

CONFLICT OF INTEREST & OUTSIDE ACTIVITIES

WHAT YOU NEED TO KNOW...


25/11/2019
HR/Legal



BEFORE WE START...

... 3 questions for you

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POLL - QUESTION 1

My husband has a company and wants to apply for a call for tender at EDA. I'm not working at the Procurement and Contracting Unit. Can he do so?

yes, but:

- you cannot be part of the procurement procedure (e.g. preparation of specs, member of evaluation committee)
- make sure that you declared your husband's employment on taking up duties (or have updated HR if the situation has since changed)
- remember your duty of discretion at all times (no disclosure of insider information)

POLL - QUESTION 2

A consultant from a company with which you worked as Project Officer in the past sends you an email and proposes dinner to 'catch up'.

No

Principle: EDA personnel should not accept any hospitality (Decision 18/20), unless acceptance is required by social, courtesy or diplomatic usage (case-by-case analysis, always subject to prior CE authorisation).

- in this case, there is potential (perceived or real) COI related to current/future tender procedures;
- it would be hard to avoid the subject of EDA over dinner – even if you manage: external perception and Agency image matter!
- refuse politely referring to EDA's rules on gifts and hospitality.

POLL - QUESTION 3

A staff member wants to publish an article related to his work at EDA.

It depends...

- *If the publication results from, e.g. participation in a conference on behalf of EDA :*
 - no prior authorisation as publication is part of regular duties;
 - inform CE/DCE & run draft by your Director for validation.
- *If the publication at your own initiative (e.g. scientific journal) :*
 - prior authorisation must be requested (2 months in advance with executive summary, in English);
 - AACC will consider whether the publication is compatible with interests of Agency & whether it leads to revenue.

NB - if approved:

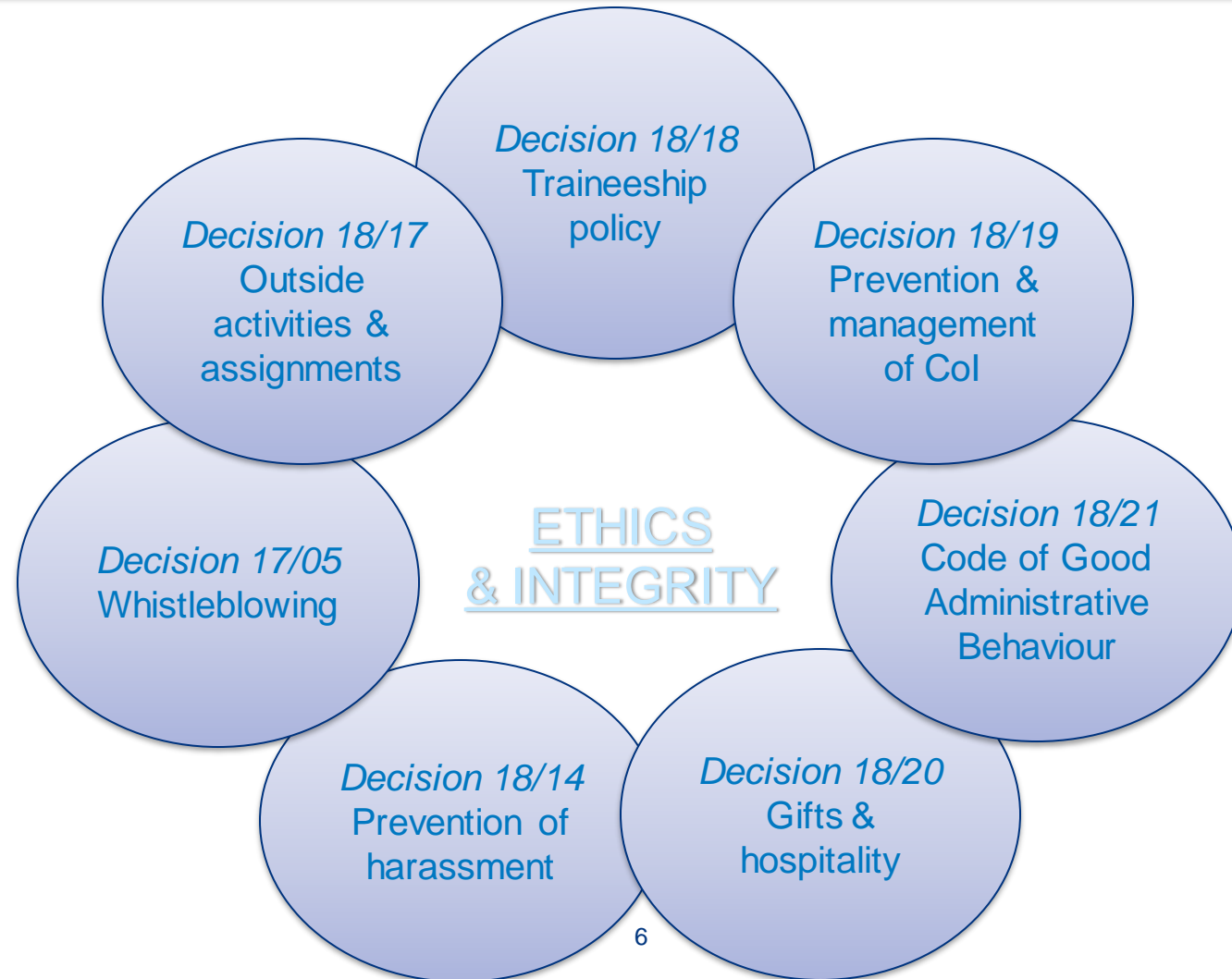
- disclaimers & no disclosure of information not yet in the public domain.

LEGAL FRAMEWORK

EU TREATIES & CFR

EDA COUNCIL DECISION

STAFF REGULATIONS & SNE RULES



KEY PRINCIPLES

INDEPENDENCE

IMPARTIALITY

OBJECTIVITY

LOYALTY

CONFLICT OF INTEREST– DEFINITION

*A Col is a situation in which the private interests and affiliations of [Staff, SNEs, trainees & interim personnel] could, **actually** or **potentially**, be **perceived** to negatively impact their **independence** and/or **loyalty** towards the Agency and/or its interests.*

CONFLICT OF INTEREST–PRINCIPLES

From the staff perspective:

- interests cover financial, professional, intellectual interests you **and/or** your close family members may have *in the field of competence of the Agency*.
- declaring an interest (and updating a declaration) **is** an obligation on staff.
- having & declaring an interest **does not** automatically mean a conflict of interests.

Decision 18/19 provides principles and procedure for identifying and handling Col.

OUTSIDE ACTIVITIES – BASICS

NO

- commercial activities (firms/companies, even if no/only nominal remuneration)
- professional activities (e.g. lawyer, accountant, consultant)

YES

- voluntary work (no payment – not too onerous)
- educational activities (incl. teaching), up to 100 hrs/academic year
- professional activities needed to maintain professional qualification (e.g. pilot)
- ceiling: max 4500€ net remuneration per year

OUTSIDE ACTIVITIES – WHAT YOU NEED TO REMEMBER !

- principles re. outside activities apply to Staff, SNEs and trainees
- different legal basis **but** common principles
- duty of loyalty applicable throughout the employment cycle, i.e. during **and** after employment

OUTSIDE ACTIVITIES – PROCEDURE

Requests for prior authorisation:

- submit to AACC (CE) 2 months before;
- AACC will assess requests, case by case, against:
 - potential Col (real or perceived),
 - impact on staff member's work at EDA (time investment, compatibility with workload peaks/missions);
- authorisation granted for duration of activity (max. 1 year).

NB – for SNEs & CF SNEs:

- authorisation must be sought from employer & EDA informed.

AFTER EMPLOYMENT : TA & CA

After you leave EDA, some obligations remain:

- no unauthorised disclosure of information received in line of duty, unless information is already public/ accessible to the public;
- you must behave with integrity and discretion re. acceptance of certain appointments/benefits.

On leaving EDA & **for 2 years** after having left:

- must inform AACC if you intend to engage in an occupational activity (gainful or not), using a specific form;
- if you receive authorisation for a specific activity & scope changes: ask new authorisation!
- if activity relates to your work during last 3 years at EDA & could lead to a conflict with legitimate interests of the Agency, AACC can:
 - forbid activity, or
 - approve subject to conditions, with due regard to principle of proportionality.

AFTER EMPLOYMENT: SENIOR STAFF

- specific prohibition for « senior members of staff » (Directors and above) to engage in lobbying activities vis-à-vis the Agency and its staff, in areas for which they were responsible for 1 year after leaving service.
- decisions taken with regard to outside activity of senior members published annually on EDA website (Art. 18 SRs).

AFTER SECONDMENT

For 3 years after end of secondment:

- an SNE must immediately inform the AACCC of any duties or tasks likely to give rise to a conflict of interest in relation to the tasks carried out during the secondment.

PRE-RECRUITMENT – COMMERCIAL ACTIVITY

A candidate is offered a job at EDA and invited to declare any interest or occupational activity. He informs HR that he has an online business in a field unrelated to EDA or defence activities.

No

- authorization cannot be granted because it is a commercial activity;
- the fact that the field is unrelated to EDA or defence is irrelevant.

ACTIVITIES DURING A MISSION

A staff member is going on mission to a MoD Academy and provides a presentation about EDA. The MoD asks for bank details so they can pay a fee of 100 Euro.

No

- staff may not accept any remuneration offered in exchange for any work done (e.g. conference participation/presentation) during a mission ordered by the AACC (CE);
- the staff member should, however, ask for mission costs to be reimbursed by the MoD. This reimbursement must be declared and deducted from the mission reimbursement.

ACCEPTANCE OF A DECORATION

A staff member has been invited to a reception by an MoD where he will receive a decoration related to his activities and EDA work.

- Staff must seek authorisation except if the decoration is for services rendered either before work at EDA or during special leave for military/other national service & related to such service;
- Yes, in principle if no risk of conflict of interest.

GIFTS

A staff member is attending a fair and is handed out a complimentary bag with expensive IT devices. Can he/she keep it?

No

- refuse politely where possible and if not possible, inform MCU or HR and hand it to EDA.

Considerations:

- as a general rule: you should not accept any gifts.
- if you accept for social, courtesy or diplomatic reasons, depending on value:
 - < 50€ : prior permission presumed granted,
 - 50 – 150€ : explicit prior permission required,
 - >150€ : authorisation will be refused.

EDUCATIONAL ACTIVITIES/TEACHING

A staff member, with a research background has been asked by his/her former university to give lectures and supervise PhD students in his/her field of expertise.

Yes, with prior authorisation and if:

- duration \leq 100 hours per academic year,
- compatible with work/workload peaks/missions.

Note:

- any related publication → separate prior authorization;
- exceptionally, if clearly in EDA interest, educational activities may be extended to academic activities, including research.

TRAINEES

A trainee is enquiring about the possibility to work as a climbing instructor over the week-ends.

Yes, with prior authorisation (to avoid misperceptions).

Trainees may not:

- have professional connections with 3rd parties which might be incompatible with their traineeship (i.e. must not work for lobbyists, etc.),
- exercise any other gainful employment during the traineeship which may adversely affect the work assigned during the traineeship,

If a Col arises : immediately report this to supervisors & HR.

Considering a publication? Request prior authorisation!

AFTER EMPLOYMENT

A former Project Officer is listed as an expert in a tender received in response to an EDA call.

Considerations:

- did s/he ask prior authorisation?
- was authorisation granted? If yes, was the scope of intended activity clear?
- is the call related to the area of work at EDA for last 3 years?

SUMMARY

If you consider:

- an outside activity (paid or unpaid),
- publishing a speech or text,
- accepting from government/external organisation honour, decoration, favour, gift or payment of any kind,

Request prior authorisation 2 months in advance,

- use right form on [EDA Porta\HR Information & training\Ethics & conduct](#)
- follow the workflow: you → hierarchical superior → Director → Head of HR → Director CSD → DCE → CE

Need clarification before submitting? Contact **HR/Legal**



Q&A