



**DECISION OF THE EEA MANAGEMENT BOARD
ON THE EEA'S REVISED POLICY ON THE PREVENTION AND MANAGEMENT OF CONFLICT OF
INTERESTS**

THE MANAGEMENT BOARD OF THE EUROPEAN ENVIRONMENT AGENCY

HAVING REGARD to Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency (hereinafter referred to as 'the EEA') and the European Environment Information and Observation Network ('the Eionet') (codified version), amended on 9 July 2021, in particular Article 9 thereof,

HAVING REGARD to the Decision of the Management Board of the EEA of 22 November 2019 on the Financial Rules applicable to the Budget of the European Environment Agency, in particular Article 42(4) thereof,

HAVING REGARD to the Rules of Procedure of the Management Board and the Bureau of the European Environment Agency last amended on 26 November 2015 (MB decision 016/EEA/MB(74)-GOV/2015), in particular Article 8(2) thereof,

HAVING REGARD to the Agency's policy on the prevention and management of conflict of interest as adopted by the Management Board on 17 June 2014 and subsequently reviewed in November 2016,

WHEREAS effective prevention and management of conflict of interest situations and assuring the legality and regularity of its processes is a crucial requirement if the Agency wants to ensure it continues to be the most effective and efficient solution to providing credible information on the state of the European environment, in line with its mission;

WHEREAS the Agency has adopted a policy establishing an adequate reference framework to implement a set of measures for detecting potential risks at an early stage, recording them and handling them appropriately;

WHEREAS this policy shall be reviewed periodically in order to assess the Agency's degree of exposure to conflict of interests and the adequacy and effectiveness of the policy

HAS DECIDED

Article 1

to adopt the revised policy on the prevention and management of conflicts of interest included in annex, which will replace the policy adopted by the Management Board in November 2016.

This decision will take effect on 29 February 2024.

Approved by Management Board written procedure
29 February 2024

[Signed]

André Weidenhaupt
Chair, EEA Management Board



Policy for the prevention and management of conflict of interest

PREAMBLE

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

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

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

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1 Scope and definition

This policy document applies to the entire EEA organisation and all its activities. The personal scope thus includes all members and alternates of the EEA Management Board, the members of the Scientific Committee, EEA staff members, including the Executive Director and the statutory staff of the Secretariat to the European Scientific Advisory Board on Climate Change, and Seconded National Experts (SNE).

The general principles of this policy equally apply, although with certain adaptations in view of their specific mandate, to any third parties working for the EEA as listed below:

- Consultants, interim staff, contractors and grant beneficiaries.

Whenever the Agency is contracting external service providers to support it in the performance of its tasks, these external service providers are contractually bound by confidentiality duties and ensure that potential conflicts of interest are avoided. Based on these contractual provisions on confidentiality, the Agency may require external service providers (regardless of the fact whether the person is working intramuros or not), interim staff or grant beneficiaries to make a specific declaration of interest with regard to the work performed for the EEA, in case their participation has a qualitative impact on the decision-making at the Agency.

- Trainees

The general principles of this policy apply to the Trainees of the Agency, however as they are not given tasks where they would have a qualitative impact on the decision-making of the EEA, they are not required to fill out a declaration of interest.

- Candidates for employment

This policy applies as well to candidates for employment at the Agency in so far as once placed on a reserve list they shall fill out a declaration of interest and be subject to a pre-recruitment conflict of interest check when offered a post at EEA (see hereunder point 5.1.1).

The various categories of personnel working for the Agency as described above are collectively referred to as 'EEA personnel' whenever a provision in this policy applies equally to all of them.

For the purpose of this policy, a conflict of interest is said to exist when the impartiality and objectivity of a decision, opinion or recommendation of the EEA, including its Management Board and Scientific Committee, is or might, in the public perception, be compromised by an interest held by, or entrusted to, an individual working for the Agency. This means a situation where there is a conflict between the public duty of the EEA and private interests of an individual, in which an individual has private-capacity interests which could influence the performance of his/her official duties and responsibilities¹. The negotiation of future employment by a staff member prior to leaving EEA service may also be regarded as a conflict of interest situation.

¹OECD definition as published in "Managing conflict of interest in the public service" (ISBN 92-64-10489-5, OECD 2003).

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

2 Principles of professional ethics

Core principles as reflected in the Staff Regulations of Officials (hereinafter ‘The Staff Regulations’ or ‘SR’) and the Conditions of employment of other servants of the European Union (hereinafter ‘CEOS’), the Code of Good Administrative Behaviour and the principles for the EU civil service drawn up by the European Ombudsman shall guide EEA personnel in the application of integrity standards. In its guidelines on ‘Managing conflict of interest in the public service’², the OECD refers to the following core principles for managing conflict of interest:

Serving the public interest:

- EEA personnel should avoid private-capacity action which could derive an improper advantage from ‘inside information’ obtained in the course of official duties, where the information is not generally available to the public, and are required not to misuse their position and the Agency resources for private gain.
- EEA personnel shall not seek or accept any form of improper benefit in expectation of influencing the performance or non-performance of official duties or functions.
- EEA personnel are expected not to take improper advantage of a public office or official position which they held previously, including privileged information obtained in that position, especially when seeking employment or appointment after leaving EEA service.

Supporting transparency and scrutiny:

- The EEA and its personnel are expected to act in a manner that will bear the closest public scrutiny. This obligation is not fully discharged simply by acting within the letter of the law; it also entails respecting broader public service values such as disinterestedness, impartiality and integrity.
- EEA’s personnel private interests and affiliations that could compromise the impartial performance of public duties should be disclosed appropriately to enable adequate control and management of a resolution.
- The EEA and its personnel shall ensure consistency and an appropriate degree of openness in the process of resolving or managing a conflict of interest situation.
- The EEA and its personnel should promote scrutiny of their management of conflict of interest situations, within the applicable legal framework.

² “Managing conflict of interest in the public service” (ISBN 92-64-10489-5, OECD 2003).

Promoting individual responsibility and personal example:

- EEA personnel is expected to act at all times so that their integrity serves an example to other public officials and the public.
- EEA personnel should accept responsibility for arranging their private-capacity affairs, as far as reasonably possible, so as to prevent conflicts of interest arising on appointment to public office and thereafter.
- EEA personnel should accept responsibility for identifying and resolving conflicts in favour of the public interest when a conflict does arise.
- EEA and its personnel are expected to demonstrate their commitment to integrity and professionalism through their application of effective policy and practice for the prevention and management of conflict of interest.

Promoting an organisational culture which is intolerant of conflicts of interest:

- The EEA should provide and implement adequate management policies, processes, and practices in the working environment to encourage the effective control, prevention and management of conflict of interest situations.
- Organisational practices should encourage EEA personnel to disclose and discuss potential conflict of interest matters, and provide reasonable measures to protect disclosures from misuse by others.
- The EEA should create and sustain a culture of open communication and dialogue concerning integrity and its promotion.
- The EEA should provide guidance and training to promote understanding and dynamic evolution of its established rules and practices, and their application to the working environment.

3 The Agency's context

The EEA, according to its mission³, aims to support sustainable development and to help achieve significant and measurable improvements in Europe's environment, through the provision of timely, targeted, relevant and reliable information to policymaking agents and the public.

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

³ As outlined in Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network, as last amended by Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021.

Effective management of conflicts of interest and assuring legality and regularity of its processes is a crucial requirement if the EEA wants to play a pivotal role in ensuring that environmental legislation and the decision-making processes and scientific basis underlying it have credibility with all stakeholders and the public. For this reason, it is crucial to ensure EEA's independence and transparency.

In order to achieve this, the EEA has to strike a delicate balance between getting the right expertise to guarantee high quality science-based decision-making and at the same time strictly avoiding conflicting interests influencing or seen as influencing the decision-making process. Important tools to attain this balance are awareness raising, methods for detecting risks to the Agency's integrity, the establishment of clear boundaries for (un)acceptable interests and the appropriate management of conflict of interest situations, including underlying clear procedures. In this respect, it is not so much a matter of eliminating any possibility of conflict of interest, but of detecting them at an early stage, recording them and handling them appropriately. With regard to the EEA's context, the Staff Regulations and the CEOS establish the general framework of rights and obligations applicable to EEA staff members. This is supplemented by the European Code of Good Administrative Behaviour⁴, which determines the type of service the public can expect from European public servants. The EEA's internal control framework⁵ requires also the EEA to ensure that all staff members are fully aware of the relevant ethical and organisational values, in particular ethical conduct, avoidance of conflict of interest, fraud prevention and reporting of irregularities. The EEA's financial regulation⁶ adopted by the Management Board contains also provisions on the prevention and management of conflict of interest situations in relation to persons involved in budget implementation and management, audit or control (Article 42).

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

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

⁴ Applicable to the EEA following Decision of the Management Board of 22.6.2004 for the implementation of this Code to the EEA.

⁵ Decision EEA/MB/2017/021 of the EEA Management Board of 6 December 2017 on the EEA Internal Control Framework.

⁶ Decision EEA/MB/2019/020 of the EEA Management Board of 22 November 2019 on the financial rules applicable to the budget of the European Environment Agency and repealing Decision 005/EEA/MB-WP-ADM(FINREG)2014.

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

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

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

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

The table in Annex 1⁷ summarises the assessment results regarding the degree of exposure to the risk of conflict of interest in EEA. The total degree of exposure assessed takes into account the measures mitigating the risk described in section 5 below.

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

With a view to achieve the aims of environmental protection and improvement as well as sustainable development, the EEA produces reports on the state and trends of the environment in Europe. However, the EEA neither sets nor enforces environmental policies and it has no legal mandate for providing legal or technical assistance for legal complaints and no powers of investigation related to environmental legislation potential infringements.

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

5 Preventing conflict of interest

EEA implements a comprehensive framework for preventing, declaring, assessing and managing conflict of interest applicable to all individuals working for the Agency, as listed under point 1 above.

⁷ Annex 1 – Assessment of degree of exposure to the risk of conflict of interest in EEA.

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

The following general principles of declarations and assessment of interest apply:

1. Individuals are informed of their obligations vis-à-vis the declaration of interest and conflict of interest and the risks attached to not declaring them. The EEA will ensure individual awareness through periodical information on the subject of preventing conflict of interest.
2. It is incumbent to the individual to disclose the information of the existence of the potential or existing conflict to the EEA in the first place, for the EEA to assess the related risk. The responsibility for a complete and truthful declaration shall lie exclusively with the person completing the declaration.
3. The identification and handling of conflict of interest shall be based on the evaluation of declarations, general, annual, or ad hoc, submitted by the concerned persons as specified in this policy.
4. Only activities having taken place in the five years preceding the submission of the declaration shall be declared.
5. For efficiency reasons, the EEA has a risk-based approach to the assessment of declared interests.

5.1 Before working with the EEA

5.1.1 Selection procedures for recruitment of staff members, SNEs, members of the Scientific Committee and the Executive Director

All candidates for a position at the Agency are thoroughly screened before appointment.

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

Pursuant to Article 11 of the Staff Regulations, the EEA shall examine whether the selected applicant has any personal interest such as to impair their independence or any other conflict of interest. To this end, the selected applicant will be requested to fill out a declaration of

interest prior to recruitment. The Executive Director, after having taken up duties in accordance with the procedure foreseen in the EEA founding regulation and the rules of procedure of the Management Board and Bureau, shall sign a declaration of interest listing all affiliations he/she may have with other organisations. In the course of his/her term whenever requested to be appointed as a member of a board of an organisation, approval from the Management Board shall be sought.

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

The rules for the selection and designation of the Scientific Committee members foresee as well an open and transparent process on the basis of clear and objective eligibility and selection criteria. As stated in Articles 1(1) and 1(2) of the Rules of procedure of the Scientific Committee of the EEA⁸, the members of the Scientific Committee are appointed on a personal basis and they shall undertake to act independently and outside any influence in the work of the Scientific Committee. For this purpose, and to avoid possible conflicts of interest, members of the Scientific Committee shall, upon designation and annually thereafter, fill out and sign a declaration of commitment, which will be made available to the general public through the EEA website.

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

5.1.2 Evaluation procedures for contractors and beneficiaries of grants

For the purpose of implementation of public procurement and grant award procedures, the EEA abides by the rules set in the financial regulation applicable to the general budget of the European Union⁹. In this respect, all appointed members of the opening and evaluation committees as well as single evaluators, any expert appointed to provide an advisory opinion, and any observer, shall sign a declaration of confidentiality and absence of conflict of interest prior to starting their work, whereby they acknowledge that they would abstain from participating in the decision-making or giving advice in cases where a conflict of interest exists or could be perceived to exist. By signing this declaration, experts appointed as evaluators acknowledge in addition that they accept the provisions set in the applicable code of conduct.

⁸ Management Board Decision 017/EEA/MB(74)-GOV/2015 of 26 November 2015, as last amended by Management Board Decision EEA/MB/2022/001 of 24 January 2022.

⁹ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union (OL L 193, 30.7.2018, p. 1).

Tenderers and applicants are required to submit as part of their tender or application a declaration on their honour duly signed and dated certifying that they are not in a situation of exclusion as these are strictly defined in Articles 136 and 141 of the financial regulation, which includes situations that may qualify as grave professional misconduct, may lead to distortion of competition or may entail professional conflicting interests.

5.2 Working with the EEA

5.2.1 Scientific Committee

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

5.2.2 Staff members

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

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

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

- signature of the form "*Obligations of EEA officials and other servants under the Staff Regulations and conditions of employment*" and acknowledgment of receipt of a copy of the Staff Regulations and CEOS;

- training on ethics and integrity where the obligations and duties as staff members and information on reporting improprieties (“*whistle blower*” mechanism) are addressed through relevant practical examples;
- distribution of a copy of the European Code of Good Administrative Behaviour and of the decision of the Management Board of 22.6.2004 for the implementation of this Code to the EEA;
- presentation of the information and various forms available on the EEA intranet as part of the welcome programme.

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

When a staff member wishes to engage in an **outside activity**, whether paid or unpaid, or to carry out any assignment outside the EEA while on active employment or during his/her unpaid leave, he/she shall first obtain the permission of the Appointing Authority. For that purpose, the staff member shall fill out and sign a form specifying the type of activity envisaged and a personal assessment of the existence or absence of conflict of interest in relation to the performance of his/her duties. The staff member’s immediate superior shall express his/her opinion on the planned activity by indicating his/her signature on the form prior to the decision of the Appointing Authority.

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

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

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

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

5.2.3 Seconded National Experts (SNEs)

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

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

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

5.3 After working for the EEA

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

In accordance with the Implementing Rules on outside activities and assignments and on occupational activities after leaving the service¹⁰, the following activities are not considered as occupational activities under Article 16(2) of the Staff Regulations and, hence, do not require prior authorisation, provided they do not give rise to lobbying or advocacy vis-à-vis staff of EEA, are not remunerated and are carried out in the staff member's personal capacity:

- an activity that has no link with the activities of the European Union and is undertaken from time to time only, upon need, in particular:
 - (i) charitable and humanitarian activities
 - (ii) activities relating to sport or wellbeing

¹⁰ Commission Decision C(2018)4048 final of 29 June 2018, applicable by analogy.

- (iii) activities deriving from political, religious, trade unionist and/or philosophical convictions
 - (iv) craftwork, artistic or cultural activities
- teaching activities unless they are performed for a commercial entity
 - the mere ownership of assets or holdings, or the management of the personal or family fortune, whether in a private capacity or as a shareholder of a company, but not running a business
 - the mere membership of a professional order or association, unless the code of conduct of the order or association conflicts with the staff member's obligations under the Staff Regulations.

In accordance with the Commission Implementing Rules referred to above, the following factors shall be taken into account when assessing the possibility of any actual or potential conflict of interest:

- any relation between the occupational activity and the work carried out by the former staff member during the last three years of service
- whether the occupational activity would involve working on specific files for which the former staff member was responsible during the last three years of service
- whether the occupational activity would risk harming the reputation of the former staff member and the EEA, for example by retroactively casting doubt on the former staff member's impartiality while he/she was still in service, thereby tarnishing the EEA's image
- the quality of a future employer (for example whether it is a public authority or a private/commercial company) or the situation of self-employment
- whether the envisaged activity would involve representing outside interests vis-à-vis the institution
- whether or not the envisaged activity is remunerated

The level of conflict of interest is likely to be most significant where:

- staff members have a senior role at the EEA and influence over decision-making at the EEA
- the staff member's future professional activities can be expected to have a material impact on the organisation's activities, e.g. where they will be in a senior management, senior adviser or senior control function position

- the scale of the influence of the organisation on industry practices and policy making is material, e.g. the organisation is an influential environmental protection services lobbying body

Conflicts of interest are also likely to be most significant, and require more extensive restrictions or prohibitions where the staff member has knowledge of confidential information and/or influence on decision-making which are relevant to the future role, for instance influence through senior policy-making and management roles, or involvement in the selection or management of commercial providers of services to the EEA, or involvement in a legal dispute.

Where conflicts with the EEA's interest are identified, the Appointing Authority adopts a decision which is based on an appropriate balance between the need to ensure integrity through temporary prohibitions and restrictions, and the need to respect the fundamental right to engage in work and to pursue a freely chosen or accepted occupation.

The type of measures adopted and their duration will reflect the assessment of the extent of conflicts of interest. The least restrictive measures that adequately protects the EEA's interests will be used:

- Restrictions of between six months and two years on lobbying or advocacy of the EEA or its staff on matters for which the staff member was responsible during up to the last three years of service
- Restrictions excluding the staff member for between six months and two years from professional contacts with EEA colleagues or from representing opposing parties
- Restrictions for between six months and two years prohibiting the staff member from dealing with files, cases or matters related to the work carried out by them during up to their last three years of service, including related or subsequent cases and/or court proceedings
- Prohibition from carrying out the proposed occupational activity. Where appropriate, this may take into account any part of the staff member's notice period during which the staff member is relieved of the duties which give rise to the conflict. Any cooling-off periods would not normally exceed the lesser of: (1) half the duration of the staff member's service with the EEA; or (ii) the two year period after the staff member has left the EEA's service. Such prohibitions are likely to be used principally in relation to senior staff such as the Executive Director, Heads of Programme and advisers.

In addition, the ongoing duty under Article 16(1) of the Staff Regulations to "*behave with integrity and discretion as regards the acceptance of certain appointments or benefits*" may require a staff member not to advise or work on behalf of a new employer or clients on particular files or matters in which the staff member participated personally and substantially and that would entail relying upon information received while in the EEA's service that has not been made public. Where a staff member, or former staff member, has questions about the application of this duty, they should contact the HRM group.

An EEA staff member can avail themselves of the procedure laid down in Article 90.2 of the Staff Regulations to appeal any measures adopted against him/her by the Appointing Authority.

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

6.1 What to declare?

All interests that may interfere with the work of the Agency and its duty to take impartial and objective decisions in the public interest shall be declared. An affirmative answer in the annual declaration does not automatically disqualify the individual concerned, however it requires the respective line manager (for staff) or the Chair (Executive Director or EEA bodies) to have it screened in accordance with this policy, in order to determine if a conflict of interest exists.

Content

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

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

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

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

This is a list of non-exhaustive interests which may constitute or may be perceived as causes of conflict of interests and should therefore be declared. For further information, please refer to the Guidance for filing out a declaration of interest provided in annex 3.

6.2 Declaring an interest

6.2.1 To whom to declare an interest?

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

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

6.2.2 How to declare an interest?

All possible competing interests shall be declared in writing using the appropriate form depending on the situation (see annex 2).

Specific/ad-hoc declarations

At each of their meeting, the members of the Management Board and of the Scientific Committee shall be asked explicitly by the Chair to declare any interests which could be considered to be prejudicial to their independence with respect to any of the points on the agenda. Such conflicting interests shall be recorded in the minutes, together with the specific mitigating measures imposed, and made public.

Appointed members of an advisory committee (e.g. selection or evaluation committees) are required to provide a written declaration of absence of conflict of interest for each procedures they are involved in.

Annual declarations

All members of the EEA Management Board and Scientific Committee, when taking up their duties, make a written declaration of interest which could be considered to be prejudicial to their independence. The initial declarations are renewed annually (see paragraph 5.2.1 above). If at any point in time changes occur to the situation of the member's interests, he/she shall make an updated declaration without delay. The declarations shall be made public through the EEA website.

Besides filling in an initial declaration at the start of their employment, all staff members shall provide an annual update of this declaration (see paragraph 5.2.2 above). For the members of the Senior Management Team (Executive Director and Heads of Programme), these declarations shall be published on the EEA website. If at any point in time changes occur to

the situation of the staff member's interests, the person concerned shall update his/her declaration without delay.

Post-employment declarations

When a staff member leaves the services of the EEA, he/she shall continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits. They shall be reminded of their duties under the Staff Regulations and shall duly sign a document regarding integrity, discretion and confidentiality. Furthermore, when leaving the services of the EEA, former staff members have to notify the Agency for a period of two years of any new occupational activity they intend to engage in (see paragraph 5.3 above).

Any false declaration or wilful omission of potential conflict of interest, as well as the refusal to declare interests may result in disciplinary action under the Staff Regulations.

6.2.3 Assessing whether a conflict of interest exists

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

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

6.2.4 Mitigation measures

Depending on the assessment performed in accordance with paragraphs 3 and 6.2.3 above, options for positive resolution or management of a continuing or pervasive conflict can include one or more of the following mitigation measures as appropriate:

- Divestment or liquidation of the interest by the affected person
- Recusal of the affected person from involvement in an affected decision-making process
- Restriction of access by the affected person to particular information
- Transfer of the affected person to duty in a non-conflicting function
- Re-arrangement of the affected person's duties and responsibilities
- Resignation of the affected person from the conflicting private-capacity function
- Resignation of the affected person from their position at the EEA
- Recusal and restriction

When a particular conflict is not likely to recur frequently, it may be appropriate for the affected person to maintain their current position but not participate in decision-making on the matters concerned, for example by having the decision made by an independent third party, or abstaining from voting on decisions, or withdrawing from discussions on the specific topics, or not receiving relevant documents and other information relating to their private interest. The option of re-assigning certain functions of the affected person should also be available, where a particular conflict is considered likely to continue, thereby making ad hoc recusal inappropriate.

7 Periodic review and further implementation

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

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

8 Personal data protection

The EEA shall process all declarations of interests pursuant to Regulation (EU) 2018/1725 of the European Parliament and the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

Further information about the processing and the data protection safeguards put in place by the Agency to ensure compliance with Regulation (EU) 2018/1725 is provided in the specific privacy statement attached as annex 4.

9 Annex

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

Annex 2 – Declaration of interest template for EEA Staff Members, Management Board and Scientific Committee members

Annex 3 – Guidance for filling out a declaration of interest

Annex 4 – Specific Privacy statement – Declaration of interest

Assessment of degree of exposure to the risk of conflict of interest in EEA

	Environment	EEA activities	Degree of exposure 3 : high / 2 : medium / 1 : low / 0 : not applicable		Total degree of exposure A + B
			A Likelihood of occurrence	B Impact	
1	Core operations	management of EU legislation reporting obligations	1	3	4
2	Core operations	management of EU submissions to international bodies	1	3	4
3	Core operations	supporting monitoring methods for real-world fuel consumption and emissions from light and heavy-duty vehicles	0	0	0
4	Core operations	publishing reports	1	3	4
5	Core operations	modernisation of Eionet tools	0	0	
6	Core operations	follow up of the performance/productivity of the ETCs	3	3	6
7	External relations	management of Project financed actions (externally assigned revenue) financed via contribution agreements	0	0	0
8	External relations	management of Project financed actions (externally assigned revenue) financed via service level agreements	0	0	0
9	External relations	management of Project financed actions (externally assigned revenue) financed via grants	0	0	0
10	External relations	management of Eionet groups/organisation of networks meetings	0	0	
11	External relations	management of the European Scientific Advisory Board on Climate Change (supporting the reporting on progress towards climate neutrality and the monitoring and evaluation of progress on adaptation under the European Climate Law)	3	3	
12	External relations	secretariat of Environmental Protection Agencies	0	0	0
13	External relations	relations with other EU institutions/bodies (EKC, EUAN, EC,EP)	2	1	3
14	External relations	relations with international bodies beyond EU institutions (UN, WHO)	2	1	
15	External relations	relations with countries beyond EEA member countries	2	1	3
16	External relations	EEA website maintenance and content mgt	0	0	
17	External relations	social networks management	0	0	
18	External relations	communication planning (including specific actions e.g. dissemination of EEA products)	0	0	
19	External relations	stakeholders relation management	2	1	3
20	External relations	discharge follow-up process	0	0	
21	Financial aspects	management of the accounting processes and legal reporting on the accounts	2	2	
22	Financial aspects	budget planning, execution and reporting	2	2	4
23	Financial aspects	management of financial circuits	1	1	2
24	Financial aspects	assets management	2	2	4
25	Financial aspects	financial verification of ETC cost declarations	3	2	5
26	Financial aspects	management of missions	1	1	2
27	Financial aspects	management of meetings	1	1	2

Assessment of degree of exposure to the risk of conflict of interest in EEA

	Environment	EEA activities	Degree of exposure 3 : high / 2 : medium / 1 : low / 0 : not applicable		Total degree of exposure A + B
			Likelihood of occurrence A	Impact B	
28	HR management	time management (absences, leaves, overtime, working hours)	2	1	3
29	HR management	coordination of career development cycle and promotion exercise	1	1	2
30	HR management	staff contract management (salary, pension rights and other benefits)	1	2	3
31	HR management	recruitment procedure	2	2	4
32	HR management	management of learning and development activities	2	1	3
33	HR management	management of staff resources in ligne with the needs	0	0	0
34	IC systems	definition and plannification process of the SPDs / Strategic planning and programming, monitoring and reporting	0	0	0
35	IC systems	management of IT projects and maintenance (systems, software, plateforms...)	2	3	5
36	IC systems	management of IT consultants	2	3	5
37	IC systems	intranet maintenance and content management	0	0	0
38	IC systems	management of ABAC access and access rights	1	2	3
39	IC systems	access rights, passwords and ID management for the different IT systems	2	3	5
40	IC systems	business continuity planning	0	0	0
41	IC systems	data protection measures and treatment of confidential information	0	0	0
42	IC systems	CAAR elaboration process	0	0	0
43	IC systems	EMAS certification process	0	0	0
44	IC systems	contracts management	2	2	4
45	IC systems	document management	0	0	0
46	IC systems	Management Plan System maintenance and content management	0	0	0
47	IC systems	review of the implementation of the Internal control standards	0	0	0
48	IC systems	Brussel liaison office organisation	2	1	3
49	IC systems	award procedure for procurement	2	3	5
50	IC systems	award procedure for grant agreements	2	3	5
51	IC systems	helpdesk organisation (internal IT support)	0	0	0
52	IC systems	risk management process	0	0	0
53	IC systems	prevention of conflict of interest	0	0	0
54	IC systems	Facilities management, logistics and building security	2	2	4
55	IC systems	internal communication	0	0	0
56	IC systems	Follow up of the implementation of auditors' recommendations	0	0	0
57	IC systems	prevention of harassment at work place	0	0	0

100

if all EEA activities had a likelihood of occurrence=3 and impact=3, the total of degree of exposure would be = 342 (57 x 6)

risk factor
impact on the decision taken if data are not reliable
different actors as source of information
influence of lobbys



WRITTEN DECLARATION OF INTERESTS BY MEMBERS OF THE EEA MANAGEMENT BOARD

(Article 8(1) of Regulation (EC) No 401/2009 of 23 April 2009)

Name: [Complete]

Please provide information on all interests that are (or could be perceived as) related to the domain of EEA's activity and which may thus lead to any actual or potential conflict of interest prejudicial to your independence as member of the Management Board of the European Environment Agency.

I herewith declare the absence of any interests which might be prejudicial to my independence.

If you declare the absence of interests, please go straight to the bottom of this form, date and sign it. If you have interests to declare, please continue and complete the form, indicating 'n/a' where appropriate.

I herewith declare the following direct or indirect interests which might be considered prejudicial to my independence:

Past activities
Posts held over the last five years ¹ in foundations or similar bodies, educational institutions, companies or other organisations: <i>Please indicate the nature of the post and the name of the bodies</i>
Other membership/affiliations or professional activities held of the last five years ¹ , including services, liberal professions, consulting activities and relevant public statements.

Current activities
Posts held in foundations or similar bodies, educational institutions, companies or other organisations: <i>Please indicate the nature of the post and the name of the bodies</i>

¹ Interests need to be declared up to five years after which the interest ceases to exist. However, individuals may voluntarily declare any interests beyond the five years' timeframe.

Other membership/affiliations or professional activities, including services, liberal professions, consulting activities and relevant public statements.

Investments

Above a minimum threshold of EUR 10,000 any **direct financial interests** (managerial stakes in companies, including ownerships of patents or any other relevant intellectual property rights) or **assets** (shares and/or securities held in companies) or **grants** or **other funding** which might create a conflict of interest in the performance of my duties.

Please also indicate their number and value, as well as the name of the company/provider of the grant/funding

Any other relevant interests/information that could be seen as jeopardising my independence in the performance of my duties as Management Board member

I hereby declare that to the best of my information and knowledge none of my family members have currently interests to declare in relation with my duties and responsibilities within EEA.

I hereby certify that the information above is true and complete. In particular, I am aware that I am exclusively responsible for the complete and truthful declaration of the interests held by members of my household.

I will immediately inform EEA of any change in my situation, or any new relevant information I may receive which could be prejudicial to my independence.

I am aware that in case of any false declaration, the relevant appoint authority may be informed to take appropriate action.

Done at	, on
Signature:	



Annual declaration of scientific committee member's interest

Name: _____

Information on direct or indirect interests of relevance to the mission of the European Environment Agency:

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

e.g. financial participation in a commercial company/in an organisation having contract with the EEA.

(2) Indirect interests (indirect financial, e.g. grants, sponsorships, or other kind of benefits):

e.g. participation to the Action Plan of an ETC where employer is a partner (delivery of a task)

(3) Interests deriving from the professional activities of the member or his/her close family members:

e.g. acquaintance with a scientific staff, for which recruitment and opinion of the SC is requested.

(4) Any membership role or affiliation that you have in organisations/bodies/club with an interest in the work of the European Environment Agency:

e.g. membership/Management Board member in an organisation dealing with environmental issues.

(5) Other interests or facts that the undersigned considers pertinent:

e.g. invitations to conferences/workshops in capacity of Scientific Committee member of EEA to share personal opinion on environmental issues.

Declaration:

I, the undersigned, declare on my word of honour that the information provided above is true and complete. I agree to immediately and truthfully declare to the Executive Director any changes, which may occur in the declaration.

I, the undersigned, declare that I will actively participate in the Scientific Committee meetings.

Done at _____ on _____

Signature: _____



DECLARATION OF INTERESTS

First name:	
Surname:	
Function:	
Start of employment with EEA:	

I, the undersigned, hereby declare to the best of my information, knowledge and belief, that:

- I have no interests to declare in the regulatory field of activities of the EEA¹
- I have recorded the following interests in the regulatory field of activities of the EEA²

Personal data protection

Filling out this declaration of interests involves the recording and processing of personal data (such as your name, function, date of taking up position, as well as information on private interests held by or entrusted to you or one of your family member). Such data will be processed pursuant to Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (OJ L 295 of 21.11.2018, p.39-98). Unless indicated otherwise, any personal data requested are required to prevent and manage potential conflict between private interests you may hold and your duties in the EEA to make impartial and objective decisions, opinions and recommendations and will be processed solely for that purpose by the EEA. Under Regulation (EU) 2018/1725, you are entitled to obtain access to your personal data on request and to rectify any such data that is inaccurate or incomplete. If you have any queries concerning the processing of your personal data, you may address them to the Human Resource Management Group in the administration services (ADS1). You may also consult the EEA data protection officer by email at DPO@eea.europa.eu. You have the right of recourse at any time to the European Data Protection Supervisor for matters relating to the processing of your personal data.

¹ If you have no interests to declare, please go straight to the bottom of this form, date and sign it.

² If you have interests to declare, please continue and complete the form with the relevant information, indicating 'n/a' where appropriate. Please add rows under each heading where appropriate. If you need more sheets to declare your interests, do not hesitate to use blank ones, but please sign each one of them and attach them to this form.

Please provide information on all interests that are or might be perceived as related to the regulatory field of activities of the EEA and which may thus lead to any actual or potential conflict of interest prejudicial to your independence in the performance of your duties as a member of staff of the EEA.

Title/Function	Period of activity ³	Company/organisation ⁴	Products/Projects/activity in the field of EEA activities	Description of the activity (including contracts with the EEA)
1. Employment with a company or organisation, including any contractual link (e.g. leave on personal grounds/secondment)				
2. Consultancy, legal representation, advice with a company or organisation				
3. Member of a managing board or equivalent structure of a company or organisation				
4. Member of an advisory board or equivalent structure of a company or organisation				
5. Other membership or affiliation				
6. Research funding from a company or organisation, including any contractual link (e.g. grants, rents, sponsorships, fellowships, non-monetary support)				
7. Intellectual property rights (e.g. patent, trademark, copyright or proprietary know-how)				
8. Investments in a company or organisation, including holding of stocks and/or shares, stock options, equity, bonds, partnership interest in the capital of such undertaking, one of its subsidiaries or a company				
9. Public statements and positions for a company or organisation as part of a regulatory, legislative or judicial process				
10. Other relevant information that could be seen as jeopardising your independence when working for the EEA				

³ Within the past 5 years.

⁴ Including any commercial business, industry association, consultancy, research institution or other enterprise (whether or not independently owned) which funding is significantly derived from commercial sources.

I hereby declare that I have read both the EEA policy for the prevention and management of conflict of interest and the related guidance to fill out a declaration of interest and that to the best of my information, knowledge and belief the information above is true and complete.

Furthermore I hereby certify that none of my family members⁵ have currently interest to declare in relation with my duties and responsibilities within EEA. I am aware that I am exclusively responsible for the complete and truthful declaration of the interests held by members of my household.

I acknowledge that I will immediately inform my line manager of any change in my situation and the information provided above due to additional interests and that I will fill out and sign a new declaration of interests accordingly.

Signature:

Date:

⁵ For the purpose of this declaration '*family members*' comprise the spouse/partner and/or dependent children forming a household with the person making the declaration. In order to maintain privacy, the names of household members do not need to be declared.

Guidance for filling out a Declaration of Interest

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1. Legal basis

- EEA policy on prevention and management of conflict of interest as adopted by the EEA Management Board on December 2014 and subsequently reviewed and amended in December 2016 and December 2023.
- [Rules of procedure of the EEA Scientific Committee](#) adopted by the EEA Management Board in November 2015, as last amended on 24 January 2022.

All annual declarations shall be made based on the standard forms relevant for the category of person concerned and stored in electronic or paper format in an appropriate file held by the Human Resource Management Group of the Agency or the secretariat of the relevant EEA body (Management Board and Scientific Committee). The annual declarations of interest of the Scientific Committee members, of the Agency's Senior Management Team and those of the members of the Agency's Management Board will be made publicly available via publication on the Agency's website.

Declarations of interest will be monitored and assessed in order to identify and avoid any potential conflicts and agree on appropriate actions, if deemed necessary.

The purpose of this document is to provide guidance for filing out a declaration of interest.

2. Why this form?

The management and prevention of potential conflict of interest situations is a key element of governance and management of the EEA. These situations shall be handled correctly and timely as they can negatively affect the decision-making process and lead to a loss of trust in the ability of the EEA to operate impartially and in the best interests of the EU citizens.

3. Definition of a conflict of interest

A conflict of interest is said to exist when the impartiality and objectivity of a decision, opinion or recommendation of the Agency, including its Management Board and Scientific Committee, is or might, in the public perception, be compromised by an interest held by, or entrusted to, an individual working for the Agency.

Relevant personal interest may be of financial or non-financial nature and it may concern a personal or family relationship or professional affiliations and other relevant outside activities. The negotiation of future employment by a staff member prior to leaving EEA service may also be regarded as a conflict of interest situation.

This means that a conflict of interest can arise if private interests of those involved in the activities of the EEA interfere with the work of the Agency and its duty to take impartial and objective decisions in the public interest. A conflict of interest situation can also exist if personal interests are perceived by others as interfering with the work of the Agency and, thus, undermining the public's trust in the integrity of the Agency and its work.

4. Who shall declare?

- All EEA statutory staff members, including the Executive Director, seconded officials, temporary agents, contracts agents and seconded national experts.
- Third parties working for the EEA, including consultants, interim staff, trainees, contractors and grant beneficiaries.

- Members of the Agency's Scientific Committee and Management Board.

5. What to declare?

- Interests that have to be declared include private interests in the field of activity of the EEA, either of financial or non-financial nature. Such private interests may concern a personal or family relationship or professional affiliations (including additional employment or former employments or appointments) and other relevant outside activities.
- All current interests and those that existed during the last 5 years; one should count the 5 years from the date of submitting the declaration. For interests held by close family members, investments and intellectual property rights, only current interests need to be declared.
- All current interests held by any members of the declarant's household (spouse, partner and dependent children) should be declared. The names of the members of the declarant's household do not need to be declared and the declaration shall be limited to the interests that the declarant is aware of to the best of his/her knowledge. Staff members shall also recall that Article 13 of the Staff Regulations creates an obligation for them to inform the Appointing Authority of their spouse's employment situation.

5.1 Employment, consultancy, legal representation or advice

- Employment is to be interpreted as covering all forms of employment (also self-employment), part-time and full-time, either paid or unpaid, in any organisation (profit or non-profit, private or public) whose activities fall within the regulatory field of activity of the EEA.
- Consultancy, legal representation or advice within the regulatory field of activity of the EEA, regardless of whether they charge a fee or not, is to be considered as well.
- Any contracts or collaborations with the EEA should also be specified. Information about subsidiaries/parent companies of a former employer shall be declared, but only to the extent that such corporate links are known to the declarant.
- For Scientific Committee members, all current employment with an EEA member country competent authority shall also be covered.
- For EEA staff members, outside activities which have been previously authorised shall also be mentioned.

5.2 Membership of a governing body, scientific advisory body or equivalent structure

- Membership of a governing body is to be interpreted as any participation in the internal decision-making (e.g. board membership, directorship) of a public or private organisation or commercial entity operating in the regulatory field of activity of the EEA.

In this context, commercial entity includes any commercial business, consultancy, research institute or other enterprise, whose funding is significantly derived from commercial sources. It also includes independent own commercial businesses, law offices, consultancies or other.

- Participation in 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 the regulatory filed of activity of the EEA with a right to vote on the outputs of that entity (e.g. voting on scientific output adopted by that entity).

For this purpose, the fact of whether this activity is remunerated or not is irrelevant.

5.3 Other membership or affiliation

This shall include active membership of or involvement in any organisation relevant to the regulatory filed of activity of the EEA, other than the above.

This shall in particular concern membership of interest groups (i.e. organisations engaged in activities carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and decision-making processes of the Agency). However, membership of bodies established under public law serving a public interest (e.g. universities), in a religious group, a political party, and a trade union or comparable entity does not need to be declared.

Active membership or involvement shall include the making of donations beyond the regular membership fee; active participation to events or other contributions to activities; active involvement in the internal working of the organisation; etc.

5.4 Research funding

This includes any funding for research provided by a private or public entity, including grants, rents, sponsorships and fellowships and received in a personal capacity or via the research entity to which one belongs (as long as it is related to projects which the declarant has or had direct links) and falling within the regulatory filed of activity of the EEA.

Non-monetary support is also envisaged (e.g. equipment, facilities, research assistants, paid travel to meetings, etc.). The declarant is requested to specify the estimated value if possible.

5.5 Investments

A conflict of interest would arise if an individual working for the EEA were to handle a matter or otherwise take part in a decision-making process (including through consultation) involving a commercial entity (as defined under 5.2) in which the person concerned holds securities or otherwise has a financial interest.

For EEA staff members, such situations are expressly covered by Article 11a (3) of the Staff Regulations which provides that *'an official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties.'*

Consequently, the Agency considers that the holding of a current financial interest of more than EUR 10.000,00 per commercial entity is as such a substantial value that should be declared.

In addition and notwithstanding their financial value, holding of shares, stocks or comparable amounting to a voting right of 5% or more in a company, should be declared.

Several investments in the same commercial entity made by different persons in the same household shall be counted together for calculating the threshold.

Interests below the threshold are to be declared on a voluntary basis.

In view of frequent changes in the price value of such investments one shall update the declaration when the price has been fixed for a certain period of time above the threshold. The declarant is requested to specify the estimated value at the time of submission.

The term '*financial interest*' or '*investment*' shall mean any financial interest in undertakings which have dealings with the EEA, including the holding of stocks and shares, stock options, equity, bonds, and/or partnership interest in the capital of such an undertaking. This includes '*financial interest*' or '*investments*' in a subsidiary of the said undertaking or in a commercial entity in which the said undertaking holds capital. However, the holding of financial interest through an investment fund, pension fund and/or interests in non-nominal unit trusts or similar arrangements would not, in principle, need to be declared, provided that these investments are broadly diversified and the individual has no influence on their financial management.

5.6 Intellectual property

These are the rights granted to creators and owners of works that are the result of human intellectual creativity and that pertain to a domain falling within the regulatory filed of activity of the EEA.

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, trademarks, patents, etc.). Proprietary know-how in a technology or process can also be relevant.

The declarant is requested to specify the estimated value at the time of submission if possible.

5.7 Public statements and positions

Public statements should be interpreted as the provision of an expert opinion or testimony in the regulatory filed of activity of the EEA for a commercial entity or other organisation, as part of a regulatory, legislative or judicial process.

Public office or other positions should be interpreted as the holding of an office or other position, paid or unpaid, where the declarant represents interests or defends an opinion in the regulatory filed of activity of the EEA.

With regard to EEA staff members who intend to stand for public office, or have been elected or appointed to public office, Article 15 of the Staff Regulations established the obligation to inform the Appointing Authority who will decide whether and under what modalities the staff member may continue to discharge his/her duties.

5.8 Other relevant information

In addition to the interests above, a declarant should declare any other interest or fact that might prejudice their independence. These other elements may for instance include:

- Relevant interest beyond the past 5 years;
- Close personal relationship (such as those with adult offspring, parents or siblings, close personal friendships, etc.) and interest held by such individuals;
- The delivery of speeches or training for a commercial entity or other organisation with an interest in the regulatory filed of activity of the EEA, regardless of whether any payment was provided;

- Continuing rights of return to previous employment or positions and standing offers or agreements about future employment;
- Gifts received exceeding EUR 50,00 (including travel, hospitality or other forms of valuable benefit).

6. Assessing an interest

Declaring an interest does not by definition mean having an actual or potential conflict of interest, nor does it automatically disqualify a person from participating in the activities of the EEA. The information provided would allow the EEA to react smoothly to any alleged conflict of interest situation and decide on the appropriate actions to be taken depending on the specific activity that the person concerned is requested to carry out.

Any individual working for the EEA who considers him/herself to hold an interest which may lead to a situation of conflict of interest shall immediately inform their line manager or reporting officer (e.g. staff members, interim staff and consultants) or Chair of the body they belong to (e.g. selection or evaluation committee, Scientific Committee, Management Board) who will then make an assessment, taking into account the opinion of the declarant, the importance of the interest declared, the role of the individual concerned holding the interest, specific mitigating measures and controls imposed, the importance of the decision or opinion to be drafted, the availability of alternates, etc.

Depending on the assessment performed, it may be decided that the individual concerned will be asked to either give up the conflicting personal interest, withdraw from participating in the assigned tasks, or abstain from contribution, giving advice or participating in the decision-making process.

7. When to declare?

7.1 Initial declaration

In line with Article 11 of the Staff Regulations, all candidates that may be offered a position in the EEA are requested to make a written declaration of interest in order for the Appointing Authority to be able to assess, before recruitment, any potential conflicts of interest in relation to the specific position that may be offered.

Each member of the Scientific Committee is required, upon appointment, to fill out and signed a declaration of interest which will be made available to the public on the EEA website ([List of Scientific Committee members \(europa.eu\)](#)).

Similarly, each member of the Senior Management Team is required to fill out and signed annually a declaration of interest which will be made available to the public on the EEA website ([Senior Management Team \(europa.eu\)](#)).

Consultants and interim staff are required, when taking up duties, to sign a form on their rights and obligations whereby they acknowledge that they shall refrain from any behaviour or action that may impair their independence and reflect adversely upon their position, the work or the image of the EEA.

7.2 Update of an initial declaration

Declaration of interests shall be updated annually or without delay once relevant changes have occurred.

7.3 Spontaneous/specific declarations

If, at any time in the course of their duties, an individual working for the EEA becomes aware of any potential or likely conflict of interest, they must immediately inform the relevant process owner who will determine any appropriate action.

For example, if either a staff member who is involved in the evaluation of proposals for the award of a framework partnership agreement concerning a European Topic Centre, or a member of their family, owns shares in a company involved in the consortium which submitted a proposal, this fact should be made known immediately to the Chair of the evaluation committee.

7.4 Procedure to update the declaration of interest

The respective process owner (Human Resource Management Group or the secretariat of the relevant EEA body) will keep a register of all declarations made and will be in contact with the individual members to ensure that the annual declarations are made.

In the case of any individual wishing to review and update their declaration of interests between two annual updates, for instance when relevant changes have occurred, they should contact the Human Resource Management Group (staff members, consultants and interim staff) or the secretariat of the relevant EEA body.



PRIVACY STATEMENT – DECLARATION OF INTERESTS

The EEA policy on the prevention and management of conflict of interest foresees that all individuals working for the Agency shall declare any interests which might be considered prejudicial to their independence in the performance of their duties. This obligation involves the recording and processing of personal data by the Agency. The present privacy statement provides information about the processing and measures put in place by the Agency to ensure any processing of your personal data is compliant with the requirements set in Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

Who is the controller?

As concerned staff members (including non-statutory staff members) the Head of the Human Resource Management Group in the Administrative Services is acting as data controller.

With regard to the EEA Management Board and Scientific Committee, the respective secretariat shall exercise the tasks and responsibilities of the data controller.

What is the purpose and legal basis for processing your personal data?

Any personal data shall be collected and processed solely for detecting potential conflict of interest between the private interests held by the individuals working at the EEA and the duty of the Agency to make impartial and objective decisions, opinions and recommendations.

The processing of your personal data is necessary for the performance of tasks in the public interest or the exercise of official authority vested in the EEA as assigned by Regulation (EC) 401/2009 of 23 April 2009.

The legal bases for the processing of your personal data are:

- Articles 11 to 17 of the Staff Regulations as concerned EEA staff members, and Article 6(5) of Decision C(2008)6866 for Seconded National Experts
- Article 1 of the EEA Scientific Committee's rules of procedures as concerned members of the Scientific Committee
- EEA policy on the prevention and management of conflict of interest adopted by the EEA Management Board on December 2014, as subsequently amended.

What personal data is collected?

The name and position held at the EEA and the private interests held, or entrusted to, the individual working for the EEA, including those of their close family members (i.e. spouse or partner, dependent children, as well as other relatives under the care of the members of the household).

Who has access to your personal data and to whom is it disclosed?

For transparency purposes, the declaration of interest of the main actors behind EEA's decision-making are made available to the general public. The declarations of the members of the Agency's

Management Board and Scientific Committee, and of the Agency's Senior Management Team are published on the EEA's website.

The declarations of interest submitted by the staff members and third parties working for the Agency are stored in a register managed by the Human Resource Management Group in the Administrative Services, and to which the process owners and line managers of the staff concerned have access. This allows the managers to make an informed decision when assigning tasks to the staff under their supervision.

Furthermore, declarations may be transferred to bodies in charge of a monitoring or inspection task in conformity with Union law, including the European Court of Auditors, the European Commission Internal Audit Service, OLAF, the European Public Prosecutor Office, the European Ombudsman and the European Data Protection Supervisor.

How long is your personal data kept?

The declarations of interest submitted by the staff members and the members of the Agency's Management Board and Scientific Committee are entered into a register kept by the Human Resource Management Group or the respective secretariat. As annual renewal of these declarations is required, previous declarations are removed from the above-mentioned register, and stored and archived for audit purposes for a maximum period of five years after the discharge of the budgetary year to which the declaration relates, after which they are destroyed.

What are your rights?

Anyone submitting personal data to the EEA has the right to access it and to update or correct it at any time. Under certain conditions, a right of erasure, restriction, objection and/or data portability also applies.

To exercise your data protection rights you may contact the respective data controller as referred to above or contact the EEA via the [contact form](#) on the Agency's website. Please indicate "*Exercising data protection rights*" in the subject field.

You are entitled to have recourse at any time to the European Data Protection Supervisor (<https://edps.europa.eu>; edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the EEA.

You may also contact the EEA's Data Protection Officer (DPO) in case you have any difficulties relating to the processing of your personal data at the following e-mail address: DPO@eea.europa.eu.