

**Decision 19/2020/MB of the Management Board**

**POLICY ON PREVENTION AND MANAGEMENT OF POTENTIAL CONFLICT OF  
INTEREST AND REPEALING DECISION 32/2014/GB**

**Adopted by the Management Board**

**on 12 November 2020**

THE MANAGEMENT BOARD,

Having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA, and in particular article 9(1)f thereof,

Having regard to Management Board Decision 13/2019/MB of 22 May 2019 adopting the Financial Regulation and repealing decision 01/2014/GB ('CEPOL Financial Regulation'), and in particular Article 42(4) thereof;

Whereas:

- (1) By virtue of Article 9(1)(f) of the CEPOL Regulation, the Management Board shall adopt internal rules for the prevention and management of conflicts of interest in respect of its members and the members of the selection committee, as well as the members of a Scientific Committee for Training.
- (2) The Rules of Procedure of the Management Board<sup>1</sup> stipulate in Article 12(2) that the members of the Management Board shall make a declaration of interests which could be prejudicial to their independence. These declarations shall be made annually in writing and shall be published on the Agency's website.
- (3) By virtue of Article 42(4) of the CEPOL's Financial Regulation, in order to identify and correctly manage the risk of actual or perceived conflict of interests, CEPOL shall adopt rules on the prevention and management of conflict of interests and shall publish annually on its website the declaration of interests of the management board members.
- (4) The Common Approach on EU decentralised agencies requires that the agencies shall adopt and implement a clear policy on prevention and management of conflict of interests.
- (5) By Decision 32/2014/GB, the Governing Board adopted CEPOL's the policy on prevention and management of conflict of interests which took into account the priorities set by the Commission within the above mentioned Common Approach on EU decentralized agencies.
- (6) Since then, a number of legislative changes took place, of which the most notably: entering into force of the new legal mandate<sup>2</sup>, new FR adopted by Management Board Decision 13/2019/MB, new Internal Control Framework adopted by Decision of the Management Board 26/2018/MB.
- (7) There is the need thus, to adopt the renewed CEPOL's policy on prevention and management of conflict of interest.

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<sup>1</sup> Decision of the Management Board 39/2017/MB on amending MB Decision 05/2016/MB on the Rules of Procedure of the Management Board of the European Union Agency for Law Enforcement Training (CEPOL)

<sup>2</sup> Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015

HAS ADOPTED THIS DECISION:

*Article 1*

1. The CEPOL's policy on prevention and management of conflict of interests is hereby adopted, as set out in the Annex to this decision. Once adopted, the new policy will replace the previous version, as adopted by Decision 32/2014/GB.
2. The policy will be published on the CEPOL's websites in a clear and easily identifiable manner.
3. The CEPOL Executive Director shall ensure the implementation of the policy.
4. Adequate actions for communication, awareness-raising and training will be organised, as required, to ensure effective understanding and implementation of this policy.
5. The effectiveness of the adopted policy should be regularly assessed, in order to adjust it as required.

The present Decision shall take effect the day of its adoption.

Done at Lisbon, on 16 November 2020

*For the Management Board  
<< Signature on file >>*

.....  
*Mr José Leitao  
Chair of the Management Board*

Annex: CEPOL's policy on prevention and management of conflict of interests

<b>Policy on prevention and management of potential conflict of interest</b>	Document number:	PO.INCO.004-2
	Approval date:	12/11/2020



## DOCUMENT CONTROL SHEET

**Process area** Management Processes

**Main process** Internal Control

**Main process owner** Executive Director

**Abbreviations**

CEPOL	European Union Agency for Law Enforcement Training
Col	Conflict of Interest
MB	Management Board
ADol	Annual Declaration of Interest

### Definitions

#### Conflict of Interest

Involves a conflict between the public duty and private interests of a public official, in which the public official has private-capacity interests, which could improperly influence the performance of their duties and responsibilities.

#### Breach of trust

Any false declaration, wilful omission or refusal to declare interests or any other failure to comply with the agency's conflict of interest policy.

#### Process owner

A process owner is a person (staff member of CEPOL) designated by the Executive Director, responsible for the efficient and effective functioning of the process and has the necessary authority to take action or make decisions with an impact on the process performance. In general, the process owner ensures that proper action is taken with respect to the implementation, maintenance, control and improvement of the process.

### LOG OF ISSUES

Issue	Issue date	Change description
001	28/10/2014	First issue
002	12/11/2020	Second issue (renewal)

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## 1. Objective and scope of the policy

The management of the impartiality and independence - in addition to objectivity – of staff is a key element of governance of the EU institutions or bodies and crucial to ensure their integrity when performing their official functions.

The purpose of this policy is to establish the principles governing impartiality and independence within CEPOL and define the measures to ensure their practical application in order to prevent and mitigate the risk that past, current or future personal or national interests, or any outside influences of whatever kind, might improperly influence the impartiality and the independence of the Agency's staff members during the performance of their official duties.

This policy completes, refers to and/or follows:

- the relevant applicable articles from the Staff Regulations and related EU Commission guidelines<sup>3</sup> on the prevention and management of conflicts of interest in EU decentralized agencies
- the Common Approach on EU decentralised agencies which requires that the agencies shall adopt and implement a clear policy on prevention and management of conflict of interests
- the relevant applicable articles from the CEPOL Financial Regulations
- Decision of the Executive Director 026/2019 Concerning the adoption of CEPOL Code of Good Administrative Behavior
- Anti-fraud strategy ( Decision 33/2017/MB)
- Policy on sensitive functions (Decision 34/2014/GB).
- Decision of the Management Board 03/2019/MB laying down guidelines on whistleblowing.

This policy is applicable to all staff members to whom the Staff Regulations and the Conditions of Employment of Other Servants apply, throughout CEPOL activities, whether administrative, financial or operational in nature.

For the purpose of this policy, the Agency has identified the following stakeholders directly collaborating with the CEPOL but not employed by the CEPOL to whom this policy is also applicable, as follows:

- Members of the Management Board, including their alternates
- Seconded national experts, trainees, interim staff, in-house staff of International Training Centre (ITC) of the Ministry of Interior of Hungary
- External experts/Members of the Working Groups/Audit Panel/Scientific Committee or other advisory bodies established by MB/ED Decisions (non-remunerated experts).

Some specific measures are however applicable only to staff members to whom the Staff Regulations and the Conditions of Employment of Other Servants apply, or may be applicable by analogy to other categories of stakeholders. Wherever this is the case, it shall be clearly indicated throughout the policy.

### 1.1 Exclusions

Recruitment and procurement procedures contain specific provisions and measures to address possible conflict of interest situations which are subject to separate processes and arrangements (administered by the Human Resources and the Procurement Office in the Corporate Services Department). Specific templates have been adopted for the respective processes.

<sup>3</sup> Guidelines on the prevention and management of conflicts of interest in EU decentralised agencies (10 December 2013)

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For instance, whenever the Agency is contracting external service providers or individual experts to support it in its tasks, it shall ensure that these contractors are bound by confidentiality duties and that potential conflicts of interest are avoided. Both a confidentiality clause and a conflict of interest clause are included in all such contracts.

Each process owner shall determine, in line with the applicable EU and CEPOL regulations, where it is deemed necessary to request a specific declaration of interest related to an activity to be performed by an Agency staff or by an external expert within the process s/he is responsible of, and when it is not already covered by the Annual Declaration of Interests.

## 2. Definitions 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 an Agency is or might be perceived as being compromised by a personal interest held or entrusted to a given individual.

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

### What is a Conflict of Interest (Col) for the European Commission?<sup>4</sup>

According to the European Commission, situations of conflict of interest can arise when:

- there is some link between staff members' work and their private interest, or those of their family or partner;
- staff members find themselves in a situation that could reasonably lead to allegations being made of bias or partiality, in the light of their personal interests.

### OECD guidelines<sup>5</sup> define the potential and actual Col as follows:

**Actual** Conflict of Interest: involves a conflict between the public duty and private interests of a public official, in which the public official has private-capacity interests which could improperly influence the performance of their duties and responsibilities.

**Potential** Conflict of Interest: occurs where a public official has private interest which are such that a conflict of interest would arise **if the official were to become involved in relevant (i.e. conflicting) official responsibilities in the future.**

### Conflict of Interest for CEPOL:

For the purpose of this policy, the concept of conflict of interest refers to and follows the European Commission guidance with the necessary adaptations. Moreover, distinction will be made between potential and actual Col, as proposed in the OECD guidelines. Alleged situation of conflict of

<sup>4</sup> [http://myintracomm.ec.testa.eu/hr\\_admin/en/ethics/obligations/conflicts\\_interest/Pages/conflicts\\_interest.aspx](http://myintracomm.ec.testa.eu/hr_admin/en/ethics/obligations/conflicts_interest/Pages/conflicts_interest.aspx)

<sup>5</sup> Managing Conflict of Interest in the Public Service: OECD Guidelines and Country Experiences (OECD, Paris, 2003).

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interest is considered in case of actual conflict of interest where evidence has not been established.

### 3. Agency's exposure to conflict of interest and risk assessment

The European Union Agency for Law Enforcement Training (CEPOL) is an EU agency dedicated to providing training and learning opportunities to senior police officers on issues vital to the security of the European Union and its citizens.

The partners and stakeholder with whom CEPOL cooperates towards achievement of its objectives are represented by bodies of the European Union in the field of law enforcement and other related areas, as well training bodies in Europe. A significant role is played by the national police training colleges – which through framework partnership agreements - implement activities from CEPOL's Work Programme.

In support of the external policies of the European Union, CEPOL works closely with Associate, Candidate, Potential Candidate, and Strategic Partners of the European Union in the area of law enforcement training.

Following extension of its mandate in July 2016, CEPOL implements training activities for capacity building in third countries, financed under external projects.

The degree of exposure of CEPOL to the risk of actual or perceived conflict of interest can be considered low taking into account in particular the following factors:

- Within the remit of its mandate, mission and tasks, CEPOL acts as a training centre for law enforcement community, which does not have regulatory or inspection powers
- Members of the CEPOL Management Board, except the EC representatives, come from and are appointed by national administrations of EU member States.
- CEPOL as EU decentralised agency, is bound by the procedures laid down by the EU legislation for the management and functioning of the EU institutions and bodies (namely Financial regulations; Staff Regulations and Conditions of Employment of other EU servants; regulation on public access to documents, regulation on protection of individuals with regard to the processing of personal data; regulation on investigations of the European Anti-Fraud Office). By undergoing regular internal and external audits, CEPOL ensures ongoing improvement and is transparent to its stakeholders and end users.

### 4. Transparency rules and principle of declaration of interests

The most common method of preventing a real, potential or apparent conflict of interest is the ex-ante disclosure of interests. All interests that may interfere or may be seen as interfering with the work of the Agency and its duty to take impartial and objective decisions in the public interest shall be declared. Once an individual's interests are transparent to the other parties involved in the decision-making process, it then becomes possible for those others to balance or judge the statements and decisions made by that individual in the light of their disclosed interests.

The responsibility for a complete and truthful declaration shall lie exclusively with the person completing the declaration.

Individuals who are requested to submit an Annual Declaration of Interest (TE INCO 003) shall declare any interest belonging to the categories defined in paragraph 4.1 with respect to all activities in which they are involved or have been involved during the five years preceding the submission of the ADol and which fall within the Agency's remit.

Individuals shall indicate whether interests declared are "current" (when activities are currently ongoing); or they refer to a "past period" (when they are no longer ongoing but have been completed during the five years preceding the submission of the ADol).



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Details on the name of body or organisation of relevance for each declared interest shall be given. This is to be interpreted as meaning the full name, location of the seat (town and country) and nature (private or public).

Details on the subject matter of each declared interest shall be given, indicating the domain in which the activity is, or was, carried out and clarifying the interest and role of the concerned body or organisation in the matter and the role of the concerned person.

If at any point in time changes occur to the situation of the individual's interests, the person involved must update his/her declaration without delay.

It should be noted that having an interest does not necessarily mean having a Conflict of Interest.

#### 4.1 Category of interests

For the principle of annual declaration of interest, the following categories of interests have been defined:

- **Employment:** any form or regular occupation or business, part-time or full-time, paid or unpaid, including self-employment (e.g.: consultancy), in any legal or natural organisation or company carrying out any of the activities on which CEPOL's outputs impact directly or indirectly;
- **Consultancy, legal representation, advice:** any activity in which the concerned person provides advice or services related to the field of the activities of CEPOL to organisations, companies, associations or other bodies. This includes also services provided on an honorary basis (i.e. for free or without the payment of fees or emoluments);
- **Membership of a Management Board or equivalent structure:** any participation in the internal decision-making of a public or private entity with an interest in the field of the activities of CEPOL;
- **Membership of an Advisory Board or equivalent structure:** any participation in the works of an advisory body, created permanent or created ad-hoc, managed by a body with an interest in the field of the activities of CEPOL, with a right to have an influence on its output(s). This includes also participation in activities carried out with CEPOL;
- **Other memberships or affiliations:** any membership or affiliation not falling under the categories above and relevant for the purposes of the present policy, to any body with an interest in the field of the activities of CEPOL, including professional organisations;
- **Research funding:** any funding for research or developmental work in the field of the activities of CEPOL received from any public or private body by the concerned person in his or her personal capacity or falling under the professional sphere of influence of that person. It includes grants, rents and reimbursement of expenses, sponsorships and fellowships;
- **Intellectual property rights:** rights in the field of the activities of CEPOL granted to creators and owners of works that are the result of human intellectual creativity (e.g. patents, trademarks, etc.) and may lead to a financial gain.
- **Investments:** any economic stake or share in a body with an interest in the field of the activities of CEPOL, including the stocks, equities or bonds thereof, or of one of its subsidiaries or of a company in which it has a holding. Financial instruments on which the concerned person has no influence are not to be considered relevant;

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- **Public statement or position:** any expert opinion or testimony in the field of the activities of CEPOL for a commercial entity or other organisation as part of a regulatory or judicial process. Any office or other position (paid or unpaid), where the concerned person represented interests or defended opinion in the field of the activities of CEPOL;
- **Other relevant interest:** any interest not falling under the categories provided above and relevant for the purposes of the present policy.

Given that not all instances falling under this policy can be described from the outset, individual questions can be sent to the Directorate's office of CEPOL (more specifically the legal advice and internal control functions) in order to identify whether a conflict of interest situation may be applicable.

## 4.2 Data protection

Personal data processed as part of the conflict of interest assessment including the remedial action is handled in the accordance with the applicable regulatory framework on protecting personal data and related privacy statements.

In case of CEPOL's Executive Director and its staff, the respective records become part of the personal file of the concerned staff member (centrally handled for all staff in the HR Office), in line with the respective data processing notification.

The Agency's staff members have the right to access their declaration of interests, to update and/or correct it at any time.

## 5. Measures and procedures concerning the members of CEPOL Management Board

### 5.1 Annual declaration of interest by MB Members

The MB representatives shall ensure an impartial and objective performance of their MB related duties at all times. MB representatives shall refrain from involving themselves in a conflict of interest.

The Rules of Procedure of the Management Board stipulate in Article 12(2) that the members of the Management Board shall make a declaration of interests, which could be prejudicial to their independence. These declarations shall be made annually in writing and shall be published on the Agency's website.

Each MB representative and alternates shall complete and submit an Annual Declaration of Interest in accordance with point 4 and template provided (TE.INCO.003). MB representatives shall send the declaration next to summarized curriculum vitae, the format of which shall be established by the Secretariat of the Management Board (Governance team).

The Annual Declaration of Interest shall be sent to functional mailbox [FM.declarationofinterest@cepol.europa.eu](mailto:FM.declarationofinterest@cepol.europa.eu) by 31<sup>st</sup> of January every year, or whenever their situation changes in respect of interests declared, or within one month since taking up duty, in case a new member has been nominated.

The Governance Team shall keep an updated register of the declarations and curricula vitae of the MB representatives, and ensure their publication on the website of CEPOL.

CEPOL will enable MB representatives to identify possible conflict of interest situations by providing documentation for decision-making in due time ahead of the meetings of the Management Board, as provided for in the Rules of Procedure of the Management Board.

The responsibility for assessing whether a conflict of interest situation may arise lies with the individual MB representative.

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In case of a perceived interest is declared, the declaration shall be sent to the Chair of the Board to identify if an interest could present a potential conflict with regard to the work of the Board.

In case of conflict of interest, or in case a risk of actual or perceived conflict of interest is identified, the respective MB representative shall recuse him or herself and shall be replaced by another member. In the event of a conflict of interest of the Chairperson, the Chairperson shall be replaced by the Deputy Chairperson.

## 5.2 Transparency

Bearing in mind the legal rights of individuals in relation to personal data protection, in particular [Regulation \(EU\) 2018/1725<sup>6</sup>](#), the names, Declarations of interest and the Curriculum Vitae of the members of the CEPOL Management Board will be published on the CEPOL website.

The final minutes of the meetings of the Management Board shall be published on the CEPOL website, with the exception of the minutes of restricted sessions, pursuant to the relevant rules of procedure of the Management Board.

## 5.3 Breach of trust and remedial action

The Management Board shall take appropriate decision and action in case of breach of trust, i.e. failure of one of its members or substitutes to declare an actual or potential conflict of interest or to comply with the CEPOL policy on conflict of interest. In particular this may include the following remedial actions: a letter of reprimand; the duty to resign or the request for resignation; the request for revocation of the nomination by the responsible authority.

The appropriate remedial action should take duly into account the possible reasons for the failure to declare (e.g.: intentional omission, negligence, justified lack of knowledge, for example due to confidentiality connected to the profession of the household member involved) and should allow for the protection of the right of defence of the person concerned. The latter will have the possibility to ask for a review of the remedial measure, by providing the necessary supporting information and documents. The Management Board shall decide on this request.

If the person concerned was involved in a decision-making process of the CEPOL Management Board, without having declared a conflicting interest, the Management Board may decide to review or cancel the decision adopted as a result of this process, in case it considers that this decision has been seriously affected by the identified conflict of interest.

## 6. Measures and procedures concerning the CEPOL Executive Director and staff

The CEPOL's Executive Director and staff members are subject to the EU Staff Regulations (SR) and to the Conditions of Employment of Other Servants of the EU (CEOS), as well as to the rules adopted by CEPOL to implement these regulations.

Pursuant to these regulations and rules, they are obliged to carry out their duties independently, objectively, impartially and in keeping with their duty of loyalty to the EU and the CEPOL. In particular:

- a staff member shall carry out his/her duties and conduct him/herself solely with the interest of the agency in mind (cf. Art. 11);
- a staff member shall neither seek nor take instructions from any government, authority, organisation or person outside his agency (cf. Art. 11);
- a staff member shall not without the permission of the agency accept any honour, decoration, favour, gift or payment (cf. Art 11);

<sup>6</sup> Regulation (EU) 2018/1725 of the European Parliament and of 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98.

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- a staff member shall inform the agency of any potential conflict of interests due to any personal interest before his/her recruitment or at the end of the unpaid leave period (cf. Art. 11) ;
- a staff member shall not deal with a matter in which, directly or indirectly, he/she has any personal interest such as to impair his/her independence (cf. Art. 11a);
- a staff member shall refrain from any action or behaviour which might reflect adversely upon his position (cf. Art. 12);
- a staff member shall inform his/her agency if his/her spouse is in gainful employment (cf. Art. 13);
- a staff member shall notify his/her agency if he/she intends to stand for public office (cf. Art. 15);
- a staff member shall refrain from any unauthorised disclosure of information received in the line of duty including after leaving the service (cf. Art. 17 and 19);
- a staff member shall inform his/her agency of his/her intention to engage in an outside activity (cf. Art. 16 and 40). In this case, three situations are possible:
  - **When a staff member is on active employment**, if he/she wishes to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the agency, he/she shall first obtain the permission of the CEPOL's Appointing Authority (Executive Director). Permission shall be refused if the activity or assignment in question is such as to interfere with the performance of the official's duties or is incompatible with the interests of the agency.
  - When a staff member wishes to engage in an outside activity **during his/her unpaid leave**, the same conditions apply. In addition and more strictly, the permission shall not be granted to a staff member for the purpose of his/her engaging in an occupational activity, whether gainful or not, which involves lobbying or advocacy vis-à-vis his/her agency and which could lead to the existence or possibility of a conflict with the legitimate interests of the agency.
  - A staff member 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. Staff members intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform the agency thereof using a specific form. If that activity is related to the work carried out by the staff member during the last three years of service and could lead to a conflict with the legitimate interests of the agency, the Appointing Authority (Executive Director) may, having regard to the interests of the service, either forbid him/her from undertaking it or give approval subject to any conditions it thinks fit.

In the case of former agencies' Directors, the Management Board shall, in principle, prohibit them, during the 12 months after leaving service, from engaging 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 their last three years of service.

In line with Article 11 of the Staff Regulations, before recruitment, all candidates for a position in the Agency as statutory staff member are requested to make a specific declaration of interest (in the form established by HR) in order for the Appointing Authority to be able to assess any potential conflicts of interest in relation to the specific position that may be offered and to take appropriate mitigating measures if necessary. The same requirement is applicable to the SNEs and internships. Interims are also subject upon recruitment to specific declaration of interest and confidentiality available with HR.

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## 6.1 Annual declaration of interest by staff members

The staff members of CEPOL shall declare their interest and ensure that the information provided is up to date throughout the year.

Every year by the 31st of January, or whenever their situation changes in respect of interests declared, staff members shall send an annual declaration of interest in accordance with provisions stipulated at point 4, to the functional mailbox [FM.declarationofinterest@cepol.europa.eu](mailto:FM.declarationofinterest@cepol.europa.eu). The original of the declaration of interest shall be submitted to HR for filing purpose.

In case a perceived interest is declared, the staff member shall send his/her declaration to the Line Manager to identify if the interest could present a potential conflict with regard to the work of the staff member.

Management staff composed of the Executive Director, Head of Departments and Heads of Units will accompany their declaration by a summarised CV in a pre-defined format.

The HR Office shall keep an updated register of the declarations of interest and will send the management declarations and CVs for publication on CEPOL website.

If at any time, in the course of his/her duties, a staff member becomes aware that his/her actions may bring his/her own interests into conflict with those of the Agency, he/she shall refrain from such actions refer the matter to his/her line manager. The line manager shall assess whether there is a conflict of interests or not and shall communicate the result in writing to the staff member concerned. If the line manager confirms the existence of a conflict of interest, the line manager shall ensure the staff member ceases activities affected until the conflict of interest no longer applies.

## 6.2 Transparency

Bearing in mind the legal rights of individuals in relation to personal data protection, in particular Regulation (EU) 2018/1725<sup>7</sup>, the names and the Curriculum Vitae, of the Executive Director, Head of Departments and Heads of Units will be published on the CEPOL website.

## 6.3 Breach of trust and remedial action

The overriding idea behind avoiding any appearance of a Conflict of Interest is to avoid possible accusations of bias and partiality in any decision-making process a staff member may be involved in, so as to maintain the Agency's independence and credibility.

The disciplinary system, which essentially involves administrative inquiries and disciplinary procedures, applies to any failure by a staff member or former staff member to comply with his obligations under the SR and CEOS, whether intentionally or through negligence.

In cases where a staff member fails to declare a potential or actual Conflict of Interest in his declaration of interests, it may be considered as a failure by the staff member/former staff member to comply with the rules and obligations of the Agency staff members/former staff members. If and when the breach of rules is confirmed, the Agency shall request an administrative inquiry be opened which may lead to disciplinary measures as referred to in Article 86 and Annex IX of the Staff Regulations.

For other staff working at the Agency who are not employed under the SR and CEOS, such as interims, trainees, seconded national experts and external experts, the Executive Director shall take the appropriate decision which may result in the termination of their contract with the Agency.

<sup>7</sup> Regulation (EU) 2018/1725 of the European Parliament and of 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98.



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#### 6.4 Assessment of the declarations of conflict of interest and decision

The ADol of staff members shall be screened by the responsible line manager. When the line manager identifies a potential or an actual Col, this shall be highlighted to his or her hierarchical superior. If the superior confirms that there is a potential or an actual Col, he or she shall bring the matter to the attention of the Executive Director. A reasoned opinion may be requested from the Head of Corporate Services Department/Head of Operations in this context.

At all stages, the concerned staff shall be kept informed of the ongoing assessment of his or her ADol. The line managers may hear the concerned staff in order to facilitate the assessment.

The Executive Director, after having heard the member of staff concerned if necessary, may take any measure considered appropriate to ensure the potential Conflict of Interest does not occur or to remedy to the actual Conflict of Interest. The Executive Director may also grant a waiver as per paragraph 6.5.

When, as a result of the procedure above, a staff member is transferred to another Unit or Department, his or her ADol shall be updated and submitted to his or her new line manager for screening. The procedure laid down above applies to updated ADols.

Any change regarding interests already declared shall result in a swift update of the ADol, which shall be submitted to the responsible line manager without delay. The Declaration of Interests of the Executive Director shall be screened by the Reporting officers designated by the Management Board to identify if an interest could present a potential conflict with regard to the work of the Executive Director. The appeal assessor is the Chairman of the Management Board.

#### 6.5 Granting of waiver by the Executive Director

The Agency's staff member shall not be assigned to a project or task where a known potential or actual Conflict of Interest exists. Any staff member confronted with such situation shall immediately inform his line managers. To prevent the risk to impair his/her independence, objectivity and impartiality in the performance of his duties and thus remove the Col situation, the line managers shall take any measures considered appropriate including the reallocation of the project or task to another staff member.

When no other suitable staff member is available and his/her competence/expertise is considered essential for the completion of the task, safeguards should be put in place to ensure that impartiality in decision making is guaranteed and that the outcome and/or completion of that task is not compromised by a Col.

In such cases, when the staff member is considered essential and where no suitable alternate is found, a waiver can be granted by the Executive Director. The responsible line manager shall include all relevant information on which the conclusions are based supporting the request to the Executive Director to grant a waiver.

Should a waiver be granted, the concerned staff member shall be entitled to:

- formulate his/her recommendations on the task or project under strong supervision and after consultation (in agreement of) with at least one of his peers and prior clearance on the content shall be given by the line managers;
- contribute to particular working groups in which his/her expertise and involvement are considered essential for the completeness of the draft output;
- take part in the discussions (working groups, meetings) and in the drafting phase of the output. However, he/she shall not be allowed to act as, chair or vice-chair or secretary of an Agency working group linked to his or her interest.

<b>Policy on prevention and management of potential conflict of interest</b>	Document number:	PO.INCO.004-2
	Approval date:	12/11/2020



## 7. Measures and procedures concerning other categories of stakeholders

The aforementioned measures and procedures concerning the CEPOL's Executive Director and its staff shall apply by analogy, to the following individuals directly collaborating with the CEPOL but not employed by the CEPOL, as follows:

- Seconded national experts, trainees, interim staff, in-house staff of International Training Centre (ITC) of the Ministry of Interior of Hungary
- External experts/Members of the Working Groups/Audit Panel/Scientific Committee or other advisory bodies established by MB/ED Decisions (non-remunerated experts)

All categories of stakeholders shall fill in the annual declaration of interest in accordance with the established template (TE INCO 003).

For external experts/Members of the Working Groups/Audit Panel/Scientific Committee or other advisory bodies established by MB/ED Decisions (non-remunerated experts), the process owner shall ensure the information on conflict of interest is collected before the start of activities, and shall be sent to the functional mailbox [FM.declarationofinterest@cepol.europa.eu](mailto:FM.declarationofinterest@cepol.europa.eu).

Each process owner shall determine, in line with the applicable EU and CEPOL regulations, where it is deemed necessary to request an oral declaration of interests at the beginning of a meeting, within the process s/he is responsible of; if this meeting is not already covered by the annual declaration of interests or by the specific declaration of Interests under the respective processes.

When a meeting is subject to an oral declaration of interests, the participants shall declare orally any interest at the beginning and during the meeting that might be considered prejudicial to their impartiality and independence in relation to the items on the agenda of and/or the items discussed during that meeting.

## 8. Conflict of Interest situations register

A dedicated conflict of interest situations register (TE.INCO.004) has been created to maintain the list of the main situations of conflict of interest within the Agency.

The register of interests must be maintained by the Legal and Data Protection Officer. The register must record information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it). To this end, all process owners dealing with the respective files should ensure the relevant information is submitted to the designated function.

## 9. Training and information

Refresher training on 'Ethics and Integrity' shall be regularly provided to staff, in order to raise awareness of potential conflict of interest. Interims, trainees and seconded national experts shall also receive the same trainings as the Agency's staff members.



<b>Declaration of Interest</b>	Document number: TE.INCO.003-5
	Approval date: 12/11/2020

### DECLARATION OF INTEREST

Name:

Employed by (organisation, country):

Current Position/CEPOL involvement (please specify your current activity/connection with CEPOL):

Previous position with CEPOL (please specify any other engagements you had with CEPOL in the past 2 years and if they were remunerated or not):

I do hereby declare on my honour that, to the best of my knowledge, all interests I have or have had in the previous 5 years, capable of compromising the objectivity in the context of my responsibilities, are listed below:

1) Professional interests (for instance, professional affiliations, including additional employment, appointments or former as well as envisaged employments in a domain falling within CEPOL remit)

2) Financial interests (for instance, a direct or indirect financial benefit or procurement interest concerning goods and services in relation to the activities of CEPOL)

3) Personal interests (for instance, a private or a family relationship, which could impair CEPOL related decision making as a Management Board member or CEPOL management representative)

(4) Other interests or facts that the undersigned considers pertinent (other than the above that could be perceived as an interest in an activity falling within CEPOL remit and/or which could be perceived as compromising the ability of the individual to act in an independent manner in the public interest)

I hereby declare that I have read CEPOL's Policy on Prevention and Management of Potential Conflict of Interest (<https://www.cepola.europa.eu/sites/default/files/19-2020-MB.pdf>) and that the above Declaration of Interest is at my best knowledge true and complete.

I also agree that if I should later acquire or hold any interests other than those listed above, I will declare them immediately.

I understand that for all members of the CEPOL Management Board, the Executive Director and other CEPOL management staff (Head of Operations, Head of Corporate Services, Head of Units), this declaration will be published on the CEPOL website\*.

Done at .....on.....

Signature \_\_\_\_\_

\*Please note that CEPOL will ensure on its part that your personal data hereby submitted is processed as required by Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. You have the right to access and rectify that data. To exercise these rights, please contact CEPOL at the functional mail box: [FM.declarationofinterest@cepola.europa.eu](mailto:FM.declarationofinterest@cepola.europa.eu)





<b>Register of Conflicts of Interest</b>	Document number:	TE.INCO.004-2
	Approval date:	12/11/2020

**REGISTER OF CONFLICTS OF INTEREST**

Ref no	Date reported	Name of the concerned individual	Position with CEPOL	Details of Conflict	How notified	Type of Conflict (Actual, Perceive Potential)	Action taken	Follow up required (Y/N)	Date resolved