

# DECISION 103/2021 OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 20 OCTOBER 2021

ON DECLARATION OF INTERESTS OF THE MEMBERS OF THE  
COLLEGE, THE ADMINISTRATIVE DIRECTOR AND OF THE  
EUROPEAN DELEGATED PROSECUTORS<sup>1</sup>, AS AMENDED AND  
SUPPLEMENTED BY DECISION 010/2022 OF 23 FEBRUARY  
2022 OF THE COLLEGE OF THE EPPO<sup>2</sup>

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

Having regard to 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 Decision 001/2020 of the College of the EPPO of 29 September 2020 laying down rules on the conditions of employment of the European Delegated Prosecutors, and in particular Article 5 thereof,

Having regard to Decision 038/2021 of the College of the EPPO of 6 May 2021 establishing the Committee of Ethics for the Members of the College and the European Delegated Prosecutors (hereinafter referred to as "the Committee of Ethics"), hereinafter referred as "the Decision on the Committee of Ethics", and in particular Article 2 thereof,

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<sup>1</sup> The title of this decision as amended by Decision 010/2022 of the College of the EPPO of 23 February 2022.

<sup>2</sup> The consolidated text of the College Decision 103/2021 is prepared for information purposes only, to facilitate the reading of the rules on declaration of interests. The recitals and self-standing provisions from the Decision 010/2022 are not reproduced in the text of the consolidated version of Decision 103/2022, but separately, in appendix to this document.

Having regard to Decision 039/2021 of the College of the EPPO of 6 May 2021 on the Code of Ethics for Members of the College and European Delegated Prosecutors, and in particular point 6 of the Code 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 many of the participating Member States public prosecutors are requested to file declarations of interests.
- (3) It is of utmost importance to have a mechanism to prevent conflicts of interests in place and to demonstrate to the public the absence of any conflict of interests of the European Prosecutors in the performance of their duties.

Has adopted the following decision:

## Article 1

### *Obligation to declare interests<sup>3</sup>*

1. This Decision shall apply to:
  - (a) all members of the College of the European Public Prosecutor's Office ('EPPO');
  - (b) the Administrative Director of the EPPO;
  - (c) the European Delegated Prosecutors.
2. Upon taking up duties, each person subject to this Decision shall submit a declaration of interests in the form set out in the Annex to this Decision and shall assume responsibility for its content. Declarations shall be re-submitted when the term of office of the person subject to this Decision is renewed, where applicable, and in case of changes in the information provided. New information shall be declared at the earliest opportunity and at the latest, within one month of the change in question, in order to ensure that declarations remain updated.
3. The declarations of interests shall identify:
  - a) every entity in which the member of the College or the European Delegated Prosecutor has a direct financial interest of at least 10.000 EUR, which might reasonably be perceived as being capable of giving rise to a conflict of interest. To this end, the member of the College shall identify each entity in which he or she has such a financial interest, which may be in the form of a specific financial holding in its capital, in particular, shares, or any other form of financial interest, for example, bonds or

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<sup>3</sup> As amended by Decision 010/2022 of the College of the EPPO of 23 February 2022.

- investment certificates. This paragraph does not apply to entities in which a person subject to this Decision owns holdings managed on a discretionary basis by a third party.
- b) the previous professional activities over last five years;
  - c) any volunteer activity or membership over the last five years that may give rise to a conflict of interests;
  - d) the professional activity of his/her spouse, civil partner or cohabiting partner.
4. This Decision is without prejudice to Article 69 of the Internal Rules of Procedure and to applicable national rules for recusal of prosecutors during criminal investigations and prosecution.

## Article 2

### *Procedure<sup>4</sup>*

1. The declarations of interests of the persons subject to this Decision shall be sent to the European Chief Prosecutor, except for the declarations of interests of the European Chief Prosecutor, which shall be addressed to the Deputy European Chief Prosecutors.
2. The European Chief Prosecutor shall take the necessary measures to ensure that all declarations of interests are stored and processed in full compliance 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. For this purpose, the European Chief Prosecutor shall designate a staff member responsible for this matter.
3. The declarations of interest of the members of the College and the Administrative Director shall be published on the website of EPPO in such a way that the publication shall comprise only the information referred to in paragraph 3 a) and b) of Article 1 and not the signature. These declarations shall be available on the website until the end of the respective terms of office of the members of the College concerned and the Administrative Director, respectively. The declarations of interests of the European Delegated Prosecutors shall not be published.

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<sup>4</sup> As amended by Decision 010/2022 of the College of the EPPO of 23 February 2022.

## Article 3

### *Assessment and verification of the declarations<sup>5</sup>*

1. The declarations of interests of the persons subject to this Decision may be assessed by the European Chief Prosecutor, except for the declarations of the European Chief Prosecutor, which may be assessed by the Deputy European Chief Prosecutors. For the declarations submitted by the members of the College and the European Delegated Prosecutors, the Committee of Ethics may provide advice during the assessment process.
2. Where, from the assessment mentioned in paragraph 1 of this Article or from information available to the EPPO, it appears that there are reasons to believe that a declaration does not comply with the provisions of this Decision or it may contain incomplete or inaccurate information, the declarations concerned shall be verified. The declarations of the members of the College and the European Delegated Prosecutors shall be verified by the Committee of Ethics. The declaration of interests of the Administrative Director shall be verified by the European Chief Prosecutor and two European Prosecutors designated by the College.
3. During the assessment or verification process, the person concerned may be invited to present clarifications regarding the potential interests or the reasons of the delay in submitting the declaration.
4. Where the verification leads to the conclusion that a person subject to this Decision is in conflict of interests or has submitted false declarations, the European Chief Prosecutor shall propose to the College adequate and proportionate measures, including initiation of disciplinary procedures, where applicable.
5. Where there are grounds to believe that the European Chief Prosecutor might be in one of the situations referred to in paragraph 4 of this Article, the Committee of Ethics may propose to the College adequate and proportionate measures.
6. In application of this Article, the staff member referred to in Article 2(2) shall provide administrative support.

## Article 4

### *Transitional provisions*

1. On the date of the entry into force of this Decision, Article 5 of the College Decision 001 of 29 September 2020 laying down rules on the conditions of employment of the European Delegated Prosecutors is repealed. The European Delegated Prosecutors in office on this date, shall file, within one month, new declarations of interests in accordance with this Decision.

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<sup>5</sup> As amended by Decision 010/2022 of the College of the EPPO of 23 February 2022.

2. The Members of the College in office on the date of the entry into force of this Decision shall file declaration of interests within one month from this date.

## Article 5

### *Entry into force*

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

Done at Luxembourg on 20 October 2021.

**On behalf of the College,**

**Laura Codruța KÖVESI**  
**European Chief Prosecutor**

## ANNEX <sup>6</sup>

### DECLARATION OF INTERESTS

**SURNAME**

**FIRST NAME:**

**FUNCTION:**

I declare on honour the following information regarding my interests:

**a) I have financial interests<sup>7</sup> of at least 10.000 EUR in the following entities<sup>8</sup>:**

**b) My previous professional activities over the last five years were the following:<sup>9</sup>**

**c) My volunteer activities that may give rise to a conflict of interest are:<sup>10</sup>**

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<sup>6</sup> As amended by Decision 010/2022 of the College of the EPPO of 23 February 2022.

<sup>7</sup> The mere fact that entity in which the person subject to this Decision has a financial interest could potentially be investigated by the EPPO at certain time after the submission of the declaration does not give rise, *ab initio*, to a conflict of interests. Where such conflict actually occurs at later stage, in addition to the application, for the members of the College and the European Delegated Prosecutors, of the provisions of Article 69 from the Internal Rules of Procedure, the person concerned shall submit a new declaration of interests, as required by paragraph 4 of Article 1.

<sup>8</sup> Please specify, in alphabetical order, the name of each entity (e.g. company/bank/investment fund) and the type of interest (e.g. shares, bonds, investment certificates, deposits, loans etc.) in which you have a direct financial interest within the meaning of Article 1 of the Decision 103/2021 of the College of the EPPO, as amended and supplemented by Decision [...] of the College of the EPPO. If there are no such financial interests, specify "N/A (not applicable)." Entities in which the declarant owns holdings managed on a discretionary basis by a third party, such as insurance or private pension funds, as well as deposits or savings which do not represent a financial interest within the meaning of Article 1 of the Decision 103/2021, do not have to be declared.

<sup>9</sup> Please specify any professional activities carried out in the past five years prior the start of your term-in-office as member of the College / Administrative Director / European Delegated Prosecutor. Indicate the title and nature of the post and the name of the employer.

**d) The professional activity/activities of my spouse, civil partner or cohabiting partner are the following:<sup>11</sup>**

*For members of the College and the Administrative Director:*

I agree that this declaration of interests is published on the website of the EPPO without my signature and without the data from points c) and d).

*For all persons subject to Decision 103/2021:*

I agree that this declaration of interests is entered in a register maintained by the Strategy and Executive Office Unit of the EPPO.

I declare that I have received the data protection notice regarding the processing of my personal data.

I hereby declare that the above information is true and correct and that, in the event of any changes that may occur regarding my interests, I will submit a new declaration.

**Date:**

**Signature (for internal register only):**

Personal data provided in this form are processed and stored by the EPPO in accordance with 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. For details on the processing, and how to exercise your rights, please see the dedicated privacy notice.

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<sup>10</sup> Declare any volunteer activity which might give rise to a conflict of interest, including but not limited to membership of non-governmental organisations.

<sup>11</sup> Declare activities referred to posts held in public or private institutions, foundations, educational institutions, companies or other organisations, liberal professions, consulting activities etc. Indicate the nature of the post and the name of those bodies.



## Appendix

### Extract from Decision 010/2022 of the College of the EPPO

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

*Having regard to 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 Decision 001/2020 of the College of the EPPO of 29 September 2020 laying down rules on the conditions of employment of the European Delegated Prosecutors, and in particular Article 5 thereof,*

*Having regard to Decision 002/2021 of the College of the EPPO of 13 January 2021 on the financial rules applicable to the European Public Prosecutor's Office, hereinafter referred to as the "EPPO Financial Rules", and in particular Article 42(4) thereof,*

*Having regard to Decision 038/2021 of the College of the EPPO of 6 May 2021 establishing the Committee of Ethics for the Members of the College and the European Delegated Prosecutors (hereinafter referred to as "the Committee of Ethics"), hereinafter referred as "the Decision on the Committee of Ethics", and in particular Article 2 thereof,*

*Having regard to Decision 039/2021 of the College of the EPPO of 6 May 2021 on the Code of Ethics for Members of the College and European Delegated Prosecutors, and in particular point 6 of the Code thereof,*

*Whereas:*

- (1) In accordance with Article 42(4) of the EPPO Financial Rules, the EPPO shall adopt rules on the prevention and management of conflict of interests and shall publish annually on its website the declaration of interests of the College members and of the Administrative Director.*
- (2) The EPPO has adopted a comprehensive set of rules on ethics and conflict of interests applicable to the members of the College and the European Delegated Prosecutors and the staff of the EPPO, composed, inter alia, of Decisions 38/2021, 39/2021, 40/2021 and 103/2021 of the College of the EPPO.*
- (3) There is a need to supplement the scope of Decision 103/2021 of the College of the EPPO with a view to include the Administrative Director.*
- (4) Decision 103/2021 of the College of the EPPO has to be fully aligned with Article 42(4) of the EPPO Financial Rules.*

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## Article 2

### *Transitional provisions*

3. Unless changes that require submission of a new declaration of interests occurred, the declarations submitted until the date of the entry into force of this Decision remain valid and do not have to be re-submitted.
4. For the publication on the website of the EPPO of the declarations of interests submitted until the date of the entry into force of this Decision, the members of the College shall give their written consent, using the following wording:

*"I agree that this declaration of interests is entered in a register maintained by the Strategy and Executive Office Unit of the EPPO and is published on the website of the EPPO without my signature and without the data from points c) and d).*

*I declare that I have received the data protection notice regarding the processing of my personal data."*

## Article 3

### *Entry into force*

This Decision shall enter into force on the day following that of its adoption by the College.

Done at Luxembourg on 23 february 2022.