



DECISION 25/2023
OF THE GOVERNING BOARD OF
THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)
ON THE CODE OF CONDUCT OF THE EIT GOVERNING BOARD

THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY,

Having regard to Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 establishing the European Institute of Innovation and Technology¹, (hereinafter "EIT Regulation"), and in particular point 2 of Section 1 and Section 2 of the Statutes of the EIT, as annexed to the EIT Regulation (hereafter "EIT Statutes");

Having regard to Decision (EU) of the European Parliament and of the Council of 20 May 2021 on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT) 2021-2027: Boosting the Innovation Talent and Capacity of Europe and repealing Decision No 1312/2013/EU²;

Having regard to Decision 13/2015 of the Governing Board of the EIT on the Code of Conduct on Conflicts of interest for members of the EIT Governing Board³;

Having regard to Decision 18/2021 of the Governing Board of the EIT on the Rules of procedure of the Governing Board and the Executive Committee⁴, and in particular, Article 7 thereof;

Having regard to Decision 8/2023 of the of the EIT Governing Board on terms of reference of the EIT Conflict of Interest Advisory Committee⁵;

WHEREAS:

- (1) Independence and high standards of ethics and integrity conduct by all those professionally involved in the activities of the EIT are crucial for the EIT's excellence and reputation.
- (2) The members of the Governing Board are to participate in their personal capacity and act having in mind only the best interests of the EIT and its mission, independently from any conflicts of interest.
- (3) The EIT recognises that the expertise of the members of the Governing Board is crucial for the fulfilment of its tasks and that the quality of such expertise is inherently based upon prior experience. Members of the Governing Board should therefore be able to combine participation in the EIT with other positions, public or private.
- (4) The members of the Governing Board are to be bound to professional secrecy with regard to classified documents and EIT activities they are dealing with when exercising their mandate and

¹ OJ L 189, 28.5.2021, p. 61–90.

² OJ L 189, 28.5.2021, p. 91-118.

³ Ref. 00227.EIT.2015.I.GB35

⁴ Ref. Ares(2021)3139636

⁵ Ref. Ares(2023)1852766

after its termination and with regard to any non-public deliberations of the Governing Board or its members.

- (5) The responsibility for declaring any interest that might be considered prejudicial to their independence can only be placed on the concerned members of the Governing Board themselves.
- (6) In order to ensure a coherent level of detail in the declarations of interests, a set of situations and activities that might cause conflict of interests should be defined.
- (7) Any conflict of interests should be promptly identified, handled and mitigated. To this end, a system of declaration of interests and their subsequent screening and assessment is required.
- (8) To ensure consistent reporting and assessment, a set of comprehensive declarations should be used.
- (9) A transparent procedure should be followed by establishing inter alia the following aspects:
 - Guidelines for performing the screening and assessment of declarations of interest;
 - Transparent consequences in case a conflict of interest is identified.
- (10) The conflict of interest provisions need to take due account of the changes in the EIT legal framework and operational model under Horizon Europe, including the responsibilities of the Governing Board under the EIT Regulation and in the new operational and funding model for the implementation of the EIT grants (i.e. cascading grants).
- (11) The role of the Conflict of Interest Advisory Committee, established by Decision 8/2023 of the Governing Board, is to be reflected in the Code of Conduct.

HAS DECIDED AS FOLLOWS

TITLE I GENERAL PROVISIONS

Article 1 Subject matter

The present Decision defines the conflict of interest criteria and procedures, as well as the other rules on integrity (personal data protection, professional secrecy, gifts and hospitality) applicable to the EIT Governing Board members (hereinafter the “members of the Governing Board”).

Article 2 Definitions

For the purposes of this Decision:

- a) **EIT activities** means the activities carried out with a view to realise the mission and objectives of the EIT as foreseen under Article 3 of the EIT Regulation and in the Strategic Innovation Agenda of the EIT, including innovation, entrepreneurship and education in Europe and in the thematic areas of existing or known future KICs;
- b) **Confidential Information** means all information, facts, data and any other matters of which a member of the Governing Board has acquired knowledge, either directly or indirectly, as a result of his/her EIT activities whether or not contained in a document of any kind (electronic or on paper or any other medium);
- c) **Interest** means the relation of being objectively concerned in something, either by means of **economic interest**, i.e. any substantial financial interests –including holding of stocks and shares, equity, bonds, partnership interests in a company, one of its subsidiaries or a company in which it has a holding⁶; **professional interest**, i.e. interest linked to the professional background or activities of the persons in question, such as career progression or other financial/non-financial gain or benefit; and **personal interest**, i.e. a person's private interests related to outside professional relationships; as well as by means of **interests of close family members**, i.e. interests held by family members and relatives belonging to the same household or under the care of the members of the household or of immediate family (i.e. spouse, partner, parents, dependant family member);
- d) **Management position** includes operational management roles, as well as membership in management or supervisory boards or equivalent structures of a public or private entity;
- e) **Strategic advisory position** includes any position with a strategic advisory role in an organisation, as well as membership in an advisory board, steering committee or equivalent structure of an entity, created permanently or ad hoc, with the role of providing advice/expressing opinions on the (future) strategy, direction and development activities of the entity;
- f) **Employment relationship** includes any form of paid part-time or full-time employment by the entity concerned;
- g) **Contractual relationship** includes regular or occasional cooperation, paid or unpaid/on a honorary basis, including in an advisory or consultancy capacity;

⁶ Financial instruments on which the individual has no influence on its financial management are not to be considered relevant for the purposes of the present decision, i.e. personal insurance policies, collective investments funds or deposits contracted as a regular customer.

- h) **Intellectual property rights** means rights on the subject matter granted to creators and owners of works that are the result of human intellectual creativity⁷ and may lead to a financial gain;
- i) **Conflict of interest (Col)** means a conflict between the public duty for the EIT and the interests of the member of the Governing Board, which can affect his/her impartiality and thus improperly influence the performance of his/her official duties and responsibilities⁸;
- j) **Actual conflict of interest** means a situation where a person stands to benefit directly or indirectly, either from a personal, professional, economic or related point of view, when exercising his/her official duties and responsibilities for the EIT;
- k) **Potential conflict of interest** means a situation where a person may potentially benefit either from a personal, professional, economic or related point of view when exercising his/her official duties and responsibilities for the EIT;
- l) **Breach of trust** means a situation whereby a member of the Governing Board puts in risk the integrity of the Governing Board due to a failure to provide information;
- m) **Knowledge and Innovation Community or KIC** means a large-scale Institutionalised European Partnership, as referred to in Regulation (EU) 2021/695, of higher education institutions, research organisations, companies and other stakeholders in the innovation process in the form of a strategic network, regardless of its legal form, based on joint mid- to long-term innovation planning to meet the EIT challenges and contribute to attaining the objectives established under Regulation (EU) 2021/695;⁹
- n) **KIC partner organisation** means a legal entity which is a member of a KIC and may include, in particular, higher education institutions, vocational education and training providers, research organisations, public institutions, public or private companies, financial institutions, regional and local authorities, foundations and not-for-profit organisations;¹⁰
- o) **Co-location centre or CLC** means a physical hub, established in an open and transparent manner, which promotes links between and active collaboration among knowledge triangle actors and acts as a focal point for knowledge exchange and through which the KICs' partners are able to access facilities and the expertise needed to pursue their common objectives;¹¹
- p) **Affiliated entity to the KIC Legal Entity or CLC:** entity with a capital link to the KIC Legal Entity or CLC (e.g. parent, shareholder, subsidiary);
- q) **Grant applicant** means an entity with or without legal personality who has submitted an application in a grant award procedure;
- r) **Beneficiary** means an entity with or without legal personality with whom a grant agreement has been signed;
- s) **Subgrantee:** recipient of financial support to third parties from the beneficiaries under the grant agreements signed with the EIT.

Article 3

General obligations of EIT Governing Board members

In accordance with the EIT Statutes, the members of the Governing Board shall act in the interests of the EIT, safeguarding its mission and objectives, identity, autonomy and coherence, in an independent and transparent manner. In particular, the Governing members shall:

- a) exercise due diligence in supervising and steering the EIT towards the fulfilment of its objectives and mission as part of the strategic role of the Governing Board laid down in the EIT Statutes;
- b) carry out their function in an autonomous and impartial manner;

⁷ E.g. patents, trademarks.

⁸ See Annex, Section 2 of the EIT Statutes

⁹ In line with the definition in Article 2 (2) of the EIT Regulation.

¹⁰ See the definition in Article 2 (5) of the EIT Regulation.

¹¹ In line with the definition in Article 2 (3) of the EIT Regulation.

- c) safeguard the statutory remit, the interests and the reputation of the Governing Board and the EIT;
- d) ensure the highest level of integrity of the Governing Board, its members and the EIT;
- e) continuously cooperate with the EIT in the implementation of the present Code of Conduct, including the identification and handling of actual and potential conflict of interest situations.

Article 4

Role of the Conflict of Interest Advisory Committee

- (1) The Conflict of Interest Advisory Committee, established by Decision 8/2023 of the Governing Board deals with conflict of interest situations and ethics issues, including in relation to the Chairperson of the Governing Board.
- (2) As laid down in Article 1(2) of Decision 8/2023, the Conflict of Interest Advisory Committee may also deal with actual, potential or perceived conflict of interest and ethics issues related to the members of the Governing Board upon request of the EIT Director in consultation with the Chairperson of the EIT Governing Board.

TITLE II

RELEVANT INTERESTS AND CONFLICT OF INTEREST

Article 5

Relevant Interests

- 1) Interests of the members of the Governing Board concerning the EIT activities, including economic, professional, personal interests, and interests of close family members; management position, strategic advisory position, employment and contractual relationship; intellectual property rights, as defined in Article 2 above; as well as any other affiliations are relevant for the purposes of the conflict of interest assessment, and shall be part of the Declarations of Interests referred to in Article 7(4).
- 2) As part of the other affiliations, involvement in academic trials and in publicly funded research/development and innovation initiatives, as well as membership of an Ethics Committee shall also be declared. This will not result in the EIT restricting involvement in its activities, unless a specific conflict of interest is identified in accordance with Article 6 and the Methodology for conflict of interest assessment provided in Annex I.

Article 6

Conflict of Interest criteria

- 1) The following situations shall be considered as a source of actual or potential conflict of interest:
 - a) **Direct involvement** of the member of the Governing Board in **a KIC proposal and/or an application for an EIT grant** (proposal for KIC Business Plan (s), for Cross-KIC activity, request for additional funding etc.);
 - b) If in the past two calendar years, a member of the Governing Board has/had a **management position** in:
 - i. one of the KIC legal entities, their affiliated entities or CLCs,
 - ii. one of the applicant organisations or EIT grant beneficiaries,

- iii. one of the KIC partner organisations,
 - iv. another entity directly concerned, such as other partners identified in the proposal/application and known subgrantees.
 - c) If a member of the Governing Board has **economic interests** in:
 - i. one of the KIC legal entities, their affiliated entities or CLCs,
 - ii. one of the applicant organisations or EIT grant beneficiaries,
 - iii. one of the KIC partner organisations,
 - iv. another entity directly concerned, such as other partners identified in the proposal/application and known subgrantees.
 - d) If in the past two calendar years, a member of the Governing Board has/had a **strategic advisory position, an employment or a contractual relationship**, with:
 - i. one of the KIC legal entities, their affiliated entities or CLCs,
 - ii. one of the applicant organisations or EIT grant beneficiaries,
 - iii. one of the KIC partner organisations,
 - iv. another entity directly concerned, such as other partners identified in the proposal/application and known subgrantees.
 - e) If in the past two calendar years, a **close family member** (as referred to in Article 2. C)) of a member of the Governing Board falls under a situation referred to in points a) to d) above.
 - f) If a member of the Governing Board is in **any other situation** that casts doubt on his/her impartiality when exercising his/her responsibility as stipulated in the Section 2 of the EIT Statutes, or that could reasonably appear to do so in the eyes of an external third party.
- 2) If following the assessment provided under Title II of this Decision, the member of the Governing Board falls under a conflict of interest situation described in Article 6 (1) a), b) i. c) i. or d) i. that would impair the integrity of the Governing Board, the EIT Director shall inform accordingly the nominating authority for its decision under the last indent of point 1, Section 1 of the EIT Statutes. With the same communication, the EIT Director may recommend that the concerned member of the Governing Board is removed from his/her assignment. Pending the decision of the nominating authority under the EIT Statutes, the member of the Governing Board concerned is temporarily suspended.
- 3) The actual conflict of interest situations described in Article 6. 1 a), b) i., c) i. and d) i. referred to in paragraph (2) above constitute grounds for exclusion in the case of selection procedures for new members of the Governing Board.
- 4) Without prejudice to paragraph (2) above, if the member of the Governing Board falls under any of the situations described under Article 6 (1), in particular the following mitigating measures may be established by the EIT Director, after consultation with the Chairperson of the Governing Board and if appropriate, the Conflict of Interest Advisory Committee:
- a) Information to the other members of the Governing Board on the specific conflict of interest situation of the member of the Governing Board and the area(s) concerned, with due respect to the principle of proportionality with regard to personal data,
 - b) Close monitoring of the participation of the member of the Governing Board in the preparatory work, discussion and decision-making of the Governing Board related to the area(s) that may be affected by the identified conflict of interest,

- c) Non-eligibility for assignments affected by the identified conflict of interest, e.g. rapporteur and associate rapporteur roles¹², membership in certain Advisory Groups or Committees;
 - d) Withdrawal from preparatory work and discussion related to the area(s) affected by the identified conflict of interest;
 - e) Withdrawal from any decision(s) affected by the identified conflict of interest.
- 5) The Governing Board, as a whole, will be informed at the beginning of each meeting of the interests of the members that pose a conflict with specific items on the meeting agenda. This information will be recorded in the minutes together with the mitigation measures imposed.
- 6) For the purpose of establishing whether a situation or interest constitutes an actual or a potential conflict of interest and to identify the appropriate mitigating measures, the EIT shall carry out a case-by-case assessment taking into account the position of the entity concerned in the EIT activities, the nature of the relationship of the member of the Governing Board with the entity, its present or past character, the area(s) of Governing Board competence concerned, as well as the level of risk, in line with the Methodology for conflict of interest assessment as provided for in Annex I to this Decision.

TITLE III DECLARATIONS

Article 7

General provisions

- 1) The EIT informs the members of the Governing Board of their obligations vis-a-vis the declarations to be submitted in accordance with this Decision and the risks attached to non-compliance with such obligations. The EIT will ensure individual awareness through adequate information on the subject of conflict of interest.
- 2) It is the obligation of each member of the Governing Board to disclose to the EIT their interests and the possible existence of any actual or potential conflict of interest as defined in Articles 5 and 6 above.
- 3) The responsibility for a complete and truthful declaration shall lie exclusively with the member of the Governing Board completing the declaration.
- 4) The identification and handling of conflict of interest shall be based on the assessment of the following declarations and information submitted by the member of the Governing Board, as specified in the present Decision:
 - a) The **Declaration of Intention** on confidentiality and commitment whereby the person declares having read the present document, and confirms his/her awareness of his/her obligations (Article 8, Annex II);
 - b) The **Annual Declaration of Interest** (ADoI, Article 9, Annex III);
 - c) The **Declaration of Interest concerning the KIC Call** (DoI, Article 10, Annex IV);
 - d) The **Specific Declaration of Interest** at the meeting of the Governing Board (Article 11);
 - e) The **Declaration for former members of the Governing Board** (Article 12, Annex V);

¹² See Decision 12/2023 of the Governing Board on the function of EIT Governing Board rapporteurs, Ref. Ares(2023)3471515 – 17.05.2023.

- f) Response(s) to request(s) for information, as deemed necessary by the EIT, the Chairperson of the Governing Board or the Conflict of Interest Advisory Committee to clarify a conflict of interest situation.
- 5) The declarations referred to in paragraph 4) may be submitted on paper or in an electronic format, as specified by the EIT in the request for declarations. The layout of the electronic declaration templates may differ from the templates provided for in Annexes II to V.
- 6) Members of the Governing Board shall inform the Chairperson and the EIT Director of any changes to their declared interests without undue delay. Current interests and interests from two years preceding the submission of the declaration shall be declared.
- 7) The obligation for the individual to declare interests in relation to the activities of his/her institution/organisation is subject to the extent that the member of the Governing Board has knowledge of the institution's/organisation's activities.
- 8) In case where a member of the Governing Board is late to provide the requested declaration, meeting documents and correspondence may not be sent to the member of the Governing Board until the Declaration of Interests is received and the relevant assessment is conducted.
- 9) In order to verify the correctness of the information contained in the declarations of interests, the EIT applies a system of control checks during the screening and assessment of the Declarations of Interests.
- 10) The EIT shall make available the list of entities concerned under Article 6 to the members of the Governing Board, for the purposes of the Annual Declaration of Interest and the Declaration of Interest concerning the KIC Call.
- 11) The list of entities concerned under Article 6 shall also be made available to the Representative of the European Commission, empowered to express the agreement of the Commission for certain strategic decisions of the Governing Board as foreseen in points 2 and 5 of Section 3 of the EIT Statutes, for the purposes of the implementation of the applicable conflict of interest rules by the Commission.

Article 8

Declaration of Intention

- 1) Upon their appointment, members of the Governing Board shall make a declaration in writing concerning their commitment and confidentiality in accordance with the template provided in Annex II to the present Decision.
- 2) The declarations of members of the Governing Board shall be made public via the EIT website.

Article 9

Annual Declaration of Interest

- 1) Members of the Governing Board shall declare on the basis of the ADol (Annex III) any interest that creates a conflict of interest as defined in Articles 5 and 6 with respect to all activities in

which he/she is involved or has been involved during the two years preceding the submission of the ADol and which fall under the EIT activities.

- 2) Members of the Governing Board shall specify in the ADol (Annex III) whether interests and relationships declared are current (when activities are currently ongoing); or they refer to a past period (when they ended during the two years preceding the submission of the ADol).
- 3) Details on the **entity concerned** for each declared interest shall be given. This includes the name, location, type of organisation and the field of activity of the entity.
- 4) **Details of the declared interest** shall be given, indicating the role of the member of the Governing Board within the organisation in question and/or the level and type of interest or relationship of the member with the entity concerned.
- 5) Members of the Governing Board shall be asked to also provide their position on whether the declared interests and relationships constitute a **conflict of interest** for the EIT activities, and if applicable, to specify the area(s) concerned and the level of risk according to their judgement.
- 6) The ADol shall take into account the list of KIC legal entities, their affiliated entities or CLCs, applicant organisations or EIT grant beneficiaries, KIC partner organisations and other entities directly concerned, made available by the EIT.
- 7) The ADol shall be submitted at the beginning of each calendar year and not later than 31 January.
- 8) Members of the Governing Board shall update and resubmit to the EIT their ADol without delay following any change in their interests.
- 9) Members of the Governing Board may be asked to confirm or to update their ADol, based on an updated list of KIC legal entities, their affiliated entities or CLCs, applicant organisations or EIT grant beneficiaries, KIC partner organisations and other entities directly concerned. Such confirmation or update may in particular take place before the main Governing Board meeting on funding allocation and KIC supervision.
- 10) The ADol shall be made public via the EIT's website in line with the principle of transparency concerning the EIT's activities.

Article 10

Declaration of Interest concerning the KIC Call

- 1) Members of the Governing Board shall declare on the basis of Dol (Annex IV) any interest that creates a conflict of interest as defined in this Decision for the selection and designation of a partnership as a KIC.
- 2) The Dol shall be made on the basis of the list of applicant organisations and other entities directly concerned in the proposals, made available by the EIT.

Article 11

Specific Declaration of Interest at the meeting of the Governing Board

- 1) Members of the Governing Board will be asked to declare interests which can be considered prejudicial to their independence with respect to the items on the agenda at the beginning of each Governing Board meeting.
- 2) In case new interests are declared, the Chairperson shall take a decision on the participation of the member of the Governing Board in question, upon proposal by the EIT Director.
- 3) In case the Chairperson is concerned, the decision shall be taken by the Chair of the Conflict of Interest Advisory Committee.

Article 12

Former members of the Governing Board

- 1) Members of the Governing Board are requested to inform the EIT on their prospective affiliation for two years following their departure from the EIT Governing Board.
- 2) Members of the Governing Board subject to this Decision shall continue to be bound by the terms of their declaration after the end of their involvement in the EIT's activities.
- 3) Members of the Governing Board shall be prevented from taking up a paid position or acting in any other capacity even without receiving remuneration in any of the KIC legal entities, their affiliated entities and CLCs for a period of two years after leaving their post at the EIT Governing Board.
- 4) Members of the Governing Board may be prevented from taking up a paid position or acting in any other capacity even without receiving remuneration in any of the applicant organisations or EIT grant beneficiaries and KIC partner organisations for a period of two years after the end of their mandate at the EIT Governing Board, if so allowing would create an undue advantage for the entity concerned.
- 5) Upon being informed of a prospective employment by a member of the Governing Board under Article 12 (1), the EIT Director shall, without delay, take a position, in consultation with the Chairperson of the Governing Board, and if necessary, upon advice of the Conflict of Interest Advisory Committee, whether the prospective employment is considered as a conflict of interest under paragraphs 3) and 4) of this Article and the necessary measures, if applicable.

TITLE IV

PROCEDURE FOR IDENTIFYING AND HANDLING POTENTIAL CONFLICTS OF INTEREST

Article 13

Screening of the Declarations of Interests

- 1) Upon receipt, the EIT shall screen the declarations in order to verify their completeness.
- 2) In case of missing or contradictory information, the EIT shall contact the member of the Governing Board requesting the necessary clarification or a re-submission of a complete declaration.

Article 14

Assessment of the Declarations of Interests

- 1) The EIT shall assess the duly completed declarations of interests with a view to identify any actual or potential conflict of interest arising in any of the categories described in Articles 5 and 6, taking into account the Methodology for conflict of interest assessment (Annex I).
- 2) In case a conflict of interest situation is identified for a member of the Governing Board, the assessment shall contain a proposal for appropriate mitigating measures.
- 3) The EIT Director shall consult the Chairperson of the outcome of the screening and assessment, and on the proposal for appropriate mitigating measures in case of an identified conflict of interest.
- 4) In accordance with Decision 8/2023 of the Governing Board, the EIT Director, in consultation with the Chairperson of the Governing Board (with due respect to the protection of personal data, if applicable), may request the Conflict of Interest Advisory Committee to provide advice on any conflict of interest situation or related action regarding the members of the Governing Board.
- 5) As regards the conflict of interest assessment of the Chairperson, the EIT shall consult the Conflict of Interest Advisory Committee in line with Decision 8/2023 of the Governing Board.
- 6) Following the consultation foreseen in paragraphs 3) to 5) of this Article, the EIT Director shall conclude on the outcome of the assessment and on the appropriate actions to remove or adequately mitigate an identified actual or potential conflict of interest.
- 7) The outcome of the assessment may be reviewed by the EIT Director, following consultation with the Chairperson of the Governing Board, or with respect to the Chairperson, the Conflict of Interest Advisory Committee, as needed in view of any new information or declaration received, and considering the decisions and other items on the agenda of the EIT Governing Board.
- 8) The decision on the outcome of the assessment and the appropriate mitigating measures shall be taken without undue delay, and in any event before the meeting of the Governing Board in relation to the decisions and items on the agenda.
- 9) The outcome of the assessment and the appropriate mitigating measures shall be notified to the Chairperson of the Governing Board and to the Conflict of Interest Advisory Committee.
- 10) The members of the Governing Board shall be informed in writing of the outcome of the assessment of their Declarations of Interest as well as of any mitigating measures to be implemented before the meeting of the Governing Board.
- 11) The members of the Governing Board may contest the outcome of the assessment and the mitigating measures adopted within two weeks of the communication of the EIT, by means of a request for review addressed to the EIT Director.

- 12) In the case of a complaint filed by a member of the Governing Board or by the Chairperson concerning the decision on the conflict of interest assessment, the EIT Director shall submit the complete file to the Conflict of Interest Advisory Committee for its review and decision.

Article 15

Process regarding omissions of declarations

- 1) In case the EIT becomes aware of information that is not consistent with, or that is missing from the declaration of a member of the Governing Board after the completion of the assessment referred to in Article 14 and a preliminary assessment suggests that it concerns a declarable interest, the EIT will contact the member of the Governing Board concerned, asking her/him to clarify the situation within seven calendar days, in particular by providing the rationale for the absence of the information to be declared, and if applicable to complete the declaration of interest with the missing information.
- 2) Upon completion of the missing information, the DoI shall be screened and assessed in accordance with the present Decision, with a view to identify whether the outcome of the assessment foreseen in Article 14 shall be amended.
- 3) If the missing information is not provided within seven calendar days, the EIT Director, upon consulting the Chairperson may take any appropriate preventive action regarding the participation of the member of the Governing Board.

Article 16

Process regarding the breach of trust of the EIT's rules on declarations of interest

- 1) Once the information referred to in Article 14 has been assessed, or in case the missing information is not provided within the timeframe, the EIT Director, in consultation with the Chairperson may initiate a breach of trust procedure in order to establish whether the omission of the member of the Governing Board needs to be considered as a breach of trust vis-à-vis the EIT. A breach of trust occurs if it is found that:
 - the information missing from the declaration of interests or not provided within the timeframe is a declarable interest according to this Decision, and
 - the member of the Governing Board did not declare the missing information intentionally or through gross negligence or he/she failed otherwise to meet his/her obligations under this Decision.
- 2) The member of the Governing Board shall be notified of the opening of the procedure and of the possible consequences of this procedure.
- 3) The member of the Governing Board shall be invited to a hearing in order to gather his/her views on the facts in question. The hearing shall be organised with the Conflict of Interest Advisory Committee before any decision is taken. The hearing can take place online or as a face-to face meeting. During the hearing, the member shall have the possibility of expressing his/her point of view. The Conflict of Interest Advisory Committee shall take account of any comments or documents submitted before and during the hearing. The Conflict of Interest Advisory Committee shall provide an opinion on whether or not there has been a breach of trust and will put forward a recommendation to the Governing Board. The time period between the receipt of information and forwarding recommendation to the Governing Board shall be four calendar weeks.
- 4) Upon recommendation by the Conflict of Interest Advisory Committee, the Governing Board shall take a decision having due regard to all information provided. The member concerned has the

opportunity to further present his or her views to the Governing Board before the decision is taken. The decision shall be taken at the Governing Board meeting and shall be communicated in writing to the member in question within two days following the adoption of the decision.

- 5) The member of the Governing Board is given the possibility to appeal the decision. Following the receipt of the reasoned decision, the member of the Governing Board can appeal within fourteen calendar days as of the day of notification of the decision, providing all the supporting documents and information. An appeal group will be set up consisting of up to three members of the Governing Board nominated by the Chairperson. Members of the appeal group will be different from those referred to in paragraph 3) of this Article. The appeal group shall be delegated to subsequently assess all submitted documents and information within two calendar weeks. Unless the appeal group recommends the Governing Board to review its earlier decision, the decision reached in the plenary meeting will remain in force.
- 6) The Chairperson shall inform the member of the Governing Board, the EIT Director, and the nominating authority of the outcome of the review and final decision.
- 7) Whenever a breach of trust will reveal a case of suspected fraud, the EIT shall inform the European Antifraud Office (OLAF) without delay.

TITLE V OTHER RULES ON INTEGRITY

Article 17

Professional secrecy

- 1) Members of the Governing Board are bound to professional secrecy with regard to duly classified documents of the EIT they are dealing with when exercising their mandate and with regard to any non-public deliberations of the Governing Board or its members.
- 2) Members of the Governing Board shall solely use the information obtained in the course of the performance of their mandate for the purpose of their public duties at the EIT.
- 3) The above is without prejudice to the sharing of documents with persons assisting the members in the discharge of their duties as members of the Governing Board, provided that those persons are subject to an equivalent duty of confidentiality. Members of the Governing Board shall take all necessary measures to ensure that the persons having access to their information also respect the above obligations they are subject to
- 4) Members of the Governing Board shall continue to be bound by the obligations referred to in paragraphs 1 and 2 of the present Article two years after the termination of their mandate.

Article 18

Public relations

- (1) When Governing Board members respond to a media query, invitation to a public event or otherwise communicates to the public on an EIT-related topic, with due regard to Article 16 of this Decision, they shall make it clear to the journalist or requestor in which capacity they are speaking.
- (2) Whenever possible, the Governing Board members shall inform the EIT about public queries and events.

Article 19
Gifts and hospitality

- 1) Members of the Governing Board shall neither apply for, nor receive or accept from any source any advantage, direct or indirect (e.g. as a gift or in form of hospitality) which is in any way connected to their role as members of the Governing Board, either for doing or omitting to do something in their official capacity, or for showing advantage to someone or to an organisation. Members of the Governing Board shall not accept gifts of a value higher than 50 euros.
- 2) Any such gifts received by the Governing Board member shall be reported to the Chair of the Governing Board. Any gifts received by the Chair shall be reported to the Conflict of Interest Advisory Committee. For transparency reasons, the nature of the gift and the source shall be recorded in the Governing Board minutes.

Article 20
Anti-fraud cooperation

- (1) Members of the Governing Board shall report to the EIT Director and the EIT Anti-Fraud Coordinator any cases of suspected fraud, corruption or misconduct related to the EIT activities as soon as it is identified.
- (2) Members of the Governing Board shall duly cooperate with the EIT, the European Commission and the European Anti-Fraud Office (OLAF) in any such cases in line with Article 24 of the EIT Regulation.
- (3) The release of information in response to a request from or in the course of an investigation by the European Anti-Fraud Office (OLAF) shall not constitute a breach of the professional secrecy obligation provided for in Article 17.

TITLE VI
FINAL PROVISIONS

Article 21
Protection of Personal Data

- 1) In accordance with Article 17(6) of the EIT Regulation, the EIT shall process all personal data of the Governing Board members in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council.¹³
- 2) The purpose of the data processing for the conflict of interest assessment is to safeguard the independence of the EIT and its Governing Board, which is necessary for the performance of the EIT's tasks carried out in the public interest in line with the provisions of the EIT Regulation.

¹³ 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

- 3) Members of the Governing Board shall take all necessary measures to ensure confidentiality, integrity and security of the personal data shared with them as part of the exercise of their responsibilities under the EIT Statutes.

Article 22

Entry into force, transitional provisions and repeal

- 1) The present Decision shall enter into force on the day following its adoption.
- 2) In line with this Decision, an updated 2023 Annual Declaration of Interest shall be submitted by the members of the Governing Board by 15 September 2023, and shall serve as a basis for an assessment before the meeting of the Governing Board on funding allocation in November 2023.
- 3) This Decision repeals Decision 13/2015 of the EIT Governing Board on the Code of Good Conduct regarding conflict of interest.

Done in Budapest on 13 July 2023¹⁴

Nektarios Tavernarakis

Chairperson of the EIT Governing Board
[E-signed in ARES]

¹⁴ Adopted by means of written procedure.