



**WRITTEN PROCEDURE No 52**

**DECISION OF THE ADMINISTRATIVE BOARD**

**of 24 September 2015**

**establishing the General GSA Policy on the Prevention and Management of Conflicts of Interest**

THE ADMINISTRATIVE BOARD OF EUROPEAN GNSS AGENCY,

**Having regard** to Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of the European satellite navigation systems (hereinafter 'GNSS Regulation');

**Having regard** to Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency (hereinafter 'GSA Regulation');

**Having regard** to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union, and in particular to Article 57 (hereinafter 'EU Financial Regulation');

**Having regard** to Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union, and in particular to Article 32 (hereinafter 'EU Rules of Application');

**Having regard** to Decision of the Administrative Board of the GSA of 25 April 2014 adopting the GSA Financial Regulation 2014<sup>1</sup> ('GSA Financial Regulation');

**Having regard** to Decision of the Administrative Board of the GSA of 25 April 2014 adopting the Implementing Rules for the GSA Financial Regulation 2014<sup>2</sup> (hereinafter 'GSA Financial Implementing Rules');

**Having regard** 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 (hereinafter 'Regulation No 45/2001');

**Having regard** to Joint Statement of the European Parliament, the Council and the Commission on decentralised Agencies of 19 July 2012;

**Having regard** to Commission Guidelines on the Prevention and Management of Conflict of Interest in EU decentralised Agencies of 10 December 2013;

**Having regard** to Special Report of the European Court of Auditors (ECA) on the Management of Conflict of Interest in selected EU Agencies, No. 15/2012;

**Whereas**

- (1) In order to guarantee independence and transparency of its actions, the European GNSS Agency (hereinafter 'the Agency' or 'the GSA') should adopt a general and coherent policy on conflicts of interest that should apply to all persons involved in its processes;

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<sup>1</sup> GSA-AB-WP32

<sup>2</sup> GSA-AB-WP33



- (2) Effective application of rules requires that the present Policy is easily accessible, and it should be therefore published on the GSA website after its adoption;
- (3) The Staff Committee and the Chair of the Security Accreditation Board have been consulted on the present Policy;

DECIDES AS FOLLOWS:

*Article 1*

The Administrative Board of the GSA adopts the 'General GSA Policy on the Prevention and Management of Conflicts of Interest' as annexed to this decision.

This Policy shall be published on the GSA website.

*Article 2*

This decision shall enter into force on the date of its adoption.

The Policy referred to in Article 1 shall be implemented within six months from the date of adoption of this decision.

This Policy shall be reviewed periodically at least every two years, earlier if deemed appropriate.

Done in Prague on \_\_\_\_\_

For the GSA Administrative Board

Sabine Dannelke

Chair of the GSA Administrative Board



## **General GSA Policy on the Prevention and Management of Conflicts of Interest**

### **1. Scope**

The present Policy applies to all activities and processes of the Agency.

It applies to all persons involved in these activities and processes, and in particular to

- Members and Alternates of the Administrative Board,
- Members and Alternates of the Security Accreditation Board,
- Executive Director and other staff members,
- Seconded national experts,
- Interim workers,
- Trainees,
- Advisers and invited experts,

(hereinafter 'persons concerned').

### **2. General principles**

Management of actual and potential conflict of interest is a key element of governance of the Agency towards maintaining trust of stakeholders and European Union citizens in its integrity. Effective management of conflicts of interest participates in ensuring legality and regularity of GSA's processes and constitutes a crucial requirement for credibility of the European GNSS programme.

The Agency has to balance avoiding conflicts of interest with its need of securing expert knowledge as an element of high quality work. Important tools to achieve this balance are awareness raising, methods for detecting risks to the Agency's integrity, establishment of clear boundaries for acceptable interests and appropriate management of conflict of interest situations.

Management of conflicts of interest should enable the Agency to carry out its tasks independently from any undue external interests. Tasks shall be performed solely towards achieving objectives of the Agency and of GNSS programmes as set out in particular in GSA Regulation and GNSS Regulation.

The Agency should manage conflicts of interest notably by ensuring transparency of its actions. Decisions and opinions should be formed as openly as possible.

That said, transparency must be balanced with the requirements of confidentiality of information, security and personal data protection, as set out in Regulation No 45/2001. As a general rule no information shall be published with regard to the activities of the Security Accreditation Board.

The Agency shall promote awareness of the persons concerned. It shall support these persons to understand their duties with respect to their activities and the interests of the GSA. For this purpose specific trainings



and awareness raising campaigns should be provided regularly with special emphasis on declarations of interests, prevention of the conflicts of interest and management of these conflicts.

The Agency should also familiarise the persons concerned with the Agency's respective policies and it should set up implementing procedures for identifying and handling conflict of interest situations.

### **3. Notion of conflict of interest**

A conflict of interest exists where the impartiality and objectivity of a decision, opinion or recommendation of the Agency is or might in the public perception be compromised by an interest held by, or entrusted to, a person involved in these processes. The conflict of interest is considered as potential, where a person concerned has interests which are such that a conflict of interest would arise if this person were to become involved in relevant (i.e. conflicting) responsibilities in the future.

Having an interest does not necessarily mean having a conflict of interest. In particular, high quality of technical or scientific expertise is by nature based on prior experience, nor does it automatically disqualify a person from participating in the activities of the agency.

Not only actual conflict of interest, but also a potential or perceived one is relevant given its impact on Agency's reputation by raising doubts about the conclusions reached.

Actual or potential conflict of interest must be assessed in respect of all relevant private interests of the concerned person in the field of activity of the Agency. In particular, it must be assessed in respect of person's employment, other professional activities (consultancy, legal representation or advice), memberships in governing bodies or scientific advisory bodies, other memberships and affiliations, research funding, investments, intellectual property, public statements and public positions.

In order to assess conflict of interest, the following criteria should be notably taken into account:

- relevant personal interest may be of financial or non-financial nature;
- not only personal interests, but also all interests held by close family members related to the activities of the Agency need to be considered (in particular interests of members of the same household, i.e. spouse, partner and dependent children);
- not only current interests, but also those preceding the assessment that existed in the past related to the activities of the Agency shall be considered (with an exception for investments, intellectual property and interests held by close family members for which only current interests are of relevance);
- relevant financial investments in a commercial entity engaged in activities related to those of the Agency;
- importance of the interest declared.

### **4. Preventive actions**

The first responsibility with regard to preventing conflicts of interest should lie with the persons concerned.

#### **4.1. Written declarations of interest**

Before taking up any activity for the Agency, the persons concerned shall submit CVs and written declarations of interests indicating the absence or existence of any direct or indirect conflict of interests which might be considered prejudicial to their independence. These declarations shall be accurate and complete.

These declarations shall be renewed on a regular basis. They shall be updated whenever necessary, in particular in case of relevant changes in the personal circumstances.

The Agency shall set up a central registry of declarations of interest.



Maximum storage time for these declarations shall be five years from their submission. Destruction of the declarations shall be documented.

The persons concerned have the right to access and to correct their declarations of interest. They may call upon the relevant data protection authorities. Templates of declarations of interest shall bring these rights to their attention.

The Declarations will be reviewed and dealt with in accordance with all relevant rules, and in particular this Policy, the Rules of Procedures of the Administrative Board and Regulation No 45/2001.

The rules referred to in section 9 shall specify the content of the declarations of interests. They shall also determine categories of persons whose declarations of interest and CVs shall be published on the GSA website. These rules shall duly take into consideration the requirements of personal data protection and security rules of the GSA. Declarations and CVs of members and alternates of the Security Accreditation Board shall not be published. The GSA website should contain a reference to the fact that the declarations of interests were signed by all persons concerned.

#### **4.2. Announcement of risk of conflict of interest**

In addition to written declarations of interest, persons concerned shall proactively draw attention to any risk of conflict of interest before participating in any process of the Agency, even if their participation consists in giving an opinion or advice.

### **5. Handling conflicts of interest**

Process owners, i.e. persons responsible for functioning of a process, shall screen their processes in order to determine if they involve persons having possible conflicts of interest. If a conflict of interest is identified and the conflicting interest cannot be given up by the person concerned, it must be determined to which extent the person concerned should be entirely excluded from the processes or, when appropriate, his or her participation to the process should be restricted.

To that end, it is appropriate to assess the role of the concerned person in the process, specific mitigating measures and controls imposed, importance and impact of the decision or opinion to be drafted under involvement of the concerned person and availability of alternates or other persons working for the GSA.

### **6. Breach of trust**

If a concerned person submits a false declaration of interests, if s/he omits wilfully to submit this declaration or omits wilfully to announce a possible conflict of interest, s/he commits a breach of trust towards the Agency.

Such a breach of trust shall be brought to the attention of

- the Administrative Board in case of breach of trust of its members and alternates;
- the Security Accreditation Board in case of breach of trust of its members and alternates;
- the Chair of the Security Accreditation Board in case of breach of trust of staff involved in the activities covered by Chapter III of the GSA Regulation;
- the Executive Director.

These bodies shall take all necessary remedial actions in accordance with applicable rules of implementation.

They shall also take appropriate measures in case of any persistent conflict of interest seriously hampering or threatening the functioning of the Agency.



## 7. Internal Control Coordinator

The Agency shall count, among its staff members, an Internal Control Coordinator, appointed by the Executive Director.

The Internal Control Coordinator shall perform following tasks:

- analysing, enhancing and coordinating the management of conflicts of interest;
- developing internal control processes and managing related projects and tools, such as anti-fraud strategy or guidelines on gifts or hospitality;
- managing central registry of declarations of interest;
- reviewing and following up the accuracy and completeness of declarations of interest and of CVs;
- identifying potential risks in regard of these declarations and CVs;
- proposing solutions to handle situations of potential conflicts of interest;
- acting as main liaison person with the European Commission Internal Audit Service, the GSA Internal Audit Capability and with internal and external stakeholders on internal control issues;
- implementing the present policy and its relevant implementing rules, reassessing their provisions and submitting proposals for their modifications.

## 8. Conflicts of Interest Advisory Committee (COIAC)

A Conflicts of Interest Advisory Committee shall be established as an advisory body for management of conflicts of interest (hereinafter 'COIAC').

The COIAC shall be chaired by the Internal Control Coordinator and include two or four additional staff members to be appointed by the Executive Director after consultation with the Chair of the Security Accreditation Board. The Executive Director may temporarily complete the COIAC by external experts. For issues of conflicts of interest related to activities under Chapter III of the GSA Regulation, appointment of these experts shall be carried out in agreement with the Chair of the Security Accreditation Board.

The Chair of the Administrative Board, the Chair of the Security Accreditation Board and the Executive Director can consult the COIAC in relation to any actual or potential conflict of interests. The same possibility is available to any process owner.

Where so requested, the COIAC shall deliver a reasoned opinion.

## 9. Implementation

In accordance with Article 22a(3) of the GSA Regulation the Administrative Board and the Security Accreditation Board shall lay down, in their rules of procedure, practical arrangements for the rules on declarations of interest.

Specific measures for managing conflicts of interest regarding staff members shall be set out in implementing rules within the meaning of Article 110 of the Staff Regulations. They shall be adopted after consultation of the Chair of the Security Accreditation Board.

The Executive Director shall adopt specific measures for managing conflicts of interest regarding other persons concerned.

All these rules of implementation shall be adopted after consultation of the Data Protection Officer of the Agency.

The Executive Director shall monitor regularly the implementation of the present Policy and, if need be, introduce key performance indicators targeted at the detection and management of conflicts of interest.



The Executive Director, in coordination with the Chair of the Security Accreditation Board, shall inform the Administrative Board of the implementation of the present Policy in the annual report.

## **10. Relation to other provisions**

The present Policy applies to staff members without prejudice to the Staff Regulations and the Conditions of Employment of the Other Servants.

Similarly, the present policy does not affect any obligation arising for the persons concerned under the GSA Regulation, EU Financial Regulation, EU Rules of Application, GSA Financial Regulation and GSA Financial Implementing Rules.

Implementation of the present Policy shall respect Regulation No 45/2001.

