

FOUNDATION AGENFOR INTERNATIONAL

Policy on prevention and management of conflict of interests

1. Purpose and scope

Based on different guidelines drafted by the European Commission for their agencies, the Foundation adopts this policy which aims at setting out a number of principles, procedures and tools aimed at preventing, identifying and managing situations of conflict of interest.

A conflict of interest generally refers to a situation where the impartiality and objectivity of a decision, opinion or recommendation of the Foundation is compromised by a personal interest held or entrusted to an individual collaborating with that agency.

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 "outside" appointments or former employments or appointments) and other relevant outside activities.

Being a private body, the Foundation excluded from this regulation the rules concerning the 'appearance of conflict-of-interest-rules'.

This policy shall apply to:

- All Foundation staff;
- Members of the Management Board;
- Tenderers and beneficiaries of contracts and grants;

The following documents annexed to this policy form an integral part thereof:

- Annex 1: Declaration of interests of The Foundation staff, including Board Members
- Annex 2- Declaration of absence of conflict of interests and of confidentiality for Appointments in Selecting/Evaluation Committees
- Annex 3 Declaration of honour authorising associated organisation to submit offers and staff to be appointed in activities where the Foundation is partner

2. Principles

2.1 Transparency and responsibility

Individuals shall assume individual responsibility by declaring their interests in good faith. Existence of conflict of interests or potential conflict of interest shall be disclosed by the individual. The individual should state, in particular, the type and nature of the interests, specifying whether they are general or relate to a specific product, report, tender, recruitment etc.

The Foundation undertakes to review the declarations of interest.

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2.2 Proportionality

When taking decisions related to the management of the conflict-of-interest policy, The Foundation shall ensure that the measures taken are suitable, necessary and reasonable to the legitimate aim pursued.

2.3 Awareness

The Foundation shall ensure to make all relevant parties aware and informed of its policy relating to conflict of interest and shall provide clear guidance in case of queries related to the subject in question.

The Foundation will also provide training to its staff in this respect

3. Categories

3.1 The Foundation staff

The Foundation and its staff have a duty to serve the interest of their project leaders and their clients and, in doing so, the public interest. In this context, The Foundation statutory staff is bound by the provisions contained in this document. Particularly relevant are the obligations for staff to carry out the duties assigned objectively and impartially, to declare any personal interest such as to impair his independence and the obligation to inform of the intention to engage in an occupational activity within three years after leaving the service.

In particular, The Foundation staff shall be reminded that:

- they shall carry out the duties assigned to them objectively and impartially;
- they must notify any personal interest that might impair his/her independence; mitigating measures must be taken;
- they shall seek approval for engaging in outside activities and declare gainful employment of spouses;
- they continue to be bound by the duties of integrity and discretion after leaving office as regards the acceptance of certain appointments or benefits and must notify of any work entered into for two years after leaving the service;
- they shall always act objectively and impartially, in the public interest and for the public good. They shall act independently within the framework of the policy fixed by the Foundation and their conduct shall never be guided by personal or specific interest or political pressure.

These declarations must be updated once every 3 years. If during the course of his duties, a staff member wishes to update his declaration of interest, he shall inform his/her head of unit and the head of general affairs and administration accordingly.

If at any time in the course of their duties, The Foundation staff members become aware of any potential conflict of interest, they must inform the Chairman immediately who will determine any appropriate action in line with section 5.1 and 5.2.

The Chairman shall remind Foundation staff of their obligations regarding the conflict-of-interest policy, including the obligation to update their declaration of interest.

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The Chairman undertakes to assess and monitor regularly and make preliminary appraisals of compatibility of interests declared with general or specific office or duties of the individual concerned.

In case of breach of trust, the Chairman, shall take action in line with section 5.2 of this policy document.

3.1.1 Selection procedures for Staff and Procurement

Staff employed by the Association Agenfor International before its transformation into Foundation maintain the employment contracts, status, grade, benefits and salary within the Foundation for the continuity of the activity. Eventual career and salary progressions dictated by law or sectoral working contracts are not subject to conflict of interest, while new salary advancements and new positions within the Foundation, not automatically produced by law and union contracts, are subject to this procedure.

3.1.2 The Board is tasked with the selection of new staff and procurement decisions.

The Foundation staff sitting in the Board as selection committees are obliged to fill in a declaration of absence of conflict of interest and of confidentiality form (see Annex 2).

The Chairman undertakes to assess and monitor regularly and make preliminary appraisals of compatibility of interests declared with the selection procedure concerned. In case of breach of trust, the Chairman shall take action in line with section 5.2 of this policy document. In addition, applicants to posts issued by the Foundation are obliged to sign a declaration of honour.

Furthermore, The Foundation shall also examine whether the selected candidate has any personal interest such as to impair his/her independence or any other conflict of interest. To this end, when relevant due to the nature on the post in question, declarations of interest may be requested as part of the application.

3.2 Members of the Management Board

Employees of the Foundation can be appointed Board Members and this doesn't represent a conflict of interest per se. However Management Board members must declare his/her interests and duly fill in the Foundation declaration of interests (see Annex 1).

The declaration of interests has to be completed upon nomination to the Management Board. Each individual is required to fill in the declaration of interests which shall be kept by the Secretariat of the Foundation.

These declarations must be updated every three years or whenever changes in the interests emerge and must be declared.

During meetings, if a potential conflict of interest becomes apparent to a member, then it must be declared to the Chair immediately and decide appropriate action agreed to.

The Chair shall every year remind the members of the Management Board of their obligations concerning the conflict-of-interest policy, including the obligation to update their declaration of interests.

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The Secretariat undertakes to assess and monitor regularly and make preliminary appraisals of compatibility of interests declared with general or specific discussions and/or votes to be taken. These appraisals shall be brought to the attention of the Management Board Chair who, if deemed necessary, shall take action in line with section 5.1 of this policy document. In case of breach of trust, the Chair of the Management Board, shall take action in line with section 5.2 of this policy document.

3.3 Tenderers and beneficiaries of contracts and grants awarded by the Foundation or by third parties where the Foundation is partner.

Organisations who promoted the Association or the Foundation or linked to Board Members or employees of the Foundation, can offer seconded staff, services or works in contracts foreseen by the projects approved. In these cases, these organisations shall inform the Chairman of the Foundation of their intention, and assume individual responsibility by declaring their interests and potential conflict of interest in good faith to the Foundation, so that the project leader and the Board can take all necessary measures to prevent any situation that could compromise the selection and/or impartial and objective performance of the contract or the grant and/or expose the Foundation and its partners to potential conflicts of interests. Existence of conflict of interests or potential conflict of interest shall be disclosed by the legal signatory of the organisation interested to offer its services to the Foundation. Contracts or grants will not be awarded to tenderers associated to the Foundation, its Board Members or employees who, during the procurement procedure, are subject to a conflict of interest but don't declare it.

The contractor shall notify The Foundation in writing without delay any conflict of interests which could arise during performance of the contract. In the event of such conflict, the contractor shall immediately take all necessary steps to resolve it.

The Chairman of the Foundation reserves the right to verify if such measures are adequate and may require additional measures to be taken within a concrete time limit.

4. What to declare?

Each individual is responsible to declare his/her interest. These include:

- Past activities: posts held over the last 2 years in foundations or similar bodies, educational institutions, companies or other organisations (the nature of the post and the name of those bodies should also be indicated); other membership/affiliation or professional activities held over the last two years, 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 (the nature of the post and the name of those bodies should also be indicated); other membership /affiliations or professional activities, including services, liberal profession, consulting activities, and relevant public statements.
- 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

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companies) or grants or other funding which might create a conflict of interests in the performance of the duties, with an indication of their number and value, as well as the name of the company/provider of the grant/funding.

- Other Direct interests: interests of personal benefit to the individual at any point in time, likely to influence or give the appearance of influencing his behaviour;
- Indirect interest: other interest that may have some influence over the individual's behaviour and therefore have to be neutralised.
- Any other relevant interests.
- Spouse's/partner's/dependent family members' current activity and financial interests that might entail a risk of conflict of interest.

5. Management of the policy

5.1 Preventive Action if a risk of conflict of interest is identified

In case of the identification of a conflict of interest or potential conflict of interest, the following rules apply:

- In case of staff of the Foundation:
the Chairman shall ensure that the person concerned should either give up the conflicting personal interest, or pull out/recuse himself/ herself from relevant activities and if appropriate debates for which such a conflict may arise. The Chairman may decide to take other preventive action if deemed necessary.
The Chairman may decide to take other preventive action if deemed necessary.
- In the case of a Management Board member: the Chair of the Management Board shall ensure that the person concerned should either give up the conflicting personal interest (if possible e.g. at the stage of nomination of the member), or pull out/recuse himself/herself from relevant decisions and if appropriate debates for which such a conflict may arise.

Depending on the determination of the level of exposure to a risk of conflict of interest, he or she may therefore as a result:

- not be appointed (e.g. as member of the selection committee, rapporteur, etc);
- not work on a specific topic;
- not be involved in certain activities;
- not be selected to form part of the group/network;
- not participate in the decision/vote;
- if appropriate not participate in the deliberations leading to certain decision.

5.2 Actions in case of breach of Trust

Appropriate actions shall be taken in case of breach of trust (failure to declare an actual or potential conflict of interest or failure to comply with the Foundation's conflict-of-interest policy). Depending on the status of the individual concerned, appropriate action shall be determined by the person/s highlighted in section 5.1 above. Actions may include:

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- (i) verbal warning;
- (ii) letter of reprimand;
- (iii) revocation of nomination;
- (iv) duty to resign or request for resignation
- (v) legal or administrative actions.

The appropriate sanction shall be based on the principle of proportionality and shall take into account the reasons for the failure to declare (e.g. negligence, and/or justified lack of knowledge).

If the concerned person was involved in a decision without having declared an interest, The Foundation may undertake remedial actions, in particular to review or cancel that decision if seriously affected by the conflict of interest. This implies carrying out an ex post review of the person's activities and contributions to the agency's output.

6. Entry into force and review

The present policy shall enter into force on the day of the adoption by the Management Board.

The Foundation undertakes to assess yearly the effectiveness of this conflict-of-interest policy and adapt it to possible new risks

Milano 30/07/2018

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Annex 1: Declaration of interests of The Foundation staff, including Board Members

Name	
Position	

- 1) Do you or your partner have any financial or other interest in the subject/matter of the work in which you will be involved, which may be considered as constituting a real or potential conflict of interest?

YES	NO
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If yes, please indicate details below.

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(Example: shares, financial interest, association with other associations, NGOs,...)

Name of the Entity	
Belongs to you, family or friends?	
Current or Ceased Interests	

Previous works carried out	
Other interests which you consider	
Current or Ceased Interests	
Other interests which you consider should be made known to the agency and the public	

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I, _____ hereby declare on my honour that to the best of my knowledge neither I nor my close family and friends have any personal or business interest in, or potential for personal gain from any of the organisations or projects and that the disclosed information is correct and that no other situation of real or potential conflict of interest is known to me. I undertake to inform the Chairman of any change in these circumstances, including –if an issue arises –during the course of my employment at the Foundation.

I also declare my commitment to act independently in the Foundation's interest and I have no interests that might be considered prejudicial to my independence.”

Date:

Signature:

Annex 2- Declaration of absence of conflict of interests and of confidentiality for Appointments in Selecting/Evaluation Committees

Title of contract:

.....Call.....

Project.....

Reference:

I, the undersigned, having been [appointed to the selecting committee/opening board] [appointed to the evaluation committee] [given the responsibility of assessing [exclusion] [and] [selection] criteria] for the abovementioned contract, declare that I am aware of the “Policy on prevention and management of conflict of interests”, which states that where a conflict of interests is found to exist, the person in question shall cease all activities in the matter.

I recognize that for the purposes of paragraph 1 of the ‘Policy’, *a conflict of interest generally refers to a situation where the impartiality and objectivity of a decision, opinion or recommendation of the Foundation is compromised by a personal interest held or entrusted to an individual collaborating with that agency.*

I hereby declare that,

to my knowledge, I have no conflict of interests with the operators who have [requested to participate in the procurement procedure] [submitted a tender] for this procurement, including persons or members of a consortium, or the subcontractors proposed.

I confirm that

if I discover during the [opening] [evaluation] that such a conflict exists, I will declare it immediately as indicated above. If a conflict of interests is found to exist, I shall cease all activities related to the [board] [committee].

I also confirm that I will keep all matters entrusted to me confidential. I will not communicate outside the [board] [committee] any confidential information that is revealed to me or that I have discovered

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[or any information relating to the views expressed during the evaluation]. I will not make any adverse use of information given to me.

Signed in [place, dd mm yyyy]

Signed:

Annex 3 Declaration of honour authorising associated organisations to submit offers and staff to be appointed in activities where the Foundation is partner

The undersigned (insert name of the signatory of this form):

representing the following legal person:

full official name: official legal form: full official address: VAT registration number:

DECLARES that

- Our member of the Staff [Name and Position] has requested to be appointed for the following contract [Description of the Contract] offered with the project [Description amount, months/hours]
- Our organisation [Full official Name and Registration NR.]) has requested to submit an offer for the following contract [Description of the Contract] offered within the project [Description services/work, amount], where our Foundation is partner.

Therefore the undersigned DECLARES that:

[the above-mentioned legal person] [he][she] has a potential conflict of interest in connection with the contract;

Further Details:

For this reason, The Foundation, our staff members employed in the project, coordinators and experts will pull out from all relevant activities connected to [the selection of the tender] [Assignment

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of the Contract] and, if appropriate, refrain from participating in debates in the deliberations leading to certain decision for which such a conflict may arise.

Therefore, the undersigned ADVISES

the [contracting authority][project leader] to take without delay all necessary measures, to avoid any infringement of the principle of transparency, equality, independency, so that the selection procedure will not grant, and will not seek, and will not attempt to obtain, and will not provide any advantage, financial or in kind, to or from any party whatsoever, where such advantage constitutes an illegal practice or involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to award of the contract.

Date

Full name

Signature

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