

Guidance to Europol staff Conflict of interest

1 Context

This Guidance describes what you need to do regarding conflict of interest situations arising between your independent performance of professional duties at Europol and personal interests.

2 Applicability: To whom does this Guidance apply?

This Guidance applies to all Europol staff members who are subject to an employment contract awarded under the respective staff rules applicable to Europol, including the:

- Executive Director and Deputy Executive Directors;
- Management Board Secretariat (MBS);
- Internal Audit Capability (IAC);
- Accountancy Unit (ACCU); and the
- Data Protection Function (DPF).

Seconded National Experts (SNEs), interns and trainees are also expected to follow this Guidance.

3 How does this Guidance affect me?

Europol's interest is to identify conflict of interest situations in a pro-active manner, with a view to finding an appropriate resolution. This Guidance aims to uphold and support the implementation of the Europol Values and, in particular, the aspects of 'Integrity' and 'Accountability'. This requires that all persons who are subject to this Guidance are obliged to follow the provisions set out therein.

4 Definitions: What does this Guidance cover?

A conflict of interest is defined as an actual or potential incompatibility between the duties of a person subject to this Guidance and personal interests which could impair, directly or indirectly, professional independence in the performance of the duties for Europol. Personal interests may, in particular, include a private or a family relationship, professional affiliations (including additional employment, appointments or former as well as envisaged employments), or influence through a third party.

5 Exclusions: What is not covered by this Guidance?

Recruitment and procurement procedures contain specific provisions and measures to address possible conflict of interest situations which are subject to separate processes and arrangements (administered by the Human Resources Unit and the Procurement Department in the Governance Directorate).

Conflict of interest measures in the context of financial delegations (and the related implementation of the budget and grant funds entrusted to Europol) are subject to dedicated, separate procedural steps handled by the Corporate Affairs Bureau (CAB).

In the context of mission (business) trips, the respective authorising officer in the Travel Management System – TMS (established under the Guide to Missions) assesses and decides any matter which could give rise to a conflict of interest situation. Relevant (additional) information should be provided, as set out in Section 6.1 below, in the travel order in the TMS when initiating a mission (business) trip.

Approval of so-called outside activities (the respective rules are published on the intranet website of Europol, which may give rise to a conflict of interest, are centrally-administered by the Human Resources Unit (acceptance following separate approval, to be routed through the Human Resources Unit).

6 Conflict of interest management: What is done at Europol?

6.1 Managing conflict of interest

All staff subject to this Guidance shall ensure an impartial and objective performance of their Europol related duties at all times. All staff shall refrain from becoming involved in a conflict of interest situation. The principle responsibility for assessing whether a conflict of interest situation may arise lies with the individual concerned.

In case a conflict of interest is identified, an assessment to identify an appropriate resolution (remedial action) shall be prepared by the respective function holder as follows:

Europol Public Information

All Europol staff, including staff working for the MBS, IAC, ACCU, DPF, as well as interns and trainees refer to the Deputy Executive Director in charge of the Governance Directorate, the respective line manager should be informed in parallel;

Seconded National Experts (SNEs) refer to the respective line manager of the Europol Department to which they are assigned, in line with the respective rules of the Management Board (MB) which are published on IRIS.

Deputy Executive Directors refer to the Executive Director, while the Executive Director contacts the Chairperson of the Management Board (MB), via the MB Secretariat (MBS), for any conflict of interest related matter.

The assessment shall describe the nature of the identified conflict of interest and set out the remedial action to be followed. The IAC may provide independent consultancy advice in this context.

6.2 Transparency towards the general public

The Executive Director and Deputy Executive Directors publish, in addition, a declaration on the website of Europol concerning the absence of conflict of interest in relation to the performance of their duties.

7 Questions: Where can I receive further information?

Case examples are available on the intranet. Given that not all instances falling under this Guidance can be described from the outset, individual questions can be directed to the Internal Audit Capability (IAC) or the Internal Control Coordinator (ICC) in the Corporate Affairs Bureau (CAB), for specific case-by-case related interpretation of this Guidance.

8 Implementation: Who supervises this Guidance?

The Deputy Executive Directors, Heads of Departments, Units, Teams and Offices have a key role in the supervision of this Guidance and adherence thereto. Their role is twofold: They take part in explaining the Guidance to the persons reporting to them (unless specific case interpretation is required), and report suspicions of non-compliance with this Guidance (see Section 10 below).

The implementation of this Guidance is subject to oversight by the Security Department as the responsible organisational entity for coordinating and implementing anti-fraud actions across Europol. The Security Department also carries out a regular review process to monitor conflict of interest situations and the related risk exposure of Europol.

9 Data protection: What happens to personal data?

Personal data processed as part of the conflict of interest assessment including the remedial action is handled in accordance with the applicable regulatory framework on protecting personal data. Respective records become part of the personnel file of the concerned staff member (centrally-handled for all staff in the Administration Department), in line with the respective data processing notification.

10 Breaches: What should I do if I suspect a violation of this Guidance?

In line with Europol's professional standards principles, staff should, if they have knowledge of, or suspect a breach against this Guidance, follow the reporting lines established in Europol's "Guidance to Europol staff - Whistle-blowing arrangements".

Intentional misconduct in relation to the provisions set out in this Guidance will lead to an administrative inquiry or an internal investigation with subsequent disciplinary action where applicable, in line with the respective regulatory framework.

11 Ownership of Guidance: Who keeps this Guidance up-to-date?

This Guidance is owned by the Deputy Executive Director in charge of the Governance Directorate who is responsible for overseeing that this Guidance is up-to-date and reviewed at regular intervals, in coordination with the Corporate Affairs Bureau (CAB) and the Security Department.

12 Entry into force: When does the Guidance enter into force?

This Guidance shall be published in the Europol Vademecum and shall enter into force on the date after its publication.