



## Code of Conduct for the staff of EASA

**PO.HR.00180-005**

	Name	Validation	Date
Prepared by:	Internal information	Validated	28/08/2023
Verified by:	Internal information	Validated	28/08/2023
Reviewed by:	Internal information	Validated	28/08/2023
Approved by:	Internal information	Validated	28/08/2023
Authorised by:	Internal information	Validated	28/08/2023



**DOCUMENT CONTROL SHEET****Reference documents****a) Contextual documents**

- Council Regulation (EEC, Euratom, ECSC) No 259/68 - Staff Regulations of Officials of the European Union and Conditions of Employment of Other Servants of the European Union
- Regulation (EC) No 1049/2001 – Public access to European Parliament, Council and Commission documents
- 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
- MB Decision 17/2019 – Arrangements to be applied by the Agency for public access to documents
- MB Decision 16/2019 – EASA Financial Regulations
- MB Decision 16-2018 - Outside activities and assignments and occupational activities after leaving the service
- MB Decision 4-2021 – Adopting the Code of Conduct for the Management Board of the European Union Aviation Agency
- MB Decision 04-2022 – Conduct of administrative inquiries and disciplinary proceedings
- European Commission's guidelines on gifts and hospitality
- Guidelines on the Prevention and management of conflicts of interest in EU decentralized agencies – 10 December 2013

**b) Internal documents**

- ED Decision 2009/169/E – Laying down on the secondment to the EASA of national experts
- ED Decision 2016/116/ED – Rules governing the EASA graduate training programme
- ED Decision 2016/116/ED – Rules governing the EASA Graduate Training Programme
- ED Decision 2014/147/E - Agency Integrated Management System
- ED Decision 2022/007/ED – Composition, procedure and poew of the Ethical Committee
- LI.IMS.00003 - EASA management standards
- PO.HR.00119 – Sensitive functions
- PO.IMS.00018 – Documents and records management
- PO.IMS.00019 – EASA Information Security Classification

**Abbreviations**

CEOS: Conditions of Employment of Other Servants of the European Union  
 Col: Conflict of Interest  
 Dol: Declaration of Interests  
 EASA: European Union Aviation Safety Agency  
 EU: European Union  
 FR: Financial Regulations  
 MB: Management Board  
 NAAs: National Aviation Authorities  
 OECD: Organisation for Economic Co-operation and Development  
 ODol: Oral Declaration of Interests  
 QEs: Qualified Entities  
 SDol: Specific Declaration of Interests





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SNE: Seconded National Expert  
SR: Staff Regulations





Log of issues		
Issue	Issue date	Change description
001	01/08/2012	<p>First issue.</p> <ul style="list-style-type: none"><li>- This Policy replaces and repeals the ED Decision 2009/078/E “Code of Good Administrative practice for the staff of the European Aviation Safety Agency in their relations with the public”.</li><li>- It was designed by a task force composed of representatives from Human Resources Department, Legal Department (including data protection officer), Policy Officers and led by the Internal Audit &amp; Quality Department. It is built by extension of the ED Decision 2009/078/E and takes into account the draft specific report “Management of conflict of interest in selected EU Agencies (ECHA, EFSA, EMA, EASA)” released by the Court of Auditors mid-June 2012</li></ul>
002	01/09/2014	<p>Migration of Quality documents in compliance with Convergence project.</p>
003	06/10/2017	<p>This update takes into consideration the experience, such as changes to the complaints process as well as the changes stemming from the reform of the Staff Regulations as published by the European Commission on 10 December 2013 in “Guidelines on the prevention and management of conflict of interest in EU decentralised agencies”.</p> <ul style="list-style-type: none"><li>- Revision of Articles 12, 17 &amp; 27 to reflect changes to the complaints process.</li><li>- Removal to references to external experts working on behalf of EASA as they are now covered by “Code of Conduct for external experts supporting EASA” – PO.SFPRG.00002.</li></ul>
004	13/07/2020	<p>This Policy has been revised to include an Anti-fraud statement at the end of the document.</p> <p>This Policy does not meet the expected quality standards and a full review of the document is required in due time.</p>
005	28/08/2023	<p>This Policy has been revised to update the reference to the applicable procedures, in accordance with MB Decision 16-2018 on outside activities and assignments and occupational activities after leaving the service.</p> <p>Additionally, the assessment of the Executive Director’s declaration of interest has been updated to better reflect the role of the Appointing Authority.</p> <p>Amendment to Comply with Anti-Fraud Policy.</p>





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## • Background

The Charter of Fundamental Rights of the European Union (EU) has guaranteed the right to good administration, by stating that every person has the right to have his or her own affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the EU.

According to Article 104(3)(e) of the Basic Regulation, the Executive Director is entitled to take all necessary steps to ensure the good functioning of the Agency.

The Agency considers it is an important part of its good functioning to clearly establish the standard of conduct to be followed by its Staff in the performance of their duties and responsibilities at the Agency, and in their relations with the public.

The “public” and “individuals” refer to both natural and legal persons, in particular external stakeholders, whether or not they reside or have their registered office in a Member State of the European Union.

This principle is also reflected in the EASA Management Standards<sup>1</sup>.

For this purpose, the Agency has established its own Code of Conduct, built to a high degree on the Code of Good Administrative Behavior adopted by the European Parliament and the Ombudsman<sup>2</sup>, and taking into consideration the specificities of the Agency.

## • Code of conduct for EASA staff

### Article 1 – General provision

In their relations with the public, Staff Members of the Agency shall respect the principles which are laid down in this Code of Conduct for EASA staff, hereafter referred to as “the Code”.

### Article 2 – Personal scope of application

1. This Code shall apply to all staff members of the Agency, covered by the Staff Regulations and the Conditions of Employment of Other Servants who are performing their duties and responsibilities in their relations with the public.
2. The Agency shall take the necessary steps to ensure that the standards of this Code (and its Annexes) apply to other persons working on a long or medium term basis at the Agency, such as persons employed under private law contracts (consultants), experts seconded by public and private entities (Seconded national experts (SNEs) and persons seconded as part of an exchange programme), interims and trainees.

Everybody who is covered by the scope of this Code is hereafter referred to as “staff” or “staff member”.

### Article 3 – Material scope of application

1. This Code contains the general principles of good administrative practice which apply to all relations of the Agency’s staff with the public, unless they are governed by specific provisions.
2. This Code is supplementary to the obligations put on staff members by the Staff Regulations (SR) and the Conditions of Employment of Other Servants of the European Union (CEOS)<sup>3</sup>, and the EASA Financial Regulations.
3. References to physical documents shall include any content whatever its medium, written on paper or stored in electronic form or as a sound, visual or audiovisual recording.

<sup>1</sup> LI.IMS.00003 – EASA Management Standards

<sup>2</sup> <http://www.ombudsman.europa.eu/resources/code.faces>

<sup>3</sup> Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p. 1



**Article 4 - Lawfulness**

The staff member shall act according to law and apply the rules laid down in applicable law and procedures. The staff member shall in particular ensure that decisions which affect the rights or interests of individuals have a basis in law and that their content complies with the law.

**Article 5 – Absence of abuse of power**

The staff member shall exercise his or her powers solely for the purposes for which they have been conferred by the relevant provisions. The staff member shall in particular avoid using those powers for purposes which have no basis in the law or which are not motivated by any public interest.

**Article 6 – Absence of discrimination**

1. In dealing with requests from the public and in taking decisions, the staff member shall ensure that the principle of equal treatment is respected. Members of the public who are in the same situation shall be treated in a similar manner.
2. If any difference in treatment is made, the staff member shall ensure that it is justified by the objective relevant features of the particular case.
3. The staff member shall in particular avoid any unjustified discrimination between members of the public based on nationality, 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.

**Article 7 - Proportionality**

1. When taking decisions, the staff member shall ensure that the measures taken are proportional to the aim pursued. The staff member shall in particular avoid restricting the rights of individuals or imposing charges on them, when those restrictions or charges are not in a reasonable relation with the purpose of the action pursued.
2. When taking decisions, the staff member shall respect the fair balance between the interests of individuals and the general public interest.

**Article 8 – Impartiality and independence**

1. The staff member shall be impartial and independent. The staff member shall abstain from any arbitrary action adversely affecting members of the public, as well as from any preferential treatment on any grounds whatsoever.
2. The staff member shall not be guided by personal or national interest, or any outside influences of whatever kind, including political pressure or influences.
3. The staff member shall abstain from handling matters which involve his or her own interest, or those of his or her family, relatives, friends and acquaintances.

**Article 9 - Objectivity**

When taking decisions, the staff member shall take into consideration all relevant factors and give each of them its proper weight in the decision, whilst excluding any irrelevant element from consideration.

**Article 10 – Legitimate expectations and consistency**

1. The staff member shall respect the legitimate and reasonable expectations that members of the public have in the light of how the Agency has acted in the past.







2. The staff member shall be consistent in his or her own administrative practice as well as with the administrative action of the Agency. The staff member shall follow the Agency's normal administrative practices, unless there are legitimate grounds for departing from those practices in an individual case; these grounds shall be recorded in writing.

**Article 11 - Fairness**

The staff member shall act impartially, fairly and reasonably.

**Article 12 – Courtesy and correction of errors**

1. The staff member shall be service-minded, correct, courteous and accessible in relations with the public. When answering correspondence, telephone calls and e-mails the staff member shall try to be as helpful as possible and shall reply as completely and accurately as possible to questions which are asked.
2. The staff member shall, where appropriate, advise the public on how a matter which comes within his or her remit is to be pursued and how to proceed in dealing with the matter.
3. If the staff member is not responsible for the matter concerned, he or she shall direct the concerned individual to the appropriate staff member or service. Further to requests for information concerning another EU institution or body, the staff member shall direct the requester to that institution or body.
4. The staff member shall alert the individual about any errors or omissions in documents provided by the individual to the Agency and offer an opportunity to rectify them.
5. If an error occurs which negatively affects the rights or interests of an individual, the staff member shall apologise for it and shall endeavor to correct the error as well as the negative effects resulting from it, to the extent that the circumstances and legal framework permit.

**Article 13 – Telephone communication**

When answering the telephone, staff members shall identify themselves and their department. Telephone calls shall be returned as promptly as possible.

**Article 14 – Obligatory measures when absent from office**

When a staff member is absent from office, he or she shall take appropriate measures to ensure that all incoming communications are properly monitored and that the continuity of operations is ensured.

**Article 15 – Reply to the letters in the language of the citizen**

The staff member shall ensure that every citizen of the Union who writes to the Agency in one of the Treaty languages receives an answer in the same language, unless a different arrangement has been agreed with the citizen concerned. The same shall apply as far as possible to legal persons.

**Article 16 – Acknowledgment of receipt and indication of the responsible staff member**

1. Every letter or external complaint to the Agency shall receive an acknowledgement of receipt within a period of two weeks, except if a substantive reply can be sent within that period. This also applies to external e-mail, where the e-mail is, by its nature, the equivalent of a letter.
2. No acknowledgement of receipt and no reply need to be sent in cases where subsequent letters or complaints are abusive because of their excessive number or because of their repetitive or pointless character.



**Article 17 – Obligation to transfer files to the competent Directorate or Department of the Agency**

Any letter or complaint addressed or transmitted to the Agency shall be transferred without delay to the competent Department of the Agency.

**Article 18 – Right to be heard and to make statements**

1. In cases where the rights or interests of individuals are involved, the staff member shall ensure that, at every stage in the decision making procedure, the concerned individual is heard.
2. Every individual shall have the right, in cases where a decision affecting his or her rights or interests has to be taken, to be informed about the envisaged action and invited to submit comments before the decision is taken, unless the legal framework prescribes a different procedure.
3. When urgent safety concerns mandate immediate action the right to be heard shall be guaranteed in a way that does not impede the safety objective.

**Article 19 – Reasonable time-limit for taking decisions**

1. The staff member shall ensure that a decision on every request or complaint to the Agency is taken within a reasonable time-limit, without delay, and in the normal case no later than two months from the date of receipt. The same rule shall apply for answering letters from members of the public.
2. If a request or a complaint to the Agency cannot be decided upon within the above mentioned time-limit, because of the complexity of the matters which it raises or because established and published procedures clearly specify a longer lead-time, the staff member shall ensure that the author thereof is duly informed. In that case, a definitive decision should be notified to the author in the shortest time.

**Article 20 – Duty to state the grounds of decisions**

1. Every decision of the Agency which may adversely affect the rights or interests of individuals shall state the grounds on which it is based by indicating clearly the relevant facts and the legal basis of the decision.
2. The staff member shall avoid making decisions which are based on brief or vague grounds or which do not contain individual reasoning.
3. If it is not possible, because of the large number of individuals concerned by similar decisions, to communicate in detail the grounds of the decision and where standard replies are therefore made, the staff member shall guarantee that he or she subsequently provides the individual who expressly requests it with an individual reasoning.

**Article 21 – Indication of the possibility of appeal**

A decision which may adversely affect the rights or interests of an individual shall contain an indication of the possibilities available for challenging the decision. The responsible staff member shall in particular indicate the nature of the remedies, the bodies before which they can be exercised, as well as the time-limits for exercising them.

**Article 22 – Notification of decisions**

1. The staff member shall ensure that decisions which affect the rights or interests of individuals are notified in writing, as soon as the decision has been taken, to the individuals concerned.
2. When urgent safety concerns mandate immediate action by the Agency, any other immediate and effective means of notification may be used in combination with notification in writing.
3. The staff member shall abstain from communicating the decision in any way to other sources until the individual or individuals concerned have been informed.





## Article 23 – Data protection

1. The staff member who deals with personal data concerning an individual shall respect the privacy and the integrity of the individual in accordance with the provisions of 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.<sup>4</sup>
2. The staff member shall in particular avoid processing personal data for non-legitimate purposes or the transmission of such data to non-authorised persons.

## Article 24 – Requests for information

1. The staff member shall, when he or she has responsibility for the matter concerned, provide individuals with the information that they request in accordance with Agency procedures. When appropriate, the staff member shall give advice on how to initiate an administrative procedure within his or her field of competence. The staff member shall ensure that the information communicated is clear and understandable.
2. If an oral request for information is too complicated or too comprehensive to be dealt with, the staff member shall advise the individual concerned to formulate the request in writing.
3. If, because of its confidentiality, a Staff Member may not disclose the information requested, he or she shall, in accordance with Article 20 of this Code, indicate to the individual concerned the reasons why the information cannot be communicated.
4. Where appropriate, the staff member shall, depending on the subject of the request, direct the person seeking information to the service of the Agency or another Institution responsible for providing information to the public.

## Article 25 – Requests for public access to documents

1. The staff member shall handle all external requests for public access to documents in accordance with the Agency's public access to EASA documents rules and procedures. All incoming applications for access to documents should be forwarded to the Access to Documents Coordinator in the Legal Department who will review and process the request, including related forms, and respond to the applicant in accordance with the general principles and limits laid down in 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<sup>5</sup> as implemented by the EASA Management Board Decision 17-2019 of 13 December 2019 concerning the arrangements to be applied by the Agency for public access to documents<sup>6</sup> and in accordance with the Policy on Information Security Classification<sup>7</sup>.
2. If a staff member receives an oral request for access to a document which is not already publicly available (e.g. on the EASA website) they should encourage the applicant to formulate the request in writing and consult the Documents Access Coordinator.

## Article 26 – Keeping of adequate records

The staff member shall ensure that incoming and outgoing mail, documents received and measures taken, are properly recorded in accordance with the Agency Policy on Documents and records management<sup>8</sup>.

<sup>4</sup> [OJ L 295, 21.11.2018, p. 39.](#)

<sup>5</sup> [OJ L 145, 31.05.2001, p. 43.](#)

<sup>6</sup> [Decision EASA MB 17-2019 – Arrangements to be applied by the Agency for public access to documents](#)

<sup>7</sup> PO.IMS.00019 – EASA Information Security Classification

<sup>8</sup> PO.IMS.00018 – Documents and records management





## Article 27 - Complaints

1. Any alleged breach of the rules and principles set out in this Code by the Agency may be subject of a complaint by members of the public to the Agency.
2. Members of the public should send their complaints for an alleged breach of this Code by email to [info@easa.europa.eu](mailto:info@easa.europa.eu). Any other department or staff member receiving a complaint shall handle it in accordance with this Code.
3. If the complainant is not satisfied with the Agency's reply, the complainant may, within one month of receipt of the last reply, apply to the Executive Director for a review of the outcome of the complaint. The Executive Director shall reply to the complainant within one month of receipt of the request for review and shall send a copy of the reply to the responsible Director.
4. Members of the public are also entitled to lodge those complaints with the European Ombudsman in accordance with article 228 of the TFEU<sup>9</sup> and the Statute of the European Ombudsman<sup>10</sup>.

## Article 28 – Publicity for the Code

The Agency undertakes to make the content of its Code known to its Staff and to the Public.

### • Compliance with the Anti-Fraud Strategy

The Agency does not tolerate fraud, impropriety or dishonesty and staff should report, without delay, any instance of suspected fraud to the anti-fraud responsible who will liaise after review with OLAF (European Anti-Fraud Office). In order to improve prevention, detection and conditions for investigation of fraud, and to pursue adequate deterrence and reparation, the Agency has implemented a set of controls, procedures and training to address areas of risk.

<sup>9</sup> [OJ C 83, 30.3.2010, page 150.](#)

<sup>10</sup> [OJ L 113, 04.05.1994, p. 15; OJ L 92, 09.04.2002, p. 13; OJ L 189, 17.07.2008, p. 25.](#)



**Annex 1:****Policy on impartiality and independence:  
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## 1 Purpose and scope

The management of the impartiality and independence - in addition to objectivity – of staff is a key element of governance of the EU institutions or bodies and crucial to ensure their integrity when performing their official functions. The revised Staff Regulations<sup>11</sup> reinforced the responsibilities for each institution of the European Union to handle the issues related to the management of Conflict of Interest (Col) in particular in publishing “Guidelines on the prevention and management of conflicts of interest in EU decentralised agencies<sup>12</sup>”.

The purpose of this Policy is to establish the principles governing impartiality and independence within the Agency and define the measures to ensure their practical application in order to prevent and mitigate the risk that past, current or future personal or national interests, or any outside influences of whatever nature, might improperly influence the impartiality and the independence of the Agency staff members during the performance of their official duties. These principles and measures cover among others the management of:

- situations of potential Conflict of Interest (declaration, monitoring, training/information);
- situations of alleged or actual Conflict of Interest.

This Policy completes, refers to and/or follows:

- the relevant applicable articles from the Staff Regulations;
- the relevant applicable articles from the EASA Financial Regulations;
- the MB Decision 16-2018 on outside activities and assignments which includes a chapter on post-employment;
- ED Decision 2009/169/E laying down the rules on national experts seconded to EASA;
- ED Decision 2016/116/ED on the rules governing the EASA graduate training programme

## 2 Concept of Conflict of Interest

### What is a Conflict of Interest (Col) for the European Commission?

According to the European Commission, situations of Conflict of Interest<sup>13</sup>, can arise when:

- there is some link between staff members' work and their private interest, or those of their family or partner;
- staff members find themselves in a situation that could reasonably lead to allegations being made of bias or partiality, in the light of their personal interests.

**Organisation for Economic Co-operation and Development (OECD) guidelines define the potential and actual Col as follows:**

**Actual** Conflict of Interest: involves a conflict between the public duty and private interests of a public official, in which the public official has private-capacity interests which could improperly influence the performance of their duties and responsibilities.

**Potential** Conflict of Interest: occurs where a public official has private interest which are such that a Conflict of Interest would arise **if the official were to become involved in relevant (i.e conflicting) official responsibilities in the future.**

### Conflict of Interest for EASA:

<sup>11</sup> [OJ L56, 04.03.1968, p.1, as last amended by Regulation \(EC\) No 1023/2013 of the European Parliament and of the Council of 22.10.2013, OJ L287, 29.10.2013, p.15](#)

<sup>12</sup> [Guidelines for conflict of interest policies in EU decentralised Agencies](#)

<sup>13</sup> <https://myintracomm.ec.europa.eu/staff/EN/staff-conduct/individual-obligations/conflict-of-interest/Pages/conflict-of-interest.aspx>





For the purpose of this Policy, the concept of Col refers to and follows the European Commission guidance with the necessary adaptations. Moreover, distinction will be made between potential and actual Col, as proposed in the OECD guidelines. Alleged situation of Col is considered in case of actual Col where evidence has not been established.

### 3 Principles and measures

Following Article 11a of the Staff Regulations, staff members are prohibited, during the performance of their duties, from dealing with any matter in which they have a direct or indirect personal interest that has the potential to compromise their independence and, by extension, the interests of the institution or body to which they belong.

According to Article 8 “Impartiality and Independence” of the Code of Conduct for EASA Staff, the Agency staff shall be and remain impartial and independent when performing their official duties.

In order to ensure compliance with the aforementioned requirements, the Agency applies to its staff members the following principles and measures:

- Conflict of Interest situations register;
- Principle of collegiality and transparency in decision-making;
- Principle of Declaration of Interests;
- List of sensitive functions;
- Gifts and hospitality register (see Annex 2: Policy on gifts and hospitality);
- Outside activities and post-employment (see MB Decision 16-2018);
- Enforcement;
- Training and information.

### 4 Registering relevant interests of staff members

Records of staff interests shall be retained within the Agency. An annual exercise will be launched by the Human Resources Department, requesting the relevant staff members to review and update the Declaration of Interest (DoI). Each DoI is integrated in the personal file of each staff member.

Records of conflict of interest situation could encompass:

- Declarations of Interest (DoI);
- Specific Declarations of Interest (SDoI), (if necessary);
- Oral Declarations of interest (ODOI).

These records aim at ensuring transparency and form a basis to determine the existence of situations in which impartiality and/or independence values are at risk or can be perceived as at risk. They aim to register the adoption by the organisation of potential measures to mitigate the risk or the perception of the risk.

### 5 Principle of collegiality and transparency in decision-making

Regarding the risk of potential Conflict of Interest when taking decisions, the Agency applies the “no single point of decision” approach as the most appropriate mitigating control for prevention of potential and actual Col situations within the Agency context. Impartiality and independence of the decision making in the Agency operational processes is guaranteed through the collegiality of the technical assessment and the decision-making process. Concerning the decision making process, decisions during the operational process are not taken by individual experts in isolation, but only after assessment of a team of experts, which significantly minimises the possibility of single expert influence. Furthermore, every decision is reviewed and endorsed by hierarchical superiors up to the level of the Agency’s Directors or the Executive Director.

Since 2008, the Agency has defined and continuously improved its Integrated Management System (IMS). As part of the EASA IMS activities, the Agency describes and manages its processes. This important activity of the EASA IMS supports







the implementation of the principle of collegiality, among other principles and requirements, in all Agency procedures. The description and publication of Agency procedures supports also the principle of transparency in decision-making.

## 6 Principle of declaration of interests

In order to prevent, detect, monitor, mitigate and deal with situations of potential and actual Col, the Agency applies the principle of Declaration of Interests (DoI) to be completed by Agency staff where appropriate and assessed by the Head of Department<sup>14</sup>.

It should be noted that having an interest does not necessarily mean having a Col.

### 6.1 Category of interests

For the purpose of this principle, the following categories of interests have been defined:

1. **Employment:** any form or regular occupation or business, part-time or full-time, paid or unpaid, including self-employment (e.g.: consultancy), in any legal or natural organisation or company carrying out any of the activities on which EASA's outputs impact directly or indirectly;
2. **Consultancy, legal representation, advice:** any activity in which the concerned person provides advice or services related to the field of the activities of EASA to organisations, companies, associations or other bodies. This includes also services provided on an honorary basis (i.e. for free or without the payment of fees or emoluments);
3. **Membership of a Management Board or equivalent structure:** any participation in the internal decision-making of a public or private entity with an interest in the field of the activities of EASA;
4. **Membership of an Advisory Board or equivalent structure:** any participation in the works of an advisory body, created permanent or created ad-hoc, managed by a body with an interest in the field of the activities of EASA, with a right to have an influence on its output(s). This includes also participation in activities carried out with EASA;
5. **Other memberships or affiliations:** any membership or affiliation not falling under the categories above and relevant for the purposes of the present Policy, to any body with an interest in the field of the activities of EASA, including professional organisations;
6. **Research funding:** any funding for research or developmental work in the field of the activities of EASA received from any public or private body by the concerned person in his or her personal capacity or falling under the professional sphere of influence of that person. It includes grants, rents and reimbursement of expenses, sponsorships and fellowships;
7. **Intellectual property rights:** rights in the field of the activities of EASA granted to creators and owners of works that are the result of human intellectual creativity (e.g. patents, trademarks, etc.) and may lead to a financial gain. Plain authorship and publications shall not be declared;
8. **Investments:** any economic stake or share in a body with an interest in the field of the activities of EASA, including the stocks, equities or bonds thereof, or of one of its subsidiaries or of a company in which it has a holding. Financial instruments on which the concerned person has no influence are not to be considered relevant;

<sup>14</sup> Director in case of a Head of Department's DoI and Executive Director in case of a Director's DoI





9. **Public statement or position:** any expert opinion or testimony in the field of the activities of EASA for a commercial entity or other organisation as part of a regulatory or judicial process. Any office or other position (paid or unpaid), where the concerned person represented interests or defended opinion in the field of the activities of EASA;
10. **Other relevant interest:** any interest not falling under the categories provided above and relevant for the purposes of the present Policy.

## 6.2 Types of declaration of interests

### 6.2.1 General principles of declaration of interests

The following general principles shall be applicable to all persons subject to the present Policy:

- a. The identification and handling of Col as defined in this Policy shall be based on the evaluation of Declarations of Interests (DoI) and Specific Declarations of Interests (SDoI) submitted by the concerned persons and staff as specified in the present Policy;
- b. The responsibility for a complete and truthful declaration shall lie exclusively with the person completing the declaration;
- c. Only activities having taken place in the five years preceding the submission of the declaration shall be declared. This shall cover also activities from the close family<sup>15</sup> of the Agency staff.

### 6.2.2 Declaration of Interests (DoI)

All staff members are required to complete a DoI. Individuals shall declare in the DoI any interest belonging to the categories defined in paragraph 6.1 with respect to all activities in which they are involved or have been involved during the five years preceding the submission of the DoI and which fall within the Agency's remit.

Individuals shall indicate whether interests declared are "current" (when activities are currently ongoing); or they refer to a "past period" (when they are no longer ongoing but have been completed during the five years preceding the submission of the DoI).

Details on the name of body or organisation of relevance for each declared interest shall be given. This is to be interpreted as meaning the full name, location of the seat (town and country) and nature (private or public).

Details on the subject matter of each declared interest shall be given, indicating the domain in which the activity is, or was, carried out and clarifying the interest and role of the concerned body or organisation in the matter and the role of the concerned person.

Without prejudice the requirement as staff member to complete a DoI, for SNEs their employer is requested to complete the "employer declaration" form certifying the absence of Col with the duties to be performed at the Agency. The "employer declaration" will be annexed to the declaration of interests to be completed by the SNE.

### 6.2.3 Specific Declaration of Interests (SDoI)

Each Process Owner shall determine, in line with the applicable EU and EASA regulations, where it is deemed necessary to request a Specific Declaration of Interests (SDoI) or a Declaration of Absence of specific Interests related to an activity to be performed by a Staff Member within the process he or she is responsible for and when it is not already covered by the Declaration of Interests.

The Process Owners whose process requires such a SDoI, or Declaration of Absence of specific Interests, shall use the dedicated form to cover the activity to be performed with reference to the subject matter related to the activity. The SDoI shall be completed before the start of the activity.

<sup>15</sup> 'close family members' are considered to be the persons forming a household with the person making the declaration (spouse, partner, and/or dependent children).





When a Process Owner requests a SDol, it shall be captured in the records of the process concerned.

#### 6.2.4 Oral Declaration of Interests (ODol)

Oral Declaration of Interests is mainly related to participation in meetings.

The Chair of the meeting shall determine, in line with the applicable EU and EASA regulations, where it is deemed necessary to request an Oral Declaration of Interests (ODol) at the beginning of a meeting, within the process he or she is responsible for, if this meeting is not already covered by the Dol (paragraph 6.2.2) or by the SDol (paragraph 6.2.3).

When a meeting is subject to an ODol, the participants shall declare orally at the beginning and during the meeting any interest that might be considered prejudicial or could be perceived as being prejudicial to their impartiality and independence in relation to the items on the agenda of and/or the items discussed during that meeting.

This declaration shall be recorded, with its assessment and related decision, in the minutes of the meeting.

### 6.3 Assessment of declaration and decision

#### 6.3.1 Ethical Committee

For the purpose of this Policy, an Ethical Committee has been established by the Executive Director. It is available to the Executive Director for consultation on matters related to the "Code of Conduct for EASA Staff".

The Ethical Committee shall be composed as defined in the relevant ED Decision, however, as a minimum of:

- The Chief Legal Adviser (chairperson) and one alternate from the Legal Department;
- A representative and one alternate from the Executive Director's office;
- A representative and one alternate from the Human Resources Department;
- A representative from the Finance Department and one alternate from the Procurement Section;
- Two representatives from the Staff Committee and two alternates.

The Ethical Committee shall establish and adopt its own Rules of procedure in line with the Code of Conduct. These Rules shall include clear and objective criteria and the methodology for the assessment of the declaration of interests submitted to it. The Ethical Committee issues a reasoned opinion, without prejudice to the decision-making powers of the Executive Director.

#### 6.3.2 Declaration of interests of the Executive Director

The Dol of the Executive Director shall be screened by the Management Board to identify if an interest could present a potential conflict with regard to the work of the Executive Director. A reasoned opinion may be requested from the Management Board's Assessment Committee, established under MB Decision 04-2021.

#### 6.3.3 Declaration of interests of Agency staff

##### a. Declaration of Interests prior to employment

When offered a position in EASA, each candidate shall provide a Dol which shall be screened by the Head of Department<sup>16</sup> in charge. When a potential or an actual Col is raised, this shall be highlighted to the Appointing Authority, who shall take this into account in a duly reasoned opinion. If necessary, the Appointing Authority shall take the measures referred to in Article 11a(2) of the Staff Regulations. A reasoned opinion may be requested from the Ethical Committee in this context.

The Appointing Authority may decide to take any measure considered appropriate to ensure the potential Col does not occur or to remedy to the actual Col. The Appointing Authority may also grant a waiver as per paragraph 6.4.

<sup>16</sup> Director in case of a Head of Department's Dol and Executive Director in case of a Director's Dol



**b. Declaration of Interests presentation, update and review**

In accordance with the provisions of the Staff Regulations<sup>17</sup>, it is the responsibility of the staff members to immediately inform any changes in circumstances, environment or conditions (e.g. change of function), occurring in the performance of their duties, which could impair their independence or create a potential conflict of interest. The change in circumstances should be declared through the update of the DoI either on the staff member's own initiative or following the annual request of HR.

When requested to update their DoI, staff members have the option to confirm the continued validity of the existing declaration or to update it according to any new circumstances. In both cases, they shall copy their Head of Department<sup>18</sup> of their answer.

In case of change of circumstances, the Head of Department<sup>19</sup> assesses without delay, based on the DoI, the absence or existence of a potential or an actual Col. In case of positive assessment of potential or an actual Col, the Head of Department, with the support of the HR department, shall consider if, at departmental level, mitigation measures can be implemented to eliminate the Col. In case this cannot be achieved at department level, the issue is escalated to the Director concerned who shall implement any necessary measure to mitigate the conflict without delay and, in case of significant residual risks, bring the matter to the attention of the Appointing Authority. The Appointing Authority may request a reasoned opinion from the Ethical Committee in this context.

In cases where the opinion of the Ethical Committee is requested, the staff member concerned shall be informed of the final decision.

In cases where the staff member disagrees with the decision, he or she can send a request to the Ethical Committee for a review of a first opinion on its DoI. In accordance with its own rules, the Ethical Committee will review the opinion and may provide a new reasoned opinion.

The Head of Department<sup>20</sup> may hear the concerned staff member in order to facilitate the assessment.

**6.3.4 Specific Declaration of Interests (SDoI)**

Specific Declaration of Interests shall be screened as defined by the Process Owner responsible for the activity. When a potential or an actual Col is identified, mitigating action must be implemented as appropriate.

**6.3.5 Oral Declaration of Interests (ODoI)**

Oral Declarations of interests (ODoI) shall be assessed by the Chair of the meeting in relation to which the ODoI is made. The Chair shall take any measure considered appropriate to ensure the potential Conflict of Interest does not occur or to remedy to the actual Col (e.g: cancellation of the meeting, replacement of the participant, no voting right or exclusion from discussion on the concerned item, etc).

The assessment and the related decision, when applicable, shall be recorded in the minutes of the meeting.

**6.4 Granting of waiver**

The Agency's staff member shall not be assigned to a project or task where a known potential or actual Conflict of Interest exists. Any staff member confronted with such situation shall immediately inform his or her Head of Department<sup>21</sup>. To prevent the risk to impair his or her independence, objectivity and impartiality in the performance of his duties and thus

<sup>17</sup> Articles 11, 11a, 12b,13

<sup>18</sup> Director in case of a Head of Department's DoI and Executive Director in case of a Director's DoI

<sup>19</sup> Director in case of a Head of Department's DoI and Executive Director in case of a Director's DoI

<sup>20</sup> Director in case of a Head of Department's DoI and Executive Director in case of a Director's DoI

<sup>21</sup> Director in case of a Head of Department's DoI and Executive Director in case of a Director's DoI





remove the Col situation, the Head of Department<sup>22</sup> shall take any measures considered appropriate including the reallocation of the project or task to another staff member.

When no other suitable staff member is available and his or her competence/expertise is considered essential for the completion of the task, safeguards should be put in place to ensure that impartiality in decision making is guaranteed and that the outcome and/or completion of that task is not compromised by a Col.

In such cases, when the staff member is considered essential and where no suitable alternate is found, a waiver can be granted by the Appointing Authority. The responsible Director shall include all relevant information on which the conclusions are based supporting the request to the Appointing Authority to grant a waiver.

Should a waiver be granted, the concerned staff member shall be entitled to:

- formulate his or her recommendations on the task or project under strong supervision and after consultation (in agreement of) with at least one of his peers and prior clearance on the content shall be given by the line managers;
- contribute to particular working groups in which his/her expertise and involvement are considered essential for the completeness of the draft output;
- take part in the discussions (working groups, meetings) and in the drafting phase of the output. However, he/she shall not be allowed to act as, chair or vice-chair or secretary of an Agency working group linked to his or her interest.

No waiver shall be granted to staff members involved in activities related to the assessment of dossiers/applications submitted by applicants for the evaluation of regulated and/or certified products or claims.

## 6.5 Publication, recording and protection of personal data

The Declarations of Interest of the Executive Director, Directors, Deputy Directors and Heads of Department, together with their CVs, shall be published on the EASA website.

The Agency shall process all declaration of interests in accordance with Regulation (EU) 2018/1725.

The Human Resources Department controls the handling of the declarations of interests and the Col register.

The retention period of the declarations of interests, their assessment and the related decision and/or the waiver, if any, shall be 7 years.

The Agency's staff members have the right to access their declaration of interests, to update and/or correct it at any time.

In cases where the Agency has knowledge or information that is not consistent with the declared interests, or in cases of failure to submit a declaration of interests when requested, the concerned staff member will be contacted in order to update the declaration related to the missing information. In cases where an internal procedure should be opened as referred to in paragraph 8, the staff member shall be notified.

## 7 Outside activities and post-employment

With reference to Article 12 b of the Staff Regulations (SR), there are fundamental reasons behind the need to ensure that all the Agency's staff members ask for prior authorisation from the Appointing Authority in order to take on an external professional activity, paid or unpaid, thus ensuring the staff member concerned, and subsequently the Agency's independence, integrity and credibility are maintained.

With MB Decision 16-2018, the Management Board has adopted by analogy the Commission Decision C(2018) 4048 of 29 June 2018 on outside activities and assignments and on occupational activities after leaving the service, which apply to the Agency's staff members employed under the SR and Conditions of Employment of Other Servants of the European Union (CEOS).

<sup>22</sup> Director in case of a Head of Department's DoI and Executive Director in case of a Director's DoI





The ED Decision 2009/169/E laying down the rules on the secondment to the Agency of national experts, makes seconded national experts subject to the same rules and conditions laid down in MB Decision 16-2018 with regard to prior authorisation related to outside activities.

Persons working at the Agency who are not employed under the SR and CEOS such as interims, trainees or persons employed under private law contracts, are not covered by nor subject to the provisions laid down in MB Decision 16-2018 and ED Decision 2009/169/E.

According to Article 12 b of the SR, the SR shall continue to apply during the period of unpaid leave. The permission under Article 12b shall not be granted to an official/staff member for the purpose of his engaging in an occupational activity, whether gainful or not, which involves lobbying or advocacy vis-à-vis his institution and which could lead to the existence or possibility of a conflict with the legitimate interests of the institution.

With reference to Article 16 of the SR, an official/staff member shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

Officials/staff members intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof using a specific form. If that activity is related to the work carried out by the official/staff member during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the Appointing Authority may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit. The appointing authority shall, and if deemed necessary after consulting the Ethical Committee or the Management Board's Assessment Committee as appropriate, notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance.

In the case of former senior officials/staff members as defined in implementing measures, the Appointing Authority shall, in principle, prohibit them, during the 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former institution for their business, clients or employers on matters for which they were responsible during the last three years in the service.

The MB Decision 16-2018 lays down the rules related to post-employment for SNEs.

## 8 Enforcement

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

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 obligations under the SR and CEOS, whether intentionally or through negligence.

As explained in the preceding chapters:

- any infringements to Articles 7, 8 9 and 11 of the Code of Conduct in the performance of the duties,
- any infringements to the procedures laid down in the current Policy or in an MB Decision or ED Decision referred to in this Policy,

may expose the staff member or former staff member concerned, to the risk of administrative inquiries and/or disciplinary actions in accordance with MB Decision 04-2022 and Article 86 and Annex IX of the SR.

In cases where a staff member fails to declare an interest that could lead to a potential or actual Conflict of Interest in his or her Dol, it may be considered as a failure by the staff member/former staff member to comply with the rules and obligations of the Agency staff members/former staff members. If and when the breach of rules is confirmed, in accordance with MB Decision 04-2022, the Agency shall request an administrative inquiry be opened which may lead to disciplinary measures as referred to in Article 86 and Annex IX of the SR.





For other staff working at the Agency who are not employed under the SR and CEOS, such as interims, trainees, seconded national experts and external experts, the Executive Director shall take the appropriate decision which may result in the termination of their contract with the Agency.

## 9 Training and information

All Agency's staff members shall be trained on the Code of Conduct and its annexes.

In case of major changes within the Code of Conduct, specific measures shall be envisaged.







## Annex 2: Policy on Gifts and Hospitality

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## 1 Background

The Article 11(2) of the Staff Regulations provides rules relating to gifts to be followed by the Agency staff members. The Agency staff working at the Agency shall seek permission before accepting any honour, decoration, favour, gift, invitation, hospitality or payment of any kind whatever, except for services rendered prior to their duties at the Agency.

The current guidelines are addressed to staff members covered by Article 35 of the Staff Regulations (SR), i.e. in active employment, on secondment, on unpaid leave, on parental or family leave, and on military leave.

However, for Agency staff who are not in active employment at the Agency, any gifts, invitations and hospitality that they might receive which are not related, and may not be reasonably perceived to be related, in any way to their capacity as staff members (including, for example, gifts received in a new professional capacity while they are on unpaid leave) are not deemed to be covered by Article 11 of the SR or by this Policy of the Code of Conduct.

Although staff members who have left the service are not obliged to seek authorisation under Article 11 (and therefore are not subject to the current Policy on Code of Conduct and its annexes), Article 16(1) of the SR provides that they continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain benefits.

This Policy reflects the European Commission's guidelines on gifts and hospitality adopted on 7<sup>th</sup> March 2012<sup>23</sup>.

## 2 Definitions

### 2.1 Gifts

A gift is understood to mean:

- A sum of money or any physical object or;
- The possibility to participate for free in events which are open to the public or are private in nature, are only accessible in return for payment and represent a certain value (such as complimentary tickets for sports events, concerts, theatre, conferences etc);
- Any other advantage with a pecuniary value such as transport costs.

Low value items given for purely information purposes (brochures, booklets, catalogues...) are not considered as gifts in this context.

Indirect gifts are those which are not offered directly to staff members, but to a third party that is close to the staff member.

Gifts that are offered to the institution (Article 22 of the EASA Financial Regulations) are not covered by these guidelines.

### 2.2 Hospitality and invitations

Invitation and hospitality offers are considered to be a type of favour and should be treated like gifts.

Hospitality is defined as an offer of food, drink, accommodation and /or entertainment from any source outside the Agency.

Invitation is defined as an offer (unpaid or paid) to participate to an event, a conference or equivalent; or to publish a book or article or to perform a speech from any source outside the Agency.

<sup>23</sup> <https://myintracomm.ec.europa.eu/staff/Documents/staff-conduct/comm-pdf-sec-2012-0167-f-en-communication-to-commission.pdf>





### 3 Principles

#### 3.1 General considerations

As a general rule, staff members should not accept any direct or indirect gifts, invitations or hospitality from third parties.

This is most evident where gifts are offered by person, authorities, organisations or other external bodies of the Agency which are involved in or are seeking official action by the Agency especially in a sensitive area in which the staff member is, has been or will likely be active in the foreseeable future. Any situation, where the acceptance of a gift, invitation or hospitality may lead to or may be perceived as a potential or actual Conflict of Interest (see Annex 1 of this Code), should be absolutely avoided. Any gifts entailing a sum of money, regardless of the amount, must always be refused.

Acceptance of gifts, invitations or hospitality may, exceptionally be authorised (within the limits indicated under "Specific provisions related to Gifts" below) when it is clear that this will not compromise or reasonably be perceived to compromise the staff member's objectivity, impartiality and independence and will not damage the Agency's public image. This evaluation can only be based in the first place on sound judgment from the staff member in the given circumstances, and then should be confirmed by the Appointing Authority in the relevant cases.

#### 3.2 Relevant criteria

Criteria to be considered in this context are, in particular, if the acceptance of the gift, invitation or hospitality is counter to the interest of the service or presents a real or perceived Conflict of Interest for the staff member concerned, or if such acceptance would be in accordance with diplomatic and courtesy usage.

In this respect, certain factors may point towards the likelihood that authorisation could be granted, for instance when the offer of a gift, invitation or hospitality has a low value or is addressed to a large number of persons. On the other hand, there are factors which may point towards the likelihood that authorisation would be refused, for instance when the offer of a gift, invitation or hospitality has a high value or, is addressed to a single staff member.

In general terms, for the purposes of the assessment of a given request, the following factors could be relevant – it being understood that the factors mentioned are not exhaustive, and that they will be neither individually nor collectively decisive but form part of a case-by-case analysis:

- depending on the context, the nature of the source offering the gift, invitation or hospitality (private/public);
- the apparent motive behind the offer of the gift, invitation or hospitality;
- the link between the entity offering the gift, invitation or hospitality and the Agency (for example procurement procedures, cases under investigation, financial interests in a special EU or Agency Policy, etc);
- the nature and estimated value of the gift, invitation or hospitality, including whether there have been one or several offers from the same source;
- the individual or collective destination of the offer;
- the functions of the staff member;
- the benefits for the service expected from the participation of the staff member at the event in question.

Gifts, invitations and hospitality motivated solely by a family relationship or personal friendship, or in a context not related in any way to the staff member's duties do not, in principle, fall under the provisions of Article 11 of the Staff Regulations. However, even here situations may arise when acceptance can be perceived as compromising the staff member's independence.





## 4 Specific provisions

### 4.1 Gifts

In the first place staff members should always remember that they should not accept any gifts as a general rule and should make use of sound judgment in order to assess, in the given circumstances, if acceptance could be envisaged.

Subject to the general principles set out in chapter above, gifts should therefore only be accepted if in line with or if required by social, courtesy or diplomatic usage. In that case, the following administrative arrangements apply:

1. Prior permission by the Appointing Authority is presumed to be granted, in accordance with Article 11 of the SR and in the interest of expedient administrative procedures for a **gift worth less than €50**.

In this respect it is important to stress that this threshold does not mean that any staff member may consider himself or herself at liberty to accumulate a number of gifts below the set value, bearing in mind that an accumulation may be seen to compromise the staff member's impartiality and independence, or may damage the Agency's public image.

2. Explicit prior permission by the Appointing Authority is required for a gift worth **between €50 and €150**.

If the Appointing Authority authorises acceptance, the gift may be kept. Again, it is stressed that this threshold does not mean that any staff member may consider himself or herself at liberty to accumulate a number of gifts – which will also be an element that will be taken into consideration by the Appointing Authority.

3. Authorisation for **gifts with a higher than €150 value will be refused** by the Appointing Authority.

Such gifts must thus be refused. For the sake of transparency, the staff member should inform the respective Head of Department, preferably in written form, that the gift or sum of money has been offered and refused.

Offers of any sum of money must always be refused by the staff member.

4. General considerations.

In general terms, the following applies:

If the Appointing Authority refuses to authorise acceptance or if a gift is unwanted, it can be returned to the source, if this is feasible;

Alternatively it can be sent to the Human Resources Department. The gifts transmitted by the staff members based in any location, are donated by the Human Resources Department to an appropriate charitable organisation;

As far as gifts returned to the source or sent to Human Resources Department are concerned, such action shall not be considered as "acceptance" in the meaning of the Staff Regulations, provided that the staff member immediately informs his respective Head of Department;

As a courtesy, the staff member should inform the sender, unless this would be diplomatically inappropriate, that the gift cannot be accepted and will be transmitted to charity;

Where the staff member is in doubt as to whether the refusal of a gift would be contrary to social, courtesy or diplomatic usage or might create otherwise embarrassing situations, he/she should bring the matter to the attention of the Appointing Authority which will decide on a possible refusal.

Finally, the value amounts mentioned above should be estimated in good faith.





## 4.2 Hospitality and invitations

### ■ *In general*

In the first place staff members should always remember that they should not accept any invitation or hospitality as a general rule and should make use of sound judgment in order to assess, in the given circumstances, if acceptance could be envisaged.

Subject to the general principles set out in chapter above, invitations and hospitality should therefore only be accepted if in line with or if required by social, courtesy or diplomatic usage. In that case, the following administrative arrangements apply:

1. Prior permission by the Appointing Authority is presumed to be granted, in accordance with Article 11 of the Staff Regulations and in the interest of expedient administrative practice:
  - of invitation or hospitality in the form of lunches or dinners strictly linked to the function of the staff member, and as such not prejudicial to the interests and public image of the Agency, and in which the staff member participates in agreement with his hierarchy and in the interest of the service;
  - of occasional offers of simple meals, refreshments, snacks etc.

Even if such invitation or hospitality offers can be accepted without prior formal authorisation, in the interest of transparency and in the interest of the person concerned, staff members shall inform their immediate hierarchical superior in writing/by e-mail of the acceptance of an invitation or hospitality offer.

As in the case of gifts, it is important to stress that this presumption of authorisation does not mean that any staff member may consider himself or herself at liberty to accumulate a number of hospitality offers, bearing in mind that an accumulation may be seen to compromise the staff member's objectivity and independence, or may damage the Agency's public image.

2. Explicit prior permission by the Appointing Authority is required:

As a general rule staff members should keep in mind that there is no such a thing as a free lunch. In cases not covered by the previous heading, or if the staff member judges that there is a doubt as to the appropriateness of accepting or refusing an invitation or an hospitality offer, prior authorisation should be received from the Appointing Authority. If prior authorisation is not feasible, the Appointing Authority's agreement should be sought as soon as possible subsequent to the event. In any event the immediate superior of the staff member should be informed.

Again, it is stressed that this does not mean that any staff member may consider himself or herself at liberty to accumulate a number of invitations and/or hospitality offers – which will also be an element that will be taken into consideration by the Appointing Authority.

In any case of doubt, staff members are invited to consult their hierarchy or the Human Resources Department.

### ■ *Hospitality and invitations during mission*

The mission order will as a rule cover all predictable offers of hospitality or invitations, based on the mission programme – notably meals, accommodation and transport. These will not be considered as invitations and/or hospitality offers if the programme of the mission and the participation of the staff member has been authorised – as they form part of the performance of his duties in the interest of the service. The acceptance of these offers will then be declared in the mission claim.

Particular prudence is necessary in sensitive situations. For instance staff members participating in inspections and similar missions should whenever possible inform their immediate superior or team leader on an ad hoc basis, and in accordance with any other specific provisions, when hospitality is offered in the course of such missions. If this is impossible, they should exercise their individual judgment and act according to the principles set out in these guidelines. Any invitation or hospitality thus accepted should be declared in the mission claim.





In this respect, in addition to the general approach as defined in points 1 and 2 above, practical advice on what can be considered as usual and acceptable practice in view of avoiding real or perceived potential conflicts of interest can be provided by the Human Resources Department.

▪ ***Invitation to publish, give speeches or lectures***

One must distinguish between publications, speeches or lectures in an official capacity on behalf of the Agency and private publications, speeches or lectures. When an Agency staff member is acting in an official capacity, advance clearance for the content is required by the line managers.

Staff members wishing in a private capacity to publish a text, give a speech, an interview or lecture, blog on a subject related to the work of the Agency or the European Union must inform the Appointing Authority in advance in writing, in accordance with Article 17a of the SR and the Agency's rules on external activities. If the staff member acts in a private capacity (publications, speeches, presentations etc) he/she shall make that clear by giving a statement in form of a disclaimer (e.g. that the views presented are those of the individual and may not be understood or quoted as being made on behalf of the Agency or reflecting the position of the Agency). Permission will usually be granted unless the content of the publication, speech or lecture or blog would not be in the interest of the Agency or the European Union. Permission will not be granted if networking or gaining influence must be assumed to be the major objective of the organiser when issuing the invitation to speak or publish.

The staff member shall provide the Appointing Authority with any information, in particular a copy, in electronic form, of the document he/she intends to publish accompanied, when relevant, by a summary in English. Where the Appointing Authority considers that the matter is liable to prejudice seriously the legitimate interests of the European Union, he/she has to inform the staff member within 30 working days of receipt of the information. If he/she does not reply within this time limit, it is considered to have had no objections.

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.

While Article 17a(1) of the SR grants staff the right to freedom of expression, when it comes to the staff member professional activity, this is subject to the following conditions being met:

- The staff member shall show restraint and caution in expressing differing opinions, in particular when the latter are closely linked to the subject and nature of your duties in the two preceding years;
- such opinions or any others regarding EU policies must be expressed with moderation and under the staff member sole responsibility (i.e. with a disclaimer).

Staff members are also subject to the rules concerning non-disclosure of information and the confidentiality requirement.

On some occasions, it may not be appropriate for anyone from the Agency to attend or participate in any way. Therefore, if permission is refused for an invitation to speak, publish or participate at a meeting, conference or to represent the Agency, it is not acceptable to attend during a weekend or by taking leave. In accordance with the Agency rules on external activities, staff must also obtain advance permission concerning the acceptance of any payment for publications, speeches or lectures which are not directly related to their work at the Agency.





### 4.3 Honours or decorations

If a staff member is offered an honour or decoration, permission to accept must have been requested in writing and obtained in advance from the Appointing Authority. All cases whether granted or not are filed by Human Resources Department for a period of five years from the date of the request within the personal file of the concerned staff member.

Only national honours and decorations awarded by a sovereign state of official medals awarded by a sovereign state or an official organ of that state (ministry, regional or local authorities, etc.) or recognized by an official authority (e.g.: Prix Charlemagne, Carnegie Hero Fund, etc.) are subject to the restrictions outlined in Article 11 of the SR.

In deciding, the Appointing Authority will take into consideration the following factors:

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

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

## 5 Gifts register handling and protection of personal data

The Agency shall establish and maintain a gifts register for the purpose of the registration of authorisation of gifts, invitations and hospitality offers in accordance with this Policy. This register shall be recorded as evidence of the implementation of this Policy.

Any gift of a value of €50 and more shall be entered into the gifts register.

The Agency shall process all authorisations and gifts register in accordance to Regulation (EU) 2018/1725.

The Human Resources Department controls the handling of the gifts register.

The Agency staffs have a right to access their data within the gifts register to update or correct them at any time.

In case the Agency has knowledge of information that is not consistent with the declared authorisation, or in case of failure to request for authorisation in accordance with this Policy, the staff member will be contacted with the purpose to update the or request for an authorisation. In case an internal procedure is opened as referred to paragraph 6 Enforcement of this Policy, the Agency staff will be notified.

Agency staff members are also entitled to have recourse at any time to the European Data Protection Supervisor:  
<https://www.edps.europa.eu>

## 6 Enforcement

Staff members are reminded that infringements of Article 11 may expose them to the risk of administrative inquiries and/or disciplinary actions in accordance with MB Decision 04-2022 and Article 86 and Annex IX of the SR. For other staff such as interims, trainees, persons employed under private law contracts and seconded national experts, the Executive Director shall take the appropriate decision such as the termination of their contract with the Agency.

