

**DECISION No GB/2023/4**  
**of**  
**The European Cybersecurity Industrial, Technology and Research Competence**  
**Centre's Governing Board**

**setting out rules on the prevention and management of conflicts of interest in respect of**  
**the staff members of the European Cybersecurity Industrial, Technology and Research**  
**Competence Centre**

THE GOVERNING BOARD OF THE EUROPEAN CYBERSECURITY INDUSTRIAL,  
TECHNOLOGY AND RESEARCH COMPETENCE CENTRE,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Title II of the Staff Regulations and Articles 11 and 81 of the CEOS<sup>2</sup>,

Having regard to Regulation (EU) 2021/887 of the European Parliament and of the Council of 20 May 2021 establishing the European Cybersecurity Industrial, Technology and Research Competence Centre<sup>3</sup> ('ECCC') ('the Founding Regulation'), and in particular Article 43 thereof,

Having regard to the Guidelines on the prevention and management of conflicts of interest in EU decentralised agencies dated 10 December 2013,

Having regard to the agreement of the European Commission pursuant to Article 110 (2) of the Staff Regulations C(2023) 3307 final of 16.05.2023,

Having regard to the fact that the Staff Committee of the ECCC, which is to be consulted pursuant to Article 110(2) of the Staff Regulations, has not yet been constituted because the ECCC does not have sufficient staff yet, it is impossible at the present to comply with the

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1.

<sup>2</sup> Articles 11 to 26a of the Staff Regulations are applicable by analogy to temporary agents and contract agents, pursuant to Articles 11 and 81 of the CEOS, respectively. Any reference in this Decision to those Articles of the Staff Regulations shall be understood as applicable by analogy to temporary and contract staff by virtue of Articles 11 and 81 of the CEOS.

<sup>3</sup> Regulation (EU) 2021/887 of the European Parliament and of the Council of 20 May 2021 establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres (OJ L 201, 8.6.2021, p. 1).

requirements of that provision. The Staff Committee will be invited to give its opinion on the relevant implementing rules when it has been constituted and due consideration will be given to its opinion. It is important that the ECCC has implementing rules on conflicts of interest in place when staff enters into service. The Governing Board is entitled in such circumstances to approve the rules forthwith,

Whereas:

- (1) All the ECCC staff members are to carry out their duties and conduct themselves solely with the interests of the ECCC in mind, notably they are to carry out the assigned duties objectively, impartially and in keeping with their duty of loyalty to the ECCC;
- (2) Provisions on conflicts of interest are already included in various documents, such as the Staff Regulations, the CEOS, the Financial Rules<sup>4</sup> and the Rules of Procedure of the ECCC Governing Board<sup>5</sup>;
- (3) In accordance with recital (53) and Article 43 of the Founding Regulation, the ECCC is to have in place rules regarding the prevention, identification and resolution and management of conflicts of interest in respect of its members, bodies and staff, including the Executive Director;
- (4) In accordance with Article 13(3)(m) of the Founding Regulation, the Governing Board is to adopt transparency rules for the ECCC and rules for the prevention and management of conflicts of interest;
- (5) It is therefore necessary to adopt at the Governing Board level in accordance with Article 43 of the Founding Regulation the present decision applying to the staff of the ECCC, including the Executive Director, without prejudice to the existing rights and obligations related to conflicts of interest provided in other applicable documents mentioned under recital (3). By implementing the Staff Regulations and the CEOS, this decision aims to complement the existing rules and to serve as a reference for the staff members of the ECCC and ensures a comprehensive and coherent approach to conflicts of interest and the highest standards of administration, professional ethics, integrity and independence.

HAS ADOPTED THE FOLLOWING DECISION:

## **CHAPTER I- SCOPE, GENERAL OBLIGATIONS AND DEFINITION**

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<sup>4</sup> Decision No GB/2023/1 of the Governing Board of the European Cybersecurity Industrial, Technology and Research Competence Centre on Financial Rules.

<sup>5</sup> Decision No GB/2021/1 of the Governing Board of the European Cybersecurity Industrial, Technology and Research Competence Centre adopting its Rules of Procedure.

### *Article 1 - Subject*

The present Decision lays down rules for the prevention and management of conflicts of interest of the ECCC staff members in order to ensure the handling in a transparent and consistent manner of situations where conflicts of interest may arise.

### *Article 2 - Scope and persons concerned*

1. This Decision shall apply to the following categories of actors involved in the work and activities of the ECCC:
  - contract staff,
  - temporary staff<sup>6</sup>

for the purposes of this decision collectively referred as "staff members". The rules apply by analogy to seconded national experts (SNEs), as stipulated in Article 12(2) of this Decision.

2. All staff members of the ECCC shall carry out their duties and conduct themselves solely with the interests of the ECCC in mind. All staff members shall carry out their duties objectively and impartially and in keeping their duty of loyalty to the ECCC. All staff members shall abstain from any action adversely affecting the reputation of the ECCC.

### *Article 3 – General principles on conflict of interest and personal interest*

1. Staff members should not, in the performance of their duties, deal with a matter in which, directly or indirectly, they may have any personal interests such as to impair their independence as this would compromise or reasonably be perceived to compromise the impartiality and objectivity of a decision, opinion or recommendation of the ECCC.
2. Relevant personal interest may notably be of a financial or non-financial nature and it may also concern a personal or family relationship, any representation of any other interests of third parties or a community of interests with any third parties, any professional or economic affiliation, as well as any other outside activities leading to the situation described in paragraph 1.
3. The appearance of a conflict of interest can constitute a reputational risk to the ECCC, even if turns out to be unsubstantiated. Therefore, taking due consideration of

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<sup>6</sup> According to Article 16(2) of the Founding Regulation, this category shall also include the Executive Director of the ECCC.

proportionality, specific backgrounds, all relevant facts and mitigating circumstances, a risk of perceived conflict of interest should be treated as if it were an actual conflict of interest.

4. It is the responsibility of all staff members to ensure that their conduct is in line with the rules regarding the conflict of interest in both letter and spirit. Each staff member of the ECCC shall assume an individual responsibility by declaring in good faith his/her interests and information to the ECCC in compliance with the provisions of this decision and of the Staff Regulations.

Article 11(a) of the Staff Regulations applies to any staff member. Any staff member, who becomes aware of a potential conflict of interest, must immediately inform in writing the relevant competent authority.

The ECCC shall raise awareness about conflicts of interest among staff members through trainings, sessions addressed to the newcomers, and information published on the ECCC intranet.

#### *Article 3a – Specific provisions regarding the Executive Director*

1. The Executive Director shall act impartially, avoiding any situation liable to give rise to potential conflicts of interest. Taking into account the public character of his/her function when acting under the tasks and roles laid down in the Founding Regulation, the Executive Director shall perform his/her tasks objectively, impartially and with independence in line with with his/her duty of loyalty to the ECCC.
2. When questions which are not explicitly covered by these rules arise, adherence to the generally accepted principles of probity shall determine the behaviour of the Executive Director.

The Executive Director shall:

- (1) Act independently in the general interest of the ECCC and in the interest of its sound management and objectives without allowing himself/herself to be influenced by personal interests or relationships;
- (2) Guarantee that under his/her role of authorising officer, the ECCC operates within the limits of its statutory remit and rules;
- (3) When communicating on a matter on which the ECCC has taken a view, the Executive Director shall represent the views of the ECCC; when communicating on a matter that falls within the remit of the ECCC but on which the ECCC has not taken a view so far, the Executive Director may give his/her own personal view, but should make it clear that this does not necessarily represent the official opinion of the ECCC. The Executive Director should always refrain from any unauthorised disclosure of information or documents received in the line of duty that have not already been made public or are accessible to the public;

- (4) Not exploit his/her position in order to influence the expected impartiality of the ECCC staff members, external experts, reviewers, consultants and any third parties participating at any title in the bodies or activities of the ECCC.
- CHAPTER II – PROVISIONS APPLICABLE TO STAFF MEMBERS<sup>7</sup>**

*Article 4 - Obligation to make declarations on conflicts of interest*

1. Before recruitment or taking up duties in the ECCC or returning from unpaid leave, the Appointing Authority<sup>8</sup> shall examine whether the candidate/staff member has any personal interest such as to impair his/her independence.

To that end, the candidate or staff member shall submit the declaration on conflict of interest using the relevant form.

As regards the recruitments, the members of a Selection Board shall submit before taking up their duties the declaration on conflict of interest and confidentiality using a relevant form.

In cases where the declaration shows a potential or apparent conflict of interest, it must be managed and solved before the staff member takes up or resumes his/her duties.

2. Staff members must promptly disclose all relevant information about a personal interest when circumstances change following their initial disclosure or when new situations arise. If at any time in the course of his/her duties a staff member becomes aware of any potential conflict of interest or any appearance of a conflict of interest, the staff member is obliged to inform the relevant authority in the ECCC by spontaneously submitting the ad-hoc declaration on conflict of interest, using the relevant form.

*Article 5 - Obligation of confidentiality*

1. Staff members shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public.
2. All staff members shall continue to be bound by this obligation after leaving the ECCC.

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<sup>7</sup> Without prejudice to the Article 3a of this Decision, these provisions are also applicable to the Executive Director.

<sup>8</sup> In the case of temporary and contract agents, any reference to the Appointing Authority under this decision shall be understood as the Authority authorised to conclude contracts of employment. In the case of SNEs, without prejudice to the ECCC delegation of powers decision, any reference to the Appointing Authority under this decision shall be understood as the Executive Director or the ad interim Executive Director.

*Article 6 - Obligations related to honours, decorations, favours and gifts*

1. Staff members, shall not accept, directly or indirectly, without the prior permission of the Appointing Authority, any honour, decoration, favour, gift or payment of any kind whatsoever from any source outside the ECCC.

Criteria to be considered in this context are, in particular, if the acceptance of the gift or hospitality is counter to the interests of the service or presents a real or perceived conflict of interest for the staff member concerned, or if such acceptance would be in accordance with diplomatic and courtesy usage.

Gifts and hospitality motivated solely by a family relationship or personal friendship, or in a context not related in any way to the staff member's duties do not, in principle, fall under these provisions. However, even here situations may arise when acceptance can be perceived as compromising the staff member's independence.

2. A gift is understood to mean:
  - a sum of money or any physical object, or
  - the possibility to participate for free in events which are either open to the public or private in nature, only accessible in return for payment and represent a certain value (such as complimentary tickets for sports events, concerts, theatre, conferences, etc.), or
  - any other advantage with a pecuniary value such as transport costs.
3. Hospitality offers are considered to be one particular type of favour. Hospitality is defined as an offer of food, drink, accommodation and/or entertainment from any source outside the ECCC.
4. Acceptance of gifts or hospitality may exceptionally be authorised (within the limits indicated in paragraphs 5 and 7) when it is clear that this will not compromise or reasonably be perceived to compromise the staff member's objectivity and independence and will not damage the ECCC's public image.
5. Subject to the general principles set out herein, the following apply:
  - (1) Prior permission by the Appointing Authority is presumed to be granted for accepting a gift worth up to EUR 50;
  - (2) Explicit prior permission by the Appointing Authority is required for accepting a gift worth between EUR 50 and EUR 150, by submitting a declaration using the relevant form.
  - (3) Authorisation to accept gifts with a value higher than EUR 150 or any sum of money will be refused by the Appointing Authority.
6. If the Appointing Authority refuses to authorise the acceptance or if a gift is unwanted, it can be returned to the source, if this is feasible. Alternatively, the gift can be donated by the ECCC to an appropriate charitable organisation.

As a courtesy, the staff member shall inform the sender of the gift that the gift cannot

be accepted and will be transmitted to charity, unless this would be diplomatically inappropriate.

7. As a general rule the staff member should not accept any hospitality and should make use of sound judgement in order to assess, in the given circumstances, if acceptance could be envisaged.

Subject to the general principles set out herein, the following apply:

- (1) Prior permission by the Appointing Authority is presumed to be granted for:
    - hospitality in the form of lunches or dinners strictly linked to the function of the staff member and as such not prejudicial to the interests and public image of the ECCC, and in which the staff member participates in agreement with his/her hierarchy and in the interest of the service;
    - occasional offers of simple meals, refreshments, snacks.
  - (2) Explicit prior permission by the Appointing Authority is required in cases not covered by subparagraph (1), by submitting a declaration, using the relevant form.
8. As for the hospitality offered during missions, the mission order will as a rule cover all predictable offers of hospitality, based on the mission programme – notably meals, accommodation and transport (provided there is no conflict of interest). These will not be considered as hospitality offers if the programme of the mission and the participation of the staff member has been authorised, as they form part of the performance of his/her duties in the interest of the ECCC. The acceptance of these offers will then be declared in the mission expense statement.

Particular prudence is necessary in sensitive situations. For instance staff members participating in inspections and similar missions should whenever possible inform their immediate superior or team leader on an ad hoc basis, and in accordance with any other specific provisions, when hospitality is offered in the course of such missions. If this is impossible, they should exercise their individual judgement and act according to the principles set out in these guidelines. Any hospitality thus accepted should be declared in the mission expense statement.

9. Accumulation of gifts and hospitality for which prior permission of the Appointing Authority is presumed may be seen to compromise the staff's objectivity and independence, or may damage the ECCC's public image. Therefore, it requires the prior permission by the Appointing Authority.

#### *Article 7 - Obligations related to outside activities*

In accordance with Decision No GB/2022/4 of the ECCC<sup>9</sup>, Commission Decision

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<sup>9</sup> Decision No GB/2022/4 of the European Cybersecurity Industrial, Technology and Research Competence Centre Governing Board on the application by analogy of the Implementing Rules of the Staff Regulations

C(2018)4048 of 29.6.2018 on outside activities and assignments and on occupational activities after leaving the Service applies.

*Article 8 - Obligations related to publications and speeches*

1. Staff members who intend to publish or cause to be published, either on their own or with other parties, a document, such as an article or a book, on anything dealing with their work for the ECCC or EU matters generally, shall inform the Appointing Authority in advance.

The staff member above shall submit the declarations using relevant forms, as the case may be, and provide the Appointing Authority with any information, in particular a copy, in electronic form, of the document he/she intends to publish. This must be accompanied by a summary of the document to be published, in electronic form, in one of the ECCC's working languages.

Pursuant to Article 17a of the Staff Regulations<sup>1010</sup>, where the Appointing Authority is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the Union, the Appointing Authority shall inform the staff member of its decision in writing within 30 working days of receipt of the information. If no such decision is notified within the specified period, the Appointing Authority shall be deemed to have had no objections.

2. Without prejudice to Article 17a of the Staff Regulations, the above-mentioned staff member, when publishing on any matter related to their work for the ECCC or any EU matter, shall indicate in the document he/she wants to publish that he/she is writing under his/her own name, engaging himself/herself and not the responsibility of the any EU institution or body. The staff member is obliged to observe the rules concerning non-disclosure of information and the confidentiality requirement on EU matters or related to his/her work in the ECCC.

*Article 9 - Obligations related to election or appointment for public office*

1. Pursuant to Article 15(1) of Staff Regulations<sup>11</sup>, staff members who intend to stand for public office shall notify the Appointing Authority by submitting a declaration using the relevant form.
2. Pursuant to Article 15(2) of Staff Regulations, staff members who are elected or appointed to public office must immediately inform the Appointing Authority by

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adopted by the Commission.

<sup>10</sup> Applicable by analogy to temporary and contracts agents pursuant to Article 11 of the CEOS and Article 81 of the CEOS.

<sup>11</sup> Applicable by analogy to temporary and contracts agents pursuant to Article 11 of the CEOS and Article 81 of the CEOS.



submitting a declaration in the relevant form.

*Article 10 - Obligation to declare the professional activities of the spouse or partner*

1. Pursuant to Article 13 of Staff Regulations<sup>12</sup>, staff members have the obligation to inform the Appointing Authority if their spouse/partner is in gainful employment, i.e. doing paid work. In this respect, spouses and partners in accordance with Article 1(2) (c) of Annex VII to Staff Regulations are regarded in the same way.
2. The staff members shall submit a declaration using the relevant form. If there is any change in the spouse's situation, the staff member is obliged to submit a new declaration.

*Article 11 - Procedures to manage a conflict of interest*

With regard to the staff members the Appointing Authority is responsible for adopting formal decisions to prevent and manage conflicts of interest, when informed of a situation which may be detrimental to the ECCC.

The Appointing Authority shall carry out an internal assessment involving the legal department, the human resources department, the line manager of the staff member concerned or any other persons, including the staff member concerned, as deemed necessary. Based on the findings of the assessment, the Appointing Authority shall decide in writing the necessary measures in accordance with the applicable rules.

*Article 12 - Ex-post treatment of situations of non-compliance  
with the obligations under the present rules*

1. In accordance with Article 86(1) of the Staff Regulations<sup>13</sup>, any failure by staff members of the ECCC to comply with his/her obligations under the rules of conflicts of interest, whether intentionally or through negligence on his/her part, shall make him/her liable to disciplinary measures, in accordance with the provisions of the Staff Regulations and the CEOS, with the respect of the procedural safeguards laid down therein.
2. Seconded national experts shall comply with the relevant obligations imposed by the present Decision on conflicts of interest. Failure to observe the obligations provided herein entitles the ECCC to terminate the collaboration, subject to respecting the procedural safeguards of the seconded national expert concerned, notably, including the right to be informed in advance of the reasons underlying the Appointing

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<sup>12</sup> Applicable by analogy to temporary and contracts agents pursuant to Article 11 of the CEOS and Article 81 of the CEOS.

<sup>13</sup> Applicable by analogy to temporary and contract agents pursuant to Articles 50a and 119 of the CEOS, respectively.

Authority's intention to terminate the collaboration and giving him the opportunity to be heard.

3. If the concerned person was involved in a decision-making procedure without having declared an interest, the Appointing Authority or the respective body or group may undertake remedial actions, in particular to review or cancel the decision if seriously affected by the conflict of interest, without prejudice to the acquired rights of the third parties to the ECCC. This implies carrying out an ex post review of the person's activities and contributions to the ECCC's output.

### **CHAPTER III – GENERAL AND FINAL PROVISIONS**

#### *Article 13 - Register*

1. All the declarations made by staff members shall be clearly recorded in a register by the ECCC. This will enable the ECCC to demonstrate, if necessary, that a specific conflict of interest has been appropriately identified and managed.<sup>14</sup>
2. The register referred to in paragraph 1 shall be maintained in compliance with the applicable 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.

#### *Article 14 - Transparency*

1. The ECCC shall publish on its website the policies and rules for the prevention of conflict of interest in a clear and easily identifiable manner.
2. The declarations of interest submitted by the Executive Director shall be available for public scrutiny with due respect to the applicable EU rules on protection of personal data and access to documents. Where deemed relevant, the Governing Board may decide that the CV or a summary of the professional experience of the person concerned shall also be made available.

#### *Article 15 - Final provisions*

1. The Executive Director of the ECCC may adopt guidelines to facilitate the implementation of the present Decision.

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<sup>14</sup> Measures adopted to manage the conflicts of interest are filed in the personal file of each staff member.

2. Any permission granted by the Appointing Authority pursuant to a declaration submitted by staff members shall be limited to the specific situation described in the declaration and cannot be extended to other instances of conflict of interest.

Any change of the initial situation described in the declaration and approved by the Appointing Authority shall be considered as a new situation and must be brought to the attention of the Appointing Authority.

3. These rules shall take effect on the date of their adoption by the Governing Board and shall be published on the website of the ECCC.

Done at Bucharest, on 9  
June 2023

For the European Cybersecurity  
Industrial, Technology and  
Research Competence Centre,  
*(e-signed)*

Pascal Steichen  
Chairperson of the Governing Board