
AGES Code of Conduct

Valid for: AGES

Code of Conduct

of the
Austrian Agency for Health and Food Safety
(Österreichische Agentur für Gesundheit und Ernährungssicherheit GmbH)
FN 223056z, Vienna Commercial Court,
Spargelfeldstraße 191, 1220 Vienna

Introduction

AGES is instituted on the basis of the Austrian Health and Food Safety Act (Gesundheits- und Ernährungssicherheitsgesetz, GESG, Federal Law Gazette I No. 63/2002 as amended) and fulfills the statutory tasks listed in particular in § 8 GESG.

In accordance with these provisions, AGES acts officially on behalf of the pertinent authorities, particularly the Federal Office for Safety in Health Care (Bundesamt für Sicherheit im Gesundheitswesen, BASG), the Federal Office for Food Safety (Bundesamt für Ernährungssicherheit, BAES), and the Federal Office for Consumer Health (Bundesamt für Verbrauchergesundheit, BAVG), but also on behalf of the provincial authorities through the delegation of federal authority to provincial administrative bodies, the Austrian Federal Ministry of Labour, Social Affairs, Health, Nursing Care, and Consumer Protection (Bundesministerium für Arbeit, Soziales, Gesundheit, Pflege und Konsumentenschutz) and the Austrian Federal Ministry of Agriculture and Forestry, Climate and Environmental Protection, Regional Affairs and Water Management (Bundesministerium für Land- und Forstwirtschaft, Klima- und Umweltschutz, Regionen und Wasserwirtschaft). AGES advises these authorities, conducts research, and by legal mandate prepares expert opinions, studies, and test reports.

Furthermore, AGES specifies maximum residue levels in food in accordance with § 4 of the Austrian Food and Consumer Protection Act (Lebensmittelsicherheits- und Verbraucherschutzgesetz, LMSVG).

In addition, AGES provides the BAES, BASG, and BAVG as well as the Office for Veterinary Certification (Büro für veterinärbehördliche Zertifizierung, BVZ) and the Office for Tobacco Coordination (Büro für Tabakkoordination) with all the necessary resources to fulfil their duties in accordance with §§ 6 through 6e.

The services performed in accordance with the Agency's statutory mandate are financed through fixed fees (especially fees fixed in accordance with § 6 para 6 and § 6a para 6 GESG as well as § 6d GESG and pertinent material laws, such as § 66 LMSVG) as well as through subsidies from the Republic of Austria (§ 12 GESG). The financial management of AGES is subject to review by external auditors and the internal audit department. Furthermore, AGES is audited by the Austrian Court of Auditors.

In addition to its activities within the scope of its statutory mandate (responsibilities of public administration in the broadest sense), AGES also serves the private sector in accordance with § 8 para 7 GESG. The acceptance of orders from third parties must not compromise the independence and integrity of AGES in performing its statutory tasks, and these orders must be completed at customary market prices.

This Code of Conduct describes the guiding principles whereby AGES operates and which are an integral part of the corporate culture of the Agency. The Code of Conduct forms the basis for all of our actions and decisions. It is the basis for the morally, ethically, and legally impeccable conduct of all our employees.

Any violation of statutory provisions, internal guidelines, regulations, instructions, or the provisions of this Code of Conduct may have consequences under civil service employment law. Violations may also have consequences for the individual employee under criminal and civil law, such as recourse claims and claims for damages.

1 Our Vision

AGES stands for the protection of human, animal, plant, and environmental protection and food security. AGES stands for safe, high-quality foodstuffs and medicinal products as well as healthy nutrition. From the soil to the plate, we ensure the health of humans, animals, and plants. As one of Europe's leading expert organizations, we contribute to minimizing risks within the purview of AGES and to safeguarding the food supply.

AGES considers the fulfillment of its statutory duties, the quality of its services, and a high level of customer orientation to be priority corporate objectives.

2 Our Values

We act with responsibility, objectivity, and expertise.

- 1 Responsibility: We are responsibly committed to the health of people, animals, plants, and the environmental protection. We stand by our actions and decisions.
- 2 Objectivity: We are guided by facts, impartiality, and integrity.
- 3 Expertise: We do the right things, and we do them in a service- and results-oriented manner. As a team, we strive for innovation, interdisciplinarity, and excellence.

3 Our Goals

The fundamental objectives for AGES are laid out in the GESG and pertinent material laws. The applicable legal principles provide for collaboration between AGES and other organizations. AGES contributes to the achievement of objectives in the areas of health, food safety, food security, and consumer protection, in particular to

- 1 Improving the situation regarding communicable diseases in humans
- 2 Improving the situation regarding food-borne diseases
- 3 Advancing the risk-based integrated approach in the human-animal-plant-soil cycle

- 4 Freedom from animal and plant diseases
- 5 Flawless goods and impeccable waters
- 6 Safe and effective medicines and medical devices
- 7 Food security and safeguarding the competitiveness of agricultural production through impeccable agricultural resources, including animal feeds
- 8 Intensifying research activities to master core tasks and resolve acute and current problems
- 9 Well-informed economic agents and consumers
- 10 Non-smoker protection, control of tobacco, nicotine, other and related products in accordance with TNRSG (Federal Law Gazette I No 431/1995 as amended)

We are committed to the principles of objectivity, independence, transparency, and economic efficiency.

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§ 1. Scope of Application

This Code of Conduct applies to all AGES employees, regardless of their type of employment relationship and hierarchical level.

§ 2. Prohibition to Accept Benefits (Gifts) in Connection with the Performance of Professional Duties

Demanding or accepting material or immaterial benefits of any kind (e.g., gifts, cash, vouchers, invitations, entertainment, accommodation, transportation, donations, or other material or immaterial advantages, such as shopping opportunities at non-customary conditions, interest-free loans, professional promotion, etc.) from clients, parties to administrative proceedings, suppliers and service providers, interest groups, political parties, and other associations in relation to the performance of professional duties is prohibited as a matter of principle. This prohibition applies regardless of whether such acceptance of gifts is related or unrelated to a specific administrative proceeding.

Excepted from this prohibition is the acceptance of local courtesies of low value, provided such courtesies are not offered regularly (commercially).

Also excluded is the acceptance of honorary gifts whose acceptance is required as a matter of courtesy. Honorary gifts are gifts whose non-material value exceeds the pecuniary benefit such that it is immediately clear to everyone that they are in no way intended to influence public officials (e.g., decorations, honorary rings). Honorary gifts may be accepted on behalf of AGES, but must be handed over to management without delay. Management may consign honorary gifts of minor or merely symbolic value to the employee for his or her personal use.

The acceptance of invitations is prohibited as a matter of principle, except in the case of invitations to conferences or events with supporting program whose attendance is in the interest of the Agency or required as a matter of courtesy (representational obligations). Such invitations may be accepted if this appears to be compatible with the employee's respective functions, does not jeopardize his or her integrity, and does not conflict with the provisions prohibiting the acceptance of gifts. However, such invitations must be reported to the manager in writing and may be accepted only after prior approval by the manager.

Also acceptable is the acceptance of refreshments or small canteen meals of low value during meetings or plant inspections. During inspections abroad, invitations to meals may also be accepted if refusing the invitation would violate local etiquette. This exception must be applied restrictively.

Accepting invitations by public institutions is permitted in principle.

Offering or accepting money or non-cash benefits (vouchers, discounts, etc.) is not permitted under any circumstances.

As a general rule, employees should take care to always be on the safe side of avoiding the acceptance of benefits.

Employees are obliged to obtain approval for the acceptance of benefits exceeding EUR 50 in value using the "Application for Approval of the Acceptance of a Benefit" form [F 10378](#). Approval must be requested before the gift is accepted. For unannounced benefits whose immediate acceptance is required as a matter of courtesy or customary practice and for which advance approval is therefore

impossible, the application for approval can be submitted within 1 week of acceptance (e.g., hospitality during a meeting, etc.).

In the case of benefits with an estimated value of between EUR 50 and EUR 100, the application for approval must be submitted to the direct superior. For benefits with an estimated value exceeding EUR 100, the application shall be submitted also to the AGES Legal and Insurance Department (Stabsstelle Recht und Versicherungswesen). A copy of the application shall remain with the superior, who shall store it in confidentiality for 10 years. If approval is not granted and a pecuniary benefit has already been accepted, this must be returned.

Excepted from the obligation to obtain approval using the "Application for Approval of the Acceptance of a Benefit" form F 10378 are discounted or free training events offered by third parties for which the predominant business interest has already previously been confirmed by the manager and participation has demonstrably been approved and documented (e.g., via an approved training plan). Before approving participation in the event, the manager shall ensure that attendance is predominantly in the interest of the Agency and not associated with undue benefits.

§ 3. Conflict of Interest

Private and personal interests and motives or the interests and motives of closely associated third parties may impair the objectivity and impartiality in the performance of official duties. Such interests or motives may include, in particular, financial, economic, political, and other advantages for the employee. Because such conflicts of interest cannot always be avoided, employees are obliged to deal with them in a transparent manner.

All employees authorized to make sovereign decisions shall regularly submit declarations on the presence of any grounds for partiality ("Declaration of Partiality, including Remedial Measures," see Handbook [HB 625](#)). This declaration must be completed even if there is a mere appearance of partiality from the point of view of outside parties or in the absence of any grounds for partiality (empty declaration).

In addition to objectifiable professional, financial, and family-related grounds for partiality, the Declaration of Partiality shall include any other circumstances that may cast doubt on an employee's objectivity, even if only outwardly so (see also § 7 of the Austrian General Administrative Procedures Act [Allgemeines Verwaltungsverfahrensgesetz, AVG]).

In performing their duties, employees are obliged to immediately notify their manager of any actual or potential conflicts of interest, or the appearance of such conflicts, to arrange for the assignment of a substitute and to refrain from carrying out said duties, unless imminent danger requires immediate action.

The manager shall decide on any measures to be taken and arrange for such measures to be initiated. In assigning tasks, the manager shall ensure that conflicts of interest are avoided.

The provisions of the pertinent internal handbook [HB 625](#), "Independence, Impartiality, Integrity," must be observed.

§ 4. Secondary Occupation

AGES employees may not, regardless of their type of employment relationship, engage in any paid and unpaid secondary occupations that may lead to incompatibilities. This applies especially to activities that hinder employees from fulfilling their official duties, jeopardize any other essential official interests, or cast doubt on the impartiality and objectivity of the employee. All employees shall, of their own accord, refrain from such paid or unpaid activities.

With regard to all other secondary occupations, the notification and approval requirements in accordance with [HB 625](#) "Independence, Impartiality, Integrity" must be adhered to.

§ 5. Lecturing and Publishing Activities

Lecturing and publishing activities must not interfere with the fulfillment of statutory duties and/or create the appearance of partiality. The provisions of the internal procedural instruction [SVA 8028](#), "Lecturing and Training Activities of AGES Staff at AGES Events and Events Organized by Third Parties," must be adhered to.

In all lecturing and/or publication activities, it is imperative that the superior obligation to comply with official secrecy requirements be observed.

§ 6. Freedom from Instructions

AGES experts and assessors act as official experts on behalf of the competent authorities, in particular the Federal Office for Food Safety and the Federal Office for Safety in Health Care as well as the Federal Office for Consumer Health and in this capacity are subject to the duty of truthfulness.

Instructions and orders issued by managers must, as a matter of principle, be followed and carried out. Excluded from this requirement are content-specific instructions to experts and assessors in the context of their expert or assessment activities or their role as auditors based on EN ISO/IEC 17020, EN ISO/IEC 17025, or EN ISO/IEC 17065 (see also ISO 19011), because following an instruction to untruthfully report facts or technical results would constitute a criminal offense and must therefore not be followed.

Irrespective of this, the directive provisions of the Austrian Federal Constitutional Act (Bundes-Verfassungsgesetz, B-VG), GESG, and public service regulations shall apply.

§ 7. Personal Conduct

In terms of personal conduct, employees are expected to refrain from actions that may be detrimental to the reputation of AGES and to avoid actions or omissions that could erode public trust.

All AGES employees are prohibited from taking advantage of their position when concluding private transactions.

§ 8. Quality Improvement and Resource Preservation

In carrying out their tasks, employees and especially managers shall regularly review their work for possibilities of improvement and rationalization (§ 9 para 1 sub 3 GESG). This also means that AGES

property must be handled with care. Unless otherwise regulated, operating resources and technical equipment are intended for official use only.

§ 9. (Official) Secrecy, Data Protection, Information Security, and Protection of Intellectual Property

Confidential information of any kind that is (exclusively) obtained in the course of an employee's professional activity, including information extraneous to one's own field of activity, may be used neither for one's own interests nor for those of third parties, nor may it be made accessible to third parties.

Also, employees shall, without prejudice to other statutory confidentiality obligations, keep confidential personal data entrusted or made accessible to them through data processing operations related exclusively to their professional employment, if there is no legally permissible reason for transferring said personal data (data secrecy). Specifically, care must be taken to ensure that personal data is processed only to the extent that such processing is lawful in accordance with the relevant provisions of the Austrian Data Protection Act (Bundesgesetz zum Schutz natürlicher Personen bei der Verarbeitung personenbezogener Daten [Datenschutzgesetz, DSG]) and the General Data Protection Regulation (GDPR). The provisions of [SVA 8285](#), "Ensuring Data Protection," must be observed.

Furthermore, all AGES employees are subject to official secrecy in their work in accordance with § 9 GESG in conjunction with § 46 of the Austrian Civil Service Act (Beamten-Dienstrechtsgesetz, BDG). If employees are summoned as witnesses by a court or administrative authority and it is clear from the summons that the subject matter of the testimony may be subject to official secrecy, a release from the official secrecy obligation in accordance with § 9 GESG must be obtained. The requirements of list [L 10854](#), "Obtaining Release from the Official Secrecy Obligation," must be observed.

Furthermore, AGES employees are obliged to protect the intellectual property and business secrets of all involved parties, business partners, and clients.

If information has to be taken outside the premises of the Agency for business reasons, it must be secured against inspection or access by third parties.

Whenever AGES employs external experts or (sub)contractors, the secrecy obligation shall be transferred contractually.

The secrecy obligation shall remain in force without restriction even after termination of the employment relationship.

The secrecy obligation does not affect any duty to disclose information as required by laws, regulations, or international treaties.

§ 10. Equal Treatment and Human Rights

Non-discrimination and equality principles as well as tolerance and fair relations with our clients, partners, and each other are among our core values. Respectful behavior in the workplace is the basis for a positive working environment and, as such, is an essential prerequisite for professional work.

Based on the United Nations Charter and the European Convention on Human Rights, human rights are regarded as fundamental values that must be respected and observed by all employees. AGES

recognizes and cherishes the fact that every person is unique and valuable and must be respected for their individual capabilities.

Improper preferential treatment and discrimination, particularly on the basis of (but not limited to) ethnicity, national or social origin, creed, gender, sexual orientation, physical and mental disability, other world views and political orientations (unless the latter are prohibited), and/or similar inappropriate reasons, will not be tolerated either in our internal or in our external dealing or relationships.

This also applies to sexual harassment in any form, for example through obvious advances, humiliating comments, jokes, foul language, suggestive gestures, or the display of pertinent images on AGES premises.

§ 11. Code of Conduct for the Prevention of Corruption in the Public Sector

All employees must adhere to the "Code of Conduct for the Prevention of Corruption in the Public Sector" (Verhaltenskodex zur Korruptionsprävention im öffentlichen Dienst, available from www.bak.gv.at/Downloads/start.aspx or www.oeffentlicherdienst.gv.at/moderner_arbeitgeber/korruptionspraevention) as published by the Austrian Federal Chancellery.

§ 12. Publication of the Code of Conduct

AGES undertakes to make the Code of Conduct accessible and known to the widest possible public and all stakeholders. To this end, the Code of Conduct is published on the Agency website, www.ages.at.

§ 13. Final Provisions

All employees are encouraged to obtain comprehensive information about any laws, regulations, internal guidelines, and provisions applicable to their respective field of responsibility and, in cases of doubt, to contact the AGES Legal and Insurance Department or the Human Resources Department.

In performing their official duties and regardless of the type of their employment relationship, AGES employees are subject to the definition of civil servant or public official as defined in the Austrian Criminal Code as amended (§ 74 para 1 subs 4 and 4a Strafgesetzbuch, StGB). Therefore, the corruption and abuse-of-office offenses (in particular §§ 302 [abuse of office], 304ff [bribery, acceptance of benefits], 310 [violation of official secrecy] and 311 [false certification and authentication] StGB) are applicable.

In implementing the contents of the Code of Conduct, AGES managers shall act as role models for their employees. They shall explain the Code of Conduct and any other applicable laws, regulations, internal guidelines, and provisions to their employees, monitor compliance, and provide training as needed.

When interpreting the Code of Conduct, employees shall allow themselves to be guided by common sense and question whether, on the basis of reasonable ethical and moral standards, a specific course of action may elicit criticism from their superior. In the presence of statutory regulations, there is no room for discretion.

In the event of ambiguities or questions, each employee may contact his or her direct superior, the Legal and Insurance Department, or the Human Resources Department for appropriate advice and decision-making support.

§ 14. Related Documents [in german language]:

- [SVA 8028](#) "Lecturing and Training Activities of AGES Staff at AGES Events and Events Organized by Third Parties"
- [SVA 8285](#) "Ensuring Data Protection"
- [HB 625](#) "Independence, Impartiality, Integrity"
- [F 10378](#) "Application for Approval of the Acceptance of a Benefit"
- [L 7962](#) "AGES Code of Conduct" [Original version of the present document]
- [L 10854](#) "Obtaining Release from the Official Secrecy Obligation"
- "Code of Conduct for the Prevention of Corruption in the Public Sector"
(www.oeffentlicherdienst.gv.at)

The most recent approved German edition of the AGES Code of Conduct shall, in all instances, be considered the official edition of the AGES Code of Conduct.

This English translation of the AGES Code of Conduct was approved by B. Riedle-Gilly and G. Benesch on 28.03.2025.

The validity term of the English edition is determined by the validity term of the German edition.

Related to HB 19432 „Compliance-Management-System (CMS)“, created by B. Riedle-Gilly; reviewed by G. Benesch; quality checked by V. Hipfinger; approved by A. Reinl, J. Pleiner-Duxneuner; Template 666_8