

## Twenty-sixth Meeting

### Stockholm, 14-15 November 2012

#### Independence policy and implementing rules on Declarations of Interests

<b>Agenda Item: 7</b>	<b>Document number: MB26/11 Rev.1</b>	<b>Date: 20 December 2012</b>
<b>Summary:</b>	New Independence policy and Implementing rules on Declarations of Interests at ECDC, following consultation of ECDC stakeholders, in particular via electronic consultation of the members of the Management Board.	
<b>Action:</b>	For approval.	
<b>Background:</b>	<p>Regulation (EC) No 851/2004 establishing the European Centre for Disease Prevention and Control (ECDC), in particular, Article 19 'Declaration of interest'</p> <p>Staff Regulations and the Conditions of Employment of other staff, in particular, Article 11 and 11a</p> <p>Financial Regulation of the European Centre for Disease Prevention and Control as adopted by the Management Board on 14 November 2008, Article 35(2)</p> <p>Document MB3/9 – Guidance Document on Conflict of Interest</p> <p>Document MB20/17 – ECDC Draft Policy on Declarations of Interest and Handling of Potential Conflicts of Interest</p> <p>Document MB25/14 – Independence policy and Implementing rules on Declarations of interest</p>	

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## Introduction

1. The European Parliament, in its scrutiny of the activities of EU Agencies has insisted that they take active steps to manage actual or potential conflicts of interest, and demonstrate their independence. The European Court of Auditors this month published a Special Report on Management of Conflicts of Interest in EU Agencies which concluded that these were “not adequately managed” in any of the Agencies, and the European Commission has expressed its intention to work with Agencies to develop common standards in this area. Indeed, DG SANCO has already over the past year or more had in depth discussions with its partner agencies (ECDC, EFSA and EMA).

2. The policy set out in this document codifies existing good practice in ECDC and upgrades it to bring it into line with the emerging consensus on best practice in ensuring transparency, independence and excellence in EU scientific agencies.

3. That excellence, independence and transparency are engendered as core values of ECDC is clear from the Founding Regulation<sup>1</sup>;

***“the confidence of the Community institutions, the general public and interested parties in ECDC is essential. For this reason, it is vital to ensure its independence, high scientific quality, transparency and efficiency”.***

4. Whilst independence has been addressed previously<sup>2</sup> by the Centre, this package of documents has been produced to introduce a comprehensive draft policy and implementing rules. It must be emphasised that the two key documents are currently in draft format and represent the culmination of initial discussions with DG SANCO, our sister agencies<sup>3</sup> and internal stakeholders. Input was sought from the Advisory Forum in relation to the specific issues raised in gathering Rapid Risk Assessments<sup>4</sup> and valuable input was gained on the interpretation of the ECJ in independence issues during the May 2012 meeting of the IALN.

5. Below are specific points of interest:

- The policy has been drafted to simplify the applicable rules outlining admissible and incompatible interests in a transparent manner and, where appropriate and proportionate, extending the obligations to declare interests to contractors and grant beneficiaries.
- The policy clarifies and extends obligations on staff and other individuals working on behalf of ECDC (including trainees, interims and SNE).
- The policy recognises the need for transparency by clarifying which declared interests will be published and formulates an access to information procedure which seeks to balance personal data protection requirements against this need for transparency.
- The policy identifies the roles of the Compliance Officer and Declaration of Interest Review Committee and the implementing rules expand upon their respective tasks and interfaces.
- Annual reporting on the independence policy is introduced.
- Adjustments in the procedure for selection of experts are introduced.
- The procedure regarding the continuing independence of staff leaving the service is defined.
- The ‘breach of trust’ procedure is defined.

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<sup>1</sup> Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for Disease Prevention and Control.

<sup>2</sup> ECDC Draft Policy on Declarations of Interest and Handling of Potential Conflict of Interest MB20/17 and MB Guidance Document on conflict of interest, adopted June 2005.

<sup>3</sup> EFSA and EMA.

<sup>4</sup> Annex I - Working Group C: Practical application of a Conflict of Interests policy in the ECDC setting.

**Annex I: Conclusions of Working Group C  
(Practical application of a Conflict of Interests  
policy in the ECDC setting) of the ECDC  
Advisory Forum (AF30, 3-4 May 2012)**

## Working Group C of the ECDC Advisory Forum (3-4 May 2012)

### *Practical application of a Conflict of Interests policy in the ECDC setting*

The Working Group was asked to consider the situation of external experts consulted in the production of rapid risk assessments in line with a draft policy on Declarations of Interests and Handling of Potential Conflicts of Interest.

The Working Group considered the provisions for collecting and assessing Declarations of Interests from external experts participating in working groups, scientific panels and other collaborative work with the Centre. However, in contrast, it was clear that the requirement for speed of delivery was paramount for rapid risk assessments as lives could be at risk.

Rapid risk assessments were understood to be a 'snapshot' of a situation at a particular time. The advice provided could change rapidly as more information came to light.

As other SANCO agencies do not perform similar 'rapid response' functions it was necessary for ECDC to look elsewhere for examples of how information was gathered and the perceived need for independence. It was noted that at the WHO experts were often anonymous and their identity only revealed after a certain period. Whilst this had received some criticism, as at ECDC it was seen that information gathered in this way allowed experts to express their opinions and views more freely without fear of deviating from the 'company line' held by employers.

At ECDC whilst certain experts were credited in assessment reports, requests for anonymity were also respected. The Working Group discussed at length the issue of anonymity and concluded that whilst it diminished the requirement of transparency it was accepted that the ultimate assessment was made by ECDC after consulting a number of experts. As such, all contributions were assessed to produce an assessment.

Conclusions:

- 1) As many experts as possible should be recruited to the Experts Directory and these consulted wherever possible in relation to rapid risk assessments.
- 2) Experts should be encouraged to relinquish anonymity whenever possible as this was perceived to add to the credibility of assessments.
- 3) In certain circumstances – such as when an expert had made a significant contribution or where (s)he was one of only a few experts (or the single) expert consulted – the expert should be credited as a contributor.
- 4) In relation to rapid risk assessment experts, a 'simple' declaration (Annex 10) could be sent at the time of requesting information supplemented by verbal questions by the requester in relation to the specific subject matter. This could be reviewed immediately and any evidence of potentially conflicting interest could be investigated by the Compliance Officer as a priority and noted when the expert was credited in the final report, thus offering a significant degree of transparency.

## **Annex II: Timeframe**

## Updated Timeframe

5 March 2012	Report on SANCO 3 <sup>rd</sup> meeting to Director. Internal working group authorised.
13 March 2012	Comparative SANCO agencies finished. Initial review of Policy and IR completed.
21 March 2012	Agreement on system requirements and discussion of internal/external sourcing for database.
10 April 2012	Procurement of IT system for active uploading, amending, withdrawal of Declarations of Interests to begin.
3 May 2012	Working Group C of Advisory Forum to consider the need to ensure independence of Rapid Risk Assessment experts.
8 June 2012	Prior notification (Art. 27 of Regulation 45/2001) to EDPS of amended system.
15 June 2012	Internal communications notification of proposals (inc. stakeholder consultation) via intranet to be arranged.
19 June 2012	Presentation of revised draft Policy and Implementing rules to the Management Board.
19 July 2012	Opinion of the EDPS on a notification for Prior Checking regarding Annual Declaration of Interests.
1 August 2012	Opening of stakeholder consultation period.
21 September 2012	Closure of stakeholder (both external and internal) consultation period.
End-September 2012	Finalised review and redraft, as necessary taking into account the consultation of stakeholders and staff members as well as the final EDPS Opinion, of Policy and IR.
Mid-October 2012	Anticipated launch IT system for ECDC Expert Directory, including provisions for uploading the ADoI.
23 October 2012	Presentation of the finalised Policy and IR to Senior Management Team.
1 November 2012	Compliance Officer in function.
14-15 November 2012	Approval of the Independence Policy and IR by the Management Board.
<b>1 January 2013</b>	<b>Anticipated implementation of the Independence Policy and IR.</b>

## **Annex III: Draft Independence Policy**



# Draft Independence Policy

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## I.1 Purpose

As stated in ECDC's Founding Regulation<sup>5</sup>, "*the confidence of the Community institutions, the general public and interested parties in ECDC is essential. For this reason, it is vital to ensure its independence, high scientific quality, transparency and efficiency*". Excellence, independence and transparency are essential elements of the ECDC work.

- a. Transparency: openness and transparency in the development of experts' opinions, guidance, advice and recommendations are critical as they provide a framework in which consumers can have confidence in the scientific quality and integrity of work.
- b. Independence: an essential element to ensure independence from the influence of industry, other stakeholders and lobby groups, parties with an interest (for the different areas, e.g. pharmaceuticals, food safety, etc.), and for the work perceived to be carried out foremost in the public interest.
- c. Excellence: all experts (both staff and external) involved in developing opinions, guidance, advice and recommendations should be appointed/contracted on the basis of proven scientific excellence and commitment.

The Independence policy has been developed to describe how independence, both in scientific advice and the day-to-day operations of ECDC, is to be maintained.

## I.2 Scope

This policy applies to members and alternates of the ECDC Management Board (MB) and Advisory Forum (AF), ECDC Director and members of the Senior Management Team (SMT), all ECDC staff members, Seconded National Experts (SNEs), contractors and external experts participating in Scientific Panels or other fora in which their evidence, expert opinion and advice may influence the scientific position of ECDC.

Any reference to experts shall be interpreted as referring to all experts asked to participate in Scientific Panels or providing advice which may influence the scientific position of ECDC. A person may be termed an expert for the purposes of this policy if they fulfil these criteria, regardless of their official job title or function. For the avoidance of doubt, any ECDC staff members who fulfil these criteria may also be deemed experts for the purpose of this policy.

Management of conflicts of interest among individuals undertaking tasks for ECDC on behalf of Competent Bodies does not fall directly within the scope of this policy. Nonetheless, it is expected that any actual or potential conflicts of interest among these individuals will be identified either under the provisions of this policy relating to experts, or under the national policies on management of conflicts of interest. The Compliance Officer's annual report on implementation of this policy will address the issue of actual or potential gaps, and make recommendations on further updates to ECDC's policy.

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<sup>5</sup> Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for Disease Prevention and Control.

## **I.3 Background and legal basis**

- Regulation (EC) No 851/2004 establishing the European Centre for Disease Prevention and Control (ECDC), in particular, Article 19.
- Staff Regulations and the Conditions of Employment of other staff, respectively, Articles 11 and 11a and Article 13.
- Financial Regulation of the European Centre for Disease Prevention and Control, adopted by the Management Board on 14 November 2008.
- Implementing Rules on the Financial Regulation of the European Centre for Disease Prevention and Control, adopted by the Management Board on 14 November 2008.
- MB Document 3/9 "Guidance Document on Conflict of Interest".
- ECDC Policy on Declarations of Interest and Handling of Potential Conflicts of Interest (MB20/17).
- ECDC Code of Good Administrative Behaviour.
- Regulation (EC) N° 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.
- Rules for implementing Article 20 (2) of the Regulation (EC) No 851/2004, on access to documents of the European Centre for Disease Prevention and Control.

## **I.4 Summary of the Procedure**

The policy supports a three-stage procedure to gather information of interests, screen for any potential conflicts of interests and assess any conflicts to decide upon appropriate action to ensure the independence of ECDC both in the advice it provides and its day-to-day operations.

### ***I.4.1 Gather information of interests***

Declarations of Interests (DoI) is a system used to screen for and detect potential situations of conflict of interests by ensuring advance knowledge of an individual's relevant interests and activities. The DoI includes details of current activities and those completed in the last five years by the individual and, where relevant, their direct family members.

In order to ensure a coherent level of detail in the declarations, a set of interests has been defined (see paragraph I.6). However, interests may exist beyond those defined in this list and it should be borne in mind that this represents a 'snap shot' of interests at a set moment in time. As a result, subjects requested to make a DoI may be requested to do so either annually or for a specific purpose.

### ***I.4.2 Screening for any conflicts of interests***

Notified interests do not automatically imply a conflict. Careful screening using uniform criteria (*Appendices 8 and 9*) is therefore conducted.

### ***1.4.3 Assessing and deciding upon action***

Once the interests have been screened, a decision will be made on participation in ECDC activities and any applicable provisos.

A breach of trust is said to have occurred if an individual is believed to have omitted a relevant interest intentionally or through gross negligence, or to have broken the standard of confidentiality and integrity normally expected of a professional in their situation.

If a breach of trust is identified, the Compliance Officer, with referral to the Declarations of Interests Review Committee as necessary, shall be responsible for the initiation of the process as defined in the Implementing Rules on Declarations of interests (see paragraph II.4.2 of the Implementing Rules on Declarations of interests) and ensuring the Director is duly advised of the outcome of the process.

## **I.5. Definitions**

### ***1.5.1 Declaration of Interests***

A Declaration of Interests (DoI) is a formal notification of an individual's interests and is used to screen for interests which may conflict, thus adversely affecting an individual's ability to act independently in his/her activities for ECDC.

### ***1.5.2 Annual Declaration of Interests (ADoI)***

The ADoI highlights various interests that may give rise to a potential conflict of interests in the context of a specific activity.

### ***1.5.3 Specific Declaration of Interests (SDoI)***

The SDoI is linked to a specific subject matter or item of a meeting/activity and it allows ECDC to assess whether a conflict of interests exists in the context of the specific meeting/activity.

The SDoI is to be completed and submitted for screening prior to each meeting/activity of the Scientific Panels or other fora that may influence the scientific position of ECDC and focuses on the agenda items of that meeting. The SDoI is also required of ECDC staff members participating in evaluation committees, such as those in the field of recruitment or procurement.

### ***1.5.4 Oral Declaration of Interests (ODoI)***

The ODoI shall be made at the beginning of each meeting or discussion, after consideration of all agenda items or issues for discussion. In making this declaration, an individual will notify any additional interests which must be recorded.

### ***1.5.5 Conflict of Interests (CoI)***

A CoI is said to exist when a person appointed to a function has a personal or vested interest in the outcome of decisions resulting from that function. Consequently, a person must not be involved in any decision during the course of his/her duties with the knowledge that there is a direct or indirect opportunity to further his/her personal interests.

The central issue at stake is that particular acquaintances, business relations and the like should not interfere with the obligations to act in an objective and impartial manner in the interest of the European Union and in the public interest.

For this purpose, it is decided:

- to appoint a Compliance Officer reporting to the Director as the main person responsible for compliance with ECDC's rules on conflict of interests and whose role includes the screening of DoI;
- to create a Declarations of Interests Review Committee composed of two permanent members (the Compliance Officer and a Legal Officer), two ad hoc members nominated by the Director and a chair (the Chief Scientist for experts, the Director for ECDC Staff members and SNEs, the Chair of the MB for the Director and members of MB and the Deputy Chair of the MB for the Chair of the MB, the Chair of the AF for the members of the AF) whose role is to assess potential conflict of interests notified by the Compliance Officer and to determine the level of permitted participation in the activities of the Centre, if any, of an individual.

### **I.5.6 Other Declarations**

- A Declaration of Commitment shall be made annually by members of the AF, MB, SMT and the Director (*Appendix 1*).
- A Declaration of absence of conflict of interests and of confidentiality for Selection/evaluation Committees - Procurement (*Appendix 5*).
- A Declaration of absence of conflict of interests and of confidentiality for Selection Committees - Recruitment (*Appendix 7*).
- A Declaration of Honour shall be made annually by the SNEs (*Appendix 4*).
- Exclusion criteria and non-conflict of interest declaration for all contractors (*Appendix 6*).

## **I.6. Which interests should be declared?**

The nature of the activities listed below shall be declared in all DoI. These activities can be current or past (five years prior to the declaration).

Nature of the activities:

**I. Ownership or other investments, including shares** is to be interpreted as meaning any financial interests in a company/entity operating in the health sector, including holding of stocks and shares, equity, bonds, partnership interests in the capital of a company, one of its subsidiaries or a company in which it has a holding. The holding of financial interests connected with a pension scheme or an equivalent financial instrument would not be considered a financial interest, provided that the individual has no influence on its financial management.

**II. Member of a Managing Body or equivalent structure** is to be interpreted as meaning any participation in the internal decision-making (*e.g.* board membership, directorship) of a company, trade association or equivalent entity operating in a domain falling within ECDC's remit.

**III. Membership of a Scientific Advisory Body** is to be interpreted as meaning that the person concerned is participating or has participated in the works of a Scientific Advisory Body operating in a domain falling within ECDC's remit.

IV. **Employment** is to be interpreted as covering all forms of employment, part-time and full-time, either paid or unpaid, in any organisation whose activities fall within ECDC's remit.

V. **Consultancy/Advice** is to be interpreted as an activity in which the concerned person charges or does not charge a fee for providing advice or services in a particular field falling within ECDC's remit. Any contracts or collaborations with the ECDC falling outside the topic of the Panel as identified above should also be specified under this activity. The subject matter should only indicate the domain in which the consultancy is/has been active.

VI. **Research funding** is to be interpreted as meaning any funding for research in relation to matter or work financed by a private or public entity, including grants, rents, sponsorships and fellowships and received in a personal capacity and falling within ECDC's remit. Research projects may be grouped together without stating the title of each project, provided that a relationship between them exists.

VII. **Intellectual property rights** are to be interpreted as meaning rights granted to creators and owners of works that are the result of human intellectual creativity and that pertain to a domain falling within ECDC's remit. These can be publications or can be in the industrial, scientific and artistic domain. They can be in the form of an invention, a manuscript, a suite of software, or a business name (*e.g.* copyrights, patents, trademarks, *etc.*).

VIII. **Other membership or affiliation** is to be interpreted as any membership or affiliation other than the above that can be perceived as an interest in the field of activity of the ECDC.

IX. **Interests of close family members** are to be interpreted as meaning that they include known interests (*e.g.* ownership of shares or other investments, employment, research funding, *etc.*) held by family members and relatives belonging to the same household or under the care of the members of the household in a domain falling within ECDC's remit. In order to maintain privacy, their names do not need to be declared. The relationship should not be specified.

X. **Other** is to be interpreted as meaning any activities or interests other than the above that could be perceived as an interest in an activity falling within ECDC's remit and/or which could be perceived as compromising the ability of the individual to act in an independent manner in the public interest. Such interests can include, for example, participation in activities supported by grants or contracts concluded in the framework of the EU Public Health Programme, if not declared elsewhere.

## I.7 Who shall declare?

### I.7.1 Members of the Management Board and Advisory Forum

#### *Principle*

Members of the Management Board and Advisory Forum and Alternates shall make their best efforts to refrain from involving themselves in any activity that would result in a conflict of interests and, undertake to act independently in the public interest. The members shall immediately inform the Compliance Officer and the Chairperson of the Board/Forum of any changes in their interests.

#### *Declarations*

Members of the Management Board and Advisory Forum and Alternates therefore make an ADoI (*Appendix 2*) in which they declare whether or not they have any interest which might be considered

to have a bearing on their independence. Interests inherent to the professional background of the individual shall be systematically included in the ADoI form.

Members and Alternates of the Management Board and Advisory Forum shall also make an annual Declaration of Commitment (*Appendix 1*) to act independently in the public interest.

### ***1.7.2 Director and the Senior Management Team of ECDC***

#### *Principle*

The Director and Members of the Senior Management Team (SMT) shall make every effort to refrain from involving themselves in any activity that may result in a conflict of interests and shall act independently in the public interest.

The Director shall inform the Chairperson of the MB of any changes in his/her interests, while Members of SMT shall inform the Director.

#### *Declarations*

Accordingly, the Director and Members of the SMT shall indicate in an ADoI (*Appendix 2*) whether or not they have any interest which might be considered to have a bearing on their independence. Interests inherent to the professional background of the individual shall be systematically included in the ADoI form.

The Director and SMT Members shall also make an annual Declaration of Commitment to act independently in the public interest.

### ***1.7.3 ECDC Staff members and trainees***

#### *Principle*

Whilst ECDC's Founding Regulation places specific declaration obligations upon the Director, ECDC has decided that the requirement to declare interests should also be extended to apply to all staff of ECDC; therefore, such categories are also required to submit an ADoI. This is justified by the fact that staff members are involved in the drafting of guidance and opinions, which are issued by ECDC and may be involved in evaluation committees (*Appendices 5 and 7*) or scientific panels.

When a recruitment procedure is carried out, the vacancy notice shall specify that the selected candidate will be requested to fill an ADoI and that this may be disclosed in accordance with the defined procedure. ECDC staff members, when appointed, are informed of the need to follow the ECDC Code of Good Administrative Behaviour and shall complete an ADoI prior to appointment.

All ECDC staff members will then be asked to make an ADoI. Every ECDC staff member is obliged to ensure that the information in this declaration is up to date.

ECDC staff members are required to advise either their Head of Unit (HoU) or the Director, in confidence, of any change in circumstances which may lead to a potential conflict of interests, bearing in mind the categories of interest detailed in the ADoI form.



All DoI will be subject to disclosure in accordance with Regulation (EC) No 1049/2001<sup>6</sup>. However, a staff member may make a petition to the Compliance Officer to hold back certain elements from their declaration in accordance with the relevant<sup>7</sup> personal data protection legislation.

#### *Declarations*

ECDC staff members shall indicate in an ADoI (*Appendix 2*) whether or not they have any interest which might be considered to have a bearing on their independence. Interests inherent to the professional background of the individual shall be systematically included in the ADoI form.

They shall also make a SDoI, including a commitment to confidentiality when participating as members of evaluation committees in procurement procedures or selection panels for recruitment procedures.

ECDC staff members providing expert scientific advice shall also make a SDoI, as detailed below (see paragraph I.7.5 Experts).

### ***I.7.4 Interims and contractors***

Contractors shall be linked to ECDC by a commercial contract, which includes a standard clause regarding independence (see paragraph I.5.6 above).

If the project manager and/or line manager has reason to believe that interests exist which fall within the ECDC remit, he/she shall contact the Compliance Officer who will make the necessary enquiries and, if required, refer the matter to the Declarations of Interests Review Committee.

### ***I.7.5 Experts***

#### *Principle*

ECDC manages a database (ECDC Expert Directory) with contact details and expertise of potential participants or contributors to the work of the Centre. Applicants who have been accepted for inclusion in the database and who are/have been invited to participate as experts are required to submit an ADoI if they are to remain in the Directory. Responsibility for updating the ADoI shall be exclusively with the individual.

#### *Declarations*

In accordance with Article 19 of the Founding Regulation, experts asked to participate in Scientific Panels or similar activities or to provide advice which may influence ECDC's scientific position shall submit a detailed ADoI and a SDoI in advance of any specific activity. Additionally, an ODoI shall be made before the start of each meeting for which participants completed a SDoI.

Accordingly, all experts providing advice in relation to the Rapid Risk Assessment must have submitted an ADoI and an SDoI each time they are consulted.

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<sup>6</sup> Regulation (EC) No [1049/2001](#) of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

<sup>7</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

Only in extenuating circumstances, where advice cannot be sought from an expert who has already submitted an ADoI due to unavailability and it is deemed by both the Head of Unit and the requestor that the risk to human life outweighs the risk of a lack of independence can, in derogation from the foregoing, advice be sought from an expert who provides only an ODoI.

In such cases, the ECDC shall ensure that scientific advice is not provided by a sole expert.

The requestor will, as soon as it is reasonably possible, inform the Compliance Officer of the incident, identifying the nature of advice provided, the influence the advice had on any overall advice/report compiled and the extenuating circumstances which necessitated the request for advice. In his/her annual report to the Director the Compliance Officer will detail these exceptional circumstances and his/her recommendations.

If it is foreseen that the advice of the expert is to be sought again, an ADoI will be sought immediately.

## **I.8 Publication**

The Independence Policy and its Implementing Rules on Declarations of Interests including the appendices will be published on the ECDC website.

The concept of transparency, together with that of independence has been extended to declarations and therefore to their publication.

The ADoIs and Declarations of commitment of the Director, Members of the Management Board and Advisory Forum, Senior Management Team and Heads of Disease Programmes shall be published in full on the ECDC website. Additionally, publication of experts' ADoI is foreseen.

The Compliance Officer is responsible for timely publication of the above declarations on the ECDC website. The Compliance Officer is also responsible for public access to the other declarations on request in accordance with Regulation (EC) N° 1049/2001.

## **I.9 Personal Data Protection provisions**

Declarations shall be processed pursuant to Regulation (EC) N° 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

The Director of ECDC is identified as the data controller for handling the declarations of interests of data subjects identified in this policy.

DoI may be transferred to bodies in charge of a monitoring or inspection task in conformity with European Union Law, including the European Court of Auditors, the Internal Audit Service, OLAF, the European Ombudsman and the European Data Protection Supervisor.

The conservation period of DoI per category of data subjects:

- Members of the Management Board, Advisory Forum, and Experts: DoIs are kept for five years after the discharge for the budgetary year to which the DoI relates;
- Director and Authorising Officers by Delegation and Subdelegation: all DoIs since the start of the ECDC mandate of the Director are kept until five years after the discharge for the budgetary year in which the Director terminates his/her mandate at ECDC;
- ECDC staff members: ADoIs are kept for a maximum period of five years.

Data subjects have a right to access their DoI and to update or correct it at any time. In case ECDC has knowledge of information that is not consistent with the declared interests, or in case of failure to submit a DoI, the data subject concerned will be contacted with the purpose to update the declaration with the missing information.

In accordance with Article 18(a) of the Regulation (EC) N° 45/2001, data subjects have the right to object to web publication of their personal data contained in their DoI, at any time, on compelling legitimate grounds relating to their particular situation.

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

## **I.10 Entry into force**

The policy set out in this document replaces the policy defined in MB20/17. The policy shall be reviewed within 12 months of its adoption. It enters into force after its adoption by the Management Board.

## **Annex IV: Draft Implementing Rules on Declarations of Interests**

# **Draft Implementing Rules on Declarations of Interests**

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## II.1 Collation and preliminary screening of declarations

### II.1.1 Handling of declarations of members of MB and AF

The Corporate Governance Section is responsible for requesting both ADoI and Declaration of Commitment annually and ODoI before each meeting and collating the completed DoI from the Members and Alternates of the Management Board and Advisory Forum.

○ ADoI and Declaration of Commitment:

ADoI and Declaration of Commitment are submitted by the individual to Corporate Governance by post or email a minimum of two weeks prior to the beginning of each calendar year. The Corporate Governance Section sends reminders to individuals who have failed to submit within the deadline at least every month via email and each time the members/alternates meet.

When Corporate Governance receives an ADoI and/or Declaration of Commitment, they are sent to the Compliance Officer, in charge of archiving, in original, if provided, or electronic format. Corporate Governance shall also send an acknowledgement of receipt to the individual.

Following checks for completeness, the Corporate Governance Section is then responsible for a preliminary screening of the ADoI of the members of the AF before transmitting them to the Compliance Officer.

○ ADoI for members of MB:

Following checks for completeness of the ADoIs of the members of the MB by Corporate Governance, the Chair of the MB is sent copies of the declarations. The Chair shall perform a preliminary screening and further investigations and/or discussions with any members for whom he/she considers a conflict of interests may exist. The Chair shall then forward his/her findings and recommendation to the MB as well as the Compliance Officer. Based upon which, further action may be taken with the support of the Compliance Officer and/or the Declarations of interests Review Committee (see below the procedure II.2.2) in accordance with the obligation on members of the MB to act in the public interest<sup>8</sup>.

With regards to the Chair of the MB, his/her ADoI shall be submitted to Corporate Governance which will disseminate it to all members of the MB. They shall indicate whether or not they have identified any potential conflicts of interest to the Deputy Chair as well as the Compliance Officer. If no potential conflict of interest is identified no further action will be taken. If a potential conflict of interest has been identified the Compliance Officer will assist the Deputy Chair via the Declarations of interests Review Committee.

○ ODoI:

At the opening of each meeting, a *tour de table* is conducted by the Chair in which each member is asked to confirm that, based upon the agenda, they have nothing to add to the SDoI submitted.

If the oral declaration is negative, this is recorded in the Minutes of the meeting and the Compliance Officer is duly informed. If a member makes an oral declaration of interests not identified in the SDoI, this should be considered by the Chair of the meeting, following consultation with the Compliance Officer as necessary, and noted in the Minutes together with any remedial measures imposed by the Chair.

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<sup>8</sup> ECDC Founding Regulation 851/2004 Art.19(1).

### ***II.1.2 Handling of declarations of ECDC staff members and Secoded National Experts (SNEs)***

The Human Resources (HR) Section of the Resource Management and Coordination Unit is responsible for collecting the ADoI of staff members and SNEs and forwarding them to the relevant line manager for a first screening.

The HR Section sends every year a message to ECDC staff members and SNEs reminding them of their duty to make an ADoI. If necessary, the HR section sends further reminders to those who have not made their ADoI.

On receipt, the original shall be sent by HR to the Compliance Officer and in electronic format to the relevant line manager. The line manager carries out a preliminary screening of the ADoI, taking into account the specific tasks that will be assigned to the ECDC staff member or SNE.

In case the line manager suspects a potential conflict of interests, or is notified of one by the individual he/she refers the matter for further investigation to the Compliance Officer. All other ADoI should be certified by the line manager and then the certification shall be forwarded to the Compliance Officer. The Compliance Officer will be responsible for their archiving for not less than five years.

When applicable, a copy of decisions of the chair of the Declarations of Interests Review Committee is included in the DoI file of the ECDC staff member in the Compliance Officer's archive.

The rules specified above on declarations of interests are without prejudice to Articles 11 and 11a of the Staff Regulations and to other measures that may be taken by the Director in accordance with the Staff Regulations for officials and other servants.

### ***II.1.3 Handling of declarations for consultants and contractors***

The Procurement Section is responsible for collecting the Exclusion criteria and non-conflict of interests declarations together with the justification documents from the consultant/contractor selected for initial screening.

In case the project manager suspects a potential conflict of interests, or is notified of one, he/she refers the matter for further investigation to the Compliance Officer.

### ***II.1.4 Handling of declarations of experts***

The declarations shall be completed by the expert when he/she registers in the ECDC Expert Directory. The original shall be sent when the expert is initially invited to participate in ECDC activities. The ADoI shall be updated once a year by the expert as long as his/her participation continues or immediately if there is a significant change in the expert's interests. The Compliance Officer will be responsible for their archiving for not less than five years.



The organiser of the expert meeting is responsible for requesting and collating all DoI and of transmitting those to the Compliance Officer a minimum of 10 working days before any meeting in which the expert is expected to participate.

If the ADoI or SDoI of those invited to a meeting or activity are not received at ECDC at least ten (10) working days in advance of the meeting (scanned version are accepted as long as the original is later received), then the expert is informed that they cannot attend the meeting/activity.

○ ADoI:

The organiser of a meeting or activity shall request the submission of an ADoI from those experts who have been invited to participate in the meeting. In case the expert has declared in a SDoI new interests that were not declared in his/her ADoI, the organiser shall request an update of the ADoI.

Once received, the organiser shall forward immediately the original and an electronic format of the ADoI to the Compliance Officer. ADoI of experts are collected and stored in paper and/or in electronic format respectively under the supervision of the Compliance Officer and/or in the ECDC Expert Directory.

○ SDoI:

Before distributing the agenda of a meeting, the organiser shall assess the risk of the meeting together with the Compliance Officer. When distributing the agenda of the meeting, the organiser shall require the expert to submit a SDoI to arrive no later than ten (10) working days before the meeting. Flights and accommodation shall not be confirmed before.

Once received, the organiser is responsible for a preliminary screening and forwarding the original of the SDoI to the Compliance Officer. Only upon receipt of a no conflict of interests' notification issued by the Compliance Officer or his/her designated assistant, the organiser may confirm the participation of the expert with hotel and accommodation arrangements.

○ ODoI:

At the opening of the meeting or activity, either the Chair or the organiser shall ask the experts in the room if they wish to make an ODoI to supplement the information submitted in the SDoI. Any such declaration is recorded in the Minutes given consideration to ensure that the registered information is adequate, relevant and not excessive for the purpose of the meeting. The Minutes are referred to the Compliance Officer at the earliest opportunity. The expert making such a declaration is permitted to continue to participate fully unless the Chair or organiser assesses the risk of conflict such as to negate the further participation of the expert. Following the meeting, the Minutes will be supplemented by the opinion of the Compliance Officer and the Declarations of Interests Review Committee, as appropriate.

All experts providing advice in relation to the Rapid Risk Assessment must have submitted an ADoI or by derogation an ODoI is requested each time they are consulted. The ECDC staff member requesting information from experts must seek an ODoI from the expert and shall be responsible for preliminary evaluation. Following consultation with the expert, the ECDC staff member is responsible for referring any potential conflicts of interest, either suspected or declared, to the Compliance Officer.

## II.2 The Compliance Officer

### II.2.1 *The Compliance Officer's tasks*

The Compliance Officer is a member of the Director's office and the main individual responsible for ensuring the correct implementation of the policy and procedure on declarations of interests for ECDC.

In practice, the Compliance Officer's main role is to oversee that all relevant sections within the Centre follow the Independence Policy and Implementing Rules on Declarations of Interests.

The Compliance Officer shall give his/her support to the competent section or individual (Corporate Governance for the Management Board, Advisory Forum, Competent Bodies, Senior Management Team, line managers for ECDC staff members, organiser of meeting, etc.) responsible for collecting the declarations and dealing with preliminary screening.

Additionally, the Compliance Officer carries out random checks on a sample of declarations to verify the truthfulness and completeness of the information in the declarations submitted to ECDC.

The Compliance Officer will also be responsible for ensuring that relevant DoI are published on the ECDC website at the same time as the report of the activity, output report or meeting report. Additionally, he/she will deal with all requests for access to staff, SNE or experts DoI's.

All paper and/or electronic copies of DoI are archived under the supervision of the Compliance Officer.

The Compliance Officer will evaluate and report regularly to the Director on the "Notification of engagement in new occupation after leaving the European Centre for Disease Prevention and Control" of staff members before leaving ECDC<sup>9</sup> and, after consultation with the Declarations of Interests Review Committee, draft any relevant letter to the staff member concerned.

The Compliance Officer shall prepare an annual report of the work of the Declarations of Interests Review Committee. This report shall summarise the work over the past 12 months and shall include as a minimum the total number of processed DoIs (including those with 'no potential conflict'), the number of queries triggered and the number of exclusions or rejections or resignations as a result of the opinion of the Declarations of Interests Review Committee. The report will be sent to the Director who may wish to present it to Management Board and publish it on the ECDC website.

### II.2.2 *The procedure*

Following the first screening, the Compliance Officer will check the declarations submitted to him/her.

The Compliance Officer shall classify the declarations of interest according to the following categories (*Appendix 8*):

- An indicative level of potential conflict of interests defined as "A" should be interpreted as non-existent;
- An indicative level of potential conflict of interests defined as "B" should be interpreted as possible;
- An indicative level of potential conflict of interest defined as "C" should be interpreted as existent.

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<sup>9</sup> See Internal Procedure on Staff leaving the service and engaging in a new occupational activity.

The indicative level of potential conflict of interests is assessed by the Compliance Officer using the tools provided in Appendices 8 and 4. It should, however, be noted that indicative levels or restrictions can only be attributed with regard to a specific activity.

As an example, an expert in a Scientific Panel who is currently working for a company that is active in the field of ECDC's mandate (activity IV - employment) will be attributed an initial "Yes" following the screening of the ADoI. This serves as an indication that there is an interest. With regard to a specific meeting/activity, this interest may or may not be classified as a conflict of interests, depending on the concrete circumstances.

Where the Compliance Officer detects a possible situation of conflict of interests during his/her screening, he/she refers the matter to the Declarations of Interests Review Committee for decision.

As a derogation from the foregoing, if the potential conflict of interests is in relation to an expert, the Compliance Officer shall first consult the Chair of the Scientific Panel or other fora that may influence ECDC's scientific position (or the HoU supporting a working group in relevant cases) to seek clarifications or additional information and their opinion, before deciding whether to refer the matter to the Declarations of Interests Review Committee (the Committee). If the Compliance Officer does decide to refer the case to the Committee this should be accompanied by the opinion of the Chair (or HoU).

## **II.3 The Declarations of Interests Review Committee**

### ***II.3.1 Tasks and composition***

The Declarations of Interests Review Committee is responsible for assessing and issuing a decision in cases where the Compliance Officer had previously detected a potential conflict of interests.

The composition of the Declarations of Interests Review Committee includes:

- a Chairperson that will be:

- for members of the MB and the Director: the Chair of the MB;
- for the Chair of MB: the Deputy Chair of the MB;
- for members of the AF: the Chair of the AF;
- for SMT, ECDC Staff members and SNEs: the Director;
- for Scientific Panels: the Chief Scientist (or relevant HoU in case of non scientific panel or expert working group).

- 4 additional Members:

- the Compliance Officer;
- a member of the Legal Section;
- two ad hoc members nominated by the Director.

### **II.3.2. Decision making procedure**

The Compliance Officer sends an email marked with "high priority" to the Chair and members of the Declarations of Interests Review Committee. The file includes:

- a scanned copy of the DoI under investigation;
- the brief assessment of the Compliance Officer and any information or explanations that he/she considers relevant<sup>10</sup>;
- if applicable, the opinion of the Chair of the Scientific Panel (or relevant HoU in case of non scientific panel or expert working group);
- in case of an SDoI to be reviewed before a meeting, the Compliance Officer specifies the deadline for the decision of the Chair of the Declarations of Interests Review Committee.

The Declarations of Interests Review Committee can require further clarifications of the Compliance Officer via email prior to the discussion (all the members of the Declarations of Interests Review Committee will receive the clarifications).

Within three working days of receiving the Compliance Officer's email, the member of the Legal Section gives his/her advice based on an analysis of the circumstances and any applicable legal rules. The advice is sent by email to the other members of the Declarations of Interests Review Committee.

After examining the assessment of the Compliance Officer and of the Legal Section, the Chair of the Declarations of Interests Review Committee convenes the Committee and makes a decision on following steps to be adopted.

These may be that:

- a) there is a potential conflict of interests. In these cases the Committee will determine the appropriate level of restriction of the expert's participation with reference to the preliminary assessment conducted by the Compliance Officer. This may vary from being completely excluded from a particular meeting to being allowed some limited participation (e.g. allowed to be present but neither draft nor vote in that meeting) or to participate as an expert witness<sup>11</sup>;
- b) there is no potential conflict of interests;
- c) it requires further information from the expert in order to reach a decision, in which case the Compliance Officer will immediately obtain this information from the expert.

However, when the decision affects a member of the Management Board or the Advisory Forum, it shall be discussed and approved by the Chair of the respective body.

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<sup>10</sup> In case of scientific panels, the Compliance Officer shall use the "Reference table for identifying indicative level of risk" (*Appendix 8*) and when submitting the file to the Declarations of Interest Review Committee the Compliance Officer shall specify the level of risk detected.

<sup>11</sup> An expert witness has clear declared interests but may testify and provide specialist advice on a specific issue. The expert's opinion or advice must be identified as such in any reports compiled and reference must be made to his/her declaration published on the ECDC website.

In all cases, the Compliance Officer will actively keep the organiser of the meeting/mission informed of the proceedings in order that they may make contingencies accordingly, for instance, whether the expert will be invited to participate or not.

Once a decision is made, the Chair of the Declarations of Interests Review Committee conveys the decision to the Compliance Officer who will bring it to the attention of the interested parties and the individual concerned.

## **II.4 Conflict of interests**

### ***II.4.1 Participation in Scientific Panels – specific risks and roles***

The following roles in the Scientific Panels require particular attention:

- Chair of the Scientific Panels;
- Rapporteur or equivalent leading/coordinating role;
- Member involved in the drafting of an opinion or advice;
- Member involved in taking a decision about and/or adoption of an opinion.

It is undesirable that a Chair is invited and then has to be excluded from participating in any part of the work of the Scientific Panel. Therefore, any Members that have one or more potential conflicts of interest should be informed that they should refrain from being a candidate for this role. Once elected, and for the duration of the mandate, the Chair should endeavour not to engage in activities that may result in any potential conflict of interests. Any change of interest shall immediately be declared to ECDC. If, as a result of this, the new interest is not compatible with holding the Chair, then a new Chair should be appointed.

It is important, from a practical point of view not to adopt an 'all or nothing' approach when dealing with specific or oral DoIs. It is recognised that it is important to find a balance because in practice high quality experienced experts in a specialised field will usually have interests, while those experts who are 'whiter than white' are so usually because they are not recognised as the best.

There are three indicative levels of potential conflict of interests: "A"<sup>1</sup>, "B"<sup>2</sup>, or "C"<sup>3</sup> that can be assigned to the relevant activities<sup>12</sup>. As a matter of principle, the ECDC considers the activities under I, II, IV and V of Appendix 8 as critical if they are current, and as important if they are not ongoing. Hence, these are assigned an indicative level "C" and an indicative level "B", respectively. "A" means that there is no perceived conflict of interests.

### ***II.4.2 Process regarding omissions and 'breach of trust'***

A breach of trust is said to have occurred if an individual is believed to have omitted a relevant interest intentionally or through gross negligence, or to have broken the standard of confidentiality and integrity normally expected of a professional in their situation.

The individual shall be notified by the Compliance Officer of the opening of a breach of trust procedure seeking additional background information with regard to the information that was not

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<sup>12</sup> Appendices 8 and 4.

declared, inviting an explanation for the non-disclosure and asking the individual to update the declaration. Upon request, the individual shall have access to all documents related to the procedure and shall be allowed to present written observations within seven calendar days.

Upon completion of the updated declaration, the relevant DoI shall be processed and screened in accordance with the standard procedure by the Compliance Officer. His/her findings will be referred to the Declarations of Interests Review Committee with any written observations from the individual. The Committee will make recommendations to the Director on whether the omission of the individual needs to be considered as a breach of trust *vis-à-vis* the Centre as:

- a) the information missing from the relevant DoI is a declarable interest according to ECDC's Guidance; and/or
- b) there is evidence to suggest that the individual did not declare the missing information intentionally or through gross negligence.

The Committee will also suggest appropriate measures to be taken. Such measures may include disciplinary measures, exclusion from the meeting, Scientific Panel or other fora that may influence ECDC's scientific position and even the permanent exclusion from the ECDC Expert Database. The Director will issue his/her decision within ten (10) working days of receipt of the Committee's recommendations.

If the Director deems an expert to be in breach of trust, he/she shall ask the Chief Scientist to carry out an ex post review of the expert's activities and contributions to any scientific output(s) adopted by the scientific entity(ies) to which that expert was providing his/her input. The Chief Scientist will clarify whether, and if appropriate the extent to which, that expert influenced the scientific outputs adopted by those scientific entities. The Chief Scientist will report his/her findings to the Director, together with a recommendation on how best to proceed (this may include revising the technical advice, guidance or recommendations).

A non-declaration or a late declaration of relevant interests can be considered as a *prima facie* breach of trust by that expert, when the interest should indeed have been declared. If such a case occurs, an ex post review of the expert's activities (as above) and contributions to any scientific output he/she has been involved in will also take place.

### **II.4.3 Review**

If new evidence becomes available following the conclusion of the process described in paragraph II.4.2 above, the Director may review his/her decision in consultation with the Declarations of Interests Review Committee taking into account respectively the Head of Administration for ECDC staff members and SNE's, the Chair of the Board/Forum for members of MB and AF, the Chair of the Scientific Panel for experts.

## ***Appendix 1: Declaration of Commitment***



## European Centre for Disease Prevention and Control

### Declaration of commitment

Title (Ms, Mr, Dr, Prof):

---

Surname:

---

First name:

---

- Position:
- Director of the ECDC
  - Member of the Senior Management Team
  - Member of the Management Board
  - Member of the Advisory Forum
  - Member of a Scientific Panel

Pursuant to Article 19 of Regulation (EC) No 851/2004 establishing the European Centre for Disease Prevention and Control, I hereby undertake to act in the public interest and independently of any external influence. In particular, I know that I am obliged to complete and sign an **Annual Declaration of Interests (ADoI)** and where required a **Specific Declaration of Interests (SDoI)** in accordance with the **ECDC Independence policy and the Implementing rules on Declarations of Interests**.

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Signature: \_\_\_\_\_



## ***Appendix 2: Annual Declaration of Interests***



**European Centre for Disease Prevention and Control  
Annual Declaration of Interests**

Surname:

---

First name:

---

ECDC Involvement <sup>1</sup>:

---

Hereby declares to have or have had in the previous 5 years the following interests<sup>2</sup>:

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<sup>1</sup> Please specify your current activity/connection with ECDC.

<sup>2</sup> Please complete each table when applicable.

**I. Ownership or other investments, including shares**  
 This is to be interpreted as meaning any financial interests in a company/entity operating in the public health sector, including holding of stocks and shares, equity, bonds, partnership interests in the capital of a company, one of its subsidiaries or a company in which it has a holding. The holding of financial interests connected with a pension scheme or an equivalent financial instrument would not be considered a financial interest, provided that the individual has no influence on its financial management.

Interest	Period <i>(from/to)</i>	Name of the organisation	Nature of organisation and ownership

**II. Membership of a Managing Body or equivalent structure**  
 This is to be interpreted as meaning any participation in the internal decision-making (e.g. board membership, directorship) of a company, trade association or equivalent entity operating in a domain falling within ECDC’s remit

Interest	Period <i>(from/to)</i>	Name of the organisation	Nature of organisation and involvment

**III. Member of a Scientific Advisory Body**  
 This is to be interpreted as meaning that the person concerned is participating or has participated in the works of a Scientific Advisory Body operating in a domain falling within ECDC’s remit with a right to vote on the outputs of that entity (e.g. voting on scientific output adopted by that entity)

Interest	Period <i>(from/to)</i>	Name of the organisation	Nature of organisation and involvement

**IV. Employment**  
 This is to be interpreted as covering all forms of employment, part-time and full-time, either paid or unpaid, in any organisation whose activities fall within ECDC’s remit.

Interest	Period <i>(from/to)</i>	Name of the organisation	Nature of employment

**V. Consultancy/Advice**  
 This is to be interpreted as an activity in which the concerned person charges or does not charge a fee for providing advice or services in a particular field falling within ECDC’s remit. Any contracts or collaborations with the ECDC falling outside the topic of the Panel as identified above should also be specified under this activity. The subject matter should only indicate the domain in which the consultancy is/has been active.

Interest	Period <i>(from/to)</i>	Name of the organisation	Nature of activity

**VI. Research funding**  
 This is to be interpreted as meaning any funding for research in relation to matter or work financed by a private or public entity, including grants, rents, sponsorships and fellowships and received in a personal capacity and falling within ECDC’s remit. Research projects may be grouped together without stating the title of each project, provided that a relationship between them exists.

Interest	Period <i>(from/to)</i>	Name of the organisation	Nature of activity

**VII. Intellectual property rights**  
 These are to be interpreted as meaning rights granted to creators and owners of works that are the result of human intellectual creativity and that pertain to a domain falling within ECDC's remit. These can be publications or can be in the industrial, scientific and artistic domain. They can be in the form of an invention, a manuscript, a suite of software, or a business name (e.g. copyrights, patents, trademarks et cetera)

Interest	Period <i>(from/to)</i>	Name of the organisation	Nature of IP rights



**VIII. Other membership or affiliation**  
 This is to be interpreted as any membership or affiliation other than the above that can be perceived as an interest in the field of activity of the ECDC.

Interest	Period <i>(from/to)</i>	Name of the organisation	Nature of membership/affiliation

**IX. Interests of close family member**  
 These are to be interpreted as meaning that they include known interests (e.g. ownership of shares or other investments, employment, research funding, etc.) held by family members and relatives belonging to the same household or under the care of the members of the household in a domain falling within ECDC’s remit. In order to maintain privacy, their names do not need to be declared. The relationship (e.g. wife) should not be specified.

Interest	Period <i>(from/to)</i>	Name of the organisation	Nature of interest

**X. Other**  
 This is to be interpreted as meaning any activities or interests other than the above that could be perceived as an interest in an activity falling within ECDC's remit and/ or which could be perceived as compromising the ability of the individual to act in an independent manner in the public interest. Such interest can include, for example, participation into activities supported by grants or contracts concluded in the framework of the EU Public Health Programme if not declared above.

Interest	Period <i>(from/to)</i>	Name of the organisation	Nature of interest

Should you need additional space to complete the declaration, please attach extra sheet(s) to the form and sign each one of them.

Number of additional sheet(s): \_\_\_\_\_

I, <sup>3</sup> \_\_\_\_\_

the undersigned, declare on my honour that, to the best of my knowledge, all direct or indirect interests capable of compromising the objectivity in the context of my responsibilities are listed above.

I confirm that I have read and I am aware of the content of the Data Protection Notice<sup>4</sup>.

I also agree that if I should later acquire or hold any interests other than those listed above, I will declare them immediately.

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Signature: \_\_\_\_\_

<sup>3</sup> Please complete your surname and first name.

<sup>4</sup> Hyperlink to ECDC website to be updated.

## ***Appendix 3: Specific Declaration of Interests***



**SPECIFIC DECLARATION OF INTERESTS (SDoI)**

**ACTIVITIES IN ECDC<sup>1</sup>:** \_\_\_\_\_

Title (Ms, Mr, Dr, Prof):

---

Surname:

---

First name:

---

Profession:

---

**Meeting of .....**

Meeting dates	
Venue	

<sup>1</sup> Please specify the current activities within ECDC and insert details (e.g. agenda).

Item n.	Item description	Interest Declared (please tick if YES <sup>2</sup> )

I confirm that I have read and I am aware of the content of the Data Protection Notice<sup>3</sup>.

I, hereby, declare that I have read both the Independence policy and the Implementing rules on declarations of interests and that:

**1. I have no interest in any of the above topic(s)**

*Or*

**2. I have already declared an interest to the above mentioned topics in the DoI of .....**

*Or*

**3. I have an interest in item(s) \_\_\_\_\_ and therefore I submit an updated Annual Declaration of Interests**

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Signature: \_\_\_\_\_

<sup>2</sup> If a specific interest is declared, then please provide details in the table below using the explanatory notes.

<sup>3</sup> Hyperlink to ECDC website to be updated.

## ***Appendix 4: Declaration on my honour***





**DECLARATION ON MY HONOUR**

I, the undersigned,

SURNAME: \_\_\_\_\_

GIVEN NAME(S): \_\_\_\_\_

DATE AND PLACE OF BIRTH: \_\_\_\_\_

NATIONALITY: \_\_\_\_\_

CURRENT EMPLOYMENT: \_\_\_\_\_

\_\_\_\_\_

NAME OF EMPLOYER: \_\_\_\_\_

ADDRESS OF EMPLOYER: \_\_\_\_\_

\_\_\_\_\_

SECONDED TO THE EUROPEAN CENTRE FOR DISEASE PREVENTION AND CONTROL FROM:

\_\_\_\_\_

**affirm** that I am acquainted with the provisions of Articles 6 and 7, on duties, rights and obligations, of the rules for national experts on secondment;

**declare** that there is no risk of a conflict of interests between the functions I perform for my employer or the professional activities of my close family and the tasks entrusted to me as a seconded national expert;

**undertake** to inform my hierarchical superiors immediately of any change in this respect during my secondment;

**undertake** to inform the European Centre for Disease Prevention and Control without delay, during the three years after the period of my secondment, of any duties which I am required to carry out for my employer which may give rise to any conflict of interest in relation to my duties while seconded at the Centre.

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Signature:

\_\_\_\_\_

***Appendix 5: Selection/Evaluation Committees  
(Procurement) - Declaration of absence of  
conflict of interest and of confidentiality***

**SELECTION/EVALUATION COMMITTEES (PROCUREMENT)**

## **Declaration of absence of conflict of interest and of confidentiality**

**Title of Contract:** "XXXXXXXX"

**Reference:** OJ/AAAA/MM/DD - PROC/AAAA/XXX

I, the undersigned \_\_\_\_\_, having been appointed to the evaluation committee for the abovementioned public contracts, declare that I am aware of Article 52 of the Financial Regulation, which states that:

"All financial actors shall be prohibited from taking any measures of budget implementation which may bring their own interests into conflict with those of the Community. Should such a case arise, the actor in question must refrain from such measures and refer the matter to the competent authority.

A conflict of interest arises where the ability of an actor involved in implementing the budget or an internal auditor to perform his duties impartially and objectively is impaired because of family or emotional ties, political or national affinity, economic interest or any other pertinent connection or common interest with the beneficiary."

I hereby declare that, to my knowledge, I have no conflict of interest with the operators who have submitted a tender for these contracts, including persons or members of a consortium, or the subcontractors proposed.

I confirm that, if I discover during the evaluation that such a conflict exists, I will declare it immediately and resign from the committee.

I also confirm that I will keep all matters entrusted to me confidential. I will not communicate outside the committee any confidential information that is revealed to me or that I have discovered or any information relating to the views expressed during the evaluation. I will not make any adverse use of information given to me.

Stockholm, DD/MM/AAAA

Signed: \_\_\_\_\_

***Appendix 6: Tender declaration (Exclusion  
criteria and non-conflict of interests  
declaration)***



### **Exclusion criteria and non-conflict of interests declaration**

*TO BE COMPLETED AND SIGNED BY THE TENDERER*

The

undersigned: \_\_\_\_\_

- in his/her own name (if the economic operator is a natural person or in case of own declaration of a director or person with powers of representation, decision making or control over the economic operator)

or

- representing (if the economic operator is a legal person)

official name in full (only for legal person):

\_\_\_\_\_

official legal form (only for legal person):

\_\_\_\_\_

official address in full:

\_\_\_\_\_

VAT registration number:

\_\_\_\_\_

declares that the company or organisation that he/she represents he/she:

- a) is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has not been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata*;
- c) has not been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- d) has fulfilled all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be carried out;
- e) has not been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) is not a subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

In addition, the undersigned declares on their honour:

- g) they have no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties or any other relevant connection or shared interest;
- h) they will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;

- i) they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- j) they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to award of the contract;
- k) that the information provided to ECDC within the context of this invitation to tender is accurate, sincere and complete;
- l) that in case of award of contract, they shall provide the evidence that they are not in any of the situations described in points a, b, d, e above.

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the Tenderer is a legal person and the national legislation of the country in which the Tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the Tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the Tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties described under art 133 and 134 b of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/02), which may be applied if any of the declarations or information provided prove to be false.

Full name: \_\_\_\_\_

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Signature: \_\_\_\_\_

***Appendix 7: Selection Committee  
(Recruitment) – Declaration of Interests and  
Confidentiality form***

**SELECTION COMMITTEE (RECRUITMENT)****DECLARATION OF INTERESTS  
AND  
CONFIDENTIALITY FORM****Vacancy notice No**

I (insert full name) \_\_\_\_\_

Position/Title \_\_\_\_\_

1. Declare that to the best of my knowledge neither I nor any member of my immediate family have any interests (pecuniary or otherwise) which could reasonably be construed as having any influence on the proper and objective performance by me of my duties in relation to the evaluation of applications submitted in response to this procedure other than that listed below:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Agree to keep all information and documents relating to this matter secret and confidential and not to disclose or communicate the same to any person or persons except in the course of my duties.
3. Subject to 2 above, agree to keep the results of the evaluation process in relation to this procedure secret and confidential.
4. Acknowledge that conflicts of interests, breach of confidentiality and unauthorised disclosure are subject to the provisions of the disciplinary measures foreseen by the Staff regulations.
5. Agree to immediately and truthfully declare to the Director of the Centre any changes which may occur that relate to the matters stated in Clause 1 of this Declaration from time to time.

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Signature: \_\_\_\_\_



***Appendix 8: Reference table for identifying  
indicative level of risk***



**Reference Table for Identifying Indicative Level of Risk**

Nature of Activities and subject matter		Interest Level based on Annual Declaration of Interest <sup>1</sup>		Indicative conflict of Interest Level based on the <u>Specific</u> agenda item or activity/mandate		
		Current activity	Previous activity	Current	Past	None
I	Ownership of other investments, including shares	Y/N	-	C	-	A
II	Member of a Managing Body or equivalent structure	Y/N	Y/N	C	B	A
III	Member of a Scientific Advisory Body	Y/N	Y/N	B	A	A
IV	Employment	Y/N	Y/N	C	B	A
V	Consultancy/Advice	Y/N	Y/N	C	B	A
VI	Research funding	Y/N	Y/N	B	A	A
VII	Intellectual property rights	Y/N	Y/N	B	A	A
VIII	Other membership or affiliation	Y/N	Y/N			
IX	Other	Y/N	Y/N			
	Interests of close family members should be listed as appropriate under category I to IX	-	-	-	-	-

<sup>1</sup> Y: Yes; N: No.

***Appendix 9: Table Indicating the Permitted  
Involvement***



**Table Indicating the Permitted Involvement**

Role/phase	Permitted involvement for a specific agenda item	
	Specific item-related matters	General matters (such as guidance/data collection)
Chair	<b>A</b>	<b>A</b>
Rapporteur or equivalent leading/coordinating role	<b>A</b>	<b>A or B</b>
Evaluation/drafting phase	<p><b>A</b></p> <p>The <b>B</b>-level concerned person addresses orally or in writing questions raised during the work of the Panel, but cannot draft assessment reports or parts of them.</p>	<p><b>A</b></p> <p>The <b>B</b>-level concerned person may contribute to the drafting of general guidance documents. The individual can participate in working groups, or report on his/her professional experience.</p>
Decision phase/adoption	<p><b>A</b></p> <p>The <b>B</b>-level concerned person cannot actively participate in the final discussion. However, he/she can be present to answer questions addressed specifically to him/her.</p>	<b>A or B</b>

**Levels of risk and permitted involvement**Level A

Involvement in all activities is permitted.

Level B

The level of involvement of the concerned person will depend on:

- the type of matter to be addressed: general matters such as guidelines versus specific item-related matters,
- the nature of the input required, and
- the role of the individual or the phase during which the person's involvement is required.

Level C: exclusion of the concerned person from certain activities

1. As a general rule, and without prejudice to the principles laid down in the paragraphs above, the person is excluded from participating in ECDC activities concerned by the potential conflict in question. Another expert in the field may need to be found.

2. In exceptional cases in which the concerned person's involvement in a particular activity is considered to be essential and where no suitable alternative expert can be found, the Head of the Unit supporting the concerned Panel should consult the Director for a decision on whether to grant a waiver.

3. In cases referred to in paragraph 2 above, the availability of alternative experts in the field has to be considered prior to any submission of waiver to the Director.

4. Thus, the Director should only be consulted in relation to cases referred to in paragraph 2 above when a search for alternative experts has already been carried out and the outcome of that search was negative. Such a waiver may be granted where the need for the individual's services outweighs the potential for a conflict of interest. Key factors for this assessment will be the relevance of the interest and the nature of the input to be provided by the concerned person.

5. If a waiver is granted the conflict will then be considered to be at level "B" as regards the involvement in the ECDC activities for which involvement is sought.

## ***Appendix 10: Data Protection Notice***



## DATA PROTECTION NOTICE

ECDC shall process any personal data you provide in this Declaration, and any personal data generated by ECDC, such as decisions consequent to, your Declaration, pursuant to **Regulation (EC) No 45/2001** of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ("the Regulation").

In accordance with Articles 11 and 12 of the Regulation, you are hereby informed of the following:

The data processing operation is performed under the responsibility of the Director of ECDC, who is identified as the Controller, with the **purpose** of safeguarding the independency of ECDC and its constituent bodies. **Legal basis** of the processing is Article 19 of Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 as well as the Independence Policy and Implementing Rules on Declarations of Interests adopted by EDCC.

It is mandatory to complete the form. Failure to do so will not allow you to participate into ECDC activities.

Data will be **disclosed** to the Compliance Officer, Chairs of a Scientific Panel, Corporate Governance Section, the members of the Management Board (MB) and of the Advisory Forum (AF), the Head of the Human Resources Section, the line manager for staff members, bodies in charge of a monitoring or inspection task in conformity with EU Law, including the European Court of Auditors, the Internal Audit Service, OLAF, the European Ombudsman and the European Data Protection Supervisor, and the Declarations of Interests Review Committee, which is composed of the Compliance Officer, a member of the Legal section and a Chair<sup>21</sup>.

For transparency requirements, Annual Declaration of Interests (ADoI) of the Director, members of the MB and AF, and the SMT as well as Heads of Disease Programme will be published on ECDC's website Expert database. When a recruitment procedure is carried out, the vacancy notice shall specify that the selected candidate will be requested to fill an ADoI and that this may be disclosed in accordance with the defined procedure. Specific Declaration of Interests will be disclosed only upon request. The Compliance Officer is in charge of public access to declarations on request in accordance with Regulation (EC) No 1049/2001.

ECDC will not keep Declarations of Interests for any period longer than five years.

In case of incomplete or inaccurate Declarations, you have the right to **access** your personal data at any time and, if needed, have them corrected by addressing a request, in writing, to the Controller. In accordance with Article 18(a) of the Regulation, you have the right to object to web publication of your personal data contained in the Declaration, at any time, on compelling legitimate grounds relating to your particular situation.

You may also contact the ECDC Data Protection Officer (DPO) in case of any difficulties or for any questions relating to the processing of your personal data at the following email address: [dpo@ecdc.europa.eu](mailto:dpo@ecdc.europa.eu). Without prejudice to any judicial remedy, you may lodge a **complaint** with the European Data Protection Supervisor ([edps@europa.eu](mailto:edps@europa.eu)), if you consider that your data protection rights have been infringed by ECDC.

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<sup>21</sup> See Point II.3.1 of the Implementing rules on declaration of interests available on ECDC website: [www.ecdc.europa.eu](http://www.ecdc.europa.eu).

