



Policy for the prevention and management of conflict of interest

PREAMBLE

The prevention and management of potential conflict of interest situations is a key element of governance and management of every EU institution, body or agency. These situations shall be handled correctly and timely as they can negatively affect the decision-making process and lead to a loss of faith in the ability of the EU public bodies to operate impartially and in the best interests of the EU citizens. Effective prevention and management of conflict of interest situations and assuring the legality and regularity of its processes is thus a crucial requirement if EEA wants to ensure it continues to be the most effective and efficient solution to providing credible information on the state of the European environment, in line with its mission.

For effective management of the conflict of interest situations, the EEA may rely on an adequate reference framework to implement a set of measures for detecting potential risks at an early stage, recording them and handling them appropriately. The policy also involves adequate awareness raising and the establishment of clear and appropriate procedures.

In preparation of this policy document, the EEA duly considered the specific context in which it operates and its degree of exposure to the risk of conflict of interest.

1 Scope and definition

This policy document applies to the entire EEA organisation and all its activities. The scope thus includes all members and alternates of the EEA Management Board, the members of the Scientific Committee, EEA staff members, Seconded National Experts (SNE) and any third parties working for the EEA, including consultants, interim staff, contractors and grant beneficiaries.

For the purpose of this policy, a conflict of interest is said to exist when the impartiality and objectivity of a decision, opinion or recommendation of the EEA, including its bodies, is or might, in the public perception, be compromised by an interest held by, or entrusted to, an individual working for the Agency.

Relevant personal interest may be of financial or non-financial nature and it may concern a personal or family relationship or professional affiliations (including additional employment or former employments or appointments) and other relevant outside activities.

2 Agency context

The EEA, according to its mission¹, aims to support sustainable development and to help achieve significant and measurable improvements in Europe's environment, through the provision of timely, targeted, relevant and reliable information to policymaking agents and the public.

The EEA operates in a complex, multi-level and multi-actor governance setting at EU, national and global levels. This setting also includes research institutes, businesses and NGOs. The specific role of the EEA is to support policymaking at the EU level, and to build capacity in member countries, using the European Environment Information and Observation Network (Eionet) as its unique partner to generate two-ways flows of quality-assured environmental data and information.

The Staff Regulations of Officials ('the Staff Regulations') and the Conditions of employment of other servants of the European Union ('the CEOS') establish the general framework of rights and obligations applicable to EEA staff members. This is supplemented by the European Code of good administrative behaviour², which determines the type of service the public can expect from European public servants. The EEA's internal control standard No 1 requires also the EEA to ensure that all staff members are fully aware of the relevant ethical and organisational values, in particular ethical conduct, avoidance of conflict of interest, fraud prevention and reporting of irregularities. The EEA's financial regulation adopted by the Management Board contains also provisions on the prevention and management of conflict of interest situations in relation to persons involved in budget implementation and management, audit or control (Article 41).

¹ As outlined in Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network.

² Applicable to the EEA following Decision of the Management Board of 22.6.2004 for the implementation of this Code to the EEA.

The best way to foster integrity and accountability is to ensure transparency in all instances, bearing in mind the legal rights of individuals in relation to personal data protection whilst avoiding a disproportionate administrative burden. To that end, the names of the main actors behind EEA's decision- and opinion-making are made available to the general public, together with a link to the organisation they belong to, or a short summary of their educational and professional qualifications. Similarly, the minutes of meetings are also published on the EEA's website for public scrutiny.

Furthermore, effective application of the rules requires that the rules are clear, unambiguous and easily accessible. For that purpose, specific information on ethics and integrity is available on the EEA intranet providing staff members with relevant explanations and forms per type of activity as well as useful links to the applicable rules and regulations.

3 EEA's exposure to conflict of interest and risk assessment

To identify the degree of exposure to conflicts of interest, an overview of the activities of EEA has been drawn up covering processes of five different categories: core operations, external relations, financial aspects, HR management and Internal control systems. This overview is largely inspired from the overviews made by the Internal Audit Service (IAS) and the EEA Internal Audit Capability (IAC) for their own risk assessments of the Agency.

The following factors have been taken into account when assessing the likelihood of occurrence of the risk of conflict of interest and the impact on EEA activities if it occurs:

- the powers entrusted to the EEA;
- the number of persons involved in the activity and the duration of relationship with the agency;
- the internal governance/decision-making structure of the EEA;
- the agency's controls in selecting and monitoring the persons involved in the activity.

The table in Annex 1 summarises the assessment results regarding the degree of exposure to conflict of interest in EEA. The total degree of exposure assessed takes into account the measures mitigating the risk described in section 4 below.

The structure and the activities of the EEA (e.g. governance, interaction with suppliers, etc.) require close cooperation with national authorities which entail inherent risks of conflict of interest. However, these inherent risks of conflict of interest are mitigated by the framework for declaring, assessing and managing conflict of interest situations developed by the EEA, in particular through the requirement of declaration of interests from staff members and Scientific Committee members.

With due consideration of the EEA's mission, the tasks it performs and the context in which it operates, the degree of exposure of the EEA to the risk of conflict of interest is rated as low. The existing procedures and measures in place to prevent and manage potential conflict of interest situations are deemed adequate.

4 Preventing conflict of interest

EEA implements a comprehensive framework for preventing, declaring, assessing and managing conflict of interest applicable to all individuals working for it, including the scientific committee, staff members, consultants, interim staff, contractors and grant beneficiaries.

The first responsibility in preventing and managing any potential conflict of interest situation shall lie with the person concerned working for the EEA. To this effect, any person working for the EEA shall declare their interests and inform without delay whenever their situation changes in respect of the interests declared. Declaring an interest does not by definition mean having an actual or potential conflict of interest, nor does it automatically disqualify a person from participating in the activities of the EEA. The information provided would allow the EEA to react smoothly to any alleged conflict of interest situation and decide on the appropriate actions to be taken depending on the specific activity that the person concerned is requested to carry out.

4.1 Before working with the EEA

4.1.1 Selection procedures for recruitment of staff members, SNE, members of the Scientific Committee and the Executive Director

For the selection procedures the EEA is responsible for, it runs open and transparent calls for applications specifying clear and objective eligibility and selection criteria. The appointed members of all selection committees are required to declare any potential conflict of interest situation they may have with any of the applicants prior to commencing performance of their tasks.

Pursuant to Article 11 of the Staff Regulations, the EEA shall examine whether the selected applicant has any personal interest such as to impair his/her independence or any other conflict of interest. To this end, the selected applicant will be requested to fill out a declaration of interest prior to recruitment. The Executive Director, after having taken up duties in accordance with the procedure foreseen in the EEA founding regulation and the rules of procedure of the Management Board and Bureau, shall sign a declaration of interest listing all affiliations he/she may have with other organisations. In the course of his/her term whenever requested to be appointed as a member of a board of an organisation, approval from the Management Board shall be sought.

The members and alternates of the Management Board are designated by the Member countries, which are solely responsible for their appointment, and for assessing and ensuring compliance with the policy on conflicts of interest.

The rules for the selection and designation of the Scientific Committee members foresee as well an open and transparent process on the basis of clear and objective eligibility and selection criteria. As stated in Articles 1(1) and 1(2) of the Rules of procedure of the Scientific Committee of the EEA, the members of the Scientific Committee are appointed on a personal basis and they shall undertake to act independently and outside any influence in the work of the Scientific Committee. For this purpose, and to avoid possible conflicts of interest, members of the Scientific Committee shall, upon designation and annually thereafter, fill out

and sign a declaration of commitment, which will be made available to the general public through the EEA website.

The rules for the selection of SNE at the EEA are laid down in Commission Decision C(2008)6866 that apply by analogy. Calls for expression of interest for SNE are distributed to the EEA's Management Board members, who propose candidates to the EEA; following the proposals of the Management Board members, a selection procedure is carried out in order to identify the most suitable candidates for the vacant positions. As stated in Article 6(5) of Commission Decision C (2008)6866, the SNE's employer and the SNE must ensure that there is no conflict of interest in relation to the SNE's duties while seconded to the EEA. For this purpose, the EEA shall inform the SNE and his employer before the start of the secondment about the intended duties and ask them to confirm in writing that they do not know of any reason why the SNE should not be assigned to those duties.

4.1.2 Evaluation procedures for contractors and beneficiaries of grants

For the purpose of implementation of public procurement and grant award procedures, the EEA abides by the rules set in the financial regulation applicable to the general budget of the European Union and its rules of application. In this respect, all appointed members of the opening and evaluation committees as well as single evaluators, any expert appointed to provide an advisory opinion, and any observer shall sign a declaration of confidentiality and absence of conflict of interest prior to starting their work, whereby they acknowledge that they would abstain from participating in the decision-making or giving advice in cases where a conflict of interest exists or could be perceived to exist. By signing this declaration, experts appointed as evaluators acknowledge in addition that they accept the provisions set in the applicable code of conduct.

Tenderers and applicants are required to submit as part of their tender or application a declaration on their honour duly signed and dated certifying that they are not in a situation of exclusion as these are strictly defined in Articles 106 and 107 of the financial regulation, which includes situations that may qualify as grave professional misconduct, may lead to distortion of competition or may entail professional conflicting interests.

4.2 Working with the EEA

4.2.1 Scientific committee

Pursuant to Article 1(2) of the Rules of procedure of the Scientific Committee of the EEA, the retention of a post by a scientific committee member is conditional of the signature of both a declaration of commitment and a declaration of interest.

4.2.2 Staff members

Any staff member is obliged to carry out his/her duties independently, impartially and in keeping with his/her duty of loyalty to the EU. In particular, staff members bound by the Staff Regulations and the CEOS shall further comply with all obligations imposed on them by Articles 11 to 19 of the Staff Regulations:

- carry out his/her duties and conduct him/herself solely with the interest of the EEA in mind (Article 11);
- neither seek nor take instructions from any government, authority, organisation or person outside the EEA (Article 11);
- shall not without the permission of the EEA accept any honour, decoration, favour, gift or payment (Article 11);
- inform the EEA of any potential conflict of interest due to any personal interest before his/her recruitment or at the return from the unpaid leave period (Article 11);
- shall not deal with a matter in which, directly or indirectly, he/she has any personal interest such as to impair his/her independence (Article 11a);
- refrain from any action or behaviour which might reflect adversely upon his/her position (Article 12);
- inform the EEA if his/her spouse is in gainful employment (Article 13);
- inform the EEA if he/she intends to stand for public office (Article 15);
- inform the EEA if he/she intends to engage in an occupational activity, whether gainful or not, within two years of leaving the service (Article 16);
- refrain from any unauthorised disclosure of information received in the line of duty including after leaving the service (Articles 17 and 19);
- inform the EEA of his/her intention to engage in an outside activity (Articles 12b and 40).

When taking up duties, **new members of staff** receive as part of the welcome programme tuition in prevention of conflict of interest situations consisting in the following:

- signature of the form "*Obligations of EEA officials and other servants under the Staff Regulations and conditions of employment*" and acknowledgment of receipt of a copy of the Staff Regulations and CEOS;
- training on ethics and integrity where the obligations and duties as staff members and information on reporting improprieties ("*whistle blower*" mechanism) are addressed through relevant practical examples;
- distribution of a copy of the European Code of Good Administrative Behaviour and of the decision of the Management Board of 22.6.2004 for the implementation of this Code to the EEA;
- presentation of the information and various forms available on the EEA intranet as part of the welcome programme.

As part of the **career development dialogue**, the line manager and the member of staff shall update annually the awareness of conflict of interest based on a self-declaration (as part of the self-assessment), where the member of staff shall state whether any new engagements or activities have been, or are to be, undertaken that could give rise to a potential conflict of interest. When finalising the career development plan, the line manager responsible shall specify his/her own assessment of the question of conflict of interest.

When a staff member wishes to engage in an **outside activity**, whether paid or unpaid, or to carry out any assignment outside the EEA while on active employment or during his/her unpaid leave, he/she shall first obtain the permission of the appointing authority. For that purpose, the staff member shall fill out and sign a form specifying the type of activity

envisaged and a personal assessment of the existence or absence of conflict of interest in relation to the performance of his/her duties. The staff member's immediate superior shall express his/her opinion on the planned activity by indicating his/her signature on the form prior to the decision of the appointing authority.

When a staff member is going on **mission** on behalf of the EEA and part or whole of the related expenses are covered by the organiser, the line manager must ascertain that there is no potential conflict of interest prior to approving the mission order. For that purpose the staff member travelling shall fill out the electronic declaration in the event of a possible conflict of interest, stating the nature and the reasons why his/her independence might be impaired. If part or whole of the related expenses are covered by the organiser, including any fees or other payments received, this should be mentioned in the travel order and on the statement of expenses and all relevant documentary evidence shall be enclosed to the statement of expenses. In such cases, the daily allowance shall be deducted accordingly.

Awareness raising actions and adequate communication are essential in order to ensure that they correctly understand and apply relevant rules and procedure. With a view to develop and strengthen a culture of declaring interests and possibly abstaining in cases where a conflict of interest exists or could be perceived to exist, the EEA has established a comprehensive and compulsory training programme on conflict of interest which consists of the following:

- for all staff members: compulsory training on ethics and integrity where the obligations and duties of staff members are addressed through relevant practical examples (e.g. gifts and hospitality, mission expenses paid by host organisation, etc.). This training is organised at regular intervals and lasts ½ day;
- for newcomers: a one day training on ethics and integrity is included as part of the induction training programme for newcomers.

In addition, the **Practical guide to staff ethics and conduct** drafted by the Unit 'Ethics, Rights and Obligations' of the Directorate General Human Resources and Security of the European Commission, as well as the Commission **Guidelines on gifts and hospitality for staff members** are available for consultation and download on the EEA intranet.

4.2.3 SNE

As specified in Article 6(5) of Commission Decision C (2008)6866, the employer and the SNE shall undertake to inform the EEA of any change of circumstances during the secondment which could give rise to any conflict of interest.

4.2.4 Contractors, including Intra-muros consultants and interim staff, and grant beneficiaries

All contracts and grant agreements signed between the EEA and contractors include clauses on confidentiality and avoidance as well as reporting of potential conflicts of interest. With regards to intra-muros consultants and interim staff in particular, when taking up duties, they shall sign a form on their rights and obligations whereby they acknowledge that they shall refrain from any behaviour or action that may impair their independence and reflect adversely

upon their position, the work or the image of the EEA. This form is then counter-signed by the responsible line manager.

4.3 After working for the EEA

Staff members shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits. In particular, and as further specified in Article 16 of the Staff Regulations, if a staff member intends to engage in an occupational activity, whether gainful or not, within two years of leaving the service, he/she shall inform the EEA about this activity. If this activity is related to the work carried out by him/her during the last three years of service and could lead to a conflict with the legitimate interests of the EEA, the EEA may, having regard to the interests of the service, either forbid the staff member from undertaking it or give its approval subject to any conditions it thinks fit.

5 What to declare and how to handle reported potential conflict of interest

5.1 What to declare

Interests that have to be declared include private interests in the field of activity of the EEA, such as:

- employment, consultancy, legal representation or advice to a company or organization in the past five years;
- membership of a governing body or scientific advisory body;
- research funding;
- investments;
- intellectual property rights;
- public statements and positions and any other interests that may interfere, or may be seen as interfering, with the work of the EEA.

Selection committee members should in particular consider situations where the objective exercise of their tasks could be compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other interest with an applicant.

New staff members as well as current staff members during the annual career development dialogue should consider, for instance, whether they hold any investments in lobbying companies closely engaged with the area of EEA policies, or whether they have any family members involved in procurement activities vis-à-vis EEA.

This is a list of non-exhaustive interests which may constitute or may be perceived as causes of conflict of interests and should therefore be declared.

5.2 Declaring an interest

5.2.1 To whom to declare an interest

Depending on the particular situation in which anyone who identifies an interest that has to be declared is called to provide an opinion, recommendation or make a decision on behalf of the EEA, different reporting channels should be used:

- In cases of selection and evaluation committees, any member that considers him/herself to hold an interest which may lead to a situation of conflict of interests, he/she shall immediately inform the Chair of the committee.
- Staff members should immediately report to their line manager any interest that may impair their independence.
- The Director should immediately inform the Management Board.
- Contractors and grant beneficiaries shall contact the contract manager on the EEA side, who shall consult with Procurement Services. Intra-muros consultants and interim staff shall contact their EEA manager.

5.2.2 Assessing whether a conflict of interest exists

After having reported an interest which may lead to a situation of conflict of interest, the respective individual (Chair of selection/evaluation committee, line manager for staff members, authorizing officer for contractors and grant beneficiaries) shall make an assessment, taking into account the opinion of the individual reporting, the importance of the interest declared, the role of the individual holding the interest, specific mitigating measures and controls imposed, the importance and impact of the decision or opinion to be drafted, the availability of alternates or other experts, etc.

When assessing whether certain of the above interests held by an individual working with the EEA are to be considered as constituting an actual or perceived conflict of interest, not only personal interests, but also all relevant interests held by close family members (i.e. members of the same household: spouse, partner and dependent children) need to be considered.

5.2.3 Mitigation measures

Depending on the assessment performed in accordance with paragraphs 3 and 5.2.2 above, it may be decided that the person concerned will be asked to either give up the conflicting personal interest, withdraw from a selection or evaluation procedure, or abstain from contribution, giving advice or participating in the decision-making process.

6 Periodic review and further implementation

A periodic review of the present policy on the prevention and management of conflict of interest will be undertaken by the Administrative services of the EEA every two years in cooperation with the Internal Audit Capability. During the periodic reviews, the EEA will reassess its degree of exposure to conflict of interest and the adequacy and effectiveness of the policy in order to adapt it to possible new risks.

Considering the implementation of the policy since 2014, as well as the specific context of the Agency, it is not deemed necessary to adopt a mechanism for cases of breach of trust; if such a case arises it will be dealt with on an *ad hoc* basis.

7 Annex

Annex 1 – Assessment of degree of exposure to the risk of conflict of interest in EEA

ANNEX 1 **Assessment of degree of exposure to the risk of conflict of interest in EEA**

| | Environment | EEA activities | Degree of exposure 3 : high / 2 : medium / 1 : low / 0 : not applicable | | Total degree of exposure A + B |
|----|--------------------|--|--|--------|-----------------------------------|
| | | | A | B | |
| | | | Likelihood of occurrence | Impact | |
| 1 | Core operations | definition and planification process of the strategy 2014-2018 (MAWP) | 0 | | |
| 2 | Core operations | process for publication of reports | 1 | 2 | 3 |
| 3 | Core operations | management of Eionet | 0 | | |
| 4 | Core operations | data collection, reporting and handling, including quality control | 1 | 2 | 3 |
| 5 | Core operations | definition and planification process of the Annual Work Programme | 0 | | |
| 6 | Core operations | internal communication | 0 | | |
| 7 | Core operations | management of EEA governance (Management board, Bureau and Scientific Committee, countries coordination) | 1 | 2 | 3 |
| 8 | Core operations | management of earmarked funds | 1 | 2 | 3 |
| 9 | Core operations | Follow up of the performance/productivity of the ETCs | 2 | 3 | 5 |
| 10 | External relations | relations with other EU institutions/bodies (group of 4, agencies' network, EC,EP) | 2 | 1 | 3 |
| 11 | External relations | relations with international bodies and with countries beyond EEA member countries | 2 | 1 | 3 |
| 12 | External relations | EEA website maintenance and content mgt, including social media | 0 | | |
| 13 | External relations | communication planning (including specific actions e.g. dissemination of EEA products) | 0 | | |
| 14 | External relations | communication channels with the media | 1 | 1 | 2 |
| 15 | External relations | stakeholders relation management | 2 | 1 | 3 |
| 16 | External relations | discharge follow-up process | 0 | | |
| 17 | External relations | review of the implementation of the auditors recommendations | 0 | | |
| 18 | Financial aspects | management of the accounting processes and legal reporting on the accounts | 0 | | |
| 19 | Financial aspects | management of ABAC access and access rights | 1 | 2 | 3 |
| 20 | Financial aspects | budget planning, execution and reporting (including BSC, MASP and resource hearings) | 1 | 2 | 3 |
| 21 | Financial aspects | management of financial circuits | 1 | 1 | 2 |
| 22 | Financial aspects | assets management | 2 | 2 | 4 |
| 23 | HR management | time management (absences, leaves, overtime, working hours) | 2 | 1 | 3 |
| 24 | HR management | coordination of career development cycle and promotion exercise | 2 | 1 | 3 |
| 25 | HR management | management of missions | 1 | 1 | 2 |
| 26 | HR management | management of meetings | 1 | 1 | 2 |
| 27 | HR management | staff contract management (salary, pension rights and other benefits) | 1 | 2 | 3 |
| 28 | HR management | recruitment procedure | 2 | 2 | 4 |
| 29 | HR management | management of learning and training activities | 2 | 1 | 3 |
| 30 | HR management | management of staff resources in ligh with the needs | 1 | 1 | 2 |
| 31 | IC systems | management of IT developpments and maintenance (systems, software, plateforms...) | 2 | 2 | 4 |
| 32 | IC systems | intranet maintenance and content management | 0 | | |

| | Environment | EEA activities |
|----|-------------|--|
| 33 | IC systems | QMS - documentation of procedures, improvement process and quality control |
| 34 | IC systems | access rights, passwords and ID management for the different IT systems |
| 35 | IC systems | business continuity planning |
| 36 | IC systems | data protection measures and treatment of confidential information |
| 37 | IC systems | AAR and Annual Report (art.8§6) elaboration process |
| 38 | IC systems | EMAS certification process |
| 39 | IC systems | contracts management |
| 40 | IC systems | grant agreements management |
| 41 | IC systems | document management |
| 42 | IC systems | internal decision making process |
| 43 | IC systems | Management Plan System maintenance and content management |
| 44 | IC systems | review of the implementation of the Internal control standards |
| 45 | IC systems | Brussel office organisation |
| 46 | IC systems | award procedure for procurement |
| 47 | IC systems | award procedure for grant agreements |
| 48 | IC systems | helpdesk organisation (internal IT support) |
| 49 | IC systems | risk management process |
| 50 | IC systems | prevention of conflict of interest |
| 51 | IC systems | Facilities management, logistics and security |
| 52 | IC systems | follow up of auditors recommendations |
| 53 | IC systems | prevention of harassment at work place |

| Degree of exposure 3 : high / 2 : medium / 1 : low / 0 : not applicable | | Total degree of exposure A + B |
|--|-------------|-----------------------------------|
| A Likelihood of occurrence | B Impact | |
| 0 | | |
| 2 | 2 | 4 |
| 0 | | |
| 0 | | |
| 0 | | |
| 0 | | |
| 3 | 2 | 5 |
| 3 | 2 | 5 |
| 0 | | |
| 0 | | |
| 0 | | |
| 0 | | |
| 3 | 2 | 5 |
| 3 | 2 | 5 |
| 0 | | |
| 0 | | |
| 0 | | |
| 2 | 2 | 4 |
| 0 | | |
| 0 | | |

if all EEA activities had a likelihood of occurrence=3 and impact=3, the total of degree of exposure would be = 318 (53 x 6)