



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

ON THE CODE OF ETHICS FOR MEMBERS OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE (EPPO) AND 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,

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) The Staff Regulations and the CEOS set out the duties of the temporary agents that are applicable to the European Chief Prosecutor, Deputy European Chief Prosecutors, European Prosecutors and to European Delegated Prosecutors. In addition, the European Delegated Prosecutors are bound by the CEEDP.
- (4) 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 (hereafter referred to as “the Prosecutors”), it is appropriate to establish a Code of Ethics that reflects the high standards and principles for the behavior of the Prosecutors in the performance of their duties and also outside the service. The Prosecutors personal integrity, their respect for the law and fundamental rights and freedoms including the presumption of innocence, the right to a fair trial and binding force of court decisions are vital for the society’s confidence in justice. The Prosecutors commit themselves to respect the following Code of Ethics, in addition to the duties established by the Staff Regulations, the CEOS and, respectively, the CEEDP.

Has adopted the following decision:

Article 1

Adoption of the Code of Ethics for the members of the College and European Delegated Prosecutors

The Code of Ethics for the members of the College and the European Delegated Prosecutors is laid down in the Annex which forms an integral part of this decision.

Article 2

Entry into force

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

Done at Luxembourg on 6 May 2021.

On behalf of the College,

Andrés RITTER
Deputy European Chief Prosecutor





ANNEX: Code of ethics for the Members of the College and the European Delegated Prosecutors

The members of the College of the EPPO and the European Delegated Prosecutors, hereinafter referred to as “(the) Prosecutors” shall be subject to the following Code of Ethics:

1. Independence and integrity

In the performance of their duties, the Prosecutors shall act with independence and integrity. They shall be guided only by Law, the legitimate orders and instructions of hierarchical superiors and by their conscience. They shall neither seek nor follow any instructions from other institutions, bodies, offices or agencies, particularly those of the European Union or the governments of the Member States, or from any private or public entities.

2. Impartiality

The Prosecutors shall take their decisions free from undue influence and fear of harm. They shall treat all persons equally regardless of their nationality, social roots and status, gender, racial and ethnical origin, language, age, religion, political views, sexual preferences and other attitudes or beliefs.

The Prosecutors shall not engage in public activities promoted, supported or carried out by public or private associations or entities and shall not act or express themselves, through whatever medium, in a manner that might adversely affect the public perception of their impartiality. The Prosecutors shall abstain from any political activities incompatible with the principle of impartiality.

In relation to investigations, the Prosecutors shall seek all relevant evidence whether inculpatory or exculpatory to ascertain the truth.

3. Professional dignity

The Prosecutors shall behave with respect towards the parties of criminal proceedings and other persons with whom they have contact in the exercise of their duties.

The Prosecutors shall express themselves, by whatever means, in a way that it is consistent with the dignity of their office.

4. Confidentiality and communication to the media

The Prosecutors shall not communicate to the media or other third persons any confidential information held by the EPPO. The Prosecutors shall continue to respect the confidentiality after the end of their term of office.

Communication to the media shall be made only in line with national law, where applicable, and EPPO's Guidelines on the communication to the media. Communications via social media shall be in line with the EPPO's Guidelines on social media.

5. Rule of law and decision-making

The Prosecutors shall respect and abide by international, European Union and national statutory rules. Their actions shall be governed by the rule of law.

The Prosecutors shall carry out their duties with competence, efficiency and diligence so as to ensure that justice is carried out with quality and within a reasonable time.

6. Conflict of interests

The Prosecutors shall refrain from contacts with the parties of criminal proceedings which may adversely affect their impartiality or adversely affect the public perception of their impartiality.

The Prosecutors shall inform the European Chief Prosecutor and/or the supervising European Prosecutor, respectively, of any conflict of interest in view of pending criminal proceedings they are dealing with. The European Chief Prosecutor shall inform one of the two Deputy European Chief Prosecutors in such a situation.

To prevent any conflict of interests, the Prosecutors shall file a declaration of interests, the details of which are specified in a separate College Decision.

The Prosecutors may engage in outside activities only in accordance with Article 12b of the Staff Regulations or Article 4 CEEDP, respectively.

7. Gifts and benefits

The Prosecutors shall neither seek nor accept gifts, favours, unlawful/undue payments or benefit provided for by persons or entities outside the EPPO and in relation to the exercise of their functions.

Gifts or benefits of minor value of less than 30 Euro may be accepted where giving such gifts is based on seasonal customs or other cultural customs and where there is no risk of compromising the public's trust in the impartiality of the EPPO.

Should any Prosecutor be offered any other gift, favour, payment or benefit, he/she shall refrain from accepting it and inform the European Chief Prosecutor and/or supervising European Prosecutor, respectively. Where the receipt of such an advantage cannot be avoided by the Prosecutor, he/she shall return it without undue delay and inform the European Chief Prosecutor and/or supervising European Prosecutor. The European Chief Prosecutor shall inform one of the two Deputy European Chief Prosecutors in such a situation.

Only when, due to cultural customs of the donor, a gift of more than 30 Euro cannot be returned, the Prosecutor may accept it provided it is handed over to the Administrative Director and entered into a register of gifts.



8. Conduct outside the service

The Prosecutors shall behave, even outside the service, in a way that the general reputation and dignity of their profession is maintained in any circumstance. The Prosecutors shall refrain from any contacts or activities which may compromise them. They shall not invoke their profession or status outside the service with a view to gaining advantages or personal benefits.

9. Loyalty

The Prosecutors shall be loyal to the EPPO and refrain from making any statement outside the EPPO which may harm its reputation.

10. Committee of Ethics

The Committee of Ethics, either upon request by any Prosecutor or by its own motion, shall give opinions on whether the conduct of a Prosecutor constitutes an infringement of this Code of Ethics and/or on the interpretation of this Code of Ethics. The opinions of the Committee of Ethics shall not be binding and shall be without prejudice to any disciplinary proceedings against a Prosecutor. However, the opinions of the Committee of Ethics may give rise to such disciplinary proceedings where the Committee of Ethics finds that a gross violation of the Code of Ethics has occurred. The details of the Committee of Ethics including its composition and its way of functioning will be specified in a separate College Decision.

Prosecutors and former Prosecutors shall cooperate fully with the Committee, in particular by providing all relevant information requested by the Committee of ethics.