



Deutsches Elektronen-Synchrotron DESY
A Research Centre of the Helmholtz Association

Anticorruption Code of Conduct



As a recipient of institutional grants, DESY according to the

**‘Federal Directive on the Prevention of Corruption
in the Federal Administration’ No. 14¹,**

is obligated to apply the same correspondingly. It is available to employees under <http://d2.desy.de/korruption>.

In order to meet this requirement, DESY has prepared a code of conduct based on the federal version. In addition to the legal foundation, it is intended to also provide employees with rules of conduct for avoiding and uncovering corruption, enabling them to complete their tasks dutifully and in compliance with the law. For you as an employee, it is important to know:

- **DESY consistently prosecutes corruption because it is not a trivial offence!**
- **DESY needs your support because corruption harms all of us!**
- **DESY is open to your concerns, because corruption damages DESY’s reputation!**
- **Reflect on yourself and your conduct, because corruption leads to dismissal!**

¹ Federal Directive on the Prevention of Corruption in the Federal Administration dated 30 July 2004,

1. Legal basis

By **definition**, corruption is the abuse of a public office, a position in industry or a political mandate in favour of a third party, at the instigation of a third party or on one's own initiative, to obtain a benefit for oneself or a third party, with the result or expectation of damage or a disadvantage for the general public or an organisation.

Criminal law sanctions the wrongdoing associated with corruption as various offences:

- Section 331/333 of the Criminal Code (StGB): Acceptance/granting of benefits
- Section 332/334 StGB: Corruptibility/bribery
- Section 335 StGB: Especially serious cases
- Section 298 StGB: Anticompetitive agreements
- Section 299 StGB: Corruptibility/bribery in the course of business (commercial bribery)
- Section 261 StGB: Money laundering
- Section 263/264 StGB: Fraud/subsidy fraud
- Section 266 StGB: Breach of trust

In general it is commonly said, although legally not entirely correct:

Corruption means criminal acts where employees exploit their position and authorisation to gain a tangible or intangible benefit for themselves or a third party.

2. Anticorruption contact person

DESY has appointed an anticorruption contact person in keeping with the directive:

Ms. Wiebke Eggers

wiebke.eggers@desy.de

Telephone: 040 - 8998-1595

The contact person is available to all employees for information about corruption and prevention, even without going through official channels. She advises DESY management in regards to awareness and continuing education measures for employees and on launching investigations if there are indications of corruption. Nevertheless, the contact person is not subject to directives from management in meeting her responsibilities.

Naturally you can also get in touch with the anticorruption contact person anonymously. The disadvantage of anonymous letters is that no subsequent

consultation is possible. Setting up a separate, free e-mail account is an alternative that makes dialogue possible.

3. General rules of conduct for prevention and clarification

Be a role model and show by your behaviour that you neither tolerate nor support corruption. This also corresponds to the obligations assumed by every employee at the time of hiring according to Section 3 (2) of the TV-AVH general employment terms and conditions: Employees are not permitted to accept rewards from third parties in relation to their activities. Exceptions are only possible with the consent of the employer. If such benefits are offered to employees, they are required to notify the employer promptly.

Fend off attempts at corruption immediately and, if there are concrete indications of corrupt behaviour, promptly inform the anticorruption contact person and/or your superior. Clearly establish your position, especially in external contact, and avoid creating the impression that you are open to gifts or favours. Do not hesitate to refuse or return a gift, asking for understanding regarding the rules that apply to you. Strictly follow the law and observe no. 203.5 of the DESY operating procedures on the acceptance of rewards and gifts.

Transparency and documentation are key elements for the prevention of corruption. Make sure your work can be reviewed at any time. Both supplementary and reference files should be avoided to exclude any impression of dishonesty from the outset. You should only maintain reference files when this is indispensable for the completion of your work. If you suspect that someone wants to ask you for preferential treatment contrary to duty, avoid one-on-one conversations and include a colleague as a witness.

Identify and name deficient organisational structures that favour corruption, regardless of the respective staff level. Report these to your superior or the anticorruption contact person. Procedures that have been practised for a long time often lead to the formation of niches where corruption can flourish. DESY is open to information that contributes to clear and transparent workflows.

Avoid conflicts of interest by strictly separating work and private life. Check in every case whether your private interests collide with your work

responsibilities. Attempts at corruption are often initiated by expanding business contact to include private contact. It is known that refusing a favour is much harder when one gets along very well privately and either oneself or one's family obtains benefits or privileges (concert tickets, discounts on shared holidays, invitations to expensive meals) without the ability to reciprocate. For private contacts, you should clearly establish at the outset that you need to strictly separate work and private life in order to avoid any impression of the acceptance of benefits. Your organisation and anyone you deal with in the course of business are entitled to your fair, exclusively businesslike and impartial conduct. Consult your superior in case of doubt so he can respond adequately, for example by relieving you of duties in concrete cases.

Take responsibility, because everyone pays the price of corruption. If Procurement costs may, for example, increase as a result. We pursue a "corruption-free DESY" as a shared goal, because corruption can only be fought and prevented if everyone feels responsible for DESY as their employer/host. In concrete terms, that means everyone must ensure that in the course of fulfilling their responsibilities third parties have no ability to exert dishonest influence on decisions. But it also means refusing to cover up for corrupt colleagues due to a mistaken feeling of solidarity or loyalty. Everyone is obligated to assist in uncovering criminal acts and protecting DESY from harm.

Free yourself! Corruption makes you susceptible to blackmail and creates fear of discovery! Voluntary disclosure and information that leads to the full resolution of the situation can have a mitigating effect on sentencing and disciplinary action under employment law.

4. Specific potential risks and proper conduct

Corruption can occur anywhere in an organisation. The risk is especially great where departments maintain financial, legal or organisation relations with private industry and/or external contacts. This is the case for groups of persons or sections that:

- Award contracts to third parties
- Process subsidies or grants
- Make decisions on project plans/approvals
- Perform controlling activities
- Dispose of or acquire assets (properties, inventory, equipment)
- Maintain external contacts to private industry

Establishing transparency is of special importance for **third-party contracts and award procedures**. Maintain your position so that your work and award decisions are comprehensible for third parties. Be sure to maintain complete and comprehensible files. For important business, avoid one-on-one conversations and involve a colleague as a witness to be on the safe side. Record decision-making procedures and results in writing. Do not give preferential treatment to friends and family members in the course of your work. Award procedures that require specialisation or are processed single-handedly due to structures that develop over time are problematic. This significantly impairs the transparency of decision-making procedures. Changing the organisation structures and processes can usually resolve these situations. A rotation system is generally preferred. Even though it incurs additional expenses for training, it can effectively break open rigid structures.

Although this may not seem evident at first glance, the issue of **ancillary activities** is an aspect of preventing corruption. Here too there needs to be a clear separation of work and the ancillary activity. Personal connections resulting from the ancillary activity are not permitted to influence the main occupation. This applies in particular when you or related parties are personally or indirectly involved in tenders or award procedures. Even though they merely have to be disclosed, ancillary activities may be prohibited if they lead to a conflict of interests.

Benefits that cannot always be clearly classified are frequently offered to employees in areas with external contact. Accepting rewards, gifts and other benefits is prohibited on principle. This not only means monetary but all kinds of advantages and benefits. For a start, no value limits apply here on principle. Accepting cash

– regardless of the amount – is not permitted and therefore unacceptable in all cases. Typical examples of corruption include:

- Coupons, admission tickets, airline tickets
- Benefits in private business, interest-free or low-interest loans
- Options to purchase at preferential prices, participation in deliveries and so on
- Technology articles or consumer goods (vehicles, entertainment electronics, gasoline)
- Arranging primary or ancillary activities after retiring from service
- Invitations and entertainment (not work-related)
- Free/discounted accommodations
- Invitations to informational, representational or holiday trips, or their payment

- Preferential treatment under inheritance law (bequests)

5. **Exceptional circumstances**

Accepting rewards, gifts and other benefits is prohibited on principle. Exceptions are possible, so that every case has to be reviewed. However, accepting cash is always prohibited regardless of the amount. Possible exceptions include:

- Low-value gifts not restricted to a certain group of people (randomly dispersed gifts)
- Low-value benefits, in particular promotional gifts less than €25 per employee, per giver and year (calendars, pens, sweets); the obligation to disclose applies
- Socially acceptable gifts such as traditional favours (presents from abroad/from partner universities) and benefits within the scope of common courtesy (giving someone a lift, brief use of the telephone and so on)

In case of questions or doubts, talk to your superior or the anticorruption contact person. Obtain approval for acceptance from them in case of doubt. When you accept or refuse gifts, it is best to document and retain the reasons behind the decision for your own protection.

Other circumstances may justify exceptions even when the value exceeds €25 per employee, giver and year. Check in advance whether consideration may be expected from you or there is no connection with your work:

- **Participating in events** does not necessarily have to be of a corruptive nature. Exceptions include:
 - Events involving a large group of participants, where there is no discernible advantage in relation to the office.
 - Events where the interests of DESY in participating predominate.
- Official business meals or invitations in the course of a (convention) programme are also permitted as a rule, provided they are related to official business in terms of timing and location.
- **Gifts of books**, insofar as they are passed on to the library, recorded there and returned to the recipient on indefinite loan.

In order to account for the characteristics of the DESY research operation, special rules apply for the receipt of **scientific sponsorship prizes**. The BMI

decreed in a circular letter (file number: D I 3 - 210170/1) that prizes related to “pure” fundamental research are classified as not requiring approval pursuant to Section 70² of the Federal Civil Service Act (BBG). This applies correspondingly to presents from partner institutions with no financial relationship.

6. Indications of possible involvement with corruption

Of course there is no panacea for identifying corruptive behaviour. There are however indications that should prompt you as an employee to take a closer look. Get in touch with the anticorruption contact person in case of doubt. Indications of corruption can be:

- A sudden change in lifestyle, for example acquiring expensive items
- Never being absent, even in case of illness, because the employee does not want to be found out
- Conclusion of contracts with terms that are less favourable for DESY, because of preferential treatment
- Lack of transparency in decision-making procedures, to conceal the true motive
- Taking work home to prevent confirmability
- Circumventing public tenders in order to give preferential treatment to a bidder
- Superiors can also be corrupt. They often set themselves apart with a strikingly dominant management style in order to prevent their decisions from being questioned.

While none of these points necessarily indicate corrupt behaviour, all of you are asked to be aware of what is going on around you.

DESY Directorate

² Invalid as of 12 February 2009 pursuant to [Article 17, Paragraph 11, Sentence 2 of the law dated 5 February 2009](#) (BGBl. I page 160), replaced by Section 71 BBG.