

CODE OF CONDUCT

CODE OF CONDUCT AND GOOD ADMINISTRATION

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Introduction

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

A Code of Conduct and Good Administration helps putting the principle of good administration into practice thereby promoting the public interest in an open, efficient, and independent European administration.

This Code of Conduct and Good Administration (hereinafter referred to as “the Code”) looks at how these standards should be applied on three levels: (a) in relations with the public, (b) behaviour at work (with superiors, peers and subordinates), and (c) individual obligations. The Code covers a variety of topics, ranging from behavioural tips to compliance with legal obligations under the Staff Regulations of Officials of the European Union (hereinafter referred to as the “Staff Regulations”) and the Conditions of Employment of Other Servants of the European Union¹ (hereinafter referred to as the “CEOS”), and Implementing Rules of the Agency².

Purpose

The purpose of this document is to provide the guidance on practical steps to follow, to fulfil the principles of good administration by eu-LISA's staff and service providers in their daily internal and external interactions.

The existence of an administrative culture of service inside the Agency contributes to the correct application of the right to good administration³. The core values that drive and underpin operational activities and the strategic development of eu-LISA, are:

- **accountability:** deploying a sound governance framework, cost-efficient operations and sound financial management;
- **transparency:** providing regular and open communication to the Agency's key stakeholders, engaging them in continuous dialogue to define a long-term strategy for the Agency's development;
- **excellence:** putting the right organisational structure, people and processes in place to ensure service continuity and functional comprehensiveness of tools provided to the Member States;
- **continuity:** ensuring that the Agency will make the best use of the expertise, knowledge and investments made by the Member States and will continue to develop them;
- **teamwork:** empowering each individual team member to make the best use of their knowledge and experience, contributing to the common success;
- **customer focus:** ensuring that the Agency is aligned at all times with the needs and demand of its stakeholders.

¹ Staff Regulations of Officials of the European Union (hereinafter referred to as “the SR” or “Staff Regulations”) and the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as “the CEOS”) laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968, Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1), as amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p. 15).

² In accordance with Article 110 of the Staff Regulations.

³ Article 42 of the Charter of Fundamental Rights of the European Union.

The Agency relies on its staff and service providers to uphold the core values in their daily actions by following these guidelines and promoting eu-LISA culture.

1. Principles of staff ethics and good administration

1.1 Scope of application and general principles

The Code shall apply to eu-LISA staff members under the scope of the Staff Regulations and the CEOS, to national experts seconded to eu-LISA (hereinafter referred to as the “SNEs”), to external service providers (e.g., intramuros, extramuros, structural service providers, interim workers etc.) and to interns (hereinafter collectively referred to as the “staff and service providers”).

It contains the general principles of good administrative behaviour which shall apply to all interreactions of eu-LISA with the public, unless they are governed by specific provisions (e.g. rules on public procurement), and between eu-LISA and its staff and service providers.

For the purpose of the Code, the term “public” refers to all natural and legal persons, whether they reside or have their registered office in a Member State or not⁴.

1.2 Ethical principles

To ensure eu-LISA’s independence and to support its credibility, eu-LISA staff and service providers shall aspire to the highest standards of **integrity and loyalty towards the Agency**.

The conduct and decision-making of the Agency’s staff and service providers shall be guided by the following principles:

- **Independence** – conduct and decision-making should be guided by the need to serve the common good and the public interest, and never by any other interests whether private or otherwise resulting, for example, from political pressure.
- **Impartiality** - the Agency’s staff and service providers shall not be biased in their decisionmaking.
- **Objectivity** – conclusions drawn by the Agency’s staff and service providers shall be balanced and based on a thorough analysis of the facts and the applicable legal background.
- **Loyalty** – staff and service providers’ loyalty towards the Agency is essential to enable it to maintain its independence and to achieve its mission.

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 and service providers also need to know and respect the legal obligations and administrative rules and procedures in force.

⁴ Ref. European ombudsman, “The European Code of Good Administrative Behaviour” 2015, Article 1(3).

2. Ethical conduct

To adhere to the essential elements involved in ethical conduct, the staff and service providers shall:

- Serve the public interest, by acting with integrity, objectivity and impartiality at work;
- Provide the quality service;
- Remember that the staff and service providers represent eu-LISA and that others judge the Agency on the basis of what they see and experience;
- Carry out the tasks assigned to them with responsibility and to the best of their ability;
- Treat their colleagues with respect;
- Make sure that their conduct is beyond reproach, by not knowingly being a party of any activity that could bring the Agency into disrepute or cause their impartiality to be questioned;
- Ensure that they are aware of the relevant legal obligations, rules and procedures applicable to staff and/or service providers;
- If they are unsure whether something they 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 their superior or the eu-LISA Human Resources Unit.

3. Respect for diversity

eu-LISA is an equal opportunity employer, firmly committed to maintaining a workplace free from discrimination and harassment. The Agency strictly prohibits any form of discrimination based on sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, national minority status, property, birth, disability, age, or sexual orientation.

Through the Agency's adoption of the **EUAN Charter on Diversity and Inclusion**, the Agency is dedicated to create a workplace that values and embraces diversity in all of its forms. The Agency's goal is to foster an environment where all individuals — staff members, interns, Seconded National Experts (SNEs), and external service providers — feel respected, welcomed, and empowered to contribute their unique perspectives and authentic selves.

All eu-LISA staff and service providers, stakeholders, and clients should be treated with respect, courtesy, and professionalism. eu-LISA asks all staff and service providers to refrain from any unpleasant, disparaging, or biased remarks or actions based on the personal characteristics listed above. Such behaviors are not tolerated in any form, and your interactions must reflect the Agency's commitment to inclusion and respect.

4. Relations with the public

Relations with the public constitutes an essential part of eu-LISA's mission in order to serve the public interest. In this respect, staff and service providers can have an impact on how the Agency, and, by extension, the European Union (EU), is seen – through their professional conduct, as well as in their life outside work.

How the staff and service providers act will influence the Agency's image. In this respect, they should think of themselves as 'ambassadors' of eu-LISA and of EU Institutions.

Relations with the public should be guided by the principles of openness and transparency, as well as courtesy, helpfulness and efficiency. Furthermore, staff and service providers shall be compliant with security principles and rules regarding EU classified Information in the Agency when in contact with the public⁵.

4.1 Standards to be adhered to in relations with the public

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

- **Lawfulness** – staff and service providers should act in accordance with the law and apply the rules and procedures laid down in EU legislation and implementing rules. Staff and service providers shall ensure that decisions which affect the rights or interests of the individuals have a basis in law and comply with the law.
- **Non-discrimination and equal treatment** – staff and service providers 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. Members of the public who are in the same situation shall be treated in a similar manner. Hence, should there be differences in treatment of similar cases, they must be justified by the relevant features of the particular case at hand.
- **Absence of abuse of power** – Power should be exercised solely for the purpose for which it has been conferred. Staff and service providers should in particular avoid using those powers for purposes which have no basis in the law or which are not motivated by any public interest.
- **Proportionality** – staff and service providers should ensure that the measures taken are proportional to the aim pursued. They shall in particular avoid restricting the rights of the citizens or imposing charges on them, when those restrictions or charges are not in a reasonable relation with the purpose of the action pursued.
- **Consistency** – staff and service providers should be consistent in their administrative behaviour and follow the Agency's established practices. Any exceptions to this principle should be duly justified and recorded in writing.
- **Independence, objectivity and impartiality** – staff and service providers 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 influenced by political pressure. Staff and service providers shall take into consideration the relevant factors and give each of them its proper weight in the decision, whilst excluding any irrelevant elements from consideration.
- **Courtesy** – staff and service providers shall be service-minded, correct, courteous and accessible in relations with the public. When answering correspondence, telephone calls and emails, the staff and service providers shall try to be as helpful as possible and shall reply as completely and accurately as possible to questions asked.

In daily work the following approach should be practiced:

- If a staff and service providers are not responsible for the matter concerned, they shall direct the citizen to the staff member responsible for it.
- If an error occurs, which negatively affects the rights or interests of a member of the public, the staff and service providers shall apologise for it and endeavour to correct the negative effect resulting from the error in the most expedient way. They shall also inform the member of the public of any rights of appeal available, in accordance with this Code.

⁵ Decision of the Management Board on the Security Rules for protecting EU Classified Information in eu-LISA No 2019-273 of 20 November 2019

4.2 Request for documents

Requests for public access to documents are to be handled under the scope of Regulation (EC) 1049/2001⁶ and the Decision of the Management Board of eu-LISA No 2022-090 of 24 March 2022 establishing the practical arrangements regarding public access to the documents held by the Agency⁷, in such a way as to ensure good administrative practices and high standards of public access to documents, taking into account the specific nature of the Agency and its mandate.

4.3 Social media guidelines

Social media can be an excellent communication tool and help amplify messages and facilitate connections to new audiences. As an EU Agency, eu-LISA encourages and empowers the staff and service providers to use these channels to speak with the general public about the EU and how its policies are implemented.

However, because of the very nature of the social media, it is often difficult to draw lines between public /professional and personal use. In addition, even when the staff and service providers use social media in their personal capacity, they are bound by certain obligations of the Staff Regulations (in particular Articles 11, 11a, 12, 17, 17a) and of the CEOS, or by framework contract that their employer has signed with eu-LISA.

Core principles outlined in the eu-LISA Social Media guidelines for Employees⁸ are the following:

- **Circumspection** – exercise caution, carefulness, moderation and a due sense of proportion and propriety.
- **Confidentiality** – as a member of eu-LISA's staff, a staff or service provider has an obligation not to disclose, without authorisation, information received in the line of duty, unless that information has already been made public or is accessible to the public (via trusted websites and/or corporate Social Media channels).
- **Objectivity, impartiality and loyalty to the Agency** – Avoid any act or behaviour that could reflect adversely upon their position as a staff or service provider, and the Agency (e.g. sharing content which could have a negative impact on eu-LISA's reputation and/or could pose a security risk to the Agency's assets and staff).

4.4 Dealing with requests for information and enquiries (correspondence, telephone calls and e-mails)

The eu-LISA Business and Stakeholder Relations Unit undertakes the coordination of answering public enquiries in the most appropriate and rapid manner possible.

4.4.1 Written correspondence with the public

As a general rule, after an acknowledgement of receipt of the message, a substantive answer should be provided within 15 (fifteen) working days. If this is not possible, a justification and holding response should be addressed within this period.

⁶ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31/05/2001, p. 43-48.

⁷ Ref. ARES(2022)2304608 – 29/03/2022.

⁸ Ref. Ares (2020)1178838 - 25/02/2020.

When replying in writing, with manpower and financial resources in mind, efforts should be made to reply in the same language as the enquiry. Should this not be resource effective, given that the English language is the working language of the Agency, answers and interactions can be provided in English. Proper contact details, for follow-up interactions, should also be included.

Should queries from the public be received by staff members belonging to other Units, the query should be passed to info@eulisa.europa.eu or via telephone call with clear indications on the nature of the query and the contact details of the person/body addressing the query.

4.4.2 Telephone communications

When answering telephone calls, a staff or service provider should clearly identify themselves or their department and treat the caller at all times in a courteous and efficient manner. They should pass information on the telephone call to the relevant Unit, who will return telephone call as promptly as possible.

When dealing with enquiries within their field of responsibility, staff of service providers 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 the query is beyond their field of competence, or they are not sure the information can be disclosed, they shall ask the caller to address their question(s) to info@eulisa.europa.eu.

4.5 Requests from the media

If contacted by the media, staff members of service providers should inform the journalist that relations with media are handled by the eu-LISA Communication Sector and provide them with the appropriate contact details to submit a written request to the functional mailbox of the said Sector (press@eulisa.europa.eu).

However, when requests for information concern technical subjects falling within their specific areas of responsibility, the eu-LISA Communication Sector may ask staff or service providers to provide input and technical knowledge needed for the answer. Staff or service providers should provide the said information available to them to the colleagues in COMS.

When participating at conferences or other external events, as part of their 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 Communication Sector exclusively.

4.6 Non-disclosure of information / confidentiality

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

Without prejudice to the legislation on the protection of personal data, as a staff member, former staff member, or service provider 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.

4.6.1 Confidentiality of business information

Professional secrecy is a fundamental obligation for all staff and service providers working for eu-LISA. As they may have to deal with sensitive information in the course of your work, it is their obligation that such information is treated with the utmost discretion. They are specifically required to respect the confidentiality that intrinsically applies to sensitive 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), proceedings of Selection Committees, investigation reports from OLAF, staff data (e.g. medical or personnel matters), core business system technical information or security data as well as any other sensitive economic or other data.

They must constantly ensure that such information does not fall into unauthorised hands, if necessary, by storing them in secure locations and manage such information based on classification level.

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 the staff or service providers and the Agency could, in turn, bring proceedings against them if they are personally seriously at fault. As a staff or service providers, they have no personal rights over such information and its use for purposes other than those required for the performance of their tasks would constitute a misuse of information.

4.6.2 Classified information

With four levels of classification ("EU TOP SECRET", "EU SECRET", "EU CONFIDENTIAL" and "EU RESTRICTED", the Agency's security provisions are aimed at protecting classified information produced or handled by eu-LISA from being compromised, disclosed without authorisation or from spying. In general, this means considering what needs to be done in the staff or service providers' immediate environment to protect the information with which they are dealing.

If they have to handle EU classified Information (EUCI) as part of their work, they are responsible for protecting such information in accordance with principles and rules laid down in the Decision of the Management Board No 2019-273 of 20 November 2019 on the Security Rules for protecting EU Classified Information in eu-LISA⁹, its implementing rules and the corresponding security notices.

European Union classified information (EUCI) means any information or materials designated by an EU security classification, the unauthorised disclosure of which could cause varying degrees of prejudice to the interests of the European Union or of one or more of the Member States.

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

4.7 Data protection

Staff and service providers dealing with personal data concerning a natural person shall respect the principles laid down in 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.

The staff and service providers shall avoid processing personal data for non-legitimate purposes and/or the transmission of such data to non-authorised persons.

⁹ <https://www.eulisa.europa.eu/our-publications/2019-273-decision-management-board-security-rules-protecting-eu-classified>

5. Behaviour at work

At work, staff and service providers may be faced with many different types of situations, which constantly require them to exercise good judgment and common sense in all professional interreactions, in line with the ethical principles and standards required of them¹⁰.

Furthermore, staff and service providers shall avoid discriminating 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

Whatever their rank, the staff members have the obligation to "assist and tender advice" to their superiors¹¹ and are responsible for the performance of the duties assigned to them.

The responsibility of a subordinate does not release the staff and service provider from their own responsibility.

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

If their superior instructs them to do something which they consider to be irregular or likely to give rise to serious difficulties, they should ask for the instruction to be confirmed in writing. In the first instance, they should ask for confirmation from their immediate superior and then, if necessary, from his or her immediate superior. If the latter confirms the orders in writing, they should carry them out, unless they are manifestly illegal or breach safety standards.

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

¹⁰ In accordance with the Staff Regulations, in particular Title II, and the CEOS, in particular Title II Chapter 2 and Title IV Chapter 2 thereof.

¹¹ In accordance with Article 21 of the Staff Regulations.

6. Use of technology at work

6.1 Use of common means of communication

As users of eu-LISA's information and communication technologies (ICT) services, staff and service providers have a role to play in ensuring the proper functioning and availability of eu-LISA ICT services to support the mission of eu-LISA. They are also obliged to follow the rules outlined in the Acceptable Use Policy¹². The following are the key principles of the Acceptable Use Policy:

- Acting honestly and with integrity, in accordance with eu-LISA values, to safeguard the reputation of the Agency and of the European Union;
- Understanding the role and responsibilities with regard to the Agency Information Systems;
- Ruling out offensive content;
- Reporting events concerning ICT services;
- Using eu-LISA ICT services for Agency work-related activities;
- Accessing eu-LISA ICT services only for carrying out the authorised activities in the manner intended;
- Allowing personal use of eu-LISA ICT services (excluding Core Business Systems) that is reasonable, limited and incurs no (financial, reputational or any other) damage to the Agency;
- Respecting the information privacy of the users and actively enforcing access controls.

The staff and service providers are only allowed a reasonable and limited personal use of eu-LISA ICT services (excluding Core Business Systems) and such use cannot be excessive and/or in conflict with the interest of the service¹³.

They are also not permitted to use the ICT services for any action or behaviour that would disrupt their functioning or to use eu-LISA ICT services for illicit purposes¹⁴.

They are expected to protect the Agency end-user device (e.g., workstations, laptops or other personal computing devices, e.g., tablets) from theft or unauthorised access or use by unauthorised persons. They shall not install illegal software nor bring their devices for professional and personal use outside of EU/EEA Member States without prior authorisation of their Line Manager and the Security Officer.

Given that eu-LISA's servers can be used both directly from the office and via remote access from other places, staff and service providers shall 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 eu-LISA.

The staff and service providers shall be aware that the **Agency is entitled to monitor the use of ICT services** and that it is doing so. In the case of any suspicion of abuse, the Head of Unit or Department or Executive Director of the Agency may request opening an investigation into the staff and service providers' use of these services.

6.2 Use of artificial intelligence (AI)

Development of artificial intelligence and its use brings opportunities and challenges that its users should be aware of. The Agency aims to ensure that its staff members and service providers make use of AI system(s) responsibly by sharing the following basic ethical guidance.

¹² Decision of the Executive Director of eu-LISA No 26/2016 of 14 March 2016 on Approval of the Acceptable Use Policy of eu-LISA; eu-LISA Acceptable Use Policy, 16/02/2016, eu-LISA/SEC/30-2016.

¹³ In accordance with point 2.4 of the Acceptable Use Policy.

¹⁴ In accordance with point 2.5 of the Acceptable Use Policy.

As general principles:

- a. **Understand the AI systems' limitations** - AI systems are designed to provide helpful and informative responses. However, they are not perfect and may make mistakes. Staff and service providers shall be aware of the system's limitations and not to rely solely on its responses for critical decision-making. A human should always be in the loop and verify and confirm the information provided by the AI tool.
- b. **Be aware of potential biases** – Although AI systems are designed to avoid bias, they may still perpetuate existing social inequalities. Staff and service providers shall be cautious when interpreting responses and consider multiple perspectives before deciding.
- c. **Protect your and others personal or sensitive data** - It is essential to use the system responsibly and not share sensitive information that could compromise personal data or any sensitive data. In that regard, any sensitive or internal information concerning the Agency, and its business must not be shared in publicly available AI tools.
- d. **Use the system for intended purposes** - AI system is normally designed to provide helpful and informative responses. Staff and service providers shall use the system for its intended purposes and avoid attempting to manipulate or exploit it for malicious or unethical purposes.
- e. **Stay informed** - Staff and service providers shall stay informed about the systems capabilities and limitations and take advantage of educational resources to learn more about AI and its applications.

6.3 Working remotely

The same obligations and responsibilities that apply when working in the office do apply when working remotely. An attention and concern should be given to clear communication and secure use of technology, communication means and equipment as well as responsibility for treating work-related data and information with due confidentiality.

Practical guidance concerning hybrid working has been provided on the in the Agency rules on working time and hybrid working¹⁵ and eu-LISA guidelines on working time and hybrid working¹⁶.

7. Individual obligations

To maintain the Agency's independence and credibility, staff members are subject to certain reasonable requirements which affect the exercise of their duties and can have implications for their private life.

For this reason, they 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 their own initiative**.

¹⁵ Decision No 2023–353 of 16.11.2023 of the Management Board of the eu-LISA on working time and hybrid working.

¹⁶ Ref. Ares(2023)8463411-11/12/2023 available at Guidelines on Working time and hybrid working_adopted.pdf (eu-lisa.eu.int).

7.1 Conduct reflecting on your position

In general terms, staff and service providers shall refrain from any action or behaviour which might reflect adversely on their position¹⁷. This means that their 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 their acts or behaviour risk bringing the eu-LISA into disrepute, they could be subject to disciplinary proceedings. This could be the case, for example, if they were to be convicted of a crime or a misdemeanour.

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 Prevention of conflict of interest

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 eu-LISA staff may be involved in, so as to maintain the Agency's independence, reputation and credibility.

The Staff Regulations¹⁸, Rules on Conflict of Interest¹⁹ and Rules on Outside Activities²⁰ provide thorough guidance and required steps to avoid such situations. However, simple steps that staff members can take are as follows:

- evaluate the worth of gifts and favours and consult the Rules of Conflict of Interest,
- declare their spouse's or partner's professional activities,
- provide immediate notification, if, in the course of their duties, they are called on to decide on a matter in which they have a personal interest which could impair their impartiality,
- seek prior authorisation for any paid outside activities, be aware of annual ceiling on income related to all outside activities;
- prior to engaging in unpaid or voluntary activities, consult the Rules on Outside Activities;
- notify beforehand their intention to stand for public office.

7.3 Right of freedom of expression (publications and speeches)

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

These principles are primarily of relevance when they express themselves on professional or EU matters, especially regarding publications or speeches. If they 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 their work or EU matters, they must comply with the eu-LISA Rules on Conflict of Interest.

For publications or speeches on matters **not related to the eu-LISA**, freedom of expression applies, and they do not require any authorisation to publish. However, if the publication (including its writing/preparation) or speech could be considered as outside activity, notably, if under contract, and/or would entitle them to any financial payment, they must apply the Rules on Outside Activity and seek prior authorisation.

¹⁷ In accordance with Article 12 of the Staff Regulations.

¹⁸ Title II of the Staff Regulations and Articles 11 and 81 of the CEOS.

¹⁹ Decision of the Management Board of the eu-LISA No 2020-405 of 23.12.2020 on implementing rules on the prevention and management of conflicts of interests of the staff members.

²⁰ Decision of the Management Board of the eu-LISA No 2018-179 REV 1 of 6.12.2018 on the application by analogy of the Commission decision of 29.06.2018 on outside activities and assignments and on occupational activities after leaving the Service.

8. Giving evidence in legal proceedings

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

If eu-LISA staff is called on to give evidence in legal proceedings related to his/her area of work, they must request prior authorisation from the Appointing Authority, in line with the first paragraph of Article 19 of the Staff Regulations and Article 54 of the CEOS. This obligation continues to apply even after leaving the service. These provisions do not, however, apply to a staff member called on to give evidence before the Court of Justice of the European Union or before a Disciplinary Board of one of the EU institutions.

To submit such a request for authorisation, a staff or the responsible Unit/Sector should send it, along with supporting documents (in particular, the Court'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 eu-LISA's Legal Officer. Once taken, the decision is sent to the person who requested authorisation.

9. Obligations after leaving the service

After leaving the service, former eu-LISA staff members are still subject to certain obligations. They must "behave with integrity and discretion", as stipulated in Article 16 of the Staff Regulations and Article 54 of the CEOS.

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

It should also be noted that staff and service providers shall continue to be bound by obligation to 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, as regulated by Staff Regulations, CEOS and Non-Disclosure Agreements.

Under Article 19 of the Staff Regulations and in line with Article 54 of CEOS, an official shall continue to be bound by the obligation of not disclosing on any grounds, without permission from the appointing authority, in any legal proceeding, information of which he/she has knowledge by reason of his/her duties, after leaving the service (see, section 8 of the present document regarding *Giving Evidence in Legal Proceedings*). Permission shall be refused only where the interests of the Union so require, and such refusal would not entail criminal consequences.

Please contact the eu-LISA Human Resources Unit (eulisa.hr@eulisa.europa.eu) for more information.

10. Prevention and remedies

In cases where the rights or interests of individuals are involved, eu-LISA shall ensure that, at every stage in the decision-making process, the right of defence is respected. Every staff member shall have the right to be heard before any individual measure that should affect him/her adversely is taken.

Every decision of eu-LISA that may adversely affect the rights or the interests of the persons and parties concerned, shall clearly state the grounds on which it is based by indicating the relevant facts and legal basis.

eu-LISA shall avoid making decisions that are based on brief or vague grounds or that do not contain any individual reasoning. If it is not possible, because of the large number of persons concerned by similar decision, and where standard replies are therefore sent, eu-LISA shall subsequently provide the person concerned, who expressly requests it, with an individual reasoning.

An eu-LISA decision that may adversely affect the rights or interests of a person or a party shall contain indication of the appeal possibilities available to challenge the decision. It shall indicate the nature of the remedies, the bodies before which they can be exercised, and the time-limit for exercising them.

Where appropriate, decisions shall refer to the possibility of starting judicial proceedings and/or lodging a complaint with the European Ombudsman under the conditions specified in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Any failure of eu-LISA to comply with the principles set out in this code may be subject of a complain to the European Ombudsman in accordance with Article 228 of the Treaty on the Functioning of the European Union, Article 43 of the Charter of Fundamental Rights of the European Union and the Statute of the European Ombudsman²¹.

10.1 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 good point of departure when faced with a similar situation in the future.

²¹ Adopted by Parliament on 9 March 1994 (OJ L 113, 4.5.1994, p. 15) and amended by its decisions of 14 March 2002 (OJ L 92, 9.4.2002, p. 13) and 18 June 2008 (OJ L 189, 17.7.2008, p. 25).

10.2 Financial liability

While it is not the focus of the Code, depending on the staff and service providers' duties, they may also have financial responsibilities. In this respect, it is important to recall that they could be required to make good, in whole or in part, any damage suffered by the Agency because of serious misconduct in connection with the performance of their duties. This does not concern a simple error or a slight mistake causing financial damage. However, financial liability could be invoked if they have breached a legal obligation, have caused financial damage and are guilty of deliberate misconduct or gross negligence.

10.3 Serious wrongdoing and whistleblowing

All organisations face the risk of serious wrongdoings 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 accordance with Article 22a of the Staff Regulations, staff members 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 the Agency staff. In combatting the cases of wrongdoing, it is crucial to have a reporting system in place that inspires confidence and thereby breaks the wall of silence. eu-LISA revised Guidelines on Whistleblowing²² provide guidance on reporting procedures and channels and describes the protective measures available to the whistle-blowers.

A staff member can follow these steps to report wrongdoing:

1. Internal whistleblowing – informing either their immediate superior or the Head of the Agency (the Executive Director) in writing as first option.
2. Internal whistleblowing – if there is a concern that this disclosure may lead to a retaliation or that the intended recipient of the report is personally implicated, a staff member may bypass the Executive Director and address the report directly to the Chair of Management Board or to OLAF, as second option.
3. External whistleblowing - option as a last resort, informing President of Commission, European Council, European Parliament, the Court of Auditors, or the Ombudsman directly. This option should be considered if no action has been taken within 60 days of reporting internally, or if it can be demonstrated that the period set for taking appropriate action is unreasonable considering all the circumstances of the case.

Any staff member who reports a serious irregularity, provided that this is done in good faith and in compliance with the provisions of these Guidelines, shall be protected against any acts of retaliation. Regarding burden of proof, it shall be up to the person taking any adverse measure against a whistle-blower to establish that the measure was motivated by reasons other than the reporting.

²² Decision of the Management Board of the eu-LISA No 2022-039 of 04.03.2022 on eu-LISA revised Guidelines on Whistleblowing.

10.4 Dealing with harassment

The eu-LISA applies “zero tolerance” approach to harassment, in line with the Staff Regulations and the CEOS (Article 12a of the Staff Regulations and Article 54 of the CEOS). The Agency adopted eu-LISA policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment²³ (hereafter “eu-LISA policy on Dignity at workplace”) and established a role of Confidential Counsellors to provide support to all persons working for the Agency.

In the framework of the policy put in place by the eu-LISA, two procedures have been established to deal with potential harassment situations, a formal and an informal one.

10.4.1 Confidential Counsellors and informal procedure

The role of the Confidential Counsellor is to listen, help, support and accompany all persons seeking assistance and feeling that they have been psychologically or sexually harassed in the working environment.

A staff member or service provider may have three meetings with a Confidential Counsellor and then decide whether to open an informal procedure. 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. It aims at reaching a mutual agreement and/or solution to resolve the issues.

10.4.2 Formal procedure

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. A staff member covered by the Staff Regulations and the CEOS as well as the Seconded National Experts may proceed directly with formal procedure, without seeking help from Confidential Counsellor or going through the informal procedure.

More detailed information on these procedures can be found in eu-LISA Policy on Dignity at workplace²⁴.

10.5 Administrative inquiries and disciplinary procedures

In the event of failure by a staff member or a former staff member to comply with their obligations under the Staff Regulations and the CEOS, whether intentionally or through negligence, an administrative enquiry may be opened, or disciplinary action may be evoked against the said staff member.

Key steps involved are as follows:

- 1. Preliminary assessment
- 2. Administrative inquiry
- 3. Pre-disciplinary proceedings
- 4. Disciplinary

²³ Decision of the Management Board of eu-LISA No 2018-174 REV 1 of 6.12.2018 on the adoption of eu-LISA Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.

²⁴ Decision of the Management Board of the eu-LISA No 2018-174 REV 1 of 6.12.2018 on eu-LISA policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.

These actions and possible outcomes are described in detail in the Decision of the Management Board of eu-LISA No 2022-038 of 24 March of 2022 on laying down general implementing provisions on conduct of administrative inquiries and disciplinary procedures²⁵, which should serve as a guide for all parties involved in the proceedings.

²⁵ Decision of the Management Board of the eu-LISA No 2022-081 of 24.03.2022 on laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings.