



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

ESTABLISHING THE COMMITTEE OF ETHICS FOR THE MEMBERS OF THE COLLEGE AND THE EUROPEAN DELEGATED PROSECUTORS

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

Having regard to the Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO"), hereinafter referred to as "the EPPO Regulation", and in particular Articles 9 and 96 thereof,

Having regard to Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Community of Atomic Energy, hereinafter referred to as "the Staff Regulations" and, respectively "the CEOS", and in particular to Articles 11 to 17a of the Staff Regulations and Articles 5, 11, 123 to 124 of the CEOS,

Having regard to the Decision of the College of the European Public Prosecutor's Office of 29 September 2020 laying down the rules on conditions of employment of the European Delegated Prosecutors, hereinafter referred to as "the CEEDP", and in particular Articles 5 and 6 thereof,

Having regard to the EPPO's Code of Ethics for the members of the College of the EPPO and the European Delegated Prosecutors,

Whereas:

- (1)) In the performance of their tasks, public prosecutors are guided by principles, high values and standards in line with the judicial nature of their duties and the high appreciation and trust of society in their professional duties.
- (2) In most of the participating Member States, these principles are laid down in a Code of Ethics or Guidelines or a comparable set of rules applicable to all public prosecutors.

- (3) Given the judicial nature of the tasks performed by the European Chief Prosecutor, the Deputy European Chief Prosecutors, the European Prosecutors and the Delegated European Prosecutors, it is appropriate that the high standards and principles to which they commit to adhere to and which are set out in the Code of Ethics are monitored, reviewed and interpreted by a Committee of Ethics with an advisory role towards the College and the European Chief Prosecutor of the EPPO.

Has adopted the following decision:

Article 1

Establishment of the Committee of Ethics

1. The College hereby establishes a Committee of Ethics for the members of the College and the European Delegated Prosecutors.
2. The Committee of Ethics shall be independent, including from the European Chief Prosecutor, the College and the Administrative Director.

Article 2

Tasks of the Committee of Ethics

1. The Committee of Ethics shall advise the College on any ethical question related to the Code of Ethics and provide general recommendations to the College on ethical issues relevant under the Code of Ethics. Moreover, the Committee of Ethics, either upon request by any member of the College or European Delegated Prosecutors or by its own motion, shall give opinions on whether the conduct of a member of the College or of a European Delegated Prosecutor constitutes an infringement of the Code of Ethics and/or on the interpretation of the Code of Ethics.
2. The opinions of the Committee of Ethics shall not be binding and shall be without prejudice to any disciplinary proceedings against a member of the College or European Delegated Prosecutor.
3. Notwithstanding the provisions of paragraph 2, the opinions of the Committee of Ethics may give rise to initiation of disciplinary proceedings where the Committee of Ethics finds that a gross violation of the Code of Ethics has occurred.

Article 3

Composition

1. The Committee of Ethics shall consist of three European Prosecutors.
2. The European Chief Prosecutor shall invite any interested European Prosecutor to submit his/her application to be a member of the Committee of Ethics.
3. The European Chief Prosecutor shall send the list of applicants to the College.

4. The members of the Committee of Ethics as well as an alternate member shall be elected by the College by secret vote for a duration of 4 years without prejudice to the duration of the term of office as European Prosecutor. The alternate member will substitute the respective member in case of objective impossibility to discharge his/her duties. Members of the Ethics Committee shall sign a declaration on the absence of conflicts of interest.

Article 4

Functioning of the Committee of Ethics

1. The Committee of Ethics shall elect its chairperson from amongst its members.
2. The chairperson shall organise the work of the Committee of Ethics. When the chairperson is replaced by the alternate member, the function as chairperson shall be exercised by the member most senior in age.
3. The Administrative Director shall ensure that adequate administrative support is provided to the Committee of Ethics.
4. The deliberations of the Committee shall be confidential. This is without prejudice to the possibility for the Committee of Ethics to publish its opinions by appropriate means.
5. If the Committee of Ethics considers issuing an opinion which may be negative for the Prosecutor concerned, it shall give the Prosecutor the possibility to provide a statement in writing or to be heard.

Article 5

Entry into force

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

Done at Luxembourg on 6 May 2021.

On behalf of the College,

Andrés RITTER
Deputy European Chief Prosecutor