



# EASO policy on prevention and management of conflict of interests

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- 1. Purpose and scope .....3**
- 2. Principles.....3**
- 3. Categories.....4**
  - 3.1 EASO staff.....4
    - 3.1.1 Selection procedures..... 5
    - 3.1.2 Procurement..... 5
  - 3.2 Members of the Management Board .....5
  - 3.3 EASO working parties and network members and experts .....6
- 4. The Declaration of Interests.....7**
  - 4.1 Who should declare his/her interest? .....7
  - 4.2 What to declare?.....7
- 5. Management of the policy.....8**
  - 5.1 Preventive Action if a risk of conflict of interest is identified.....8
  - 5.2 Actions in case of breach of Trust.....8
- 6. Entry into force and review .....9**
- 7. Annexes..... 10**

## 1. Purpose and scope

The Common Approach on EU decentralised Agencies endorsed in July 2012 by the European Parliament, the Council of the EU and the European Commission and the roadmap thereof adopted in December 2012 mention the need to address the issue on prevention and management of conflict of interest in order to enhance the EU Agencies accountability, transparency and good management.

Based on the guidelines drafted by the European Commission, EASO 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 Agency is or might be perceived as being 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.

Not only actual independence but also perception of independence is important, since it can impact on agencies' reputation by raising doubts about the conclusions reached. The appearance of conflict of interest can constitute a reputational risk to the agency, even if it turns out to be unsubstantiated.

Therefore, taking due consideration to proportionality, specific backgrounds, all relevant facts and mitigating circumstances, a risk of perceived conflict of interest be treated as if it were an actual conflict.

This policy shall apply to:

- All EASO staff (officials, temporary agents, contract agents, SNE, trainees, and other personnel working at EASO);
- Members of the Management Board, including alternate members, observers and national experts;
- EASO working parties or networks members and experts;
- Tenderers and beneficiaries of EASO contracts and grants;

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

- Annex 1: Post-employment rules and procedures
- Annex 2: Declaration of interests of EASO staff
- Annex 3: Declaration of absence of conflict of interest and confidentiality (procurement)
- Annex 4: Declaration of absence of conflict of interest for tenderers (procurement)
- Annex 5: Declaration of absence of conflict of interest and confidentiality (recruitment)
- Annex 6: Declaration of interests of Management Board members, alternates, observes and experts

## 2. Principles

### ***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.

EASO undertakes to review the declarations of interest. Moreover, EASO will include a section on the implementation of its conflict-of-interest policy in its annual activity report.

**Proportionality**

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

**Awareness**

EASO 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. EASO will also provide training to its staff in this respect

**3. Categories****3.1 EASO staff**

EASO and its staff have a duty to serve the Union interest and, in doing so, the public interest. In this context, EASO statutory staff is bound by the provisions contained in the Staff Regulations, the Conditions of Employment of other Servants and the EASO implementing rules thereof. 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 two years after leaving the service.

The EASO staff not subject to the staff regulations (e.g. Seconded National Experts) are however also included in the scope of this policy and are also bound by the code of good administrative behaviour.

In particular, EASO 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 (see Annex 1);
- they shall always act objectively and impartially, in the Union interest and for the public good. They shall act independently within the framework of the policy fixed by the EASO and their conduct shall never be guided by personal or national interest or political pressure.

Moreover, upon recruitment, all EASO staff shall be asked by the General Affairs and Administration unit to complete a declaration of interests form (see Annex 2). These declarations must be updated once every 2 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, EASO staff members become aware of any potential conflict of interest, they must inform the Executive Director immediately who will determine any appropriate action in line with section 5.1 and 5.2.

The Head of General Affairs and Administration shall remind EASO staff of their obligations regarding the conflict-of-interest policy, including the obligation to update their declaration of interest.

The Head of General Affairs and Administration 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. These appraisals shall be brought to the attention of the

Executive Director who, if deemed necessary, shall take action in line with section 5.1 of this policy document.

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

### 3.1.1 Selection procedures

As specified above, EASO and its staff have a duty to serve the Union interest and, in doing so, the public interest. In this context, EASO staff sitting on selection committees are obliged to fill in a declaration of absence of conflict of interest and of confidentiality form (see Annex 5).

The Head of General Affairs and Administration undertakes to assess and monitor regularly and make preliminary appraisals of compatibility of interests declared with the selection procedure concerned. These appraisals shall be brought to the attention of the Executive Director who, if deemed necessary, shall take action in line with section 5.1 of this policy.

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

In addition, applicants to posts issued by EASO are obliged to sign a declaration of honour. The declaration of honour attached to the EASO application form includes the following provision:

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

Furthermore, EASO 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.

### 3.1.2 Procurement

With regard to procurement, EASO staff appointed to the opening board, and/or appointed to the evaluation committee and/or given the responsibility of assessing exclusion and selection criteria are obliged to fill in a declaration of absence of conflict of interest and confidentiality (see Annex 3).

In addition, other persons different from EASO staff, such as external experts, invited to intervene in any stage of the procurement procedure are also obliged to fill in a declaration of absence of conflict of interest and confidentiality form (see Annex 3).

The Head of General Affairs and Administration undertakes to assess and monitor regularly and make preliminary appraisals of compatibility of interests declared with the evaluation of the tender concerned. These appraisals shall be brought to the attention of the Executive Director who, if deemed necessary, shall take action in line with section 5.1 of this policy document.

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

## 3.2 Members of the Management Board

Every Management Board member, including alternate members, observers and national experts must declare his/her interests and duly fill in the EASO declaration of interests (see Annex 6). The declaration of interests form 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 Management Board. These declarations must be updated bi-annually by contacting the Secretariat of

the Management Board or on request of the Secretariat of the Management Board.

During meetings, if a potential conflict of interest becomes apparent to a member, the Chair or the Executive Director, then it must be declared to the Chair immediately who will notify the secretariat and decide appropriate action agreed to.

The Chair of the Management Board 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.

The Management Board 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, in collaboration with the Executive Director, shall take action in line with section 5.2 of this policy document.

### **3.3 EASO working parties and network members and experts**

Depending on the subject matter of the working group/expert network, the head of unit, within EASO, responsible of the group and/or network, in agreement with the Executive Director, shall decide if experts/participants should declare their interests and duly fill in the EASO declaration of interests (see Annex 6). If a positive decision is taken, the declaration of interests form has to be completed upon nomination to the group/network by each individual member or expert. These declarations must be updated once every 2 years by contacting the head of unit, within EASO, responsible of the group/network.

During meetings, if a potential conflict of interest becomes apparent to a member or expert, , then it must be declared to head of unit responsible of the group/network.

The Head of Unit concerned 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. These appraisals shall be brought to the attention of the Executive Director who, if deemed necessary, shall take action in line with section 5.1 of this policy document.

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

### **3.4 Tenderers and beneficiaries of EASO contracts and grants**

With regard to tenderers of EASO grants and contracts, they shall fill in a declaration stating that the company or organisation that they represent, including subcontractors, and the staff proposed for the tender are not subject to a conflict of interest in the context of the concrete contract or grant and that they undertake to inform EASO without delay of any change to this situation (see Annex 4).

They shall also declare that they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract or grant.

Contracts or grants will not be awarded to tenderers who, during the procurement procedure are subject to a conflict of interest.

Beneficiaries of EASO grants and contracts are bound by general provisions included in every EASO contract and grant according to which the beneficiary shall take all necessary measures to prevent any situation that could compromise the impartial and objective performance of the contract or the

grant. The contractor shall notify EASO 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. EASO reserves the right to verify if such measures are adequate and may require additional measures to be taken within a concrete time limit.

In case the contractor does not comply with its obligations regarding the conflict of interest policy, the Executive Director may decide to terminate the contract.

## 4. The Declaration of Interests

### 4.1 Who should declare his/her interest?

- All EASO staff (officials, temporary agents, contract agents, SNE, trainees and other personnel working at EASO);
- Members of the Management Board, including alternate members, observers and national experts;
- EASO working parties or networks members and experts;
- Tenderers and beneficiaries of EASO contracts and grants;

The persons concerned should, depending on their status, state their interest and/or fill in declarations of interest statement covering both current and past interests or, if requested their absence.

### 4.2 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 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 **EASO staff** the Executive Director 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 Executive Director may decide to take other preventive action if deemed necessary.
- In case of an **EASO working party or network member or expert**, the Executive Director, shall ensure that the person concerned should either give up the conflicting personal interest (if possible e.g. at the stage of selection of the expert), or pull out/recuse himself/herself from relevant activities and if appropriate debates for which such a conflict may arise. The Executive Director, may decide to take other preventive action if deemed necessary.
- In the case of a **Management Board member**, including alternate members, observers and national experts, 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 of each expert, he or she may therefore as a result:

- not be appointed (e.g. as Chair, rapporteur);
- 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. In the latter case EASO will need to decide whether to benefit from the expert advice via other means (e.g. expert hearing/invitation on ad-hoc basis by a committee/panel).

### 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 agency'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:

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

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, EASO 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.

### 5.3 Register of interests

A register of interests shall be kept within EASO's General Affairs and Administration unit, in accordance with EU data protection rules.

## 6. Entry into force and review

The present policy shall enter into force on the day of the adoption by the Executive Director, after endorsement by the Management Board.

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

Done at Valletta Harbour, on xx November 2013

Dr. Robert K. Visser  
Executive Director

## **7. Annexes**

### **Annex 1 Post Employment Rules and Procedures**

#### **1. Purpose and scope**

This document on post-employment aims at providing guidance on the rules and procedures applicable when a staff member leaves EASO. The aim is to ensure that staff members leaving the service will not put at risk the objectives of the agency when entering their new occupational activity. Any measure taken against potential misuse of sensitive information should however not prevent former staff from applying their professional expertise.

These rules and procedures apply for all EASO staff members.

Post-employment refers to the future employer of staff leaving the Agency. This includes another EU Institution or body as well as to public administration at national level, academic institutions and public research centres, non-for-profit and non-governmental organisations.

#### **2. Legal Basis**

Staff members are bound, under Articles 17 and 19 of the Staff Regulations applicable to temporary and contract staff by analogy according to the Conditions of Employment of Other Servants, to keep confidential any information they have received in the line of duty even after leaving the public service. This obligation to respect professional secrecy is not limited in time.

In addition, Article 16 of the Staff Regulations, which also applies by analogy to temporary agents and contract staff, obliges former staff members to behave with integrity and discretion as regards the acceptance of certain appointments or benefits after leaving the service. They also have to inform their previous employer, within two years after leaving the service, about any intention to engage in an occupational activity, whether gainful or not. Based on the information received the appointing authority authorised to conclude contracts (AACC) will have to assess whether approval of that activity can be given.

Moreover, pursuant to the reform of the Staff Regulations, senior officials as defined in implementing measures will in principle be prohibited, during one year after leaving the public service, from engaging in lobbying or advocacy vis-à-vis staff of EASO for their business, clients or employers on matters for which they were responsible during the last three years in service.

#### **3. Post-employment duties before leaving the public service**

Pursuant to Article 11 of the Staff Regulations, staff members shall carry out their duties and conduct themselves solely in the interest of the service, to which they owe their loyalty. Therefore, staff members should not enhance their future occupation prospects in or for the private sectors by giving preferential treatment to potential employers or - in case of a planned self-employed activity - clients during their service at the Agency.

Staff members should be obliged, in a timely manner, to disclose their negotiating of employment or services and offers of employment or service contracts in the private sectors that could constitute a conflict of interest. In practice this requires the staff member concerned to inform his hierarchy at once if he is in serious employment or service negotiation with a company or stakeholder that is subject to or affected by any Agency decision, opinion, or recommendation under preparation, in which adoption process that staff member is actively involved.

This requirement stems from the general obligation to abstain from any conflict of interest as enshrined in Article 11a of the Staff Regulations and depends not only on the activities and mission of the Agency but also on the job descriptions, tasks and objectives of each individual staff member. Hence, further advice on this duty should be drafted at Agency level.

Following the notification of employment negotiations the general conflict of interest policy procedures apply, which may require the adoption of certain safeguard measures including but not limited to removing the declaring staff member from or limiting his participation in the preparation of the decision, opinion or recommendation where his participation may be perceived as leading to a Conflict of Interest situation.

In order to prevent and manage potential conflict of interest situations after leaving the public service, a staff member who had access to sensitive information and who wishes to engage in an occupational activity should inform the AACC, either before his employment contract expires or after the AACC received or sent out a notice of termination, of the following:

- A description of his activity during his last three years of active service at the Agency;
- A description of the activity that he wishes to take up including information on the position he is to occupy and the expected duration of the activity;
- The name, address and telephone number of his potential employer as well as its fields of activity; and
- The links with his former functions at the Agency, if any.

EASO will make available to its staff a specific application for approval form to that end.

#### **4. Assessment and decision by the AACC following a request for approval of an occupational activity after leaving the service**

Following the submission of the application for approval, the AACC has 30 working days to assess the envisaged employment or service and notify its decision whether the application for approval

- will be granted; or
- will be granted under certain conditions; or
- will be rejected.

If no such notification has been received by the end of this period, this should be deemed to constitute an implicit acceptance of the application.

The AACC may consult the Head of Unit from which the staff member concerned originates.

Any permission granted pursuant to the application should be limited to employment with or services for a named organisation, and any person with whom the organisation merges or transfers the undertaking by which the staff member is employed or provides services for.

The application for an occupational activity after leaving the Agency shall generally be granted unless it refers to particular cases in which there is a concrete link between the staff member's tasks and responsibilities at the Agency and his future employment. More specifically, it should be ensured that staff members after leaving EASO will not:

- Represent their new employer or client before the Agency or any court in an on-going procedure or negotiation on a specific issue for which they had responsibility during their service at that Agency;
- Take unfair advantage of sensitive information that they acquired while being employed by the Agency to benefit themselves or their new employer;

- Take unfair advantage of their personal contacts in the Agency in order to gain privileged access to former colleagues; nor
- Seek to influence outside of normal consultation processes their former colleagues to the benefit of themselves or their new employer.

In this regard the AACC should also take into account any safeguard measures of the staff member's new employer or company, including rules on professional ethics, ensuring to exclude any conflicts of interest.

#### **5. Post-employment duties after having left public service**

For a period of two years after leaving the Agency, a former staff member is required to inform the AACC without delay of any change in one or more of the circumstances set out in the bullet points of Section 4 of this document that occur after approval has been given. The AACC should examine whether to modify the conditions of, in exceptional circumstances, to withdraw its approval in the light of such a change.

Former staff members must neither use nor disclose classified, sensitive or other internal information after they leave the public service. This obligation stems directly from their duties pursuant to Articles 17 and 19 of the Staff Regulations.

EASO staff is required to acknowledge this obligation by signing a declaration of honour before their last day in service.

#### **6. Conditions that may be imposed by the AACC before authorising post-employment**

In case the AACC considers it necessary to impose temporary conditions in order to exclude any of the scenarios contained in the previous section, it may require one or several of the following conditions, taking into account the interest of the service and the level of risk that the post-employment concerned could give rise to a conflict of interest situation or result in undue advantage due to sensitive inside knowledge:

- No intervention in any affair or dossier that the former staff member was personally involved in or, in case of a management position, that was dealt with by the service/unit headed by the former staff member. This condition particularly concerns dossiers which remain open after leaving the service;
- Abstain from having any professional contact with former colleagues and especially subordinates;
- Prohibition to advise companies that have been addressees or beneficiaries of any individual decision prepared by services under the authority of former staff member (applicable to senior management or senior advisors);
- No representation of companies before former employer (e.g. before an Agency's Board of Appeal or an advisory or regulatory committee/body);
- Not to hold a senior consultative role in the regulated industry or its associations (applicable to Agency top management).
- Not to engage in lobbying or advocacy vis-à-vis staff of their former Agency for their business, clients or employers on matters for which they were responsible during the last three years in service (duty imposed on senior officials by the Staff Regulations could be extended to other staff members)

The general principle of proportionality will be adhered to when deciding which conditions to apply and for how long these should be in place.

**Annex 2**  
**Declaration of interests for EASO staff**

Name of the EASO staff	
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?

**No**  **Yes**

**If yes, please indicate details below.**

Type of interest (e.g. shares, financial interest, association with ngo,...)	Name of the entity	Belongs to you, family or friend?	Current or ceased interest?

- 2) Work previously carried out related to the remit of the agency

- 3) Other interests which you consider should be made known to the agency and the public, including matters related to members of your household

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 my Head of Unit of any change in these circumstances, including – if an issue arises – during the course of my employment at EASO.

Date:	Signature:
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### Annex 3

#### Declaration of absence of conflict of interests and of confidentiality (procurement)

Title of contract: .....

Reference: EASO/20XX/xx

I, the undersigned ....., having been [appointed to the opening board] [appointed to the evaluation committee] [given the responsibility of assessing [exclusion] [and] [selection] criteria] for the abovementioned public contract, declare that I am aware of Article 57 of the Financial Regulation, which states that:

“1. Financial actors and other persons involved in budget implementation and management, including acts preparatory thereto, audit or control shall not take any action which may bring their own interests into conflict with those of the Union.

Where such a risk exists, the person in question shall refrain from such action and shall refer the matter to the authorising officer by delegation who shall confirm in writing whether a conflict of interests exists. The person in question shall also inform his or her hierarchical superior. Where a conflict of interests is found to exist, the person in question shall cease all activities in the matter. The authorising officer by delegation shall personally take any further appropriate action.

2. For the purposes of paragraph 1, a conflict of interests exists where the impartial and objective exercise of the functions of a financial actor or other person, as referred to in paragraph 1, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a recipient.”

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

Valletta Harbour, [dd mm yyyy]

Signed: .....

#### Annex 4

### Declaration of honour with respect to the Exclusion Criteria and absence of conflict of interest

*(Complete or delete the parts in grey italics in parentheses)*

[Choose options for parts in grey between square brackets]

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

in [his][her] own name *(for a natural person)*

or

representing the following legal person: *(only if the economic operator is a legal person)*

full official name:

official legal form:

full official address:

VAT registration number:

➤ declares that [the above-mentioned legal person][he][she] is not in one of the following situations:

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

➤ *(Only for legal persons other than Member States and local authorities, otherwise delete)* declares that the natural persons with power of representation, decision-making or control<sup>1</sup> over the above-mentioned legal entity are not in the situations referred to in b) and e) above;

➤ declares that [the above-mentioned legal person][he][she]:

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

<sup>1</sup> This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

- i) has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept 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;
- j) provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure ;
  - acknowledges that [the above-mentioned legal person][he][she] may be subject to administrative and financial penalties<sup>2</sup> if any of the declarations or information provided prove to be false.

In case of award of contract, the following evidence shall be provided upon request and within the time limit set by the contracting authority:

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

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

Full name

Date

Signature

<sup>2</sup> As provided for in Article 109 of the Financial Regulation (EU, Euratom) 966/2012 and Article 145 of the Rules of Application of the Financial Regulation



**Annex 5****Declaration of absence of conflict of interest and of confidentiality of selection committee members****Declaration of confidentiality:**

The undersigned, [Name SURNAME], acting as a member of the Selection Committee for the selection procedure [EASO/xxx/xx/xxx – Job Title] expressly declares that will hold all details, data, information and knowledge concerning the above mentioned selection procedure in strict confidence. Both during and after completion of the tasks related to the selection procedure, the undersigned will do everything is possible to exercise and ensure confidentiality with respect to third parties and shall not copy these details, data, information and knowledge.

**Declaration on absence of conflict of interest:**

I hereby declare there is no conflict of interest<sup>3</sup> with regards to this selection procedure.

Signature:

Valletta Harbour, [dd mm yyyy]

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<sup>3</sup> The Selection Committee Member will inform Human Resources if there could be a conflict of interest, or could be deemed to be a conflict of interest with respect to the assessments of any of the candidates submitted to the Selection Board for evaluation.

**Annex 6****Declaration of interests of members, alternates, observers and experts of the Management Board**

Name of the member/alternate/expert	
Nationality	
Position	

- 1) Do you 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 for EASO?

No  Yes

**If yes, please indicate details below.**

Type of interest (e.g. shares, financial interest, association with ngo,...)	Name of the entity	Belongs to you, family or friend?	Current or ceased interest?

- 2) Work previously carried out related to the remit of the agency

- 3) Other interests which you consider should be made known to the agency and the public, including matters related to members of your household

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 my Head of Unit of any change in these circumstances, including – if an issue arises – during the course of my term at the EASO Management Board.

Date:	Signature:
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**Annex 7****Declaration of interests of members, alternates, observers and experts of EASO working parties or networks**

Name of the member/alternate/expert	
Nationality	
Position	

- 1) Do you 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 for EASO?

No  Yes

**If yes, please indicate details below.**

Type of interest (e.g. shares, financial interest, association with ngo,...)	Name of the entity	Belongs to you, family or friend?	Current or ceased interest?

- 2) Work previously carried out related to the remit of the agency

- 3) Other interests which you consider should be made known to the agency and the public, including matters related to members of your household

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 my Head of Unit of any change in these circumstances, including – if an issue arises – during the course of my term at the EASO Management Board.

Date:	Signature:
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