

**European Ombudsman inquiry - Complaint 2091/2023/AML**  
Views from Europol on the observations by the European Ombudsman

**Supplementary considerations on further organisational measures**

- Complementary to Europol's views submitted in response to the European Ombudsman's observations, Europol would like to provide the European Ombudsman office with the outcome of Europol's analysis of the European Ombudsman's previous inquiries on conflict of interest arrangements at EU level. This analysis aimed at identifying further elements which Europol could put into place with a view to refining and enhancing the existing framework applicable at Europol for preventing conflict of interest situations, in particular during the remaining period in service of Europol staff, prior to leaving the Agency when requesting authorisation for post-Europol occupational activities under Article 16 of the EU Staff Regulations (EUSR).
- While Europol maintains that there are no factual indications suggesting that in the case of the former two (2) Europol staff members (which are subject to the European Ombudsman inquiry) a conflict of interest situation materialised, Europol decided that, building on the outcome of the above referred analysis, an enhanced complementary assessment framework for applying Article 7 of the EUSR<sup>1</sup> will be established at Europol by the end of the first quarter 2025, for ensuring the application of additional mitigation response measures (transfer to another position or adjusted tasks, including removal of access to information of current activities etc.), depending on the specific merits of the case to be assessed, bearing in mind the feasibility under the applicable provisions of the EUSR and relevant case law. This will safeguard Europol's interest to pro-actively address the risk of potential conflict of interest situations with respect to Europol staff:
  - a) for the remaining time in service at Europol, at the moment when requesting authorisation for an occupational activity after leaving the service of the Agency (under Article 16 of the EUSR), and
  - b) for all other possible scenarios (irrespective of a suspected breach of professional obligations<sup>2</sup>), namely in the event of factual indications or other relevant circumstances which signify a conflict of interest, including when a request for outside activities (during the performance of duties at Europol) is put forward by staff.
- Europol is confident that while no conflict of interest has materialised to date as a result of staff leaving to take on non-public service occupational activities, this additional assessment framework will complement Europol's existing robust ethics arrangements, to uphold Europol's Values of Integrity and Accountability, in line with the development of a dedicated Private Party Strategy in 2025 concerning which the guiding principles underline the need for operational focus and compliance assurance.
- In parallel, Europol will also continue advocating, mindful of the dedicated separate staff rules of the European Central Bank (ECB) which can be viewed to represent

---

<sup>1</sup> "The Appointing Authority shall, acting solely in the interest of the service and without regard to nationality, assign each official by appointment or transfer to a post in his function group which corresponds to his grade. An official may apply for a transfer within his institution. ..."

<sup>2</sup> In which case an administrative inquiry by Europol or an internal investigation by OLAF with dedicated response measures is by default initiated.

**Europol Unclassified - Basic Protection Level  
Releasable to the complainant**

best practice in this context, for the *provisions in the EUSR* in relation to conflict of interest management *to be more stringent*, including to entail also an explicit competence for Agencies to monitor and scrutinise in detail all activities of former staff during the respective period requiring authorisation (post-Agency employment) under the EUSR.

- In concluding, Europol would like to thank the European Ombudsman for its guidance on conflict of interest management available to all EU Agencies, as a result of the inquiries conducted, which provides a body of practical knowledge to refine already existing ethics arrangements by EU Agencies and bodies, but also to draw upon the lessons learnt from the inquiry cases handled by the European Ombudsman.
- Europol will provide the above referred enhanced assessment framework to the European Ombudsman once established nearer the end of the first quarter of 2025.