

DECISION 09/2023
OF THE GOVERNING BOARD OF
THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)

**ON THE PREVENTION AND MANAGEMENT OF CONFLICTS OF INTEREST AND DECISION-MAKING
PROCESSES TO AVOID CONFLICTS OF INTEREST OF THE EIT STAFF MEMBERS**

THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY,

Having regard to Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology¹ ('the EIT Regulation'), and in particular Annex I, Section 2, 3. a) thereof,

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants ('CEOS') of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/681², and in particular Title II of the Staff Regulations and Articles 11 and 81 of the CEOS,

Having regard to Decision 14/2010 of the EIT of 21 May 2010 adopting the Ethical and Organisational Code of Conduct at the EIT³,

Having regard to Decision 08/2023 of the Governing Board of the EIT on the Terms of Reference of the EIT Conflicts of Interest Advisory Committee⁴,

Having regard to the Guidelines on the prevention and management of conflicts of interest in EU decentralised agencies dated 10 December 2013,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations (Commission Decision C(2022) 8535 of 23 November 2023),

After consulting the Staff Committee,

WHEREAS

- (1) Independence and high standards of professional conduct by all those involved in the activities of the EIT, i.e. EIT staff, are crucial for the EIT's excellence and reputation.

¹ OJ L 189, 28.5.2021, p. 61–90.

² OJ L 56, 4.3.1968, p. 1.

³ 00016.EIT.2010/f/Dir/CN/AdO.

⁴ Ares(2023)1852766



- (2) Transparency and openness are essential to ensure public confidence.
- (3) Staff members shall carry out their duties and conduct themselves solely with the interests of the EIT in mind, notably they shall carry out the assigned duties objectively, impartially and in keeping with their duty of loyalty to the EIT.
- (4) The application of ethical standards is essential for EIT staff members not only when performing their professional duties but also after leaving EIT.
- (5) The present decision contains obligations on staff to submit declarations not only in case of conflict, but to submit declarations on their interests, even without any conflict being present. This is justified by the increased public scrutiny on conflicts of interest, EIT's specific activity which involves the mobilisation of funds, the level of responsibilities of the staff members on which this obligation is imposed, either by reason of their decision-making powers or by their involvement in procedures leading up to those decisions.
- (6) The responsibility for declaring any interest that might be considered prejudicial to their independence can only be placed on the individuals completing their declarations.
- (7) Any conflict of interest should be promptly identified, disclosed and managed without delay. To this end, a system of declaration of interests and their subsequent screening and evaluation is required to ensure that informed decisions on the appropriate measures, including the mitigation or removal of conflicts of interest can be taken.
- (8) In order to ensure a coherent level of detail in the declarations of interests, a set of activities that might cause potential conflict of interest should be defined regarding managerial positions.
- (9) To ensure consistent reporting and evaluation, a set of comprehensive declaration of interest' forms should be used.
- (10) A transparent procedure should also be followed as regards consequences linked to the interests declared as well as an enforcement procedure to deal with the most serious cases of breach of these rules.
- (11) This decision aims to complement the existing rules⁵ and to serve as a reference for the staff members of the EIT and ensures a comprehensive and coherent approach on conflicts of interest,

HAS DECIDED AS FOLLOWS

⁵ In particular the Staff Regulations and the CEOS, the EU Financial Regulation, Decision 14/2010 of the EIT of 21 May 2010 on adopting the Ethical and Organisational Code of Conduct at the EIT on adopting the Ethical and Organisational Code of Conduct (Ref. 00016.EIT.2010/f/Dir/CN/AdO), Decision 40/2018 of the Governing Board of EIT of 14 January 2019 on Outside Activities and Assignments and Occupational Activities after leaving the Service (hereinafter 'GB Decision on outside activities').



TITLE 1- SCOPE, DEFINITION AND PERSONS CONCERNED

Article 1 – Scope

1. The present decision lays down:
 - a. the rules for the prevention and management of conflicts of interest of the EIT staff members in order to ensure the handling in a transparent manner of situations where conflicts of interest may arise;
 - b. a detailed procedure to be followed for the prevention and management of conflicts of interest of the EIT staff members when situations of conflicts of interest may arise.
2. This decision is applicable to: EIT staff members⁶.

Article 2 - Sources of conflict of interest

1. For the purpose of this Decision, among other interests, the following ones shall be considered as a source of conflict of interest, actual or potential, (non-exhaustive list):
 - a) **Economic interest** means any substantial financial interests including holding of stocks and shares, equity, bonds, partnership interests in the capital of a company, which is under the scope of action of EIT. This does not include personal insurance policies, collective investment funds of deposit contracted as a regular customer;
 - b) **Member of a managing body or equivalent structure** means any participation in the internal decision-making (e.g. board membership, directorship) of a public or private entity with an interest in any of the activities that fall under the scope of the EIT Regulation;
 - c) **Employment** means any form of regular paid occupation or business, part-time or full-time, including self-employment, in any body with an interest in any of the activities that fall under the scope of the EIT Regulation. Employment by industry shall mean any form of employment by any legal or natural person carrying out any of the activities on which the EIT's outputs impact directly or indirectly;
 - d) **Ad-hoc or occasional consultancy** means any ad-hoc or occasional activity, including one-off tasks or assignments, in which an EIT staff member provides advice or services to entities with an interest in any of the activities that fall under the scope of the EIT Regulation (ex-ante hierarchical approval for speaking commitments are not included). This includes also services provided on an honorary basis (i.e. for free or without the payment of fees or emoluments) and any advice related to products, their development and/or the assessment methods thereof;

⁶ For the purposes of this Decision, EIT staff members include temporary and contract staff, seconded national experts (notwithstanding the provisions laid down on this regard on the rules of the secondment to the EIT of National Experts in professional training (Decision 20/2015 of the Governing Board of the EIT of 3 June 2015)) and trainees (notwithstanding the provisions laid down on this regard on Decision 19/2021 of the EIT Director of the EIT on the adoption of the Rules Governing the Traineeship Scheme at the European Institute of Innovation and Technology).



- e) **Intellectual property rights** means rights in any of the activities that fall under the scope of the EIT Regulation granted to creators and owners of works that are the result of human intellectual creativity and may lead to a financial gain;
 - f) **Other memberships or affiliations** means any membership or affiliation not falling under the definitions provided above and relevant for the purposes of the present decision;
 - g) **Other relevant interest** means any interest not falling under the definitions provided above and relevant for the purposes of the present decision.
2. In addition to the interests listed above in the present decision, in line with the Ethics and Organisational Code of Conduct at the EIT⁷, the following sources of conflict of interest shall also be considered as a source of conflict of interest, actual or potential:
- Professional activities of a spouse or partner;
 - Gifts and hospitality;
 - Payments;
 - Honours and decorations;
 - Publications; and
 - Outside activities and assignments.

Article 3 – Persons concerned and actors

- (a) The EIT Director shall decide on the declarations submitted for the activities covered by this Decision. The EIT Director may delegate some of his/her powers to line managers.
- (b) The Ethics Officer (E.O.) shall provide to staff guidance on these rules. In addition, he/she shall assess the declarations submitted for the activities covered by this Decision and shall raise staff awareness on ethics and integrity.
- (c) Line managers shall be consulted during the assessment procedure on conflict of interest situations concerning their staff and informed of the adoption and implementation of measures to mitigate the conflict when required.
- (d) EIT staff members shall comply with the Staff Regulations and the CEOS and related decisions and policies concerning conflicts of interest. They shall inform the EIT in due time of any conflict of interest situation by using, where appropriate, the forms/declarations laid down in this Decision.
- (e) The EIT's Conflict of Interest Advisory Committee (CoIAC)⁸ shall be involved (besides other tasks) in the assessment of the declaration of the EIT Director and in potential ethics issues regarding him/her.

⁷ Decision of the EIT no 14/2010 of 21.05.2010 on adopting the Ethics and Organisational Code of Conduct at the EIT.

⁸ The role, composition and functions of the EIT's Conflicts of Interest Advisory Committee (CoIAC) are defined in Decision 08/2023 of the Governing Board of the EIT on the Terms of Reference of the EIT Conflicts of Interest Advisory Committee.



Upon request, it shall also advise on matters related to actual, potential or perceived conflicts of interest and ethics issues of EIT staff members.

TITLE 2 – Conflict of interest

SECTION I - General principles

Article 4 – General principles on conflict of interest

a. General principles

1. EIT staff members shall not, in the performance of their duties, deal with a matter in which, directly or indirectly, they may have any personal interests such as to impair their independence as this would compromise or reasonably be perceived as compromise the impartiality and objectivity of a decision, opinion or recommendation of the EIT.
2. A relevant personal interest may notably be of a financial or non-financial nature and it may also concern a personal or family relationship, any representation of any other interests of third parties or a community of interests with any third parties, any professional or economic affiliation, as well as any other outside activities leading to the situation described under point 4.1.
3. The perception of a conflict of interest can constitute a reputational risk to the EIT, even if turns out to be unsubstantiated. Therefore, taking due consideration of proportionality, all relevant facts and mitigating circumstances, the risk of a reasonably perceived conflict of interest must be treated as if it were an actual conflict of interest.
4. It is the responsibility of all staff members to ensure that their conduct is in line with the rules regarding the conflict of interest in both letter and spirit. Each staff member of the EIT shall assume an individual responsibility by declaring in good faith his/her interests and information to the EIT in compliance with the provisions of this Decision and of the Staff Regulations.
5. A staff member, who becomes aware of an actual or potential conflict of interest, must immediately inform in writing the EIT.

b. General principles applying to declarations of conflict of interest

1. The EIT applies the principle that individuals are informed of their obligations regarding the declarations on conflict of interest and the risks attached to not declaring them. The EIT will ensure individual awareness through an annual training organised by the EIT, sessions to the newcomers, and information communicated to its staff on conflict of interest through the EIT staff intranet.
2. It is incumbent to the individual to disclose the information on the existence of a potential or existing conflict to the EIT in the first place, for the EIT to assess the related risk, and to take appropriate measures.
3. The following general principles shall be applicable to all persons subject to the present Decision:



- The responsibility for a complete and truthful declaration shall lie exclusively with the person completing the declaration;
- The identification and handling of conflict of interest shall be based on the evaluation of conflict of interest declarations and declarations of interests submitted by the concerned persons and/or staff as specified in the present Decision;
- Only activities that took place in the 5 years preceding the submission of the declaration shall be declared.

SECTION II –Declarations on conflict of interest for staff

Article 5 – Obligation to make declarations on conflict of interest

1. Before recruitment or taking up duties in the EIT or returning from unpaid leave⁹, the Appointing Authority examines whether the candidate/staff member has any personal interest such as to impair his/her independence or any other conflict of interest. At the time when an offer is made when negotiating prospective employment, the prospective employee shall declare any conflict of interest, including the professional activities of the spouse. The declared conflicts of interest shall be taken into account within the decision to employ or not employ a candidate.
2. The obligation to make declarations on conflict of interest applies to the situations as laid down in Article 6 of this Decision: pre-recruitment, return from unpaid leave, recruitment procedures, reclassification, outside activities, gifts, spouse's or partner's professional activities, procurement procedures, hospitality, and publications.
3. Staff members must promptly disclose all relevant information about a conflict of interest when circumstances change after their initial declaration. If at any time in the course of his/her duties a staff member becomes aware of any potential conflict of interest or an appearance of a conflict of interest, the staff member is obliged to inform the appointing authority in the EIT by submitting on his/her own motion the ad-hoc declaration on conflict of interest, using the relevant form.
4. The procedure for their submission and assessment of the declaration, as well as the process regarding breaches or omissions is set out in Articles 10-14 of this Decision.
5. In cases where the declaration shows a potential or actual conflict of interest, it shall be managed as soon as possible and solved before the staff member takes up/resumes his/her duties.

⁹ See Articles 17 and 52 of the CEOS.



Article 6

Declarations on conflict of interest:

- I. Pre-recruitment, returning from unpaid leave¹⁰, recruitment procedures, reclassification, outside activities, publications, spouse's or partner's professional activities, gifts

1. Pre-recruitment

- a) Before recruitment or taking up duties in the EIT or returning from unpaid leave, the Appointing Authority shall examine whether the candidate/staff member has any potential, perceived or actual conflict of interest(s) such as to impair his/her independence, requiring mitigating measures.
- b) To that end, candidates/staff members in non-managerial posts shall submit the declarations of conflict of interest using the form "[Declaration on conflict of interest](#)"¹¹, and managers shall submit the declaration of conflicts of interest using the form "[Declaration of interests for managers-pre-recruitment](#)" and, where relevant, the form "[Declaration regarding the professional activities of spouse or partner](#)".
- c) In case of a traineeship at the EIT, pursuant to Article 20. b) of the Rules Governing the Traineeship Scheme at the European Institute of Innovation and Technology¹², trainees must not have any professional connections with third parties which might be incompatible with their traineeship (e.g. Knowledge and Innovation Communities (hereinafter 'KICs'), lobbyists, etc.), unless they are instructed by EIT staff members to do so.
- d) In cases where the declaration shows a potential, perceived or actual conflict of interest, it must be managed and solved before the staff member takes up/resumes his/her duties.

2. Returning from unpaid leave

At the latest 3 months before the end of the unpaid leave, and if the staff member has not already submitted an application to return to work, he/she shall provide an up-to-date *curriculum vitae* which includes details of any professional activity engaged in while on leave.

The vacant post may only be filled by another person if the staff member returning to work does not possess the abilities required for the post to be filled or if he has a personal interest within the meaning of Article 4 which would impair his/her independence in the course of his/her duties in the specific post, such as to lead to an actual or potential conflict of interest.

¹⁰ See Article 11 of the Staff Regulations.

¹¹ This form applies to temporary and contract staff, seconded national experts and trainees.

¹² Decision 19/2021 of the Director of the EIT on the adoption of the Rules Governing the Traineeship Scheme at the European Institute of Innovation and Technology. Link to the decision: https://eit.europa.eu/sites/default/files/decision_19-2021_on_the_adoption_of_the_rules_governing_the_traineeship_scheme_of_the_eit.pdf.



In order for the EIT to assess the existence of such potential, perceived or actual conflict of interest, the staff member shall, prior to his/her reinstatement, inform the Appointing Authority, using a specific form ([Declaration on conflict of interest](#)), of any personal interest within the meaning of Article 4, in order to allow the Appointing Authority to take any appropriate measure as provided for in Article 11a(2) of the Staff Regulations; such measure may not, however, prevent the reinstatement of the staff member. The assessment carried out by the Appointing Authority shall be made considering the tasks and responsibilities of the staff member after his/her reinstatement.

3. Recruitment procedures (selection panels/boards)

- a) Staff members participating in selection boards regarding recruitment procedures shall submit before taking up duties the declaration on conflict of interest and confidentiality using [Declaration conflict of interest Selection Board recruitment](#).
- b) In cases where the declaration shows a potential, perceived or actual conflict of interest, an assessment and decision as well as possible mitigating measures shall be taken by the E.O. before the list of candidates in this selection procedure is disclosed by the Human Resources Section.

4. Reclassification

- a) In line with Annex I, point 3 of Decision 18/2016 of the Governing Board of the EIT and Decision 17/2016 of the Governing Board of the EIT¹³, staff members appointed as members of the **Joint Reclassification Committee (JRC)** shall submit [Conflict of interest Declaration for the reclassification exercise \(JRC\)](#). When filling in the related form, the staff member to be appointed as member of the Joint Reclassification Committee shall be provided by the Human Resources Section with the list of eligible staff to be reclassified.
- b) Staff members appointed as members of the **Joint Committee** within the context of the reclassification exercise shall submit before their appointment a [Conflict of interest Declaration for the Joint Committee](#).

5. Outside activities: whilst in active employment¹⁴, whilst on unpaid leave on personal grounds or activities after leaving EIT

5.1 Staff in active employment (Articles 2-7 and 13 of GB Decision on outside activities)

- a) In line with Article 3 of Decision 40/2018 of the GB Decision on outside activities, all staff members shall obtain prior permission to engage in an outside activity or an assignment without prejudice to the provisions of Article 4 of the afore-mentioned decision.

¹³ Decision 18/2016 of the Governing Board of the EIT laying down general implementing provisions Article 54 of the Conditions of employment of other servants of the European Union of 24 June 2016 and Decision 17/2016 of the Governing Board of the EIT laying down general implementing provisions regarding Article 87(3) of the Conditions of Employment of other servants of the European Union of 24 June 2016

¹⁴ Active employment within the meaning of Article 36 of the Staff Regulations.



- b) In order to allow the Appointing Authority to assess the activity under Article 12b of the Staff Regulations, staff members must submit an application accompanied by supporting documents that includes an indication of the expected remuneration, if any, [Application for authorisation of outside activities](#).

5.2 Staff on unpaid leave on compelling personal grounds (Articles 15-18 of GB Decision on outside activities)

- a) Unpaid leave is an administrative status which may be granted to temporary and contract staff at their own request¹⁵. Staff on unpaid leave are not considered former staff, as they are entitled to reintegration. Thus, they are subject to the relevant provisions of the GB Decision on outside activities¹⁶.
- b) To this end, pursuant to Article 17 of the GB Decision on outside activities, staff members on leave on personal grounds shall submit the “[Application for authorisation of outside activities](#)” at least two months before the beginning of the activity or assignment and shall be authorised by the Appointing Authority prior to taking up their new activity. The Appointing Authority, in granting permission, may impose conditions, as long as these conditions are necessary to ensure that staff members comply with their obligations. The permission is valid for the period which is set out in the application, and should not be longer than 12 months.

5.3 Staff having left the EIT (Articles 19 ,20, 21 of GB Decision on outside activities)

- a) Pursuant to Article 19 and 21 of the GB Decision on outside activities, staff¹⁷ leaving the EIT shall sign the [Declaration of Honour for Staff Leaving the service](#) acknowledging that he/she is aware of their continuing obligations to the EIT, in particular under Articles 16, 17(2) and 19 of the Staff Regulations.
- b) Staff shall comply with Article 20 of the GB Decision on outside activities according to which all staff members including former staff members who intend to engage in an occupational activity, whether gainful or not, within 2 years of leaving the EIT, are required to submit the form [Application for Authorisation of occupational activities after leaving the service](#), at the latest 30 working days before the envisaged starting day.
- c) Staff members entering in negotiations for future positions while still in the service, shall inform without delay the Appointing Authority of potential conflict of interest situations. Before the end of the contract of the staff member, the EIT, as soon as it is informed and in case there is a risk of conflict of interest in relation to an envisaged activity, might take mitigating measures such as the immediate withdraw of access to confidential information and/or relieving of the member of staff from responsibility as appropriate;

¹⁵ See Articles 17, 52 and 91 of the CEOS.

¹⁶ See Articles 11, 11a, 12, 12a, 13, 15, 16, 17 and 17a of the Staff Regulations.

¹⁷ Contract and temporary staff.



- d) Trainees shall inform the EIT about their intention of taking employment or acting in any other capacity even without receiving remuneration in any of the KIC legal entities after the termination of their traineeship. Article 20.1.c) of Decision 19/2021 of the Director of the EIT on the adoption of the Rules Governing the traineeship scheme at the EIT is applicable.

6. Spouse's or partner's professional activities

1. In case the staff member's spouse or partner¹⁸ has a professional activity, the staff member shall submit, before recruitment or during her/his service the form [Declaration regarding the professional activities of spouse or partner](#) to the HR Section.
2. In other situations of partnership, it is for the staff to assess whether an appearance of conflict of interest exists. He/she might require the advice of the E.O.

7. Gifts

1. A gift can be a sum of money or any physical object, invitations to entertainment, cultural or sporting events or any other advantage with a pecuniary value such as transport costs¹⁹. As a general rule, it is recommended that staff decline all offers that have more than merely symbolic value (such as diaries, calendars, small desk items, etc.). Offers of sums of money shall always be refused.
2. Pursuant to the Staff Regulations (Article 11), staff shall not accept, directly or indirectly, any gifts (including favours or donations) from any source outside the EIT without obtaining the prior permission from the Appointing Authority.
3. Prior permission by the Appointing Authority is presumed granted for a gift worth up to EUR 50 Euro. For gifts valued between EUR 50 Euro and EUR 150, staff shall request permission from the Line Manager by submitting the [Application for authorisation to accept a gift or favour](#).
4. Permission for gifts that exceed 150 Euro value shall in principle be refused. For the sake of transparency, the staff member shall inform his/her line manager (head of unit) and the E.O, preferably in written form, that the gift has been offered and refused.
5. In exceptional cases, the acceptance of more expensive gifts can be presented to the Appointing Authority for its approval, if for example the refusal of a gift could be contrary to social, courtesy or diplomatic usage or might create otherwise uncomfortable situations.
6. When it is not clear if the gift has a value of more than the set limits and whether it may then be accepted or not, it shall be taken into account whether accepting the gift could compromise the staff member's autonomy, independently of its value. Staff shall also consider the origin of the gift, and whether its acceptance could be seen as compromising his/her independence.

8. Hospitality²⁰

1. Hospitality offers are considered to be a particular type of favour. Hospitality is defined as an offer of food, drink, accommodation and/or entertainment from any source outside the EIT.

¹⁸ Within the meaning of the Staff Regulations.

¹⁹ See Article 4.3.8 – Missions and events.

²⁰ Further guidance can be found in the relevant section on the MyIntracomm website.



2. As a general rule, staff shall not accept any hospitality. If acceptance could be envisaged, staff should assess that the invitation complies with their obligation to act impartially, in the EU interest and for the public good.
3. Invitations to all types of hospitality which could be perceived as excessively generous or issued at very frequent intervals by a single source shall always be refused.
4. Prior permission by the Appointing Authority is presumed to be granted for:
 - a. hospitality in the form of business meals offered when participating in work-related events, such as conferences/meetings/trainings/college-meetings, strictly linked to the exercise of staff's duties, and as such not prejudicial to the interests and public image of EIT, and in which the staff participates in agreement with his/her hierarchy and in the interest of the service;
 - b. occasional offers of simple meals, refreshments, snacks, etc.
5. Invitations to other business meals paid for by third parties are to be considered carefully. Such hospitality shall only be accepted if it is in the interest of the service and strictly necessary to fulfil professional duties. Individual invitations to business meals while on a country visit or performing supervisory activities received by the concerned institution shall be refused.
6. Authorisation from the Appointing Authority shall always be sought before accepting business meals that:
 - a. fall under paragraph 5 above;
 - b. exceed a cumulative value of EUR 150 from a single source in one year.

The two conditions above are cumulative.

7. Staff shall obtain permission from the Line Manager by submitting the [Application for authorisation to accept a gift or favour](#). The E.O. shall be consulted.
8. In case of doubt, staff should inform his/her Line Manager of any such invitation and discuss whether to accept or not.

9. Missions and events

1. Staff shall comply with Articles 2.9 and 3.4.1.1 laid down in Decision 22/2018 of the Governing Board of the EIT on the General Provisions for Implementing Articles 11, 12 and 13 of Annex VII to the Staff Regulations of officials (missions expenses) and on authorised travel²¹ which implements by analogy the Commission Decision C(2017) 5323 of 27 September 2017 'Guide to missions and authorised travel' and its Annex.
2. In case all or part of the expenses connected with a mission are to be paid by organisers, the authorising officer by delegation must check in advance that there are no potential conflicts of interest and confirm the fact when drawing up the mission order²².

²¹ 04514.EIT.2018.I.GB.WP. (28 June 2018)

²² See Article 2.9. of Guide to missions.



3. In case of expenses paid by third parties, when staff submits the request for authorisation to travel to the line manager and, where necessary, to the authorising officer for commitments, he/she must provide with all the details they require to assess any risk of conflict of interest as laid down in Article 3.4.1.1 of the Guide to missions.

10. Publications

1. Staff members, wishing to publish or to have published either on their own or with other parties a document, such as an article or a book, or anything dealing with their work or EU matters generally, shall inform the Appointing Authority in advance.
2. The staff member referred to above shall submit the declaration ([Publication](#)) and provide the Appointing Authority with any information, in particular, a copy, in electronic form, of the document he/she intends to publish. If necessary, this shall be accompanied by a summary of the document to be published, in electronic form, in one of the EIT's working languages.
3. Without prejudice to Article 17a of the Staff Regulations, the staff member, who intends to publish on a subject-matter which is within the scope of EIT, shall indicate in the published document that he/she is writing under his/her own name, and does not engage the responsibility of the EIT.

11. Public office

In the event that a staff member wishes to stand for public office, he/she shall submit the form referred to in the [Declaration of candidature for public office](#) to the Appointing Authority.

II. Ad-hoc/Specific declarations on conflict of interest (SDol)

Staff members shall notify any actual or potential conflict of interest or any situation that may lead to the perception of a conflict of interest not covered in their initial declaration when being recruited by submitting [Ad-hoc Declaration on conflict of interest \(SDol\)](#).

III. Declarations of intention concerning confidentiality and declaration of commitment

1. The EIT staff members shall sign a [Declaration of intention concerning confidentiality undertaking](#) to confirm their commitment to confidentiality, even if already embedded in their employment contract.
2. EIT staff members will continue to be bound by the terms of their declaration after leaving the service in line with Article 17 of the Staff Regulations.

IV. Annual declarations of conflicts of interests of the EIT Director and heads of unit

The Director of the EIT and the heads of unit shall submit at the beginning of each calendar year and no later than 31 January the conflict of interest declaration to the E.O. – [Annual declarations of interest for managers](#).



TITLE 3 - PROCEDURE FOR IDENTIFYING AND HANDLING CONFLICTS OF INTEREST

SECTION I – SCREENING PROCESS

Article 7 – Principles of Assessment of Interest

In addition to the general principles laid down in Article 4.b of this Decision, interests shall also be assessed by considering whether the specific interests declared by a staff member are compatible with the tasks to be assigned by the EIT to him or her, having regard to the mandate of the group where the staff member participates and/or the role and function that he or she is required to take on or perform.

Article 8 – Screening of Declarations²³

1. Declarations on conflict of interest and Ad-hoc/Specific declarations on conflict of interest (SDoI) (as laid down in Article 6. II of this Decision), ('the declaration'), shall be submitted to the HR Section through ARES. HR shall launch the relevant workflow in ARES always including the relevant head of unit and the E.O.
2. Upon receipt, the E.O. shall screen the declaration in order to assess potential, perceived or actual conflict of interest arising from any of the categories described in Article 2. The screening shall be performed according to the criteria specified under Article 9.
3. The EIT Director shall receive the outcome of the screening, including a proposal for a preventive measure in case of a potential conflict of interest. The decision on the outcome of the screening rests with the EIT Director, without prejudice to the procedure laid out in Articles 10 and 11.

Article 9 – Criteria for the screening of Declarations²⁴

Upon receipt of the declaration, the E.O. shall screen it in order to assess potential, perceived or actual conflict of interest arising in any of the categories described in Article 2.1 and 2.2. Notwithstanding that other criteria may apply to certain declarations (e.g. declarations regarding publications and outside activities), the screening shall be made according to the following criteria:

- a) Interests can only be assessed by considering whether the specific interests declared by a person are compatible with the tasks assigned or to be assigned by the EIT to him or her;
- b) In the case of a declaration made in the context of a meeting, having regard to the items on the agenda of that meeting of the group where the person participates and the role and function that he or she is required to take on or perform in that meeting;

²³ Declarations referred to in Article 6 of this Decision (including the Specific Declaration on conflict of interest (SDoI)).

²⁴ Declarations referred to in Article 6 of this Decision.



c) An activity described in Article 2.1 that is overlapping with the activities of the individual and that is ongoing at the moment of the screening shall be considered as a source of conflict of interest.

SECTION II - DECISION ON THE ASSESSMENT OF THE DECLARATION

Article 10 – Process for addressing declared conflicts of interest of the EIT’s Staff Members

1. At receipt of the E.O.’s screening, which includes the opinion of the HoU and where relevant, a proposal for a preventive measure, the EIT Director shall take a decision within 30 working days.
2. The EIT Director shall take any measure considered appropriate to ensure the potential conflict of interest in question does not occur, or to remedy a conflict of interest, and may in particular relieve the staff member from responsibility in a certain matter, within 30 working days.
3. Any change regarding interests already declared shall result in a swift update of the Specific Declaration of interest (SDol), which shall be submitted to the HR Section through ARES without delay. The procedure laid down above applies to updated SDols.
4. The procedure laid down in this Article is without prejudice to disciplinary measures that may be taken by the EIT Director in accordance with the Staff Regulations and the CEOS.
5. Any preventive measure taken to address potential conflicts of interest shall be recorded by the HR Section in cooperation with the E.O. in ARES as well as any further follow-up.

Article 11 – Process for addressing Annual Declarations of interest of the EIT Director and heads of unit (ADols)

1. The process foreseen in Article 10 of this Decision shall apply to the declarations submitted by heads of unit except for the EIT Director. In the case of the EIT Director, he/she shall submit his/her ADols to the E.O., who shall forward them immediately to the Advisory Committee on Conflict of Interest (CoIAC)²⁵.
2. The CoIAC shall apply the principles laid down in Articles 7-9 of this Decision mutatis mutandis for the assessment of interests and screening of declarations of interest. In case an actual or potential conflict of interest is identified, the CoIAC shall provide initial advice, including any preventive measure, to the EIT’s Governing Board for its approval.
3. Any preventive measure taken to address potential conflicts of interests shall be recorded by the E.O. in ARES.
4. In case no conflict of interest has been identified, the CoIAC’s assessment shall be considered as final and it shall be communicated to the E.O.. The E.O shall keep a record of the CoIAC’s final decision.

Article 12 – Process regarding omissions of declarations of interest and declarations on conflict of interest

1. In case the EIT is aware, or is made aware, of some information that is not consistent with, or that is missing from, the declaration of an individual and a preliminary assessment suggests that it concerns an interest that has to be declared, the E.O. with the support of the HR Section shall seek additional

²⁵ See Annex I on the composition of the CoIAC.



information from the individual with regard to the omission. At the same time, the individual shall be requested to update the missing details of the declarations.

2. Upon completion of the update, the declaration shall be processed and screened in accordance with the present Decision.
3. The EIT Director may take any appropriate preventive action regarding the individual's participation in the EIT's activities.
4. For the case of the EIT Director, the E.O. shall immediately inform the CoIAC, which shall process and screen the new or updated declaration in accordance with the present Decision.

Article 13 – Breaches of the EIT's rules on declarations of conflict of interest

I. General provisions

1. In accordance with Article 86(1) of the Staff Regulations, any failure by a staff member of the EIT to comply with his/her obligations under the rules of conflict of interest, whether intentionally or through negligence on his/her part, shall make him/her liable to disciplinary measures, in accordance with the provisions of the Staff Regulations and the CEOS.
2. Seconded national experts and trainees shall comply with the relevant obligations imposed by the present Decision. Failure to observe the obligations provided herein entitles the EIT to terminate the collaboration, subject to respecting the procedural safeguards of the seconded national expert and trainee concerned notably including the right to be informed in advance of the reasons underlying the Appointing Authority's intention to terminate the collaboration and giving him/her the opportunity to be heard.

II. Process

1. If the EIT finds a person to be in breach of the present rules, and in particular, if the person concerned was involved in a decision-making procedure without having declared an interest, the EIT Director, before taking a decision in this regard, may request the advice of the CoIAC. The CoIAC shall report its findings to the EIT Director and the E.O. The EIT Director shall take appropriate measures to address these findings.
2. For the case of the EIT Director, the Governing Board of the EIT shall seek the advice and support of the CoIAC.

Article 14 – CoIAC's advice on Decisions of the EIT Director on conflicts of interest and ethics issues regarding EIT staff members

In case a complaint is filed by an EIT staff member against a decision of the EIT Director on conflict of interest and/or ethics issues, the EIT Director may seek the advice of the CoIAC.



TITLE 5 – GENERAL AND FINAL PROVISIONS

Article 15- Register

All the declarations made by staff members shall be recorded in a Register in ARES by the EIT. This will enable the EIT to demonstrate, if necessary, that a specific conflict of interest has been appropriately identified and managed²⁶.

Article 16- Transparency and publication

1. The EIT shall publish on its website the policies and rules for the prevention of conflict of interest in a clear and easily identifiable manner.
2. The forms indicated in this Decision shall be published on the EIT staff intranet and shall be accessible to all EIT staff members. These forms shall be adopted by a separate decision.
3. The Declarations of interest submitted by the EIT Director shall be available for public scrutiny with due respect to the applicable EU rules on protection of personal data and access to documents. Where deemed relevant, the concerned person's CV (or a summary of his/her professional experience) could also be made available.

Article 17 - Personal data protection

1. The EIT shall ensure that any processing of personal data necessary in the context of this Decision shall be performed in compliance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union Institutions, in particular in compliance with Articles 15 and 16 of Regulation (EU) 2018/1725.
2. The privacy statement shall be published in the EIT's public register of data protection records²⁷.
3. The recipients of the Declaration of interest are the persons and bodies identified in the present decision. Furthermore, Declarations of interest may be transferred to bodies in charge of a monitoring or inspecting task in conformity with Union law, including the European Court of auditors, the internal audit service, OLAF, the European Ombudsman and the European Data Protection Supervisor.
4. The conservation period of Declarations of Interest for the EIT staff members is 5 years after the discharge for the last budgetary year in which they worked for the EIT and for the Chairperson and Executive Director is 5 years after the discharge for the budgetary year in which the Chairperson and the Executive Director terminate their mandate at the EIT.
5. Data subjects with EIT involvements have a right to access to their Declaration of Interest and to update or correct it any time. In case EIT has knowledge of information that is not consistent with declared interest, or in case of failure to submit a Declaration of Interest, the data subject concerned will be contacted with the purpose to update the missing information.

²⁶ Measures adopted to manage the conflicts of interest are filed in the personal file of each staff member.

²⁷ <https://eit.europa.eu/who-we-are/legal-framework/data-protection>



6. Data subjects are entitled to have recourse at any time to the European Data Protection Supervisor:
<http://edps.europa.eu>

Article 18 – Entry into force

This Decision shall take effect on the date of its signature.

Done at Budapest, 14 March 2023

(e-signed)

Nektarios Tavernarakis

Chairperson of the Governing Board

Annex to this Decision:

- Declaration on confidentiality undertaking



ANNEX

CONFIDENTIALITY UNDERTAKING

To be signed by Individual (s)

I, (Title) (Name)(Surname).....

(Organisation/Company)

(Country)

In view of the following definitions

'The EIT activities' encompass (but are not restricted to) activities related to my role and responsibilities at the European Institute of Innovation & Technology (further referred to as the 'EIT'), any meeting (including meeting preparation and follow-up), associated discussion or any other related activity of the EIT's Governing Board and Executive Committee, Working Groups, Stakeholders forum or any other meeting related to the EIT.

'Confidential information' means all information, facts, data and any other matters of which I acquire knowledge, either directly or indirectly, as a result of my EIT activities.

'Confidential documents', for the purposes of this Decision, mean all drafts, preparatory information, documents and any other material, together with any information contained therein, to which I have access, either directly or indirectly, as a result of my participation in the EIT's Activities. Furthermore, any records or notes made by me relating to confidential information or confidential documents shall be treated as confidential documents.

I acknowledge that I may, in the course of the work that the EIT has asked me to carry out, obtain information (whether or not in documentary form) relating to the EIT and its internal affairs, and information about third parties. I also understand that I may be invited to participate either directly or indirectly in certain EIT activities and hereby undertake:

1. to treat all confidential information and confidential documents under conditions of strict confidentiality,
2. not to disclose (or authorise any other person to disclose) in any way to any third party any confidential information and confidential documents without the EIT's prior written consent,
3. not to use (or authorise any other person to use) any confidential information and confidential documents other than for the purposes of my work in connection with the EIT's activities,
4. to dispose of confidential information and confidential documents as soon as I have no further use for them,



Upon termination of my temporary placement with the EIT, all confidential information held should be collected and returned to the EIT. This includes electronic and print versions.

This undertaking shall not be limited in time, but shall not apply to any document or information that I can reasonably prove was known to me before the date of this undertaking or which becomes public knowledge otherwise than as a result of a breach of any of the above undertakings.

I acknowledge that, where disclosure of the information I obtain is controlled by statutory provision, I may be prosecuted for wrongful disclosure.

I HAVE READ THIS DECLARATION, UNDERSTAND IT, AND AGREE TO ITS TERMS.

I acknowledge having received a fully executed copy of this declaration

Signature	Date/ Place
-----------	-------------

.....

Please provide this form to Human Resources Section via ARES.