



# Code of Conduct



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# Legal Disclaimer

The “Code of Conduct for persons participating in EASO operational support activities” was first published by the Agency in October 2016, under its former mandate as the European Asylum Support Office (the ‘EASO’)<sup>1</sup>. On 19th January 2022, with the entry into force of Regulation (EU) 2021/2303 (the ‘EUAA Regulation’)<sup>2</sup>, **EASO was replaced and succeeded by the European Union Agency for Asylum (the ‘EUAA’)**. Based on its new founding act, the EUAA succeeded EASO as regards all ownership, agreements, legal obligations, employment contracts, financial commitments and liabilities<sup>3</sup>, and all references to EASO shall be construed as references to EUAA<sup>4</sup>.

The Management Board of the Agency confirmed this principle in its Decision No. 96, whereby it provided that the Agency’s transition from the former EASO to the EUAA shall not have any impact as such on any existing internal legal acts concluded under Regulation (EU) 439/2010, and by specifying that any references in any such existing internal legal acts to ‘EASO’, ‘the Agency’, ‘the European Asylum Support Office’, ‘the EASO Regulation’ or ‘Regulation (EU) 439/2010’ should be construed as references to ‘EUAA’, ‘the European Union Agency for Asylum’, ‘the EUAA Regulation’ or ‘Regulation (EU) 2021/2303’, respectively.

On this basis, the “Code of Conduct for persons participating in EASO operational support activities” remains applicable in the version adopted in October 2016 and remains the only authentic version of the Code<sup>5</sup>.

For all purposes of its implementation, the present Code of Conduct shall be read as “Code of Conduct for persons participating in EUAA operational support activities”, whereby “operational support activities” shall be read as “operational and technical activities” of the Agency, in accordance with its current mandate.<sup>6</sup>

In the interest of clarity and readability, this new version is being disseminated, which replaces all mentions of “EASO” throughout the Code with mentions of “EUAA”. It also updates all references to specific articles in the former EASO Regulation with references to



corresponding articles in the EUAA Regulation.<sup>7</sup>

This disclaimer serves to clarify that a new Code of Conduct in the understanding of Article 58 of the EUAA Regulation, for the purposes of the Agency's extended mandate, is currently being developed and will be adopted in the future, replacing the Code of Conduct for persons participating in EASO operational support activities. The Agency will communicate its adoption in due course.



<sup>1</sup>As established by Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office, OJ L 132, 29.5.2010, p. 11–28.

<sup>2</sup>Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, OJ L 468, 30.12.2021, p. 1–54 ('EUAA Regulation').

<sup>3</sup>Article 71 of the EUAA Regulation

<sup>4</sup>Article 72 of the EUAA Regulation

<sup>5</sup>The Code of Conduct, in the version as adopted in October 2016, is available at: <https://op.europa.eu/en/publication-detail/-/publication/8905f858-afb5-11e6-aab7-01aa75ed71a1>

<sup>6</sup>Article 2(1)(e) of the EUAA Regulation.

<sup>7</sup>A table showing the correlation between articles of the EASO Regulation and the corresponding articles in the EUAA Regulation may be found in Annex II to the EUAA Regulation.



# 1. General provisions

## Article 1 — Objectives, scope and subject matter

The present Code of Conduct aims to promote professional values based on the principles of the rule of law and the respect of fundamental rights and to establish the ethical behavioural standards that guide all persons participating in EUAA operational support activities.

In this regard, it sets out principles and rules which guide the conduct of persons participating in EUAA operational support activities, namely:

- members of the asylum support teams from participating Member States and interpreters deployed under Article 19 of the EUAA Regulation<sup>1</sup>, in support of implementation of relocation activities under EUAA Hotspot (Relocation) Operating Plans;
- experts from Member States participating in the implementation of the Special Support Plans; and
- persons participating in EUAA Joint Processing activities.



## Article 2 — Definitions

For the purpose of the present Code, the following definitions apply:

- (a) The term ‘participant’ refers to any person contributing to EUAA operational support activities and deployed by the EUAA to take part in the implementation of EUAA Hotspot (Relocation) Operating Plans, Special Support Plans and Joint Processing activities.
- (b) The term ‘EUAA operational support activities’ means any activity coordinated or led by the EUAA within the framework of its tasks as described in the EUAA Regulation and accompanying the Hotspot (Relocation) Operating Plans, the Special Support Plans and the Terms of Reference for the Joint Processing activities.
- (c) The term ‘Member State’ refers to those countries which have concluded agreements with the European Union by virtue of which they have adopted and apply the law of the Union in the field covered by the EUAA Regulation. It includes the Associated Countries that have concluded working arrangements for their participation in the work of the EUAA.
- (d) The term ‘home Member State’ refers to the Member State where participants are currently working, before being deployed or invited under the EUAA Hotspot (Relocation) Operating Plans, Special Support Plans and Joint Processing activities.
- (e) The term ‘host Member State’ refers to the Member State where participants are deployed or invited under the EUAA Hotspot (Relocation) Operating Plans, Special Support Plans and Joint Processing activities.
- (f) The term ‘discrimination’ means any unfair treatment or arbitrary action or distinction based on a person’s 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.

- (g) The term ‘harassment’ means any improper or unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create an intimidating, hostile or offensive work environment.
- (h) The term ‘Asylum Intervention Pool (AIP)’ refers to the pool of experts to be made available by Member States via their national expert pools in view of participation in operational support activities coordinated by the EUAA.
- (i) The term ‘asylum support team’ refers to the team of experts deployed by the EUAA to Member States whose asylum and reception systems are under particular pressure. They provide expertise in various areas depending on the identified needs by the EUAA and the host Member State, in particular relating to interpreting services, information on countries of origin and knowledge of the handling and management of asylum cases within the framework of the actions to support Member States referred to in Article 16 of the EUAA Regulation.
- (j) The term ‘responsible officer in the EUAA’ refers to the EUAA staff member nominated for coordinating the implementation of each EUAA Hotspot (Relocation) Operating Plan, Special Support Plan and Joint Processing activity.
- (k) The term ‘expert’ refers to the persons nominated by the Member States for deployment by EASO as part of the specific profiles in the AIP and made available as soon as possible to join an asylum support team.
- (l) The term ‘interpreter’ refers to the interpreters working for or in cooperation with the asylum and reception administrative authorities in the Member States and nominated for deployment by the EUAA as part of the specific profile in the AIP, in the interest of providing the best possible communication between the civil

servants and the applicants for international protection. It also includes interpreters and cultural mediators deployed by the EUAA in the operational support activities, in accordance with the current services contracts.

- (m) The term ‘deployment’ refers to the process of sending Member State experts to a specific host Member State whose asylum and reception system is under particular pressure or which has specific needs.







## 2. Principles

### Article 3 — Lawfulness

Participants in EUAA operational support activities serve the public interest and shall comply with international law, European Union law, the national law of both home and host Member States and the present Code of Conduct.

They shall also meet the obligations imposed on them by the provisions stated in the EUAA regulation, the accompanying EUAA Hotspot (Relocation) Operating Plans, Special Support Plans and Terms of Reference for the Joint Processing activities, existing standard operating procedures or other similar agreed rules.

### Article 4 — Fundamental rights

Participants in EUAA activities shall:

- (a) at all times, promote and respect human dignity and the fundamental rights of every individual, regardless of their 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;
- (b) promote compliance with the relevant international and European instruments regarding fundamental rights protection.




## Article 5 — Close cooperation

All participants in EUAA operational support activities shall work in host Member States in compliance with the EUAA Hotspot (Relocation) Operating Plan, Special Support Plan and Terms of Reference for the Joint Processing activities.

While performing their duties, participants in EUAA operational support activities will cooperate with the UN High Commissioner for Refugees (UNHCR), other EU bodies such as the European Border and Coast Guard Agency (Frontex), the European Union Agency for Fundamental Rights (FRA), the European Commission and the Member States. Such cooperation shall be in agreement with the responsible officer in the EUAA.

## Article 6 — International protection

Participants in EUAA operational support activities shall:

- (a) promote, in full compliance with the principle of non refoulement, that persons seeking international protection are recognised, receive adequate assistance, are informed, in an appropriate way, about their rights and relevant procedures and are referred to the national authorities responsible for receiving their applications for international protection;
-  (b) give special consideration to applicants who may have special procedural and/or reception needs, including accompanied minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders, persons who have been subjected to torture, persons who have been subjected to rape, persons who have been subjected to other serious forms of psychological, physical or sexual violence, LGBTI, people with gender-related special needs;
- (c) ensure that where necessary persons in the



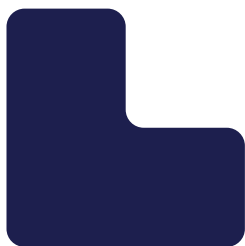
asylum and reception procedure that require mental and physical health care are referred to the national.

Authorities and are given access to health care in accordance with the provisions and laws of the host Member State.

## Article 7 — Performance of duties

Participants in EUAA operational support activities shall ensure that instructions, directives and required duties, as informed by the deployment letter and followed up in cooperation with the responsible officer in the EUAA, are carried out promptly and diligently, in line with the provisions stated in the EUAA Regulation, the accompanying EUAA Hotspot (Relocation) Operating Plans, Special Support Plans and Terms of Reference for the Joint Processing activities, existing standard operating procedures or other similar agreed rules.





## Article 8 — Responsibility

Participants in EUAA operational support activities are primarily and individually responsible for the way in which they perform their work.

## Article 9 — Conflict of interests

To perform their duties properly, participants in EUAA operational support activities shall refrain from any activities which would undermine or compromise their independence and the appropriate performance of their duties.

## Article 10 — Confidentiality

To perform their duties properly, participants in EUAA operational support activities shall refrain from any activities which would undermine or compromise their independence and the appropriate performance of their duties.

Confidential or sensitive information in the possession of a participant in EUAA operational support activities shall not be publicly disclosed, including in social media or environment, unless the performance of duty or the needs of justice strictly require disclosure or disclosure has been appropriately authorised by the EUAA.

Participants shall hand over to the responsible officer in the EUAA any electronic storage device used during the operational support activity, including personal data or operational information related to the activities performed, that has been in their possession once the assignment under deployment with the EUAA finished.

Participants shall not relay information or express personal opinions or facts regarding EASO operational support activities in the media unless explicit authorisation is given by the Executive Director of the EUAA.



Participants are bound by the obligation to behave with discretion regarding past, current, planned or potential EUAA operational support activities.

All participants in EUAA operational support activities shall comply with the rules on confidentiality of all information that became known to them during or in relation to fulfilling their obligations. They shall keep strictly confidential any information about the interviewed applicants for international protection and shall not disclose any information received during the procedure. Interpreters and Member States experts shall keep confidentiality even after the termination of their deployment with the EUAA.



## Article 11 — Behavioural standards

Participants in EUAA operational support activities whether on or off duty shall:

- (a) abstain from all behaviour likely to compromise the prestige and the nature of the public mission in which they are deployed or to bring discredit upon their organisation, the host Member State or the EUAA;
- (b) act with fairness and impartiality in their dealings with the public and other participants in EUAA operational support activities, treating all with courtesy and respect, avoiding all forms of victimisation or discrimination, bearing in mind the diverse nature of people, including backgrounds, and/or origin;
- (c) abstain from actions contrary to the public order;
- (d) refrain from using vulgar, obscene or otherwise offensive speech or gestures that could be considered abusive towards other participants in EUAA operational support activities or the public.







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# 3. Prohibited conduct

## Article 12 — Abuse of authority

All improper use of a position of influence, power or authority is forbidden.

## Article 13 — Discrimination

All discriminatory behaviours as defined in Article 2(f) towards the public or other participants in EUAA operational support activities are forbidden.

## Article 14 — Harassment

All forms of harassment as defined in Article 2(g) are forbidden.

## Article 15 — Corruption

The use of public position for illegitimate private gains as well as the acceptance of unjustified rewards for actions taken in EUAA operational support activities is forbidden.

Consent to any form of corrupt activity is forbidden.

## Article 16 — Use of narcotics and drugs

The use or possession of narcotics and drugs, unless prescribed for medical purposes is forbidden.

## Article 17 — Consumption of alcohol

The consumption of alcohol while on duty is forbidden.



## Article 18 — Civil and criminal liability

In accordance with Article 25 and 26 of the EUAA regulation, all participants in EUAA operational support activities shall be subject to the provisions contained therein on civil and criminal liability.



## 4. Final provisions

### Article 19 — Reporting

Participants in EUAA operational support activities who have reason to believe that a violation of the present Code of Conduct has occurred or is about to occur, are obliged to report the matter to the Executive Director of the EUAA through the responsible officer in the EUAA and to the host Member State via the appropriate channels.

The list of contact persons in the EUAA and the host Member State is provided in the working arrangement accompanying each EUAA Hotspot (Relocation) Operating Plan, Special Support Plan and Joint Processing activity. The main email address in the EUAA is [operations@euaa.europa.eu](mailto:operations@euaa.europa.eu).

### Article 20 — Sanctions

In the case of violation of the present Code of Conduct by a participating member of EUAA staff, the Executive Director of the EUAA will take adequate measures which may include the immediate removal of the responsible officer in the EUAA from the current activities under the EUAA Hotspot (Relocation) Operating Plans, Special Support Plans and Joint Processing activities.

If the violation was committed by a participant from a Member State or a contracted interpreter, the Executive Director will inform the Member State or the interpretation company and can immediately remove the person concerned from the EUAA operational support activity. It is expected that the relevant authority of the Member State will use its own powers regarding the necessary disciplinary measures and, if applicable, remove the person concerned from the respective EUAA Asylum Intervention Pool for a defined period.

The EUAA shall reserve the right to start its own internal investigations to determine the responsibility of the individual concerned, irrespectively on whether the company or national administration decides to follow up.



