



Code of Conduct FOR ALL PERSONS PARTICIPATING IN EFCA ACTIVITIES

Dear Colleagues,

The EFCA joint deployment plans, other operational plans, missions falling under European Coast Guard function, and activities at sea and ashore represent the European Union, its professionalism and values including the rule of law and full respect of fundamental rights.

The EFCA Code of Conduct is integral to supporting the adherence of the rule of law and fundamental rights. It has been inspired by other European Union bodies' Code and relied upon the contribution of the Fundamental Rights Agency (FRA).

The EFCA employees and all other participants involved in EFCA's activities must comply with the highest standards of conduct. This encompasses the activity related to assisting Member States, the European Commission, other European agencies and third countries in the framework of the Agency's mandate within the Common Fisheries Policy, and other missions falling under the European Coast Guard function.

The EFCA Code of Conduct is binding, and an important factor in ensuring that the Agency becomes the custodian of best practices in all the aspects of its remit and contributes to raising and harmonising ethical standards.

Therefore, as the Executive Director of EFCA, I expect all of you participating to EFCA activities to comply with this Code of Conduct.

I am confident that the EFCA Code of Conduct will provide a useful set of standards to all those working in Fisheries control and other missions falling under the European Coast Guard function, and I count on your personal commitment and your sense of individual responsibility to adhere to the values it conveys.

[SIGNED]

Pascal Savouret
EFCA Executive Director

CHAPTER I GENERAL PROVISIONS

Article 1

Objectives, scope and subject matter

1. The present Code of Conduct aims to promote professional values based on the principles of the rule of law and the full respect of fundamental rights and to establish the ethical and behavioural standards that guide all persons participating in EFCA activities carried out on EFCA chartered means within the framework of EFCA's tasks as described in the EFCA Regulation¹.

2. In this regard it sets out principles and rules which guide the conduct of all persons when participating in EFCA activities, namely, EFCA staff, staff of a European Union Member State and staff of third countries.

Article 2

Definitions

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

- a) The term "participant" refers to any physical person participating in an EFCA activity.
- b) The term "EFCA staff" refers to the staff to whom Staff Regulations and the Conditions of Employment of Other Servants² (hereafter "Staff Regulations") apply and includes also seconded national experts and EFCA contractors providing services on EFCA chartered means.
- c) The term "third countries" refers to non-EU countries.
- d) 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 or any other ground.
- e) The term "harassment" covers psychological and sexual harassment and in general terms means any improper and unwanted 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, degrading, humiliating or offensive work environment.

¹ OJ L 128, 21.5.2005, p. 1. Regulation as last amended by Regulation (EU) 2016/1626 (OJ L 251, 16.9.2016, p. 80).

² Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities (CEOS), as laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 and the amendments thereto, OJ L 56 of 4.3.1968, p. 1, as last amended.

CHAPTER II PRINCIPLES

Article 3

Lawfulness

1. Participants in EFCA activities serve the public interest and shall comply with applicable international law, European Union law, national law, including fundamental rights, and the present Code of Conduct.
2. They shall also meet the obligations imposed upon them by the provisions stated in the Joint Deployment Plan, and/ or other applicable EFCA rules.

Article 4

Fundamental rights

1. Participants in EFCA activities shall 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 in accordance with the Charter of Fundamental Rights of the European Union³ and other relevant international and European instruments regarding fundamental rights protection.
2. In this context, they shall give special consideration to particularly vulnerable groups of people, including women, children, unaccompanied children, people with disabilities, the elderly, persons susceptible to exploitation and victims of exploitation, crime or trafficking in human beings.
3. EFCA activities are without prejudice to the principle of non-refoulement. The commanding officer/master bears the ultimate responsibility for the safety of an EFCA chartered mean, in this case a vessel, and those embarked in her. His/ her authority is not to be questioned by participants in EFCA activities.

Article 5

Performance of duties

Participants in EFCA activities shall ensure that required duties are carried out promptly and diligently.

Article 6

Responsibility

Participants in EFCA activities are responsible for their actions in their work.

Article 7

Conflict of interests

To perform their duties properly, participants in EFCA activities shall refrain from any activities which would undermine or compromise the appropriate performance of their duties.

³ OJ C 326, 26.10.2012, p. 391.

Article 8

Confidentiality and data protection

1. Without prejudice to paragraph 4, confidential or sensitive information in the possession of a participant in EFCA activities shall not be publicly disclosed, including in social media or similar environment, unless the performance of duty or the needs of justice strictly require disclosure or disclosure has been appropriately authorised.

2. Participants shall not express themselves regarding EFCA activities in the media, including in social media or similar environment, unless explicit authorisation is given by the EFCA Executive Director.

3. Participants are bound by the obligation to behave with discretion regarding current, past, and planned or potential EFCA activities.

4. Participants shall comply with the applicable requirements on data protection⁴.

Article 9

Behavioural standards

Participants in EFCA activities shall:

a) abstain from all behaviour likely to compromise the prestige and the nature of the public mission in which they are invested or to bring discredit upon their organisation or EFCA;

b) act with fairness and impartiality in their dealings with the public and other participants in EFCA activities, treating all with courtesy and respect, avoiding all forms of discrimination or victimisation, bearing in mind the diverse nature of all people, including backgrounds and 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 EFCA activities or the public.

CHAPTER III

PROHIBITED CONDUCTS

Article 10

Abuse of authority

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

Article 11

Discrimination

All discriminatory behaviours as defined in Article 2 towards the public or other participants in EFCA activities are forbidden.

⁴ See Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

Article 12

Harassment

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

Article 13

Corruption

1. The use of public position for illegitimate private gains as well as the acceptance of unjustified rewards for actions taken in EFCA activities is forbidden.
2. Consent to any form of corrupt activity is forbidden.

Article 14

Use of narcotics, drugs and alcohol

1. The use or possession of narcotics and drugs, unless prescribed for medical reasons, is forbidden.
2. The consumption or possession of alcohol is forbidden.
3. A participant unexpectedly called out for duty is obliged, at no risk of discredit, to say that he/ she has used narcotics or drugs or consumed alcohol and may not be fit for duty.
4. A participant shall not report for duty or appear in public in a state of intoxication.

Article 15

Sexual services

Using or soliciting any sexual services is forbidden.

CHAPTER IV
FINAL PROVISIONS

Article 16

Training

EFCA will make available adequate training to participants in EFCA activities on the present Code.

Article 17

Commitment

Before taking part in EFCA activities, participants will receive a copy of the present Code and shall sign a declaration that they abide to it.

Article 18

Reporting

Participants in EFCA activities who have reason to believe that a violation of the present Code has occurred or is about to occur, are obliged to report the matter to the EFCA Executive Director.

Article 19
Sanctions

1. In the case of violation of the present Code by an EFCA staff member, the Executive Director will take adequate measures in accordance with the Staff Regulations which may include the immediate removal of the EFCA staff member from the activity.
2. If the violation was committed by a person deployed by an EU Member State or by a third country, the Executive Director may request the EU Member State or the third country to immediately remove the person concerned from the EFCA activity and expects that the relevant authority of the EU Member State or the third country will use its powers regarding the necessary disciplinary measures and, if applicable, to remove the person concerned from the respective activity for a defined period.