

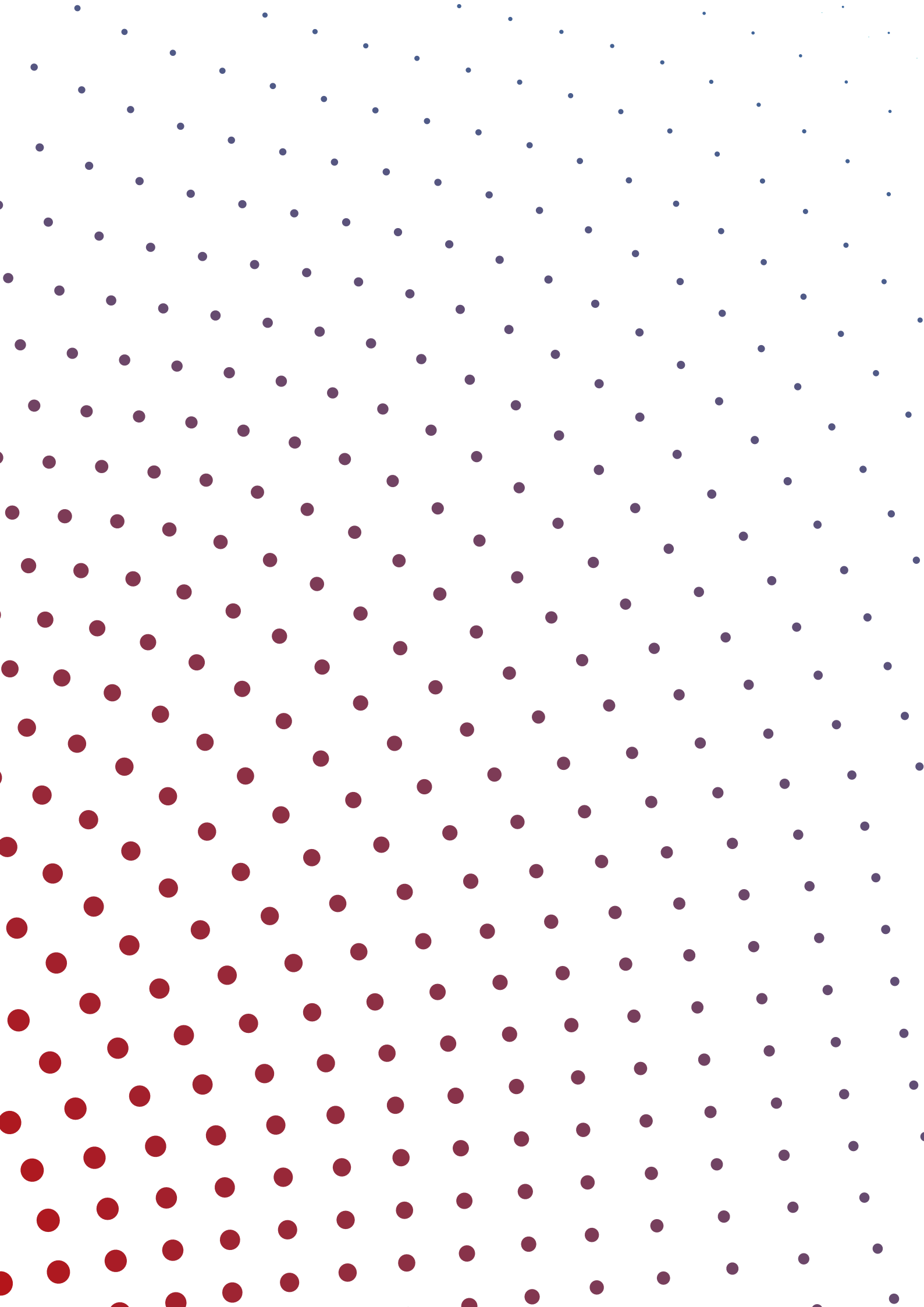


The Investigation and Disciplinary Office of the Commission

*Integrity is doing the
right thing even when no
one is watching.*

2024
ACTIVITY REPORT

DG HR



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I - INTRODUCTION

The Mission Statement of the Investigation and Disciplinary Office of the Commission (IDOC): *By conducting administrative inquiries and disciplinary procedures into alleged breaches of statutory obligations, as well as by carrying out prevention activities, IDOC seeks to ensure that staff members of the European Commission comply with high standards of ethics and integrity.*

Meeting the highest standards of professional ethics and integrity is of paramount importance with respect to the accomplishment of the Commission's tasks and its credibility and reputation. Therefore, Commission staff members are expected to display, at all times, an irreproachable behaviour and to comply always with their statutory obligations. This is the case for the large majority of Commission staff. However, when allegations of breaches of these obligations arise, IDOC conducts, in a fair, transparent and timely manner and upon mandate by the competent Authority¹, administrative inquiries, disciplinary proceedings, suspension proceedings and proceedings related to waivers of immunity of staff, as applicable.

IDOC also plays an important role in prevention, notably through awareness-raising events and training on the importance of respecting the high standards of ethics and on the role of IDOC in disciplinary affairs. IDOC's Annual Activity Reports form part of these outreach activities.

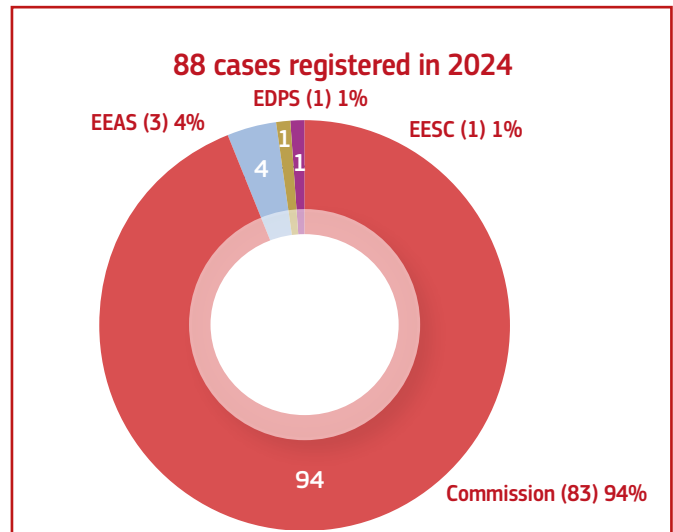
The report for year 2024 gives a statistical overview of all activities of IDOC and a summary of cases in which a disciplinary penalty was taken over the year. The cases are presented with a view to illustrating the broad scope of the cases that IDOC manages, as well as to inform staff members about the consequences that can result from breaches of statutory provisions.

II - CASES REGISTERED IN 2024 – OVERVIEW

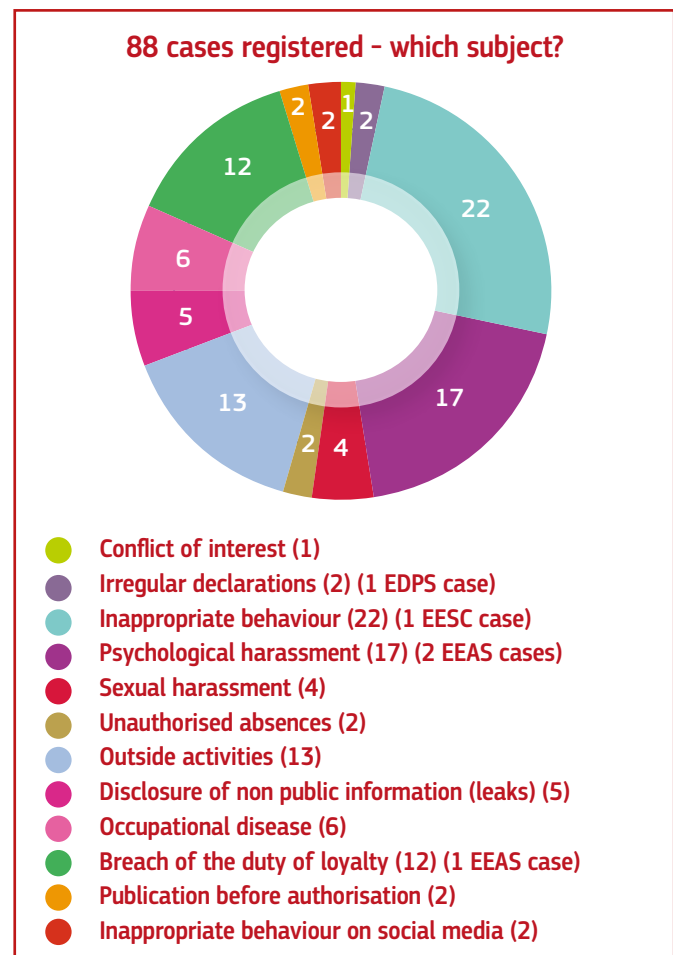
Information about potential statutory breaches comes from a variety of sources, including other Commission services and Institutions, the European Anti-Fraud Office (OLAF), the European Public Prosecutor's Office (EPPO), the executive agencies, requests for assistance filed by staff members under Article 24 of the Staff Regulations, as well as external sources such as complaints and media reports.

IDOC has Service Level Agreements (SLAs) with the European External Action Service (EEAS), the

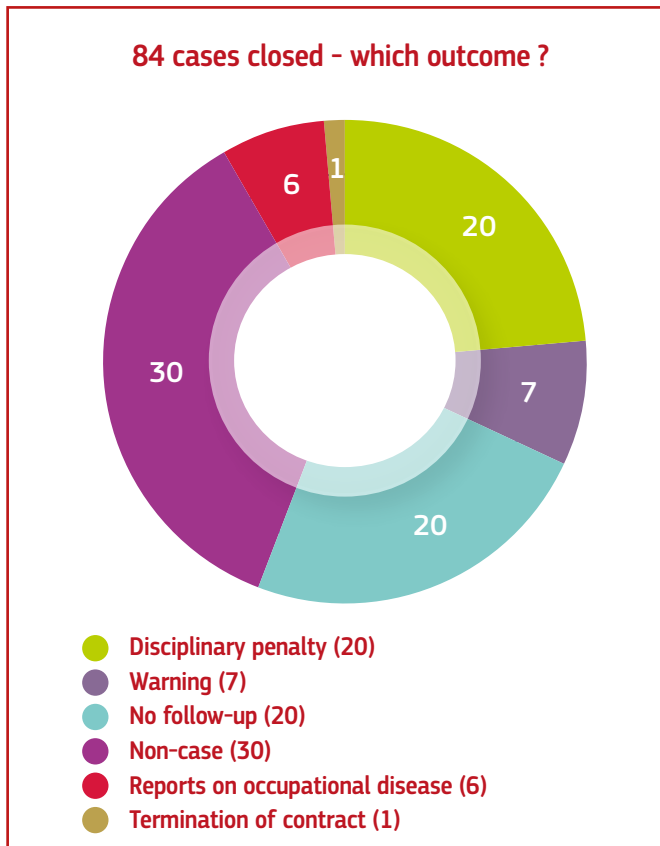
executive agencies, the European Data Protection Supervisor (EDPS) and the European Economic and Social Committee (EESC). Under the terms of the SLAs, IDOC carries out an equivalent service as for the Commission, including administrative inquiries and disciplinary proceedings based on mandates provided by the respective Authorities of these institutions and agencies.



88 new cases were registered in IDOC in 2024, representing a slight decrease in comparison to 2023. In addition, IDOC continued to deal with on-going cases registered in previous years.



¹ Either Appointing Authority (as determined on the basis of Article 2 of the Staff Regulations of Officials of the European Union) or Authority Authorised to Conclude Contracts of Employment (as determined on the basis of Article 6 of the Conditions of Employment of Other Servants of the European Union). For the sake of simplicity, the term Authority is used throughout the report.



Out of the 88 new cases, three cases concerned the EEAS², one case the EDPS³ and one case the EESC⁴.

For the decentralised agencies and some joint undertakings, IDOC provides a helpdesk service, on request. As for the conduct of administrative inquiries, IDOC recommends them to regularly update and make use of the existing inter-agency network of investigators.

III HOW IDOC WORKS

3.1. Preliminary assessments

All cases registered, which have not been subject of an OLAF investigation, undergo a preliminary assessment, which can then lead either to the opening of an administrative inquiry or to the case being closed as a non-case. During 2024, 30 cases were closed as non-cases.

3.2. Administrative inquiries

Where there is a *prima facie* evidence that a breach of the Staff Regulations may have occurred, the Authority gives IDOC a mandate to open an administrative

inquiry. Inquiries aim to establish the facts related to a situation that may involve a breach of statutory obligations. Inquiries allow the Authority to take a decision on whether to launch a pre-disciplinary proceeding based on established facts and the degree of responsibility of the staff member(s) concerned ('person concerned'). At the end of the inquiry, before the finalisation of the inquiry report, the person concerned is given the opportunity to comment on the facts established by the inquiry. These comments are duly assessed and taken into account in the final administrative inquiry report.

In 2024, IDOC received 49 mandates from the Authority to open administrative inquiries. They concerned allegations of harassment and inappropriate behaviour, irregular declarations, outside activities, conflicts of interest, unauthorised absences, disclosure of non-public information, breach of the duty of loyalty and unauthorised publication of articles.

Out of the 49 mandates received, four related to administrative inquiries under the procedure for the recognition of an occupational disease pursuant to Article 73 of the Staff Regulations and two pursuant to Article 78 of the Staff Regulations⁵. The procedures under Articles 73 and 78 of the Staff Regulations are not of a disciplinary nature. IDOC carries them out at the specific request of and based on the mandate issued by the Authority.

In order to establish the facts, the IDOC case-handlers make use of a range of measures, including obtaining documents and information, and conducting hearings of the persons concerned, of the alleged victims and of witnesses, which are an essential part of the administrative inquiry.

52 administrative inquiries were closed during 2024, which also included cases registered in the previous years. In 14 of these cases, the Authority decided to close the case without disciplinary follow-up. In one case, the Authority decided to terminate the contract of the person concerned in accordance with Article 47 of the Conditions of Employment of Other Servants (CEOS). Six administrative inquiries related to requests for recognition of occupational diseases were closed with a report to the relevant Authority. In 31 cases, the Authority decided to open pre-disciplinary proceedings.

3.3. Pre-disciplinary proceedings

In case the Authority decides, based on the findings of the administrative inquiry, to pursue the case

² On the following subjects: psychological harassment (two cases), breach of the duty of loyalty (one case).

³ On the subject of irregular declaration.

⁴ On the subject of inappropriate behaviour.

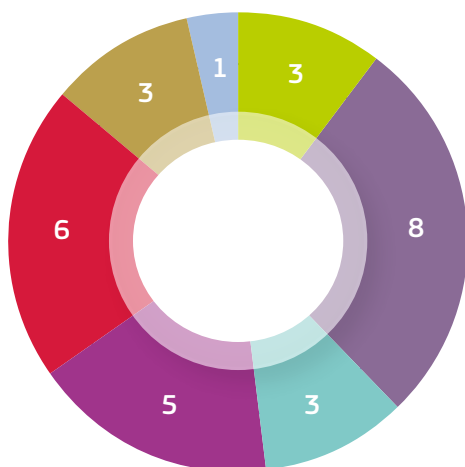
⁵ In the graphs, the figures concerning the procedures under Articles 73 and 78 are presented together under the description 'occupational disease'.

further, the person concerned is heard and given the opportunity to comment on all the evidence and facts of the case. Following the pre-disciplinary hearing of the person concerned, the Authority can decide: (1) to close the case without follow-up; (2) to issue a non-disciplinary measure in the form of a warning (*mise en garde*)⁶; or (3) to open disciplinary proceedings.

In 2024, the Authority gave IDOC a mandate to open pre-disciplinary proceedings in 33 cases⁷.

Following the pre-disciplinary proceedings (carried-out in 2024 and in the previous years) the Authority opened the disciplinary procedure in 29 cases. In five cases, which concerned less serious shortcomings, with no budgetary impact or harm to the institution's image and reputation, the Authority decided to issue a non-disciplinary measure in the form of a warning (*mise en garde*), reminding the persons concerned to pay more attention to their statutory obligations in the future.

In 29 cases, the Authority opened a disciplinary procedure, following the pre-disciplinary stage: which potential breaches?



- Irregular declarations (3)
- Inappropriate behaviour (8) (1 EEAS case)
- Psychological harassment (3) (1 EEAS case, 1 EESC case)
- Outside activities (5) (1 agency case)
- Disclosure of non public information (leaks) (6)
- Breach of the duty of loyalty (3)
- Inappropriate behaviour on social media (1)

3.4. Disciplinary proceedings

When the Authority decides to open disciplinary proceedings, it can refer the case before the Disciplinary Board or proceed without doing so.

When the Authority considers that the established facts do not merit a penalty more severe than a written warning or a reprimand, the case is not referred to the Disciplinary Board. In these cases, a disciplinary report, setting out the facts and an assessment of the misconduct in the case, is sent to the person concerned. After hearing the person concerned, the Authority decides on the penalty to be imposed.

When the Authority considers that the established wrongdoing is sufficiently serious to warrant a financial penalty, it refers the case to the Disciplinary Board. A disciplinary report, setting out the facts and an assessment of the misconduct, is sent to the Disciplinary Board and to the person concerned. The Disciplinary Board then hears the person concerned. The Disciplinary Board acts as a 'fresh pair of eyes' on both the facts and the assessment of the case and makes a recommendation for a penalty. Taking into due account the opinion of the Disciplinary Board, the final decision on the penalty to be imposed is taken by a tripartite Authority, after hearing the person concerned again.

In 2024, 29 disciplinary proceedings were opened, of which 15 were without and 14 with referral to the Disciplinary Board.

3.5. Suspension

A person concerned who is accused of serious misconduct may be suspended from active service, for a specific or indefinite period, pending the outcome of disciplinary or criminal proceedings.

In 2024, IDOC did not deal with any suspension file.

3.6. Different types of non-disciplinary and disciplinary measures

Cases where statutory breaches are established may be sanctioned in several ways. Less serious breaches may give rise to a warning (*mise en garde*). This is not a disciplinary measure, but a formal reminder about the requirement to observe ethical standards. It is placed in the staff member's personal file for 18 months.

⁶ The Staff Regulations make a distinction between this non-disciplinary warning (*mise en garde*) and a written warning (*avertissement par écrit*), which does constitute a disciplinary penalty.

⁷ 31 cases following an IDOC administrative inquiry and two cases following an OLAF investigation.

More serious breaches can lead to the opening of disciplinary proceedings. The severity of a penalty imposed can range from a written warning to removal from post. Retired staff members can be sanctioned through a reduction of their pensions for a specific period of time. The same approach applies to staff members in receipt of an invalidity allowance. The disciplinary penalty is kept in the personal file of the person concerned for a period of three or six years, depending on the type of sanction.

Staff members subject to the CEOS who are found to be in breach of their statutory obligations can have their contract terminated, either following disciplinary proceedings or after a specific procedure in which the person concerned is invited to explain his or her actions before the Authority.

In deciding on the disciplinary penalty to be imposed in any case, the Authority takes into account a number of factors, as set out in the Staff Regulations: the nature and circumstances of the misconduct; the extent to which the misconduct adversely affected the institution; whether the misconduct involves intent or negligence; the motives for the misconduct; the grade and seniority of the staff member concerned; the degree of the staff member's personal responsibility; the level of the staff

member's duties and responsibilities; whether the misconduct involved repeated action or behaviour, and the staff member's conduct throughout the course of his career.

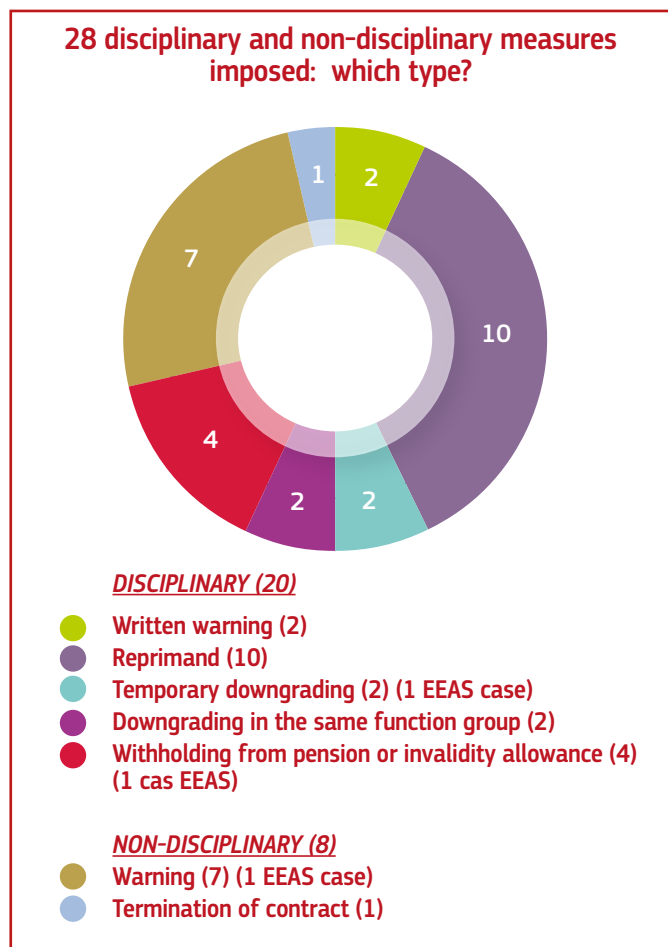
There is no 'tariff' for breaches of statutory obligations: each case must be assessed on its merits and any disciplinary measure imposed must be commensurate with the seriousness of the misconduct.

In 2024, 20 cases were closed with a disciplinary penalty. The penalties imposed by the Authority included written warnings, reprimands, temporary downgrading, downgrading in the same function group and withholding from pension or from invalidity allowance.

In seven cases⁸ the Authority addressed the non-disciplinary measure of a 'warning', in one case the contract of the person concerned was terminated.

IV - SUMMARY OF CASES CLOSED WITH A DISCIPLINARY PENALTY ⁹

In line with Article 45 of Decision C(2019) 4231, this report provides a summary of the cases in which the Authority imposed a disciplinary penalty in 2024.



Duty of loyalty

In line with Article 11 of the Staff Regulations, the duty of loyalty requires staff members to carry out their duties and conduct themselves solely with the interests of the Union in mind. It also requires that staff members carry out the duties assigned to them objectively and impartially.

The Authority imposed a reprimand on a contract agent who deliberately deleted from the unit's shared drive a folder that was necessary to organise the daily work of the unit.

The Authority concluded that the contract agent breached Articles 11 and 12 of the Staff Regulations. When considering the proportionality of the penalty, the Authority retained as aggravating circumstances the intention of the person concerned to harm the service as well as the considerable negative impact on the unit's work the misconduct caused. It took, however, into consideration, as an extenuating circumstance, the contract agent's excellent working performance over his 20 years of service.

⁸ In five cases, following a pre-disciplinary proceeding and in two cases, at the end of a disciplinary proceeding.

⁹ Two of these cases concerned the EEAS.

The Authority imposed a reprimand on a contract agent who tampered with medical data in order to obfuscate a colleague's negligence.

The Authority concluded that the agent breached Articles 11 and 21 of the Staff Regulations. When considering the appropriate penalty, the Authority took into account, as extenuating circumstance, the agent's professional attitude, which was to the full satisfaction of his hierarchy. The fact that the altered data was of a sensitive nature was retained as an aggravating circumstance.

The Authority imposed on an official the penalty of downgrading by one grade for having stolen cash from colleagues.

Both the Disciplinary Board and the Authority concluded that the official breached Articles 11 and 12 of the Staff Regulations. When considering the appropriate penalty, the Authority regarded the repetitive nature of the misconduct as an aggravating circumstance.

The Authority imposed a written warning on a contract agent who intentionally provided the administration, upon the entry into service, with false information related to the place of residence.

The Authority concluded that the contract agent breached Article 11 of the Staff Regulations. The Authority retained that there was no financial impact and, as extenuating circumstance, the fact that the contract agent duly cooperated during the procedure, expressed regrets about the actions and undertook not to repeat this behaviour again.

The Authority imposed on a retired official the penalty of reducing the retirement pension to the minimum subsistence figure for a period of 10 years for having participated in a money laundering scheme involving mainly a company which benefited from EU funds and its owners. Furthermore, the official assisted and advised one of the owners of this company in the context of a litigation pending before a national judge. Moreover, the official received money from that owner that the official did not declare. Finally, the official did not declare the gainful employment of the spouse.

The Authority considered that the official breached Articles 11, 12 and 13 of the Staff Regulations. When considering the appropriate penalty, the Authority retained various elements, such as the facts that the operations were linked to European funds, the assignment of the official at the time of the facts, the

official's lack of remorse, the official's seniority and the negative impact on the reputation of the institution.

Conflict of interest

In line with Article 11a, an official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests.

The Authority imposed on an official the penalty of downgrading by one grade, for a period of one year, for having failed to address properly a conflict of interest situation involving a member of the family.

Both the Disciplinary Board and the Authority considered the facts as established and concluded that the official breached Articles 11, 11a and 12 of the Staff Regulations. When considering the appropriate penalty, the Authority took into account the official's conduct, namely his positive appraisal reports in the last five years, as an extenuating circumstance, while the grade and seniority and the fact that the official had already been sanctioned for a similar failure in the past were retained as aggravating circumstances.

The Authority imposed a reprimand on an official who engaged, as middle manager, in intimate personal relationships with two members of the unit, without submitting any ad-hoc conflict of interest declarations.

The Authority concluded that the official breached Articles 11a and 12 of the Staff Regulations. When considering the appropriate penalty, the Authority retained as aggravating circumstances the official's role as Head of Unit, when he engaged in the intimate personal relationships with colleagues under the official's line of command, and the non-compliance with the duty to declare a conflict of interest even after being alerted about the situation.

Inappropriate behaviour

Article 12 of the Staff Regulations prohibits any action or behaviour – whether inside or outside of the institution – which might reflect adversely upon the position of the staff member.

The Authority imposed on an official the penalty of downgrading by two grades for having been declared guilty by a criminal court of one of the Member States for a crime punishable under national law, and for having published in an online newspaper in one of the Member States articles related to the work of

the European Union without having received prior authorisation for those publications.

Both the Disciplinary Board and the Authority considered the facts as established and concluded that the official had breached Articles 12 and 17a of the Staff Regulations. The Authority considered as aggravating circumstances the official's seniority and grade as well as the reputational damage caused to the Commission by his misconduct, punishable under national law, which happened in a public place and was reported widely by various media outlets across the European Union, mentioning that the perpetrator was a staff member of the European Commission.

The Authority imposed a reprimand on an official who engaged, while working in an EU Delegation, in inappropriate behaviour towards colleagues, including investigating about colleagues' lives and whereabouts, threatening them to obtain private information about them, questioning their religious choices and commenting on their looks.

The Authority concluded that the official breached Articles 12 of the Staff Regulations. When considering the appropriate penalty, the Authority took into account the facts that the official assumed responsibility for the actions, apologised and undertook specific steps to improve the behaviour at work, as well as the family situation, as extenuating circumstances. The prolonged period of time during which the behaviour occurred and the fact that it was directed towards colleagues working directly under the official's supervision were regarded as aggravating circumstances.

The Authority imposed a reprimand on an official who was condemned by a national court for having used a car without valid registration and insurance coverage.

The Authority concluded that the official breached Article 12 of the Staff Regulations. When considering the appropriate penalty, the Authority retained the official's health condition and the good cooperation throughout the procedure as extenuating circumstances. The recidivism and the initial lack of cooperation with national judicial authorities, which negatively affected the reputation of the institution, were retained as aggravating circumstances.

The Authority imposed the penalty of withholding EUR 1 000 per month from the invalidity allowance for a period of 18 months on an official on invalidity who

demonstrated, when in active service, a fundamentally inappropriate behaviour towards his hierarchy, refused to attend meetings, failed to carry out instructions and did not respect the rules on working time on several occasions.

The Authority and the Disciplinary Board considered that the facts were established and concluded that the official breached Articles 11, 12, 21, 55 and 60 of the Staff Regulations. When assessing the proportionality of the penalty, the Authority, contrary to the Disciplinary Board, considered that the official was responsible for the acts committed. It retained as aggravating circumstances the fact that the official's conduct had an impact on the functioning and the performance of the unit as a whole and that the behaviour lasted, despite several reminders, for three years.

Harassment

Article 12a of the Staff Regulations prohibits any form of psychological or sexual harassment.

The Authority¹⁰ imposed the penalty of downgrading by three grades for two months on an official who, as Head of Delegation, adopted a denigrating attitude towards several staff members placed under the Head of Delegation's authority and for having psychologically harassed two staff members.

Like the Disciplinary Board, the Authority concluded that the official breached Articles 12 and 12a of the Staff Regulations. When considering the appropriate penalty, the Authority retained as aggravating circumstances the fact that: 1) as Head of Delegation, the official was responsible for the staff members who were harassed, and 2) the official had caused serious harm to the reputation of the Union by contacting members of the diplomatic community in the host country and by openly discussing the problems at stake in the ongoing procedure.

The Authority imposed the penalty of withholding EUR 2 000 per month from the invalidity allowance for a period of 18 months on an official on invalidity for having adopted seriously inappropriate behaviour and sexual harassment.

The Authority and the Disciplinary Board considered the facts to be established. Contrary to the Disciplinary Board, the Authority considered that the medical condition of the official did not abolish his disciplinary liability for the established misconducts. It found the official responsible for his actions and concluded that he was in breach of Articles 12 and 12a of the Staff

¹⁰ The Authority was the EEAS.

Regulations. When considering the appropriate penalty, the Authority retained as aggravating circumstances the fact that the misconduct was recurrent and that it seriously disrupted the working environment.

The Authority¹¹ imposed on a retired official the penalty of withholding EUR 500 for a period of two years from the pension for having adopted, as Head of Delegation, a denigrating attitude towards several colleagues, sometimes ignoring or shouting at them. This behaviour lasted over almost three years. In addition, the official harassed psychologically a staff member over several months.

Both the Disciplinary Board and the Authority considered the facts as established and concluded that the behaviour amounted to a breach of Article 12a of the Staff Regulations. The Authority retained as extenuating circumstances the specific context of the EU Delegation headed by the official and the behaviour at work of the harassed staff member. The official's position as Head of Delegation, the continuous inappropriate behaviour over several years and the fact that the official did not express any regrets for the behaviour were retained as aggravating circumstances.

Unauthorised outside activity

Article 12b requires staff to seek authorisation from the Appointing Authority before engaging in an outside activity.

The Authority imposed a reprimand on an official who (i) engaged in an outside activity without prior authorisation and (ii) did not comply with the rules regarding telework outside the place of employment.

The Authority concluded that the official breached Article 12b of the Staff Regulations. The Authority retained as extenuating circumstances the state of health and the difficult family situation of the official.

The Authority imposed a reprimand on an official who, during leave on personal grounds, omitted on several occasions to request prior authorisation for an occupational activity, failed to renew such requests and unduly requested to benefit from the JSIS health insurance cover.

The Authority concluded that the official breached Articles 11, 12b and 40 of the Staff Regulations. The Authority retained as extenuating circumstances the very difficult personal situation during the entire period

of the official's leave on personal ground and the fact that the official took the initiative to contact the PMO to reimburse the relevant undue amount. The Authority considered the long duration of the infringement as an aggravating circumstance.

The Authority imposed a written warning on a contract agent who engaged, while working in an EU Delegation, as participant and master of ceremonies of a scientific congress.

The Authority concluded that the contract agent breached Article 12b of the Staff Regulations. When considering the appropriate penalty, the Authority took into account the fact that the contract agent had taken leave to attend the congress, that the agent's contribution in this context only included elements of a didactic/pedagogical nature, which were also accessible to the public, that the intervention was not published at a later date and, lastly, that the agent did not appear to have relied at that congress on the status as a staff member of the European Commission, as extenuating circumstances.

The Authority imposed a reprimand on an official who did not provide the administration with relevant information and documents concerning the remunerations for the outside activities and surpassed the maximum ceiling for authorised activities of EUR 10 000.

The Authority concluded that the official breached Article 12b of the Staff Regulations and Article 7 of the Commission Decision on outside activities. When considering the appropriate penalty, the Authority regarded the official's disability, the lack of damage to the reputation of the institution and the official's conduct throughout the career as extenuating circumstances, whereas the official's lack of cooperation with the administration, the considerable exceedance of the maximum ceiling and the official's seniority were considered as aggravating circumstances.

Failure to comply with the rules on publications

According to Article 17a, second paragraph of the Staff Regulations, without prejudice to Articles 12 and 17, an official who intends to publish or cause to be published, whether alone or with others, any matter dealing with the work of the Union shall inform the Appointing Authority in advance.

¹¹ The Authority was the EEAS.

The Authority imposed a reprimand on an official who published on social media and websites articles about matters concerning the work of the European Union without having received prior authorisation.

The Authority concluded that the official breached Articles 11 and 17a of the Staff Regulations. The Authority retained no extenuating or aggravating circumstances.

Infringement in connection with the performance of duties

In line with Article 21, an official, whatever his rank, shall be responsible for the performance of the duties assigned to him. An official in charge of any branch of the service shall be responsible to his superiors in respect of the authority conferred on him and for the carrying out of instructions given by him. The responsibility of his subordinates shall in no way release him from his own responsibilities.

The Authority imposed a reprimand on a contract agent who transported a family member with the service vehicle, violated the rules on public parking and enabled, through this negligent behaviour, the theft of the said vehicle.

The Authority concluded that the contract agent breached Article 21 of the Staff Regulations. When considering the appropriate penalty, the Authority regarded as extenuating circumstance the professionalism of the agent, highlighted by the hierarchy, whereas the fact that several faults were committed on the same day and that they caused financial damage to the Commission were retained as aggravating circumstances.

V - POLICY AND COMPLIANCE

5.1. Proceedings on waiving the immunity of staff

IDOC is also competent to deal with requests for waiving the immunity from judicial proceedings, received from the judicial authority of a Member State.

In 2024, IDOC received no such request.

5.2. Participation in the Inter-service Working Group on cooperation with the European Public Prosecutor's Office

In 2024, IDOC continued to be a member of the working group set up by the Secretariat-General coordinating the cooperation between the European Public Prosecutor's Office (EPPO), the European Commission and OLAF. In this context, the working group also assessed the implementation of the Agreement,

adopted on 18 June 2021, on the modalities of cooperation between the European Commission and the EPPO.

5.3. Renewed anti-harassment policy

During the reference period, IDOC was involved in the activities related to the implementation of the renewed anti-harassment Commission Decision, which was adopted on 12 December 2023.

With this newly adopted policy package, the Commission aims to further prevent and combat psychological and sexual harassment, which is a key element of the HR Strategy. It provides a comprehensive approach to anti-harassment, based on early prevention, wide-ranging support measures and redress mechanisms for victims of harassment.

Under the chairmanship of the newly appointed Chief Confidential Counsellor, IDOC participated in the procedure for the renewal of the network of confidential counsellors and will continue to be involved in the activities pertaining to the implementation of the Action Plan for the anti-harassment policy.

5.4. Outreach to staff

While being first and foremost a service geared towards enforcing ethical rules, IDOC has also carries out activities in the area of prevention, by awareness-raising events and training initiatives.

IDOC's outreach activities in 2024 included 7 interactive training sessions on ethics and disciplinary matters, titled "Say no to temptations, they might have disciplinary consequences!", available to EU staff from the Commission, the executive agencies and other institutions via EU Learn. These regular training sessions, with case studies based on anonymised IDOC cases, are given to raise awareness on what is appropriate or forbidden to pursue as EU staff members.

IDOC also gave 6 specific, tailor-made presentations to newcomers in DG HR, to the newly appointed Heads of Unit and to the EEAS Heads of Administration preparing to be posted to EU Delegations, as well as to other Commission DGs upon request.

