



**European Committee
of the Regions**

CODE OF CONDUCT

FOR MEMBERS OF THE EUROPEAN COMMITTEE OF THE REGIONS

Adopted by the Plenary Assembly on 5 December 2019

Having regard to the Treaty on European Union, and in particular Articles 2 and 3 thereof,

Having regard to the Charter of Fundamental Rights of the European Union,

Having regard to the Treaty on the Functioning of the European Union ("the TFEU"), and in particular Articles 300 and 305 to 307 thereof,

Having regard to the Rules of Procedure of the European Committee of the Regions ("the Committee"),

Whereas members of the Committee are representatives of regional and local bodies who either hold a regional or local electoral mandate or are politically accountable to an elected assembly,

Whereas membership of the Committee derives from an active local or regional mandate and does not constitute employment and members only receive flat-rate meeting and travel allowances as well as the reimbursement of their travel expenses,

Whereas members of the Committee shall be completely independent in the performance of their duties, in the general interest of the European Union and the European public,

Whereas, without prejudice to the applicable provisions of the Rules of Procedure, certain obligations arising under those provisions should be set out in a Code of Conduct,

The Committee has decided to adopt the following Code of Conduct for the members of the Committee, which they shall sign up to at the beginning of their term of office:

Article 1

Scope

This Code of Conduct shall apply to the conduct of members and alternates in the exercise of the duties assigned to them by the Committee. Any reference to members shall be read as a reference also to alternates.

In the event of alleged misconduct by staff members against members of the Committee, the relevant staff rules¹ shall apply. The member of the Committee concerned shall inform the Secretary-General of the alleged misconduct.

Article 2

Principles

Members of the Committee shall exercise the duties assigned to them with independence, impartiality, integrity, transparency, dignity and respect for diversity.

Article 3

Independence

Members shall be completely independent in the exercise of the duties assigned to them, in the Union's general interest, and shall not be bound by any mandatory instructions, pursuant to Article 300(4) TFEU.

Article 4

Impartiality and conflicts of interest

1. Members shall exercise the duties assigned to them in the public interest and with impartiality and refraining from obtaining or seeking to obtain any direct or indirect benefit or reward.
2. Members shall avoid any situation liable to give rise to a conflict of interest. A conflict of interest exists where a member has a personal interest that could improperly influence the performance of his or her duties as a member. A conflict of interest does not exist where a member benefits only as a member of the general public or of a broad class of persons. A conflict of interest does not exist either where a member carries out an activity, for instance the participation in the decision-making bodies of companies, as part of the exercise of his or her public duties.

¹

Staff members are mainly subject to the Staff Regulations, the Conditions of Employment of Other Servants and the implementing rules adopted by the Committee.

3. Any member who considers that he or she has a conflict of interest shall immediately take the necessary steps to address it, in accordance with the principles and provisions of this Code of Conduct. If the member is unable to resolve the conflict of interest, he or she shall report this to the President and the Secretary-General in writing.

Article 5

Integrity

1. Members shall exercise the duties assigned to them in the public interest and with integrity, without soliciting, accepting or receiving any direct or indirect benefit or reward in exchange for any specific behaviour in the scope of their work, and consciously seeking to avoid any situation which might imply bribery, corruption, or undue influence.
2. Members shall not engage in paid professional lobbying directly linked to the Union decision making process. The representation of regional or local interests shall not be deemed as lobbying.
3. Members shall always be deemed to be exercising their duties as members of the Committee when they participate in meetings of the constituent bodies of the Committee, events held in its premises, events held outside of its premises but supported by it pursuant to its own rules, and events in which they represent the Committee.
4. Members shall refrain from accepting, in the performance of their duties as members of the Committee, any gifts or similar benefits other than those with an approximate value of less than EUR 100 given in accordance with courtesy usage. Members may accept gifts with an approximate value of more than EUR 100 given in accordance with courtesy usage provided that such gifts are handed over to the Secretariat-General when they attend the next meeting of the Committee after their receipt. The President shall decide whether such gifts, as well as gifts of the same value given directly to him/her, become the property of the Committee or are donated to a suitable charitable organisation. The Secretariat-General shall keep a register of such gifts. In all cases, members must comply with the national, regional and local rules on the acceptance of gifts that are applicable to them, including those setting limits on the maximum value of gifts.
5. Members shall comply with the Committee's financial rules that are applicable to them, in particular those on the reimbursement of travel expenses and the payment of flat-rate travel and meeting allowances.

Article 6

Transparency and declaration of financial interests

1. In exercising the duties assigned to them, members shall behave in a transparent manner and welcome legitimate public scrutiny of compliance with the principles set out in this Code of Conduct.
2. In the event legislation at national or subnational level lays down the obligation to submit a public declaration of financial interests, members of the Committee shall be personally responsible for forwarding to the President, within 60 days of taking up office, a statement that they have submitted a public declaration of financial interests to the competent authority in their Member State, together with a web link to this public declaration, in accordance with relevant applicable legislation at national or subnational level, in relation to the mandate or politically accountable post on the basis of which they have been appointed as member. Members shall be personally responsible regarding the accuracy of this web link and shall notify the President of any changes in the web link by the end of the month following the changes.
3. In the event legislation at national or subnational level does not lay down the obligation to submit a public declaration of financial interests, members shall be personally responsible for submitting to the President a declaration using the form set out in the Appendix to this Code of Conduct. This declaration shall identify every entity in which the member has a direct financial interest which might reasonably be perceived as being capable of giving rise to a conflict of interest if the member were to deal with a Committee decision or position involving that entity. Members shall be deemed to have a direct financial interest in an entity where they have a specific financial holding in its capital and this holding gives the member significant influence over its management.
4. Members shall notify the President of any changes on the declaration submitted in pursuance of paragraph 3 by the end of the month following each change occurring.
5. The Committee shall make available to the public in an easily accessible manner the information provided to the President in line with this Article.
6. If the President receives information which leads him/her to believe that the declaration submitted by a member in pursuance of paragraph 2 or 3 is substantially incorrect or out of date, he/she may request the member to correct the declaration and inform the Bureau about the outcome.
7. Rapporteurs shall provide the Secretariat-General with a list of all interested parties that have been consulted on matters pertaining to the subject of their opinion. The Secretariat-General shall keep a record of that list, which may be made public upon request.

Article 7

Dignity and respect for diversity

1. In exercising the duties assigned to them, members shall
 - a) behave in a professional manner and refrain from any form of offensive or discriminatory language or behaviour, in compliance with Article 21 of the Charter of Fundamental Rights of the European Union;
 - b) behave towards everyone in the Committee or at one of its events with dignity, courtesy and respect, and without prejudice or discrimination;
 - c) abstain from inciting or encouraging, by their words or actions, staff members or other Committee members to violate, circumvent or ignore the principles set out in this Code of Conduct or other legislation in force, or tolerating such behaviour.
 - d) seek to ensure, as far as their responsibility within the Committee permits it and applying appropriate discretion, that any disagreements or conflicts arising in the Committee or at one of its events are handled promptly, fairly and effectively, including responding promptly to any allegations of harassment (psychological or sexual).
2. As regards the application of this Code of Conduct, the definition of harassment is that laid down in Article 12a of the Staff Regulations, as interpreted in the case-law of the Court of Justice of the European Union ("the Court of Justice"):

"Psychological harassment" means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity or physical or psychological integrity of any person.

"Sexual harassment" means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender.

Article 8

Enforcement of the Code of Conduct

1. The President and members of the Committee shall ensure that this Code of Conduct is observed and that it is applied in good faith and with due consideration for the principle of proportionality.
2. If the President considers that a member may have breached this Code of Conduct, he/she, assisted by the Secretary-General, may examine the circumstances of the alleged breach. If the

President concludes, after having heard the member concerned and having invited him/her to submit written comments, that the member concerned has breached the Code of Conduct, the President, after having consulted the First Vice-President, the Chair of the Commission for Financial and Administrative Affairs, the Chair of the national delegation of the member concerned and the President of the political group of the member concerned, shall adopt a reasoned decision laying down a penalty and notify the member concerned of this.

3. Should the President be the person that may have breached this Code of Conduct, the First Vice-President shall assume the role assigned to the President in paragraph 2 and a Vice-President belonging to a political group and a national delegation that are different from the First Vice-President's political group and national delegation shall assume the role assigned to the First Vice-President in the same paragraph.
4. The penalty may consist of one or more of the following measures:
 - a) a reprimand, with or without publication;
 - b) temporary suspension from participation in activities of the Committee for a period between one week and six months;
 - c) in the case of a breach in the obligations of confidentiality, a limitation in the rights to access confidential information for up to one year.
 - d) prohibition of the member from being elected as office-holder of the Committee, from being appointed as rapporteur or from participating in an official delegation, and, if the member already holds these posts, dismissal from them.
5. The measures laid down in paragraph 4 (b) and (c) may be doubled in the case of repeated offences.
6. The member concerned may lodge an internal appeal with the Bureau within two weeks of notification of the reasoned decision mentioned in paragraph 2. Such an appeal shall have the effect of suspending the application of the penalty laid down in that reasoned decision. Not later than four months after the lodging of the appeal, the Bureau, by a majority of its members, shall issue a reasoned decision annulling, confirming or modifying the reasoned decision of the President. If the decision of the Bureau confirms the decision of the President, it may rely on the reasoning of the latter. The decision of the Bureau shall however include its own reasoning if it annuls or modifies the decision of the President. The Bureau shall notify the reasoned decision to the member concerned.
7. The member concerned may bring an action for annulment before the Court of Justice within two months of the notification of the reasoned decision of the Bureau, pursuant to Article 263 TFEU.

Article 9

Enforcement of the Code of Conduct in the event of alleged harassment of a staff member by a member of the Committee

1. By way of derogation from Article 8, this Article shall apply to instances of alleged harassment of a staff member by a member of the Committee. "Staff member" means an official, a member of the temporary staff, a member of the contract staff, a member of the interim staff, a seconded national expert or a trainee.
2. An Advisory Board on Harassment ("the Advisory Board") composed of six members shall be set up at every new five-year Committee term. The Bureau shall propose the Chair and two other members from among members of the Commission for Financial and Administrative Affairs. The Secretary-General shall propose two members from among staff members. The Staff Committee shall propose one member. The President of the Committee shall appoint the Chair and the members, observing gender balance. In the event that a member of the Advisory Board loses his/her status as a member of the Committee or staff member, a new member shall be proposed and appointed as quickly as possible. If a member of the Advisory Board is one of the people involved in the case, he/she will be suspended for the duration of the procedure and a new interim member shall be proposed and appointed as quickly as possible. The Advisory Board shall take decisions by a simple majority, with at least five members being present, and in the event of a tied vote the Chair shall have a casting vote. The Advisory Board shall work with complete autonomy, independence and confidentiality and its proceedings shall be secret. The Advisory Board shall be assisted in its work by the Committee's Secretariat-General. The Secretariat-General shall assist the Advisory Board with complete confidentiality. Any breach of this confidentiality shall be subject to investigation by the President and may entail appropriate consequences for the person concerned.
3. Staff members who consider themselves a victim of harassment by a member of the Committee within the meaning of Article 12a of the Staff Regulations may submit a request for assistance pursuant to Article 24 of the Staff Regulations or, by analogy, Articles 11 (first paragraph) or 81 of the Conditions of Employment of Other Servants. Members of the interim staff, seconded national experts and trainees may submit a request for assistance on the basis of Article 31 of the Charter of Fundamental Rights of the European Union. Prior to the submission of the request, the staff member concerned may informally contact his/her appointing authority, any member of the Advisory Board or the Committee's Secretariat-General.
4. Upon receipt of the request mentioned in paragraph 3, the appointing authority shall inform the Advisory Board and instruct the responsible department in the Secretariat-General to carry out a preliminary study into the alleged facts in order to determine whether there is any *prima facie* evidence of harassment. Within 30 working days of the receipt of the request, the responsible department shall submit to the Advisory Board and the appointing authority a preliminary study that shall be based on the request and, where appropriate, any written statements from the proposed witnesses, and information obtained from the relevant departments in the Secretariat-General. If, according to the preliminary study, there is not sufficient *prima facie* evidence of harassment, the appointing authority, in agreement with the Advisory Board, shall consult the

Legal Affairs Unit and give the staff member concerned the opportunity to be heard before taking a decision on the basis of Article 24 of the Staff Regulations. If, according to the preliminary study, there is sufficient *prima facie* evidence of harassment, the case shall be referred to the Advisory Board.

5. For each case referred to it, the Advisory Board shall carry out a detailed investigation. The Advisory Board shall send the member of the Committee concerned a summary of the allegations made against him/her. The member of the Committee concerned shall be given reasonable time, which may not be less than 15 working days, to submit his/her observations. After this time limit, the staff member concerned shall receive a summary of the observations of the member of the Committee concerned. The Advisory Board shall assess whether any witnesses or third persons are to be heard and whether any additional investigation is needed. The staff member and the member of the Committee concerned shall receive a summary of any witnesses' testimonies and be heard separately by the Advisory Board before the adoption of the report mentioned in paragraph 6.
6. On the basis of the preliminary analysis carried out by the relevant department of the Secretariat-General and its own detailed investigation, the Advisory Board shall adopt a report and forward it to the President of the Committee and the staff member and the member of the Committee concerned. The report shall contain: (i) a summary of the allegations made by the staff member concerned; (ii) a summary of the investigation, including the observations of the member of the Committee concerned and of any witnesses heard; (iii) an assessment of the facts and the evidence, including the witnesses' testimonies; (iv) the conclusions as to whether or not harassment has occurred; and (v), where appropriate, a recommendation on the penalty to be imposed, any other follow-up or both. Where appropriate, any minority opinion shall be recorded in the report.
7. In the light of the report of the Advisory Board and after having heard the member of the Committee concerned and having consulted the First Vice-President, the Chair of the Commission for Financial and Administrative Affairs, the Chair of the national delegation and the President of the political group of the member concerned, the President of the Committee shall issue a reasoned decision as to whether or not harassment has occurred, which may include a penalty in accordance with Article 8(4). The decision may rely on the reasoning of the report of the Advisory Board if it endorses the conclusions of the report. The decision shall however include its own reasoning if it departs from the conclusions of the report. The President shall notify the reasoned decision to the staff member and member of the Committee concerned and inform the Advisory Board and the appointing authority thereof.
8. The member concerned may bring an action for annulment before the Court of Justice within two months of the notification of the reasoned decision of the President, pursuant to Article 263 TFEU.
9. In the light of the President's reasoned decision and after having consulted the Legal Affairs Unit, the appointing authority shall take a final decision on the request for assistance. If the President's reasoned decision concludes that harassment has occurred, the appointing authority shall decide on the action to be taken to support the victim of the harassment. If the President's

reasoned decision concludes that harassment has not occurred and the appointing authority intends to reject the request for assistance, it shall offer the staff member concerned an opportunity to be heard beforehand. Any intentionally false or misleading request for assistance may lead to disciplinary proceedings against the staff member concerned.

10. Should the President be the person concerned by the harassment allegations, the First Vice-President shall assume the role assigned to the President in paragraphs 2, 7 and 9 and a vice-president belonging to a political group and a national delegation that are different from the First Vice-President's political group and national delegation shall assume the role assigned to the First Vice-President in paragraph 7.
11. The appointing authority may decide at any moment to adopt interim measures, which may include in particular permission for the staff member concerned to perform work at home or in the Committee but away from the member concerned, or the grant of leave. The appointing authority shall inform the Advisory Board of the adopted measures, indicating whether it is necessary to inform the member of the Committee concerned.

Article 10

Cooperation with national judicial authorities

1. If the alleged infringement could constitute a criminal offence, the President shall inform the appropriate national authorities in the relevant Member States.
2. The Committee shall cooperate fully with the appropriate national authorities.

Article 11

Entry into force

This Code of Conduct shall enter into force on 26 January 2020.

APPENDIX

PUBLIC DECLARATION OF FINANCIAL INTERESTS

(to be submitted only in the absence of a public declaration pursuant to national or subnational legislation)

SURNAME:

FIRST NAME:

- ☐ I do not have a direct financial interest within the meaning of Article 6(3) of the Code of Conduct.
- ☐ I have a direct financial interest within the meaning of Article 6(3) of the Code of Conduct in the following entities:

I hereby declare that the above information is true and correct.

Date:

Signature: