.

In a case where your immediate superior considers that his or her orders must be executed as a matter of urgency, you should do so, unless they are manifestly illegal or breach safety standards. However, at your

request, he or she is obliged to give such orders in writing.

5.2 RELATIONS WITH PEERS AND SUBORDINATES

Colleagues should be treated with respect and impartiality, regardless of their position. In a multi-cultural workplace, mutual respect and tolerance of differences are essential ingredients of any good working relationship. This also involves:

- **Teamwork** – working together to achieve common goals;
- **Polite and clear communication** – engaging colleagues by showing respect and encouraging efficiency through clarity of instructions;
- **Conflict resolution** – finding workable solutions through better mutual understanding.

6. USE OF COMMON MEANS OF COMMUNICATION

Computer equipment, e-mail and Internet access, telephones, mobile phones and fax machines have been installed for official use. However, you may make occasional, limited use of these means of communication for private purposes, provided that you do not use them:

- for illegal or improper purposes;
- in any way that might disrupt the functioning of the service itself, or
- in any manner contrary to the interests of the Agency.

For telephones, fax machines and mobile phones, occasional personal use is permitted at your expense. The cost of the private calls is then deducted from your salary. As such access codes are not yet generally available for mobile phones you will have to indicate your private calls on the monthly statements, the cost of which will be deducted from your salary.

For electronic mail, incidental personal use of the e-mail system is permitted. However, regardless of the content (e.g. entertainment, charity, political campaigns or commercial ends, etc.), you should refrain from sending messages that are to a wide or even indiscriminate number of addressees and from asking others to send out such messages widely. This is fundamental to avoid spamming, to safeguard server capacity and maintain the proper functioning of the service.

With respect to the use of the Internet, attention is drawn to the fact that the Agency's server may not be used where, for example, offensive, racist, discriminatory, sexually explicit or other equally inappropriate websites are accessed or where other personal use exceeds reasonable limits.

Given that the eu-LISA's servers can be used both directly from the office and via remote access from other places, do not forget that usually e-mails or other messages sent through the Agency's system will indicate your Agency's e-mail address and thereby establish a link to the eu-LISA.

Be aware that the Agency is entitled to monitor the use of information and communication technologies (ICT) services and that it does so. In the case of any suspected abuse, your Head of Unit or Department or Executive Director of the Agency may request opening an investigation into your use of these services.

7. INDIVIDUAL OBLIGATIONS

To maintain the Agency's independence and credibility, as a member of staff, you are subject to certain

reasonable requirements which affect the exercise of your duties and can have implications for your private life.

For this reason, you are required to request authorisations or provide notifications in various situations (such as conflicts of interest, gifts, external activities, spouse's employment, or publications or speeches on EU-related matters). This must be done on your own initiative.

7.1 CONDUCT REFLECTING ON YOUR POSITION

In general terms, you should refrain from any action or behaviour which might reflect adversely on your position, as stated in the Staff Regulations (Article 12) and the CEOs (Article 54). This means that your conduct even outside the office must be exemplary. Professional and private behaviour inside or outside the Agency should not bring it into disrepute.

It is also worth noting that if your acts or behaviour risk bringing the eu-LISA into disrepute, you could be subject to disciplinary proceedings. This could be the case, for example, if you were to be convicted of a crime or a misdemeanour. Article 12 of Staff Regulations and Article 54 of the CEOs also apply to behaviour within the Agency.

Obviously, when assessing any act or expression of opinion, account will be taken of its impact, especially if it appears to be harmful to the Agency's reputation.

7.2 AVOIDANCE OF CONFLICT OF INTEREST (EXTERNAL ACTIVITIES)

The overriding idea behind avoiding any appearance of a conflict of interest is to avoid possible accusations of bias and partiality in any decision-making process you may be involved in, so as to maintain the Agency's independence and credibility.

Key steps to avoiding such situations have to do with:

- not accepting gifts or favours,
- declaring your spouse's or partner's professional activities,
- providing immediate notification, if, in the course of your duties, you are called on to decide on a matter in which you have a personal interest which could impair your impartiality,
- seeking prior authorisation for any external activities work – (paid or unpaid);
- notifying beforehand your intention to stand for public office.

7.2.1 GIFTS, FAVOURS AND PAYMENTS

As stipulated in the Staff Regulations (Articles 11 and 12) and in the CEOs (Article 54)⁴, you should not accept gifts, favours or payments from Governments or any other source outside the eu-LISA without obtaining prior

⁴ Articles 54 of the CEOs stipulate that the Articles 11 to 25 of the Staff Regulations concerning the rights and obligations of officials apply by analogy to the CEOs.

permission from the Appointing Authority (the eu-LISA Executive Director). Such requests for permission should be sent via the eu-LISA Human Resource and Training Unit. As a general rule of thumb, it is recommended that you decline all such offers that have more than merely symbolic value (such as diaries, calendars, small desk items, etc.).

In any case, if you are offered any gifts, favours or donations with a combined value of more than € 50 given by the same source in any given year and you want to accept them, you must apply for permission, giving a justification.

When deciding on such matters, the eu-LISA Executive Director takes into consideration the following factors:

- the motive behind offering the gift, favour or donation;
- the possible consequences for the Agency's interests;
- the value of the gift, favour or donation;
- the number of gifts, favours or donations given by the same source, or the total number you receive during the course of a year.

Only if it can be clearly demonstrated to be in the interests of the Agency will approval be given to accept gifts in kind, particularly trips or excursions organised by the third parties.

Regarding payments for work actually done, such as conferences or publications (on EU matters), please see section on "Freedom of Expression".

7.2.2 HONOURS AND DECORATIONS

Similarly, except for services rendered before your appointment you should not accept from any government or other source an honour or decoration without prior permission from the eu-LISA Executive Director, since it might otherwise reasonably be considered that the honour has been granted for services rendered to a national government while nevertheless working for the Agency, which could give rise to doubts about the impartiality of the eu-LISA itself.

Only national honours and decorations awarded by a sovereign state or official medals awarded by a sovereign state or an official organ of that state (ministry, regional or local authorities, etc.) or such as Prix Charlemagne, Carnegie Hero Fund, etc. are not subject to the restrictions outlined in Article 11 of the Staff Regulations and the Article 54 of the CEOs.

In deciding, the Executive Director will take into consideration the following factors:

- the motive behind giving the decoration;
- the possible consequences for the Institution's interests.

These rules also apply to former staff if the decoration or honour has any link with their work at the Agency.

7.3 DECLARING A POTENTIAL CONFLICT OF INTEREST

As stipulated in the Staff Regulations (Article 11a) and in the CEOs (Article 54), you are prohibited, during the performance of your duties, from dealing with any matter in which you have a direct or indirect personal interest that has the potential to compromise your independence and, by extension, the Agency's interests.

Such situations can arise when:

- there is some link between your work and your private interests, or those of your family or partner;
- you find yourself in a situation that could reasonably lead to allegations being made of bias or partiality, in light of your personal interests.

If you find yourself in such a situation or are in any doubt as to whether your circumstances could give rise to concerns over a conflict of interests, you should notify the eu-LISA Executive Director via the Agency's Human Resources and Training Unit immediately by filling in the appropriate declaration form (enclosed in the Annex). It is also advisable to inform your own hierarchy.

Conflicts of interest that may arise within the framework of a budgetary action are addressed by the Financial Regulation (Article 57)⁵. Where such a risk exists, eu-LISA staff member shall refrain from such action and shall also inform his or her hierarchical superior. Where a conflict of interests is found to exist, the person in question shall cease all activities in the matter.

7.4 REQUEST PRIOR PERMISSION FOR EXTERNAL ACTIVITIES

There are some fundamental reasons behind the need to ensure that all officials ask prior authorisation to take on external professional activities, paid or unpaid, in order to ensure your, and thereby the Agency's, independence and integrity. At a practical level, such an external activity should not:

- be so time consuming as to impact negatively on your work at the eu-LISA, or constitute a job in itself;
- give rise to any possible appearance of a conflict of interest or be in some other way discreditable, so as to risk bringing the Agency into disrepute.

Furthermore, the amount of remuneration should be modest. However, the question whether the external activity is of use to the Agency may be taken into account.

The Staff Regulations (Article 12b) and CEOs (Article 54) stipulate that if you want to engage in any type of activity outside the eu-LISA, whether paid or unpaid, you must obtain prior permission from the eu-LISA Executive Director (via the Agency's Human Resource and Training Unit by completing a relevant form).

In assessing such requests, account is taken of the aspects mentioned above. In practice, while respecting these conditions, you are, for example, likely to be authorised to carry out voluntary work, charity work, or limited teaching activities.

You are not allowed, however, to carry out any of the following types of work, for example:

- outside work, whether paid or unpaid, in a "profession" (such as architect, lawyer, economist, accountant, IT professional, engineer, interpreter, doctor, translator, etc);
- work in private companies, even if it is unpaid and the role is merely nominal (such as non-executive director, unpaid adviser, etc.);

⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:298:0001:0096:EN:PDF>

- teaching or other pedagogical work, whether paid or not, **for more than 100 hours per academic year**, unless your Head of Unit or Department, after consulting the eu-LISA Human Resource and Training Unit, deems such work beneficial to the Agency.

Please note that as a rule, any request should be submitted one month before you plan to start the work in question, to allow sufficient time for the processing of your request.

Before making its decision, the Agency reserves the right to assess each case on its own merits with regard to the type of work proposed.

You should note that as a holder of a special identity card, you do not have the necessary authorisation to perform any work other than that for which you were recruited. If the Agency grants permission to undertake external activities, you need to keep in mind that you will be subject to the relevant national income tax rules and social legislation.

In addition, the maximum net annual remuneration you may receive for any authorised external activities you undertake outside the the eu-LISA is € 4500 (after taxes). Anything over this amount must be turned over to the Agency.

No outside work may be performed either on the premises of the eu-LISA or during normal working hours.

Permission granted under Article 12b of Staff Regulations and Article 54 of the CEOs is valid for a maximum of one year from the date of the decision, or a lesser period, which will be stated in the decision. If you wish to extend or renew your permission, you must submit a fresh application.

8. GIVING EVIDENCE IN LEGAL PROCEEDINGS

Depending on your area of activity and your particular responsibilities, you should be aware of how to deal with requests to give evidence in legal proceedings.

8.1 GIVING EVIDENCE IN LEGAL PROCEEDINGS

If you are called on to give evidence in legal proceedings to do with your work, you must request prior authorisation from the eu-LISA Executive Director (via the eu-LISA Security Officer), in line with the Staff Regulations (Article 19) and of the CEOs (Article 54). This obligation continues to apply even after leaving the Agency.

These provisions do not, however, apply to a member of staff or former member of staff called on to give evidence before the Court of Justice of the European Communities (including the Court of First Instance or the Civil Service Tribunal) or before a Disciplinary Board of one of the EU institutions.

To submit such a request for authorisation, you or the Commission department responsible (the Anti-Fraud Office, DG ADMIN's Security Directorate, your Directorate-General, etc.) should send it, along with supporting documents (in particular the judicial body's request), to the Executive Director of the Agency.

The Executive Director of the Agency takes a decision after checking the applicable rules and consulting the Legal Officer of the eu-LISA (once he/she takes the duties) and the decision is sent to the person who requested authorisation.

However, such requests may also be made by a national judicial or police authority without you being informed. In such circumstances, if the Agency is asked to maintain the secrecy of the procedure.

9. RIGHT OF FREEDOM OF EXPRESSION

The Staff Regulations (Article 17a (1)) and the CEOS (Article 54) grant you the right to freedom of expression "with due respect to the principles of loyalty and impartiality."

Obviously, these principles are primarily of relevance when you express yourself on professional or EU matters, especially with regard to publications or speeches.

9.1 PUBLICATIONS AND SPEECHES, AND COMPENSATION FOR THEM

If you want to publish or to have published, either on your own or with other parties, a document, such as an article or a book, on anything dealing with your work or EU matters, you must inform the eu-LISA Human Resources and Training Unit one month in advance, as stipulated in the Staff Regulations (Article 17a (2)) and in the CEOs (Article 54).

You must provide the Human Resources and Training Unit with any information, in particular a copy, in electronic form, of the document you intend to publish. This must be accompanied by a summary in electronic form and in English, as it is the Agency's working language.

Where the Agency can demonstrate that the matter is liable to prejudice seriously the legitimate interests of the Communities, it has to inform you of its decision within 15 working days of receipt of the information. If it does not reply within this time limit, it is considered to have had no objections. However, it should be noted that the lack of a reaction does not prejudice the possible application of such a provision as Article 12 of the Staff Regulations and Article 54 of the CEOs, if the publication turns out to contain material which is, for example, defamatory or insulting, nor the possible application of Article 24 of the Staff Regulations and Article 54 of the CEOs, if other officials request assistance against what they may see as defamatory statements in the work. The author remains personally responsible for the published material.

These rules and procedures also apply to speeches and any form of public or private communication outside the scope of your duties, where they relate to EU matters and are or may be published.

9.2 LIMITATIONS ON THE FREEDOM OF EXPRESSION

While the Staff Regulations (Article 17a (1)) and CEOs (Article 54) grant officials and other staff the right to freedom of expression, when it comes to your professional activity this is subject to the following conditions being met:

- you must show restraint and caution in expressing differing opinions, in particular when the latter are closely linked to the subject and nature of your duties;
- such opinions or any others regarding Agency's policies must be expressed with moderation and under your sole responsibility (i.e. with a disclaimer).

You are also subject to the rules concerning non-disclosure of information and the confidentiality requirement (discussed in the chapter on 'Relations with the public').

9.3 REMUNERATION

If the publication (including its writing/preparation) or speech would entitle you to any financial payment, you must ask the eu-LISA Executive Director via the Agency's Human Resources and Training Unit for prior authorisation to accept it (see also section on "Requesting Prior Permission for External Activities").

Royalties received for publications, to which the Agency raised no objections, are not subject to the net annual ceiling of € 4500⁶ that applies to work you are authorised to undertake outside the eu-LISA.

If a publication or speech forms part of your work during a mission for the Agency (e.g. it may happen that you are offered a fee for a speech you make while on outside assignment, which would count as part of your normal work), you must specify the exact amount in your Mission Request (demande de mission) or at least in your subsequent Mission Expenses Claim (décompte de frais de mission). If you receive the payment after your expenses for the assignment are reimbursed, you must inform the service responsible for dealing with reimbursement of mission expenses. If you make a speech in the same location as your place of work, you must declare any amounts you receive to the Human Resources and Training Unit of the EU-LISA who will report to the Paymasters Office of the European Commission Office for Administration and Payment of Individual Entitlements⁷. These are then deducted either from the balance of your expenses claim or from your next salary payment.

9.4 PUBLICATIONS AND SPEECHES ON MATTERS NOT RELATED TO THE EU-LISA

For publications or speeches on matters not related to the eu-LISA, freedom of expression applies and you do not require any authorisation to publish. However, if the publication (including its writing/preparation) or speech could be considered as external activity, notably, if under contract, and/or would entitle you to any financial payment, you must ask the eu-LISA Executive Director via the Agency's Human Resources and Training Unit for prior authorisation to accept it (see also section above on "Requesting Prior Permission for External Activities"). Royalties received for publications are not subject to the annual ceiling of € 4500⁸ that applies to work you undertake outside the Agency.

10. OBLIGATIONS AFTER LEAVING THE SERVICE

After leaving the service, former staff eu-LISA members are still subject to certain obligations. In particular, they must «behave with integrity and discretion», as stipulated in the Staff Regulations (Article 16) and in the CEOs (Article 54).

If in doubt please contact the eu-LISA Human Resources and Training Unit and you will be told what details are needed to assess your case.

Recipients of an invalidity allowance or a pension may only take up gainful employment if they have first been authorised by the Agency.

⁶ After taxation

⁷ http://ec.europa.eu/pmo/accueil_en.htm

⁸ After taxation

It should also be noted that former and current staff members must «refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public», in line with the Staff Regulations (Article 17) and the CEOs (Article 54).

Under the Staff Regulations (Article 19) and the CEOs (Article 54), former staff members also continue to be bound by the obligation with regard to giving evidence in legal proceedings (see section on Giving Evidence in Legal Proceedings).

11. PREVENTION AND REMEDIES

What if something goes wrong? Notwithstanding the rules in place, it may happen. The eu-LISA has a series of means of resolving these problems, ranging from prevention to disciplinary procedures.

This section of the guide seeks to offer you some general advice when confronted with ethical problems. It is important to know what to do if confronted with some difficult situations as the result of the behaviour or conduct of other colleagues, such as serious wrongdoing or harassment.

It is also important to know how the eu-LISA investigates reported violations of obligations and, where appropriate, pursues disciplinary proceedings.

11.1 ETHICAL REASONING

In trying to resolve possible ethical dilemmas, which can arise when different values and principles come into conflict with one another, the following reasoning process is suggested:

- Analyse the situation by looking at the facts, circumstances and relevant rules, in order to identify possible options;
- Consider the consequences of the different options, as well as the consequences of not acting;
- Check whether other persons involved (hierarchy, colleagues) agree with the options you identify or see alternatives;
- Take action based on the best option identified;
- Evaluate the real impact of your action and any feedback; as such experience can serve as a precedent of a good point of departure when faced with a similar situation in the future.

11.2 FINANCIAL LIABILITY

While it is not the focus of this guide, depending on your duties, you may also have financial responsibilities. In this respect, it is important to recall that, as laid down in the Staff Regulations (Article 22) and in the CEOs (Article 54), as a member of staff, you could be required to make good, in whole or in part, any damage suffered by the Agency as a result of serious misconduct in connection with the performance of your duties. Obviously, this does not concern a simple error or a slight mistake causing financial damage. However, financial liability could be invoked if you have breached a legal obligation, have caused financial damage and are guilty of deliberate misconduct or gross negligence.

11.3 SERIOUS WRONGDOING (WHISTLEBLOWING)

All organisations face the risk of things going seriously wrong or of unknowingly harbouring a corrupt individual. Usually, the first people to suspect or realise that there is a problem are those who work in the organisation or with it.

In tackling cases of wrongdoing it is crucial to have a reporting system in place that inspires confidence and thereby breaks the wall of silence. The Staff Regulations and CEOs seek to address the problem through requiring staff to report any possible serious wrongdoing (Article 22a of Staff Regulations and Article 54 of the CEOs) and by providing adequate protection for staff reporting such cases (Article 22b of the Staff Regulations and Article 54 of the CEOs).

11.3.1 THE WHISTLEBLOWING PROCEDURE

You are obliged to report facts pointing to a possible illegal activity, including fraud or corruption, or to a serious failure to comply with the professional obligations of Agency staff. This obligation only applies to facts discovered in the course of or in connection with your professional duties.

If you become aware of any serious wrongdoing, depending on who is involved, you should report it in writing and without delay to either: (1) your Head of Unit or Department, (2) the Security Officer of the eu-LISA, (3) Executive Director of the eu-LISA, or to the European Anti-Fraud Office (OLAF) directly.

Whoever receives this information is required to transmit it without delay to OLAF if fraud related.

When such information is received from a whistleblower, OLAF or the eu-LISA must:

- inform the whistleblower within 60 days of how much time is needed to take appropriate action; and
- take appropriate action within the period of time indicated.

If no appropriate action is taken within that time, the eu-LISA staff member may turn to another EU Institution – the President of either: the Council, the European Parliament or the Court of Auditors, or the Ombudsman. Given the duties of discretion and loyalty, this should be an option of last resort, justifiable only if the eu-LISA staff member concerned honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true and he or she allowed the eu-LISA or OLAF a reasonable period of time to take appropriate action. If such an external disclosure is necessary, it is advisable to let the facts speak for themselves. The duties of discretion and loyalty imply that reporting serious wrongdoing beyond these other EU institutions (for example, to the media) is not permitted.

Any whistleblower who complies with these conditions will be protected from adverse consequences. This covers the identity of the whistleblower, as well as the mobility and staff report of the person concerned. Naturally, in order for the eu-LISA to be able to apply such protective measures, the person concerned will need to identify him/herself to the eu-LISA, and to observe the whistle blowing procedure of the Agency once it is adopted.

12. HARRASSMENT

The eu-LISA does not countenance harassment, in line with the Staff Regulations and CEOs (Article 12a of the Staff Regulations and Article 54 of the CEOs). In the work environment, the Staff Regulations and the CEOs by analogy distinguish between two particular types of harassment – psychological and sexual – and the eu-LISA has adopted a specific policy to deal with such cases (Implementing rule on Harassment C2014-5392).

12.1 PSYCHOLOGICAL HARASSMENT

Psychological harassment covers all forms of sustained, intentional, abusive behaviour, whether this is repetitive or systematic conduct, words, acts, gestures or writing which may undermine the personality, dignity or physical or psychological wellbeing of a person. It comes in many different guises: bullying, antagonism, pressure, offensive behaviour, even refusal to communicate - all examples of unacceptable behaviour which may, in isolation, appear of little consequence. When occurring on a regular basis, however, these kinds of behaviour can cause serious harm to the person towards whom they are directed.

12.2 SEXUAL HARASSMENT

Sexual harassment means unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of men and women at work. This can include any unwelcome verbal, non-verbal or physical behaviour. The essential characteristic is that it is unwanted by the recipient.

12.3 AGENCY'S POLICY

In the framework of the policy put in place by the eu-LISA, two procedures have been established for dealing with potential harassment situations, a formal and an informal one. The informal procedure aims at finding an amicable solution and providing support, help and advice to staff; it also allows for practical administrative solutions when appropriate.

This procedure does not aim at investigating the facts or applying sanctions. In contrast, the formal procedure aims at determining if the allegations of harassment can be proven, assessing the facts and, when appropriate, applying sanctions in the framework of the disciplinary procedure. These two procedures are detailed in the Implementing Rule entitled eu-LISA Policy on Protecting the Dignity of the Persons and Preventing Psychological Harassment and Sexual Harassment currently developed by the Agency.

13. ADMINISTRATIVE INQUIRIES AND DISCIPLINARY PROCEDURES

The disciplinary system, which essentially involves administrative inquiries and disciplinary procedures, applies to any failure by a staff member or former staff member to comply with his or her obligations under the Staff Regulations and the CEOs, whether intentionally or through negligence. As explained in the preceding chapters, this can include conduct in private life, such as offences under national criminal law (for more information please consult the eu-LISA Policy on Administrative Inquiries once it is adopted).

The primary tasks of the eu-LISA Investigation Panel and Disciplinary Board are:

- The impartial and independent conduct of administrative inquiries, the aim of which is to collect facts and to verify whether any obligation as laid down in the Staff Regulations and in the CEOs may have been breached;
- The conduct of disciplinary procedures. Disciplinary procedures are opened once there is evidence that any obligation contained in the Staff Regulations and in the CEOs may have been breached.

There is a clear procedural and operational separation between, on the one hand, administrative inquiries and, on the other hand, disciplinary procedures. The first phase is necessary only if the facts have not been established beforehand.

Examples of cases where inquiries/disciplinary procedures have been conducted include: breaches of financial rules (such as public procurement), conflicts of interests (favouritism), corruption, allegations of psychological or sexual harassment, convictions in a criminal case, theft of Agency’s material, committing fraud and falsifying documents, abuse of IT- equipment, and improper behaviour.

It should be noted that administrative inquiries can be carried out by either the European Anti-Fraud Office (OLAF) or the eu-LISA Investigation Panel and Disciplinary Board, depending on the nature of the case. Cases involving fraud and other serious financial irregularities are usually dealt with by OLAF.

14. Update of the Code of Conduct

This Code of Conduct shall be revised and updated every two years

15. Annex

DECLARATION OF CONFLICT OF INTEREST⁹

Position:

This Declaration aims at allowing the Executive Director to identify potential or actual conflict of interest in relation to the specific position offered and the appropriate measures to be adopted, if any.

Surname/first name:

Telephone number:

E-mail address:

In your opinion, do you have any personal interest, in particular a family or financial interest, or do you represent any other interests of third parties which would actually or potentially impair your independence in the course of your duties at the eu-LISA and which may thus lead to any actual or potential conflict of interest relevant to that position?

YES NO

If yes, please detail:

.....
.....
.....

Declaration

I hereby certify that the information provided in this form is correct and complete

⁹ Pursuant to Articles 11 and 11a of the Staff Regulations and 11 and 81 of the Conditions of Employment of Other Servants (CEOS)

and that my standard application form is duly updated. I will immediately inform Executive Director of any change in my situation, or of any new relevant information I may receive which could cause a breach of the Staff Regulations/CEOS. I am aware that any false declaration may result in the cancellation of the recruitment process or, after recruitment, in disciplinary sanctions.

Signature of the applicant:

Date:/..../....