

Annex 6 Checklist for the prevention of conflicts of interest and reputational risk

1. Overall Agency policy

A high-level policy document outlining among other things:

- Scope
- Definition of CoI
- General rules / procedures

2. Implementing rules / procedures

2.1 Staff (incl. SNEs and possibly trainees)

a) Basic framework

- Staff Regulations and implementing rules thereto (e.g. with regard to disciplinary proceedings, whistleblowing procedures, outside activities and assignments, etc., see below)
- Code of Good Administrative Behaviour for staff / Code of Conduct

b) Recruitment / screening of candidates

- Procedure for avoiding CoI during selection (e.g. statement of absence of interests by panel members)
- Check potential CoI before assigning newly recruited staff to a post

c) During employment

- Declarations of interest
 - annual declarations
- Breach of trust procedure
 - administrative inquiries and disciplinary proceedings
 - whistleblowing procedures
- Compulsory training
 - training for newcomers
 - regular training for staff
 - regular training for managers
- Outside activities and assignments
 - procedure for requesting approval appointing authority
 - dedicated form
- Gifts and invitations
 - see e.g. COM guidelines

d) Post employment (in accordance with Art. 16 Staff Regulations)

- Procedure for requesting approval appointing authority for new employment

2.2. External Experts / Committees / Panels (appointed by Agency)

a) Basic framework

- Rules of procedure for Committees / Panels
- Code of Conduct for members and experts appointed to assist in evaluations

b) Screening of candidates before appointment

- Eligibility criteria
- Screening before appointment

c) During engagement

- Declarations of interest
 - annual declarations
 - specific declarations

Procedure for prevention/detection/checking CoI

3. Outsourcing / procurement

Procedure for prevention/detection/checking CoI for outsourced tasks (e.g. to MS)

Procedure for prevention/detection/checking CoI during procurement

e.g. statement of absence of interests by panel members

Rules for consultants and experts

e.g. declaration of interest

4. Confidentiality

Declaration of confidentiality for all external experts, Committee / Panel /

Management Board members and observers – possibly also for staff

Codes of Conduct for staff, external experts, Committee / Panel / Management Board members and observers

5. Transparency

Open communication on independence

Publication of policies, implementing rules, etc. on website

Publication of declarations of interest on website

Publication of minutes of meetings (incl. interests declared and measures taken) on website

Involvement of stakeholders

public consultations, possibility to attend committee / panel meetings as observers, etc.

New procedures

New Staff

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

- Signature of the form A1 "*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 of Officials and Conditions of Employment of Other Servants of the European Communities; during the welcome programme this form will be reviewed together with the Head of Programme based on the full CV;

- 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;
- Staff members receive a copy of the European Code of Good Administrative Behaviour and a copy 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 forms available on the EEA intranet as part of the welcome programme.

A definition of what can constitute a conflict of interest can be found for instance in Article 35 of the EEA Financial Regulation, which reads as follows:

"All financial actors within the meaning of Chapter 2 of this Title shall be prohibited from taking any measures of budget implementation which may bring their own interests into conflict with those of the European Environment Agency. Should such a case arise, the actor in question must refrain from such measures and refer the matter to the competent authority.

There is a conflict of interests where the impartial and objective exercise of the functions of an actor in the implementation of the budget or an internal auditor is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with the beneficiary.

The competent authority referred to in paragraph 1 shall be the immediate superior of the member of staff concerned. If the member of staff is the Executive Director, the competent authority shall be the Management Board."

Executive Director's membership of external boards

Ex ante approval by the Management Board is required for the Executive Director to accept membership on external boards and advisory bodies. The criteria for conflicts of interest are those as set out in the Staff Regulation. The Executive Director will report back to the Management Board through the Executive Director's Update.

Consultants/Contractors

When taking up duties, consultants/contractors 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 or reflect adversely upon their position, the work or the image of the European Union.

The form is countersigned by the responsible Head of Group.

Guest scientists

The selection of a guest scientist is based on the needs of the EEA; to date the EEA has had 12 over a period of 18 years. Currently there are no plans to extend the guest scientist programme to include an open call for applications. Guest scientists may be working on specific projects, be on a short-term posting to help build up a broader partnership or to support a particular aspect of training relevant to the EEA and the Eionet. Current policy only allows the EEA to accept guest scientists if they are employed elsewhere. There are currently no provisions to accept *stagiaires* at the EEA.

If a guest scientist is proposed and before being accepted, there will be an *ex ante* review of any possible conflicts of interest by the Executive Director and Head of Administrative Services. In particular the guest scientist will be asked to submit as part of their application a detailed work, development or training plan to be agreed with the relevant Head of Programme, a full CV with all affiliations as well as education and employment history, evidence of current employment and permission to be on leave for the duration of the guest scientist contract.

When taking up duties, guest scientists are currently required to:

- sign an acknowledgment of receipt of the European Code of Good Administrative Behaviour and of Decision EEA/10/GEN/1 governing guest scientists programmes organised by EEA of 18.3.2010; and
- fill out and sign an acknowledgment of their rights and obligations

In addition, they shall provide a full CV with all affiliations as well as education and employment history. This will be published along with signed DoI and CoI forms on the EEA website for the duration of the guest scientist's period in the EEA.

Annual process for staff

As part of the annual career development dialogue, the line manager and the member of staff will update the awareness of conflict of interest based on a self-declaration (as part of the self-assessment) where the member of staff will 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 development plan, the line manager responsible will specify his/her own assessment of the question of conflict of interests.

A specific section on ethics and integrity is available on the EEA intranet under Administration and provides relevant information and forms per type of activity as well as useful links to the applicable rules and regulations.

Publication of CVs and DoIs on EEA website

Executive Director: publication of full CV;

Senior management staff: publication of short CV;

Scientific Committee: publication on the EEA website of the declaration of commitment, annual DoI and CV;

Guest scientist: publication of full CV;

Managing reputational risks

The prevention and /or management of reputational risks is seen as central to the role of the Senior Management Team. In each quarterly Resource Hearing reputational risks are assessed and if any are identified proactive action plans implemented. The EEA tries at all times to be open and transparent, basing its responses on the requirements set out under the European Code of Good Administrative Behaviour. An escalation procedure is in place which sees the Executive Director as the final stage in any situation.

The Communications programme has put in place a contract to provide continuous media monitoring and press officers trained in handling reputational issues relating to external coverage.