



EUROPEAN CENTRE FOR
DISEASE PREVENTION
AND CONTROL

Stockholm 3 May 2005

**EUROPEAN CENTRE FOR DISEASE PREVENTION AND CONTROL
MANAGEMENT BOARD**

Document: Guidance Document on Conflict of Interest	
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To: Members of the Management Board	From: ECDC
Action: For approval of the Management Board	
Summary: Definition of conflict of interest and the procedure to follow	

Guidance Document on Conflict of Interest

Information to be provided for in the declaration

1. Introduction

Regulation (EC) n° 851/2004 establishing the European Centre for Disease Prevention and Control (ECDC) sets a clear obligation upon Members of the Management Board to make an annual declaration of interest. Prior to the first meeting of the Management Board a document was sent to all members to fill in. During that first meeting (Stockholm, 28 September 2004), the Director for Public Health and Risk Assessment of the Commission Services introduced the documents on the declarations of commitment, confidentiality and interests and asked members and alternates to fulfil their obligations to fill in and sign those declarations by the next meeting in December 2004. The annual declarations serve to identify any conflicts of interest and to bring them to the Board's attention in good time, for any appropriate action which may be required.

All members and alternates have fulfilled their requirement in this respect and have indicated in writing the absence of any direct or indirect interests which might be considered prejudicial to their independence. Those declarations are available to all members and alternates on the dedicated CIRCA-site.

This Guidance Document aims to clarify to the Management Board what actually is a conflict of interest and to give guidelines on how that can be seen in the context of its responsibilities. In this respect, good use has been made of similar documents which have been drafted by the EMEA and the EFSA as well as the report to the Director of the ECDC by the Audit and Evaluation Unit of the Health & Consumer Protection Directorate-General of the European Commission (D(2005) 10028, 08.03.2005) upon the request of the Director.

It must be stressed that this document describes the main principles which apply, not only to Members of the Management Board, but to all persons working for and with the Centre. In order to further specify the information given in the initial declaration of interest, a complementary declaration has been prepared (annexed).

This guidance document will need to be updated in the light of the experience gained by the Centre.

2. Definition: What does 'conflict of interest' mean?

A conflict of interest exists 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 an 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.

Clear situations of any conflict of interest may exist. However, many situations are in a grey zone where lots of indicators concur to determine whether there may be a possible conflict of

interest. This document aims to clarify what this entails within the framework of the ECDC and for the annexed declaration.

3. What is the basis?

For the ECDC the specific legal basis is Article 19 of the Regulation establishing the Centre. It applies to Management Board members, members of the Advisory Forum, scientific panels' experts and the Director of the Centre.

General provisions on conflict of interest are laid down in the Staff Regulations and the Conditions of Employment of other staff¹. The Financial Regulations define what a conflict of interest of a financial nature is² and specific provisions have been drafted in the Commission document on public procurements.³

As a rule any person facing a conflict of interest situation is under duty of informing and, as appropriate, discussing with the relevant authority the best way of avoiding that the situation has an impact on the validity of the act, - including abstaining from taking part, recalling or replacing the person.

Paragraph 3 of Article 19 stipulates that the Director, the Member of the Advisory Forum, as well as the external expert participating in scientific panels, shall e.g. declare any interest which might be considered prejudicial to their independence in relation to the items on the agenda of a meeting. In such a case, the persons involved have to disqualify themselves from relevant discussions and decisions. The latter should also apply to the Members of the Management Board.

On the basis of its tasks and responsibilities as laid down in the Regulation establishing the ECDC, the Director, having the responsibility for e.g. the implementation of the work programme and for executing the budget of the Centre, will make the final decision on granting subsidies on behalf of the ECDC. Therefore, any of such discussions would not be the prerogative of the Management Board, thus preventing any conflict of interest.

The Director of the ECDC has – on her request – also received guidelines from the Audit and Evaluation Unit of the Health and Consumer Protection Directorate-General of the European Commission on how a conflict of interest can be seen in the context of the responsibilities of the Management Board. The findings of the Head of that Unit are as follows:

'The decision power lies with the board and not with the individual members. With 31 members, an individual has little voting influence. Naturally a member of the Board can exert "influence" outside of his voting power. This should be avoided by appropriate control measures. The members of the Board should have to sign a declaration on their interests, and a rule should then be implemented that, signalling that the member will abstain from any vote and not take part to any discussion process in relation to an institute he is or has been employed by or had an interest in. With regards to influencing other members outside voting powers, the only possible control is a signed declaration by the member that he commits to avoid such behaviour.

¹ See in particular art.11 of the Staff Regulations.

² See Article 34 of Commission Regulation (EC/Euratom) N°2342/2002 laying down the implementing rules. OJ L357/1, 31/12/2002, <http://europa.eu.int/eur-lex/lex/JOIndex.do?ihmlang=en>

³ See Vademecum on public procurement annex VI <http://www.cc.cec/budg/implem/fr/marches/vademecum.htm>

Being employed by or the head of a national institute means that of course you could have an indirect interest in the past, present and future projects submitted by your organisation. However, to have an actual conflict of interest, these projects should fall under the responsibility of the ECDC and the member in question should be in a position to influence the decision process. The fact that the institute benefited in the past or currently benefits from a grant from the Commission under the public health programme is only relevant if the management of those grant agreements was transferred to the ECDC. As I understand, this will not happen so that there doesn't seem to be any conflict of interest in this respect.

Moreover, the list that was forwarded to us refers to projects already selected and for most of them already committed to. There is by definition no way to influence the selection decision anymore. So the question of a conflict of interest, in view of the above is not relevant.

If a risk exists, it lies with future funding (whatever the type of funding : grants, contracts, etc) by the ECDC to the organisations to which member of the board belong or have belonged, and the decision powers a single board member would have in that. For that part, it is essential that clear and effective procedures exist.

Conclusively, the question of potential conflict of interest concerning a member of the board should be considered in view of future projects and can, as already mentioned, be solved by appropriate controls in place.

In the interest of transparency and independence it could be a solution to ask a small committee of non-involved Members of the Management Board for its advice on the need for certain other - possibly involved - members to abstain from voting on a particular issue which is on the agenda of that Board. Such a Committee should ask any members with a possible interest at stake, to make a statement to that respect, after which the full Management Board would decide on the matter by a simple majority.

4. What to declare?

Whose activities?

Each individual is responsible for the declaration of his interests and those held by members of his household. In order to maintain privacy, the names of household members do not need to be declared.

In which field?

There can be a conflict of interest in different fields. The main ones are the following:

- budgetary procedure and public procurement
- selection of projects
- selection of personnel
- provision of [scientific] opinions and advice
- audits and evaluations

What is an interest?(a) Financial interests

Any financial interests in a company/institute operating in a related field, including holding of stocks and shares, equity, bonds, partnership interests⁴ in the capital of a company, one of its subsidiaries or a company in the capital of which it has a holding.

(b) Work carried out for a company/institute operating in the field of activity of the Centre

During the preceding five years, all activities performed for or on behalf of a company/institute operating in a related field, whether or not these activities have been subject to regular or occasional remuneration in cash or kind, including:

- Participation in the internal decision-making of a company (e.g. Board membership, executive or non executive directorship)
- Permanent or temporary member of the personnel of a company/institute. Other activities performed within a company (e.g. traineeship) are also subject to declaration.
- Work contracted out by companies/institute, through consultancy or otherwise.

(c) Other links with the field of activity of the Centre

During the preceding five years, all assistance and support received from stakeholders of the Centre, whether associated with direct or indirect pecuniary or material benefits, including:

- Grants for study or research
- Fellowships or sponsorships endowed by a company operating in the related business
- Activities linked to the Public Health Programme and other relevant EU funding instrument must be clearly specified (grants or contracts, definition, role)

(d) “Intellectual” interests

During the preceding five years, interests of non-pecuniary or material benefit to the individual, arising from professional activities or affiliation with national or international organisations or bodies with tasks similar to the ECDC.

Intellectual interests also include participation in public interest groups, professional societies, clubs or organisations which have an agenda or an interest or involvement in the Centre’s work.

What are direct and indirect interests?

Interests can be direct or indirect depending on their likely or potential impact on the individual’s behaviour at a given point in time.

Direct interests: Interests of personal benefit to the individual at the time of declaration, likely to influence or give the appearance of influencing his behaviour

Indirect interests: Other interests that may have some influence over the individual’s behaviour and therefore have to be neutralised.

⁴ When declaring financial interests e.g. stocks and shares, only the kind, number and company name need be stated.

ANNEX

Declaration of interest

Information on direct or indirect interests of relevance to the mission of the Centre

Name: _____

Position :

- ☐ Member of the Management Board
- ☐ Member of the Advisory Forum
- ☐ Member of the Scientific Committee
- ☐ Member of a Panel on :.....
- ☐ Member of a Working Group

The information should cover the 5 years before the date of the current declaration

- (1) Direct interest (financial benefits arising from, for example, employment, contracted work, investments, fees etc.)

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- (2) Participation into activities supported by grants or contracts concluded in the Framework of the Public Health Programme

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- (3) Indirect financial interests e.g. grants, sponsorships, or other kind of benefits

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- (4) Interests deriving from the professional activities of the member or his/her close family Members

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(5) Any Membership role or affiliation that you have in organisations/bodies/club with an interest in the work of the Centre:

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(6) Other interests or facts that the undersigned considers pertinent

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I declare on my word of honour that the information provided above is true and complete.

Done at _____ on _____

Signature: _____