

Deliberation 2021-095 of June 17, 2021 National Commission for Computing and Liberties Nature of the deliberation: Internal regulations Legal status: Modified Date of publication on Légifrance: Tuesday August 10, 2021 inside the National Commission for Computing and LibertiesThe National Commission for Computing and Liberties,The National Commission for Computing and Liberties,

Considering the law n° 78-17 of January 6, 1978 modified relating to data processing, files and freedoms, in particular its article 12;

Having regard to law n° 2017-055 of January 20, 2017 as amended on the general status of independent administrative authorities and independent public authorities, in particular its articles 13 and 14;

Having regard to decree n° 2019-536 of May 29, 2019 as amended, taken for the application of law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms;

Having regard to deliberation no. 2013-175 of July 4, 2013 adopting the internal regulations of the National Commission for Computing and Liberties;

Having heard the report of Mrs Marie-Laure DENIS, President, and the observations of Mr Benjamin TOUZANNE, Government Commissioner, Decides: Article 1 It is inserted at the top of the appendix to deliberation no. July 2013 referred to above, a preliminary article worded as follows: Preliminary article – Ethics The ethical rules applicable to members and agents of the National Commission for Data Processing and Liberties (hereinafter the Commission) are recalled and specified in the charter annexed to these regulations Interior.Article 2Articles 3 to 5 and Article 7 of the appendix to deliberation no. 2013-175 of July 4, 2013 referred to above are repealed.Article 3The President, the President of the Restricted Committee and the Secretary General of the Commission Nationale de l'Informatique et des Libertés are responsible, each as far as it is concerned, for the execution of this decision, which will be published in the Official Journal of the French Republic. President Marie-L aure

DENISCHARTER OF ETHICS

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(Articles 1 to 11) Article 1 Compliance with the legal provisions applicable in terms of ethics after the commission) is an independent administrative authority, whose mission is to ensure the regulation of the processing of personal data and to guarantee the exercise of the fundamental right to the protection of such data, under the conditions provided for by the right to European Union and national law. The independence and the public service missions of the commission impose the respect, by all the people who contribute to its action, of the ethical principles and obligations established by the legal provisions and specified by the jurisprudence.

The rules applicable in this area are in particular those provided for by the provisions of law no. 83-634 of July 13, 1983 as amended on the rights and obligations of civil servants, law no. transparency of public life, of law no. 2017-55 of January 20, 2017 as amended on the general status of independent administrative authorities and independent public authorities and their implementing regulations. Regulation (EU) 2016/679 of April 27, 2016, law n° 78-17 of January 6, 1978 as amended relating to data processing, files and freedoms and its implementing texts also include certain specific provisions in terms of deontology. This charter recalls and specifies the main ethical rules applicable within the commission, in accordance with the provisions of articles 13 and 14 of the aforementioned law of 20 January 2017 as amended.

The members and agents of the commission, as well as all of its collaborators and experts, whether they exercise permanent, non-permanent or temporary functions and whatever their status (hereinafter the members and agents of the commission), are required to respect these ethical principles and obligations throughout their term of office. Insofar as the applicable legal provisions provide for it and within the limits set by the latter, they are also required to respect these principles and obligations after the termination of their functions. In addition to this charter, the list of texts applicable in this area is made available to them by the commission.

Compliance with these obligations and ethical principles is the responsibility of each member and agent of the commission.

The Chairman of the Commission, the Chairman of the Restricted Committee, the Secretary General and his Deputy, as well as all the agents exercising hierarchical functions, also ensure, each as far as he is concerned, compliance with these obligations and principles by the members and agents of the commission in the exercise of their missions and functions. Article

2 General principles The members and agents of the commission exercise their functions with impartiality, dignity, probity and

integrity.

In the performance of their duties, they are bound by the obligation of neutrality and equal treatment with respect to all persons with whom they have professional relations. They carry out their duties in accordance with the principle of secularism in public service.

The members and agents of the commission exercise their missions and attributions in complete independence. Without prejudice to respect for the hierarchical principle for agents, they perform their duties without receiving or seeking instructions from the Government or from any other institution, person, company or body. Article 3 Prevention and cessation of conflicts of interest Members and agents of the commission ensure that conflicts of interest are prevented and that any situation of conflict of interest in which they find themselves is immediately terminated. A conflict of interest constitutes any situation of interference between a public interest and public or private interests which is likely to influence or appear to influence the independent, impartial and objective exercise of their functions.

The members and agents of the commission take into account, to estimate whether a link of interest is likely to constitute a conflict of interest, the intensity of the link, its nature and its effects with regard to their missions and functions within the commission and the general principles mentioned in this charter. In case of doubt, caution must prevail. Article 4 Professional secrecy and discretion The members and agents of the commission are subject to professional secrecy. As such, they are prohibited, under pain of the penalties provided for in the criminal code, from disclosing, that is to say from revealing outside the commission, by any means whatsoever, any information of a secret nature. of which they are custodians, and in particular all facts, acts or information concerning third parties of which they may have become aware by virtue of their functions.

This obligation of professional secrecy can only be waived under the conditions provided for by the legal provisions. In particular, this prohibition does not apply to elements legally made public by the commission, such as its deliberations, and to the information necessary for drawing up its annual report.

The members and agents of the commission are required to respect the secrecy of the deliberations of the commission. This secrecy covers all information relating to the positions of the members of the committee as well as the content of the debates preceding the decision-making, whatever the formation of the committee and the nature of the decision concerned.

Within the framework of the commission's internal relations, information protected by secrecy may be shared only insofar as this is useful for the investigation of cases and the execution of the missions entrusted to each person.

The members and agents of the commission are bound by the obligation of professional discretion. They refrain, except in the cases provided for by legal provisions, from disclosing any other facts, information or documents of which they have or have become aware in the exercise or on the occasion of the exercise of their functions, and in particular any information internal to the commission concerning its activity, its missions and its functioning.

This obligation is imposed in the internal relations of the commission, within the framework of which these facts, information or documents cannot be brought to the attention of the other members and agents, in addition to the persons whose functions or missions justify it, only with prudence and without prejudicing the interests of the commission. Article 5 Duty of reserve In the exercise of their freedom of expression, the members and agents of the commission show restraint, moderation and discernment in written and oral expression of their personal opinions. They abstain in all circumstances from adopting behavior likely to affect the consideration and the proper functioning of the commission, as well as the general principles on which the exercise of its missions is based. Subject to specific provisions related to the status of certain members of the commission, these obligations are applicable in the exercise of the functions and missions of the members and agents of the commission as well as outside these, taking into account the context.

The duty of discretion is particularly necessary in the context of public publications and interventions or the use of social networks, in particular when these are not exclusively reserved for a private circle with protected access, and more generally expressions public. In such a context, it is recommended to indicate whether one is speaking as a member or agent of the commission or in another capacity. The members and agents of the commission show moderation in their remarks and refrain in particular from taking positions contrary to those of the commission, from denigrating its decisions or from taking sides on matters and files in progress. These obligations do not prohibit, in particular, publications relating to data protection or other fields of competence of the commission in legal and scientific works or journals, interventions relating to these fields in the context of scientific colloquia or the exercise of teaching or training activities, respecting the secrecy of the deliberations of the commission and adopting a neutral and measured position vis-à-vis it. Article 6 Liberalities The members and agents of the commission are required to prudence and discernment in the face of promises, proposals and offers of gifts, advantages, invitations, donations, favours, distinctions and all gifts made to them by third parties in the exercise of their functions. They neither solicit nor accept, for themselves or for third parties, any donation, whatever its form and origin, which they consider would be likely to place them in a situation of conflict of interest, and in particular which would constitute or appear to

constitute the reward of a decision in which they would have contributed, or which would not fall within the framework of the practices in matters of professional relations.

Subject to these reservations, the members and agents of the commission may accept official invitations to paid events and protocol invitations made in the context of the exercise of their functions or missions, as well as the payment, by the organizer, of expenses the necessity of which results directly from their participation, in respect of the exercise of their functions or missions, in an event. The same applies to invitations to meals sent in a professional setting.

Subject to these same reservations, they may accept gifts of less than thirty (30) euros, provided that they are not repetitive, and refuse any individual gift of a higher amount. Formal gifts of an amount greater than thirty (30) euros may nevertheless be accepted, subject to the additional reservation that they are not subject to individual appropriation. To this end, they are transferred to the assets of the commission or made available to the collective, according to methods adapted to their nature.

Article 7 Relations with interest representatives main or regular activity of influencing the decisions of the commission by entering into communication with its members, its general secretary or its deputy.

The relations of the members and agents of the commission with these representatives of interests must comply with the ethical rules mentioned in this charter.

The members of the commission, as well as the secretary general and his deputy, may in particular refer to the High Authority for the transparency of public life (hereinafter the High Authority) on the qualification to be given to the activity of a natural person or a legal person entering into communication with them, in order to ensure that the latter complies, where applicable, with the obligations applicable to interest representatives.

They may also be notified by the High Authority, once they have responded favorably to a request made by the interest representative concerned, of a breach by the latter of his obligations. In such a case, the members of the commission, as well as the secretary general and his deputy, shall take the greatest account of the observations which are, where appropriate, addressed to them by the High Authority. commission ensures proper management of public funds. In particular, it ensures the control of all allowances and professional expenses related to the exercise of the missions and functions of the members and agents of the commission and implements a policy of control of the rules applicable in this area.

The members and agents of the commission ensure, each as far as it is concerned, a reasoned use of the financial and material resources made available to the commission.

As such, they show restraint in incurring the costs incurred by their travels, which are subject to compensation, and ensure that the equipment entrusted to them is kept in good condition in the performance of their duties. They limit as much as possible any use of these resources, in particular the computer equipment made available to them, for purposes other than the exercise of their missions, in particular for the purposes of the exercise of a distinct professional activity. Article 9 Recommendations of good practices The commission may, as necessary, adopt recommendations for the purpose of promoting compliance with the ethical principles and obligations to which the members and agents of the commission are subject.

These best practice recommendations may be common to all members and agents or only concern members or agents carrying out specific missions or functions. Where applicable, they are regularly updated. Article 10 Ethics referent An ethics referent is appointed by decision of the chairman of the commission, for a period of three years. This decision is renewable. It is brought to the attention of members and agents and is published on its website.

Without prejudice to his other missions mentioned in this charter, the ethics referent performs a general mission of advice to the members and agents of the commission concerning the respect of the ethical principles and obligations to which they are subject. In particular, it provides all advice likely to prevent or put an end to a situation of conflict of interest.

The members and agents of the commission can refer to it or consult it for any ethical question concerning them encountered in the exercise of their missions and functions. They can ask him to accompany them in carrying out their procedures in terms of ethics.

The ethics referent can carry out awareness-raising actions and make recommendations concerning the implementation, by the members and agents of the commission, of the ethical principles and obligations that they are required to respect. He is associated with the work of the commission on ethical issues, and in particular with the development and formulation of the rules to be observed in this area. It can propose changes to these rules and best practices contributing to their implementation.

The ethics referent has the material resources necessary for the accomplishment of his missions, in particular a dedicated functional electronic address and the use of meeting rooms to receive the members and agents of the commission. He may request assistance, as needed, from the services of the commission.

The ethics referent performs his duties in complete independence. He is bound by professional secrecy and discretion. He ensures the confidentiality of the information exchanged with the members and agents of the commission within the framework

of his missions. This obligation also applies to any person who assists him in the exercise of his missions. Article 11 Other mechanisms in matters of ethics and opinions on the ethical questions encountered by the members and, where applicable, the agents of the commission in the exercise of their missions and functions.

In addition to the committee's ethics referent, members and agents can also get in touch with other interlocutors when they are confronted with situations likely to present a risk with regard to compliance with the ethical obligations and principles to which they are subject. Without prejudice to the legal obligations in this area, the members of the commission may in particular discuss with the chairman of the commission for any ethical question encountered in the exercise of their mandate, the members of the restricted committee with the chairman of this committee for any ethical question encountered in the exercise of their functions and the agents of the commission with their hierarchical superiors as well as with the departments in charge of human resources for any ethical question encountered in the exercise of their missions and functions. Chapter II: Rules of ethics applicable to the members of the commission (Articles 12 to 18) Article 12 Incompatibilities related to the mandate of member of the commission In accordance with the legal provisions applicable to the members of an independent administrative authority, the mandate of member of the commission is incompatible with the functions Chairman of the executive body or of the deli under any local authority within the meaning of the general code of local authorities, as well as with the function of president of the Assembly of French nationals living abroad.

It is also incompatible with the functions of business manager, company manager, chairman or member of a management, administrative, management or supervisory body within a legal entity or a company. that it controls having been the subject of a deliberation, a verification or a control in which the member of the commission participated during the two previous years. The same applies to the exercise of any new professional activity exercised within such a legal person or company.

The mandate of member of the commission is also incompatible with the mandate of member of the Superior Council of the Judiciary, with the mandate of deputy, senator and member of the CESE with the exception of the six members appointed to the commission in this capacity. , as well as with the mandate of active member of the Council of State, the Court of Auditors and the Court of Cassation with the exception of the six members appointed to the commission in this capacity and the chairman of the commission.

Unless otherwise provided by law, a member of the commission may not be a member of another independent administrative authority or of an independent public authority falling under the general status of these authorities. In addition, he cannot

exercise functions within the services of the commission. applicable legal provisions, incompatible with the exercise of a professional activity or public employment. In particular, it is incompatible with the functions of borough mayor, deputy mayor and deputy mayor, vice-president of the deliberative body or member of the executive body of any local authority within the meaning of the code. general of local authorities and member of the board of the Assembly of French nationals living abroad or vice-president of the consular council.

The function of chairman of the commission is also incompatible with any direct or indirect holding of interests in a company in the electronic communications or IT sector. Article 14 Incompatibilities related to the exercise of certain functions within the commissionThe chairman, deputy vice-chairman and vice-chairman of the commission cannot be members of the committee's restricted formation.

The same applies to the rapporteur, appointed for each case by the chairman of the committee for the purpose of drawing up the report on the basis of which a sanction or corrective measure falling within the competence of the restricted committee is likely to be pronounced.

The members of the Restricted Committee may not participate in the exercise of the powers of the commission in terms of processing claims, complaints and petitions, advising the public prosecutor of any crime or misdemeanor of which it is aware and presenting observations in criminal proceedings, as well as visits and checks.Article 15 Declarations of assets and interestsThe members of the commission send the President of the High Authority, within two months of their taking office, an exhaustive, exact and sincere statement of their financial situation concerning all of their own assets as well as, where applicable, those of the community or undivided assets. Within the same timeframe, they send him a declaration showing the interests held on the date of their appointment and in the five years preceding this date.

They also send the President of the High Authority a new declaration of assets within two months of the end of their term of office.

These declarations of assets and interests are completed and sent in accordance with the applicable legislative and regulatory provisions, as specified by the High Authority.

Any substantial change in the assets or interests held by a member of the commission during his term of office shall give rise, within two months, to a declaration under the same conditions.

The members of the commission lend their full support to the work and checks of the High Authority relating to their

declarations, both during the exercise of their mandate and at the end of it. In particular, they send it all the additional information necessary for the examination of these declarations and follow up on the observations and recommendations formulated by the High Authority for the purpose of guaranteeing the exhaustiveness, accuracy and sincerity of the declarations of financial situation and to prevent or put an end to a situation of conflict of interest.

In addition to their transmission to the High Authority, all the declarations of interests of the members of the commission are sent, within the same deadlines, to the chairman of the commission. They are kept by the secretary general or his deputy, under conditions guaranteeing their confidentiality with regard to third parties, and made available to the other members of the commission, who can consult them on site at any time.

These declarations of interest may in particular be consulted by the chairman, the chairman of the restricted committee and the general secretary of the committee or his deputy for the purpose of preventing situations of conflict of interest, in particular within the framework of the distribution of sectors of activity of the members of the plenary formation, and to ensure the independent, impartial and objective exercise of the functions of the members of the restricted formation and of the rapporteur appointed for each case.

Article 16 Withdrawal and obligations of abstention

The members of the committee are subject to the abstention obligations provided for by the applicable legal provisions for the purposes of preventing and immediately ending situations of conflict of interest.

They refrain from exercising their functions and attributions when they believe that this exercise would place them in a situation of conflict of interest. In particular, they abstain from sitting within the competent formation of the commission or from participating in the debate and the vote of a deliberation of the latter, since they hold or have held during the three years preceding the decision involves an interest, public or private, which is likely to influence or appear to influence the independent, impartial and objective exercise of their duties. The same applies if they exercise functions or hold offices, or have exercised functions or held offices during the three years preceding the decision in question, within a legal entity concerned by the said decision, as well as if they represent or have represented during the same period one of the parties concerned by it. In such cases, the members of the commission do not participate more in the checks and controls carried out by the commission.

When a member of the commission is placed in such a situation or in any other situation justifying a deportation, he informs the chairman of the commission in writing as soon as he becomes aware of it or, at the latest, orally if necessary. , at the beginning

of the meeting on the agenda of which the deliberation in question is included. The chairman of the commission informs the other members of the commission. For the members of the restricted formation, the powers of the chairman of the committee are exercised by the chairman of the restricted formation.

When the chairman of the committee or the chairman of the committee's restricted formation is placed in such a situation or considers that his participation in a deliberation would place him in a situation of conflict of interest, he informs in writing, respectively, the deputy -deputy chairman of the commission or the vice-chairman of the restricted committee as soon as he becomes aware of it or, at the latest, if necessary orally, at the start of the meeting on the agenda of which the deliberation in cause is registered. He also informs the other members of the committee or the restricted committee of the committee. In such cases, his powers are respectively exercised, with regard to the deliberation in question, by the deputy vice-president or by the vice-president of the restricted committee of the committee.

This information is also brought to the attention of the general secretary of the commission or his deputy. Where applicable, these abstentions are mentioned in the minutes of the meeting on the agenda of which the deliberation in question is entered. For the determination of the quorum rules applicable to the deliberations of the committee, it is not taken into account the member who abstains on the grounds that he considers himself in a situation of conflict of interest.

Without prejudice to the possibility of requesting an opinion from the High Authority on this point, the members of the commission may contact the ethics referent to seek his advice as to the qualification of the situation in which they are or are likely to be placed. and the attitude to adopt. They may also contact the chairman of the committee and, for the members of the restricted committee, the chairman of this committee, for the same purpose. In any event, in the event of persistent doubt as to the existence of a conflict of interest, the members of the commission shall abstain within the meaning and under the conditions provided for in this article.

Article 17 Breaches of the ethical rules

Without prejudice to the criminal and administrative proceedings that may be initiated in the matter, any serious breach of the ethical rules mentioned in this charter is subject to the procedures provided for by law no. 2017-55 of 20 January 2017 as amended and recalled in this article. . These procedures may take place at the start of or during the term of office, on the initiative of the members or of the chairman of the commission or following information sent by the High Authority, in the event of a failure observed by a member of the commission to its legal obligations in terms of ethics, to the chairman of the commission and to the appointing authority of the member concerned.

A deliberation of the commission, adopted on the proposal of its chairman or of a third of its members, may establish a serious breach of the ethical obligations incumbent on a member of the commission. This deliberation must be adopted by a majority of three quarters of the members of the committee other than the person concerned and can only intervene after the latter has been able to produce his observations within a period of eight days. The vote of this deliberation takes place by secret ballot and without the presence of the interested party. It is addressed to the appointing authority of the member concerned, who may terminate their functions, in the same forms as those provided for their appointment.

Any member of the commission finding himself in a situation of incompatibility puts an end to it within thirty days. In the absence of an option within this period, the chairman of the commission declares him to have resigned. When the incompatibility concerns the chairman of the commission, this declaration must be made by at least one third at least of the members of the commission. This information is brought to the attention of the appointing authority of the member concerned, who may only terminate their functions in the same manner as those provided for their appointment. Article 18 Mobility to the private sector

The members of the commission may only exercise, for a period of three years from the end of their term of office, liberal activities or remunerated activities within a public or private company, a public establishment or a public interest group of an industrial and commercial nature which are compatible with their former functions within the commission, within the meaning of the legal provisions applicable in the matter.

Without prejudice to the applicable provisions of the Criminal Code, they may not as such exercise the functions of business manager, company manager, chairman or member of a management, administrative, management or supervisory body in the within a legal person or a company that it controls having been the subject of deliberation, verification or control by the commission in which they participated during the two previous years .

In any case, the members of the commission are required to inform the High Authority prior to the beginning of the exercise of the activity envisaged, under the conditions provided for by the applicable legal provisions and specified, if necessary, by the High Authority, for the purpose of examining its compatibility with the ethical principles and obligations to which they are subject. In this context, they give their full support to the work and checks of the High Authority relating to their application and in particular send it any additional information necessary for its examination.

Any change of activity during a period of three years from the end of their term of office is the subject of a referral, under the

same conditions, to the High Authority before the start of this new activity.

In the absence of prior referral by a member of the commission, the president of the commission seizes the High Authority within two months from the knowledge of the unauthorized exercise of the activity in question.

Chapter III: Rules of ethics applicable to commission agents (Articles 19 to 25)

Article 19 General duties The agents of the commission are required, in addition to compliance with the ethical rules common to members and agents of the commission, to exercise their missions and functions diligently, efficiency, responsibility and respect for the hierarchical principle. Agents performing hierarchical functions are required to set a particular example in terms of compliance with all of these obligations and principles. It is up to the hierarchical superior to ensure compliance, by the commission agents placed under his authority, with all the obligations and ethical principles to which they are subject.

Commission officials may be released from the obligation of professional discretion by express decision of their hierarchical authority. Any public intervention on their part, whatever form it takes, or any publication in connection with the missions of the commission, must be the subject of prior authorization from the hierarchical authority.

Article 20 Accumulation of activities Commission staff devote all of their professional activity to the tasks entrusted to them. They may not engage in a gainful private activity of any kind whatsoever on a professional basis, except as provided by law.

Without prejudice to the freedom to exercise voluntary activities for the benefit of public or private non-profit persons, the agents of the commission may be authorized by their hierarchical authority, under the conditions provided for by the legal provisions, to exercise on an ancillary basis one or more activities, lucrative or not, with public or private persons or bodies. This authorization can only be granted provided that the activity in question is compatible with the functions entrusted to them within the commission and does not affect their exercise. As such, the exercise of this activity on an ancillary basis must in no way undermine the principles or disregard the obligations in terms of ethics to which the agents of the commission are subject, in particular by placing them in a situation of conflict of interest.

Agents authorized to combine an ancillary professional activity only carry out this activity outside their working hours, under conditions that do not compromise their availability for the performance of their duties and respecting, where applicable, the reservations and recommendations formulated by the hierarchical authority with a view to ensuring compliance with these obligations and ethical principles as well as the normal functioning of the service. They may not use their position within the commission to encourage or ensure the promotion of this activity.

Any substantial change in the conditions of exercise or remuneration of the activity carried out on an ancillary basis by a commission agent must be the subject of a request addressed to the hierarchical authority. The latter may at any time oppose the combination of activities or its continuation, if the interest of the service justifies it, if the information on the basis of which the authorization was given is inaccurate or if this combination is incompatible with the functions and missions exercised by the agent with regard to the obligations and ethical principles to which he is subject. Article 21 Withdrawal and obligations of abstention prevention and immediate cessation of conflict of interest situations.

They refrain from participating in the handling of matters and files which place them or are likely to place them in a situation of conflict of interest.

When they believe that they find themselves or risk finding themselves in such a situation, or in any other situation justifying a deportation, the officers of the commission contact their immediate superior, specifying the content of the questions for which they consider that they should not exercise their skills. When the hierarchical superior entrusts the processing of the file or the drafting of the decision to another person placed under his authority, the agent of the commission assigned to the file cannot take part in his investigation.

The agents of the commission exercising hierarchical functions may also, on their own initiative and in the absence of referral from the agents placed under their authority, entrust the processing of a file or the drafting of a decision to another agent placed under their authority if they consider that the staff member to whom this task was initially entrusted is or is likely to be in a situation of conflict of interest. In this case, they ensure that the agent concerned abstains within the meaning and under the conditions provided for in this article.

Commission staff and their line manager can contact the commission's ethics referent in this context to seek advice on the qualification of the situation in which they are or are likely to be placed and the attitude that they should be adopted. Article 22 Referent deontologist The agents of the commission have the right to consult at any time the referent deontologist for any ethical question concerning them encountered in the exercise of their missions and functions or within the framework of their projects of 'professional evolution. The function of adviser of the referent deontologist is exercised, with regard to the agents of the commission, without prejudice to the responsibility and the prerogatives of their hierarchical superiors.

In addition to his missions mentioned in this charter, the ethics referent issues, as necessary and on the basis of referrals from commission agents, alerts or recommendations in terms of ethics intended for the president, the secretary general and his

deputy. He regularly reports to them on his activity for the officers of the commission, specifying the nature of the shortcomings of which he is aware and the measures he has recommended, in compliance with the obligations of professional secrecy and discretion to which he is bound. submitted.

Article 23 Protection of whistleblowersThe commission ensures the protection of agents who reveal or report any fact of which they have personal knowledge and which they consider, in a disinterested manner and in good faith, that it falls within the scope of application of the alert within the meaning of the legal provisions. No agent of the commission may be sanctioned or be the subject of a discriminatory measure, direct or indirect, for having reported an alert under the conditions provided for by the said provisions, including when the facts reported prove to be inaccurate or do not give result in no sequel.

No measure of a professional nature, within the meaning of the legal provisions, may be taken against an agent of the commission for having related or testified, in good faith, to the judicial or administrative authorities of facts constituting an offense, of a crime or likely to be qualified as a conflict of interest of which he would have become aware in the performance of his duties. In the case of a conflict of interest, the agent of the commission must have previously alerted a direct or indirect superior in vain.

A procedure, defined by the chairman of the commission and made available to all commission agents, provides for the procedures for collecting and processing these reports, in compliance with the applicable legal provisions. It specifies in particular the role of the ethics referent in the reporting procedure and the conditions under which the strict confidentiality of the author of the report, the facts reported and the persons concerned by the report is guaranteed.

Article 24 Breaches of the rules of ethics Without prejudice to the procedures criminal and administrative proceedings which may be initiated in this matter, any breach by a commission agent of the ethical rules to which he is subject exposes him to disciplinary action.

Article 25 Mobility to the private sector Commission agents may not exercise , for a period of three years from the definitive or temporary cessation of their functions, that liberal activities or gainful activities, salaried or not, in a private company or a body governed by private law which are compatible with their functions exercised in the within the committee, within the meaning of the legal provisions applicable in the matter.

They are required to contact their hierarchical authority prior to the start of the exercise of the planned activity, under the conditions provided for by the applicable legal provisions, for the purposes of examining its compatibility with the ethical principles and obligations. to which they are subject. In this context, they provide all their assistance to the work and checks of

the services of the commission in charge of the application and in particular send them any additional information necessary for the examination of it.

Any change of activity during a period of three years from the termination of duties shall be brought to the attention of the commission by the staff member concerned, under the same conditions, before the start of this new activity.

The president of the commission adopts a decision as to the compatibility of the planned activity, within the time limits and conditions provided for by the applicable legal provisions.

In case of serious doubt on the compatibility of the planned activity with the functions exercised by the agent of the commission, he seizes for opinion, before his decision, the referent deontologist and takes the greatest account of this opinion. When the opinion of the referent deontologist does not make it possible to remove this doubt, the chairman of the commission seizes the High Authority for the purpose of obtaining its opinion on the compatibility of the activity envisaged and sends it any useful element for this purpose, in particular the aforesaid opinion of the compliance officer. The opinion of the High Authority, given under the conditions provided for by the applicable legal provisions, binds the chairman of the commission.

The decision of the chairman may include reservations aimed at ensuring compliance with the obligations and ethical principles to which the commission agents are subject and the normal functioning of the commission services.

Chapter IV:
Additional ethical rules applicable to the commission agents performing special duties (Articles 26 to 28)
Article 26 Declarations of assets and interests financial situation and declaration of interests mentioned in article 15 of this charter.

They lend their full support to the work and checks of the High Authority relating to their declarations, both during the exercise of their functions and after their termination. In particular, they send it all the additional information necessary for the examination of these declarations and follow up on the observations and recommendations formulated by the High Authority for the purpose of guaranteeing the exhaustiveness, accuracy and sincerity of the declarations of financial situation and to prevent or put an end to a situation of conflict of interest.

In addition to their transmission to the High Authority, all the declarations of interests of the Secretary General and his Deputy are sent, within the same deadlines, to the Chairman of the Commission. These declarations are kept by the chairman, under conditions guaranteeing their confidentiality with regard to third parties, and may be consulted by the latter for the purposes of preventing situations of conflict of interest.

Article 27 Obligations of abstention When he considers himself find or risk finding themselves in a situation of conflict of interest, the general secretary of the commission refrains from using any delegation of

signature given by the chairman of the commission under the conditions provided for by the applicable legal provisions. He informs the chairman of this without delay in writing, specifying the content of the questions for which he considers that he should not exercise his powers. In this case, the Secretary General does not take part in any meeting and does not issue any advice or give instructions to the persons placed under his authority with regard to the questions in question.

When he considers that he finds himself or risks being in a situation of conflict of interest, any agent of the commission holding a sub-delegation of signature from the president of the commission, given directly by the secretary general or through the intermediary of A supervisory agent placed under the authority of the latter, under the conditions provided for by the applicable legal provisions, also refrains from using it.

The commission official concerned informs the delegating party without delay, in addition to his immediate superior, specifying the content of the questions for which he considers that he should not exercise his powers. He does not take part in any meeting and does not express any opinion or, in the case of an agent exercising managerial functions, does not give instructions to the persons placed under his authority with regard to the questions in question.

Article 28 Mobility to the private sector

The secretary general of the commission and his deputy are subject to the same obligations as any agent of the commission with regard to the compatibility with their functions, with regard to the principles and ethical obligations to which they are subject, of the liberal or lucrative activities envisaged for a period of three years from the definitive or temporary termination of these functions. They are also bound by the same obligations of referral, prior to the start of the exercise of the planned activity, of the chairman of the commission.

The chairman of the commission submits the request of the secretary general and his deputy to the prior opinion of the High Authority, under the conditions provided for by the applicable legal provisions. Failing this, the secretary general of the commission and his deputy may refer the matter directly to the High Authority and inform the chairman of the commission, who sends the documents in the referral file to the High Authority. In any case, the Secretary General and his deputy provide all their assistance to the work and checks of the services of the commission in charge of the request as well as of the High Authority and send them in particular any additional information necessary for the examination of it. . The High Authority may also take action ex officio, under the conditions provided for by the applicable legal provisions, when it becomes aware of a lack of prior referral. Its decision is binding on the Secretary General of the Commission and his deputy.