



Code of Ethics and Conduct

INTERREG ATLANTIC AREA Programme 2021-2027

May 2023

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CHAPTER I – GENERAL PROVISIONS

ARTICLE 1 PURPOSE

1 -This Code of Conduct outlines a set of principles and rules regarding ethics and professional conduct, to be abided by the staff members of the Interreg Atlantic Area Programme 2021-2027 (AA) whilst performing their duties and in the relations between themselves and third parties.

2- This instrument is complementary to the promotion of values inherent to the professional activity, not preventing the simultaneous application of disciplinary rules and specific conduct rules of professional groups, as well as of other norms which integrate the Code of Administrative Procedure, the Labour Code, among others.

ARTICLE 2 SCOPE

This Code of Conduct is applicable to all AA staff members, regardless of their function, labour relation or hierarchical position.

CHAPTER II – PRINCIPLES

ARTICLE 3 GENERAL PRINCIPLES

Whilst performing their duties, functions and competences, the AA staff members shall abide by the principles of loyalty, accuracy, and transparency in the context of compliance with their functions, prioritising the underlying responsibilities for providing a public service and for strengthening an integrity and excellence image, avoiding situations which could cause conflict of interest.

The general principles of this Code are:

Legality – The AA staff members shall act in compliance with the Constitution, law and rights. They should ensure that the decisions which may affect the legally protected rights and interests of the citizens, have a legal basis and its content is in line with the law or with its objectives.

Loyalty and cooperation – For the AA staff members, the definition of loyalty implies not only the adequate performance of the given duties by the hierarchical superiors, but also the compliance with its instructions and respect via the appropriate hierarchical channels. The staff members shall guarantee the adequate transparency and dialogue capacity as well in the daily treatment within hierarchical superiors and colleagues.

The staff members shall foster good interpersonal relations, to ensure cordial relations and a conducive environment for efficient work.

Information- The staff members shall provide all information or necessary knowledge in a fast, clear, and accurate way towards the development of activities or participation in tasks by other colleagues.

The non-disclosure of the necessary information to hierarchical superiors and colleagues that may affect the course of work, especially if it is with the objective of obtaining personal advantages, as well as providing false, inaccurate, or exaggerated information and refusing to cooperate with colleagues, is considered an inadequate behaviour violating the principle of loyalty and cooperation.

Integrity- The staff members of the AA shall in all situations act according to the criteria set out in an honest and diligent conduct, actively fighting against all forms of active or passive corruption. Special attention should be drawn to favours and complicities that may induce the creation of illegal benefits, which are subtle ways of corruption, such as offers or receiving funds by users, service providers or other entities. Its conduct should always be guided by legality and the respect of the Anti-Fraud Strategy, approved by the Managing Authority of the AA.

Equality of treatment and non-discrimination – The staff members of the AA shall not adopt any kind of discriminatory behaviour, namely based on race, gender, age, physical capacity, sexual orientation, political opinions, or religious beliefs.

Safeguarding the public interest and the good faith principle – The staff members are under the exclusive service of the AA, safeguarding the public interest, in the respect of the legally protected rights and interests and are bound by dignity and integrity criteria, performing their duties in a responsible, competent, and diligent way.

The staff members shall always act following the principle of good faith, envisaging the safeguard of the public interest and the provision of a quality public service.

Proportionality – The staff members of the AA shall act with discernment and reasonableness. Whenever they make decisions, should ensure that the adopted measures are adequate, necessary, and proportional to the objectives to be achieved. Restrictions to the rights of citizens should be avoided, as well as the imposition of burdens, whenever there is not a reasonable balance between such restrictions or burdens and the objectives to be achieved.

Impartiality, independence, and justice – Whilst performing their duties, the AA staff members shall always have in mind the mission of the Managing Authority, acting with impartiality and professional ethics, refraining from any type of behaviour that may induce in favouring third parties and its decisions should be guided by the highest seriousness, integrity and transparency standards.

Efficiency, quality, responsibility, and professional diligence – The staff members shall always fulfil with diligence, efficiency and in the best possible way its responsibilities and duties that are assigned to them while performing their duties at the AA.

The staff members should be aware of the importance of their respective duties and responsibilities, bearing in mind the public expectations in relation to its conduct, within the general and socially accepted standards, shall act in a way to keep and reinforce the public confidence and contribute to the efficient functioning and good image of the Managing Authority and the Programme.

The staff members of the AA shall act in compliance with the limits of the responsibilities inherent to the performance of their duties, using the means at their disposal exclusively for the scope of performing their duties.

CHAPTER III – INTERNAL AND EXTERNAL ACTION

ARTICLE 4 EXTERNAL RELATIONS

1- In relations with third parties, the staff members shall provide with the adequate promptness and diligence the requested collaboration with a professional attitude, acting with exemption, equity and according to objectivity criteria.

2- While complying with the provisions above, the AA staff members shall respect their duties in terms of loyalty, confidentiality, professional secrecy, secrecy, and personal data protection.

3- The AA staff members shall maintain an absolute secrecy and reservation towards the outside from all the information they become aware of whilst performing their duties, except if that information shall be disseminated by internal decision or under the law in force.

4- Under the previous provision, the personal IT data or other considered confidential data, information concerning opportunities of activities taking place, information about technical skills, working methods and management of projects developed by the AA shall be included, as well as the information related to any project concluded or still under development, whose knowledge is limited to the AA staff members whilst performing their duties or by virtue of them.

5- The duties of professional secrecy shall be maintained, even when its recipients no longer perform duties at the AA. The infringement of the professional secrecy will be sanctioned under the terms set out in the law.

6- During all contacts with outsiders, the staff members shall act complying with the principle of independence, namely by not demanding or receiving instructions from any entity, organization or outsider towards the Managing Authority and the participating Member States in the Programme, committing themselves to safeguard the AA's credibility, reputation and good image.

7- Unless mandated for that particular purpose, the AA staff members shall refrain from issuing public statements on matters related to the Programme on their own initiative or by request from third parties, especially concerning the use of media.

ARTICLE 5 INTERNAL RELATIONS

1- The relations between staff members shall be based on loyalty, honesty, mutual respect, and cordiality, allowing the creation of an atmosphere of trust, avoiding all kinds of behaviour that may affect such relations in a negative way.

2- The staff members shall have team spirit and collaboration spirit, cooperation, information, and knowledge sharing in order to promote a good working environment.

3- When there are people handling the same matter, the staff members shall ensure that they have the necessary and updated information concerning the work on course, allowing them to give their own contribution towards a good conclusion on those matters.

4- The non-disclosure of information to hierarchical superiors or colleagues that may affect the course of work, especially with the goal of obtaining personal benefits, as well as providing false, inaccurate, insufficient or exaggerated information, refusing to collaborate with colleagues or showing an active or passive type of behaviour that obstructs the handling of the matter is considered a non-respect of the loyalty standard that is expected from the staff members.

5- The staff members with management, coordination, or leading functions, shall provide clear and understandable instructions to the members working or collaborating with them in an oral or written form, avoiding dubious situations concerning the way or the expected outcomes of their performance.

6- The staff members shall inform the Managing Authority straight way if whilst performing their duties, have been aware of any irregular practice that may endanger the correct functioning or mission fulfilment of the Managing Authority.

7- The compliance of the provision above does not involve any kind of responsibility towards the staff member who respects it.

ARTICLE 6 CONFLICT OF INTEREST

1- Any actions that may pose in a direct or indirect way a situation of conflict of interest are strictly prohibited.

2- There is conflict of interest whenever the staff members have a personal or private interest in a particular matter that may influence or appear to influence the impartial and objective performance of their duties.

3- Personal or private interest is defined as any potential advantage for the own person, their relatives or any person with who is living in a non-marital partnership or for the close friends circle.

4- The AA staff members are bound to respect the rules stipulated under articles 69 and 76 of the Administrative Procedure Code that outlines the cases of hindrance and suspicion and their respective consequences.

5- The staff members who whilst performing their duties face a situation that may represent a conflict of interest, should declare themselves being prevented from it, committing themselves to report such fact straight away to the Managing Authority, as in the draft minute – Annex II – Declaration of conflict of interest.

ARTICLE 7 ADDITIONAL DUTIES CUMULATION

The AA staff members may cumulate additional duties, when duly authorised by the MA.

ARTICLE 8 BENEFITS AND PROHIBITION OF ACCEPTING BENEFITS

The recipient of this Code shall not demand, receive, or accept whilst performing duties at the AA, any benefits, gifts or compensations, such as offers or payments. Offering valuable objects, merely symbolic or as a gesture of courtesy is not included under this prohibition.

ARTICLE 9 SUSPICIONS AND REPORTING OF ILLEGAL ACTIVITIES

1- Any staff member who has suspicions of any irregular, fraudulent or misconduct situations, shall report those cases by letter addressed to the Managing Authority under the terms of the draft minute – Annex III. The confidentiality of the whistleblower is totally guaranteed.

2- The Managing Authority shall determine which measures should be applied according to the reported facts.

3- The reporting of suspicions in relation to incorrect types of behaviour or illegal situations enjoys protection granted by law, namely the staff members are assured they would not risk reprisals, discriminatory or unfair treatment for reasons of having fulfilled their obligations of reporting or denunciation and are hereby protected under article 26 (1) of the Constitution of the Portuguese Republic and under article 4 of the Law No 19/2008 dated from 21st April, which approves measures concerning the fight against corruption, under the heading “guarantees of the whistleblowers”.

4- In the event that any of the types of behaviour mentioned in this norm take place that may constitute a criminal or disciplinary offence, the Managing Authority shall report to the competent disciplinary authority, namely the Public Prosecution Service, the Court of Auditors, the Tax Authorities or *IGF* as anti-fraud coordination service (*AFCOS*), depending on the cases, providing all evidences and reporting all facts that have come to their notice and that may indicate suspicion of fraud, corruption or any other detrimental illegal activity.

ARTICLE 10 CORRUPTION AND ASSOCIATED VIOLATIONS PREVENTION

1- The AA staff members shall actively act against all kinds of corruption, be it active or passive, economic and financial crime, money laundering, influence peddling, illegal misappropriation of public goods, maladministration, embezzlement, economic participation in business activities, abuse of power, violation of the duty of secrecy, drawing special attention to any type of payments, favours and complicities that may induce the creation of illegal benefits.

2- Any omission concerning the obligation of denouncing or reporting may create disciplinary and/or criminal responsibility, under the terms set out in the law.

3- The staff members are assured not to risk reprisals or discriminatory or unfair treatment for reasons of fulfilling the obligation of denouncing or reporting.

4- A staff member who denounces corruption may benefit, as a witness, from the protection measures in criminal proceedings under the Law No 93/99, dated from 14th July, when his/her life, physical or psychological integrity, freedom or considerably high-value assets are endangered due to its contribution to the proof of the alleged facts that are the scope of the process.

CHAPTER IV – FINAL PROVISIONS

ARTICLE 11 INTERPRETATION AND ENFORCEMENT

1- The requests for assessment concerning the questions related to the interpretation or enforcement of the provisions under this Code of Conduct shall be addressed to the President of the Managing Authority of the AA.

2- The assessment of the questions regarding this Code of Conduct are a matter of the Managing Authority which will act with the adequate diligence.

ARTICLE 12 REVISION AND AMENDMENT

This Code will be revised whenever there is relevant matter that contributes to the reinforcement of the expected objectives, and which may be raised by any staff member and approved by the Managing Authority of the AA.

This Code and its revisions will be disclosed to all staff members under the terms set out in article 15.

ARTICLE 13 NON-EXECUTION

Without prejudice to the application of criminal, administrative offence or civil consequences, an infringement of the provisions under this Code constitutes a disciplinary offence.

ARTICLE 14 DECLARATION OF ACCEPTANCE

This Code lacks the acceptance by the staff members, which will be done by an individual statement as in the draft minute – Annex I.

ARTICLE 15 ENTRY INTO FORCE AND PUBLICITY

This Code is approved by the Managing Authority of the AA and published on the AA's website and enters into force on its approval date.

ANNEXES

ANNEX I – Declaration of compliance with the provisions of the Code of Conduct

ANNEX II- Declaration of Conflict of Interest

ANNEX III – Reporting of a specific situation of non-compliance or potential fraud

ANNEX I - DECLARATION OF COMPLIANCE WITH THE PROVISIONS OF THE CODE OF CONDUCT

Declaration

I, the undersigned,
declare on honour, that I took note and commit myself to respect the norms, acting principles, obligations and duties that the Code of Conduct of the Interreg Atlantic Area Programme 2021-2027 (AA) defines and sets out for all its staff members.

[Place], on _____ month _____ 20xx

Signature _____

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Function _____

ANNEX II – DECLARATION OF CONFLICT OF INTEREST

Declaration of Conflict of Interest

I, the undersigned....., performing duties of in the framework of the Interreg Atlantic Area Programme 2021-2027 (AA), ask to be excused whilst performing the assigned duties in my role as concerning the topic/process/application as I believe that not all conditions are granted to safeguard the lack of conflict of interest for reasons of
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Note- The staff member shall explain in this declaration the precise reasons causing the conflict situation.

[Place], on month 20...

Signature

Draft Reporting

I, the undersigned,....., performing duties of in the framework of the Interreg Atlantic Area Programme 2021-2027 (AA) inform, under the terms set out in the Code of Conduct, that I have identified the following situations of non-compliance and/or of potential fraud:

Identification of the non-compliance situation:

Identification of the potential fraud situation:

[Place], on month 20...

Signature