



DECISION 08/2023

OF THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF INNOVATION & TECHNOLOGY

ON TERMS OF REFERENCE OF THE EIT CONFLICT OF INTERESTS ADVISORY COMMITTEE

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

Having regard to Regulation (EU) No 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology¹ (hereafter 'EIT Regulation'), in particular, Annex I, Section 2, 3. a) thereof;

Having regard to the Staff Regulations of Officials (hereafter referred to as 'the Staff Regulations') and the Conditions of Employment of Other Servants (hereafter referred to as 'the CEOS') of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/681, and in particular Title II of the Staff Regulations and Articles 11 and 81 of the CEOS²;

Having regard to the Guidelines on the prevention and management of conflicts of interest in EU decentralised agencies dated 10 December 2013;

Having regard to Decision 14/2010 of the EIT of 21 May 2010 on adopting the Ethical and Organisational Code of Conduct at the EIT³;

Having regard to Decision 18/2021 of the EIT Governing Board of 7 May 2021 on the Rules of Procedure of the EIT Governing Board and Executive Committee⁴, in particular, Article 20;

Having regard to Decision 20/2022 of the EIT Governing Board of 22 June of 2022 setting the Honoraria of the members of the Governing Board, its chairperson and the members of the Executive Committee of the European Institute of Innovation and Technology, in particular, Article 4 thereof⁵;

¹ OJ L 189, 28.5.2021, p. 61–90

² 1 OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

³ 00016.EIT.2010/f/Dir/CN/AdO

⁴ Ares (2021)3139636

⁵ Ares(2022)4609321



WHEREAS

- (1) In the context of the discharge procedure of 2017, the European Parliament advised agencies to set up a 'Conflicts of Interest Advisory Committee'.
- (2) The independence and transparency of decision making is extremely important for the EIT. EIT's independence is assured by having transparent declarations of interest and taking measures to ensure that interests cannot have an impact on decision making in the Agency.
- (3) In light of the above and taken due account of the increased public scrutiny on conflict of interest, and EIT's specific activity which involves the mobilisation of funds, it is important for the EIT to set up a Conflicts of Interest Advisory Committee (CoIAC) to support the EIT's Director and other EIT bodies in ensuring independence, transparency and impartiality of decision making.
- (4) The Conflicts of Interest Advisory Committee should be established as an advisory body in the context of the EIT's procedure on prevention and management of potential conflict of interest.
- (5) This Committee should be composed of two Governing Board members, an external member from an EU Agency and an observer from Commission's Directorate General for Education and Culture (DG EAC). It should be available to the EIT Director and to the EIT Governing Board for advice on matters related to actual, potential or perceived conflicts of interest of EIT staff members. The members of this Committee should be independent of any internal or external influence in the conduct of their mandate. They should not take part in the deliberations or consultations of the CoIAC regarding any case in which they have a personal interest. This should be ensured by submitting a conflict of interest declaration.

HAS DECIDED AS FOLLOWS:

Article 1 Role and Independence and Composition

1. The CoIAC is an advisory committee established in the context of the EIT's procedure on prevention and management of actual, potential or perceived conflict of interest. Its main role is to deal with conflict-of-interest situations and ethics issues related to the Chairperson of the EIT Governing Board and the EIT Director of the EIT. When dealing with them, the CoIAC shall ensure the confidentiality of the information.
2. Upon request from the EIT Director, the CoIAC shall also advise on matters related to actual, potential or perceived conflicts of interest situations and ethics issues of EIT staff members. Exceptionally, the CoIAC may deal with actual, potential or perceived conflict of interest and ethics issues related to the members of the EIT Governing Board upon request of the EIT Director in consultation with the Chairperson of the EIT Governing Board.



3. It consists of two members of the EIT Governing Board, (one member shall be appointed as Chair and the other member as a member of the CoIAC), an external member from an EU Agency with expertise in Ethics & Integrity, and in particular, conflict of interests and an observer from Commission's Directorate General for Education and Culture. The three members of the CoIAC shall be appointed by the EIT Governing Board. The observer shall be nominated by Commission's Directorate General for Education and Culture and appointed by the EIT Governing Board.
4. Legal/administrative support to the CoIAC shall be provided by an EIT staff member appointed by the EIT Director
5. The Chair and the other members of the CoIAC shall be independent of any internal or external influence in the conduct of their mandate. They shall not take part in the deliberations or consultations of the CoIAC regarding any case in which they have a personal interest. They shall perform their duties in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest.

Article 2 Term of mandate

1. The mandate of the two members of the EIT Governing Board, the external member from another EU Agency as well as the observer appointed by the EIT Governing Board is three years. Membership may be extended once by another two years by the EIT Governing Board.
2. In case one of the members of the CoIAC is prevented from exercising their functions (e.g. due to a conflict of interest or a long term absence), the member shall be replaced for that particular case or time period by an ad hoc member appointed by the EIT Governing Board. In the case of the observer, he/she shall be replaced by an ad hoc member appointed by the EIT Governing Board. In the absence of the Chair of CoIAC, the members will decide on who will act as Chair.

Article 3 Organisation and meetings

1. Meetings are held in presence of the three members on the premises of the EIT or online as recommended by the EIT.
2. The Chair may invite staff members or external experts to attend meetings for specific agenda items under confidentiality commitments.

Article 4 Functioning of the Committee

1. Requests for advice

As laid down in Article 1.1 of this decision:



1. The **EIT Director** may request the CoIAC to provide advice on conflict of interest situations and ethics issues related to the staff members of EIT or any other individual working with the EIT.
2. The **EIT Director** in consultation with the **Chairperson of the Governing Board** may request the CoIAC to provide advice on any conflict of interest situation or related action regarding the members of the Governing Board.
3. Requests for the CoIAC shall be made in written form and be submitted to its Chair, safeguarding the confidentiality of the information.

2. Procedure for providing advice

1. The Chair provides the CoIAC members with an overview as well as all the necessary elements to examine the matter. To this end, the Chair may request relevant information from the Chairperson of the Governing Board/Executive Committee, or from the EIT Director.
2. The CoIAC strives to give its advice based on consensus and agree on a written document which is forwarded to the attention of the EIT Director or the Chair of the EIT Governing Board/Executive Committee/and or of the Advisory Group.
3. In exceptional cases, the matter can be dealt with via written procedure.

3. Assessment of Annual Declarations of Interest (ADoI) of the EIT Governing Board Chairperson and the EIT Director

1. The EIT Director and the Chairperson of the EIT Governing Board shall submit their ADoIs to the Ethics Officer, who shall make an initial assessment within 2 weeks from the submission of their ADoIs and forward the declarations with the assessment to the CoIAC.
2. In case an actual or potential conflict of interest is identified, the CoIAC shall provide initial advice, including any preventive measure. This initial advice shall be submitted to the Chairperson of EIT's Governing Board via ARES, for its approval, when regards to the annual declaration of interest of the EIT Director. When the initial advice concerns the annual declaration of interest of the Chairperson of the Governing Board, it should be submitted to the member of the Governing Board who is the most senior member of the GB in terms of office in the first instance, and by age in the event of two or more members having equal standing in terms of office.
3. If no conflict of interest is identified, the advice of the CoIAC shall be considered as final and it shall be communicated in writing to the Ethics Officer. The Ethics Officer shall keep a record of the declaration. The annual declaration of the EIT Director and of the Chairperson of the EIT Governing Board shall be published on the EIT website.
4. Any preventive measure taken to address potential conflict of interests shall be recorded by the Ethics Officer.



4. Reporting

1. Meeting minutes are prepared by the Chair and agreed by the members. If a written procedure has taken place, the minutes of the next meeting shall contain a reference to the outcome.
2. The Chair of the ColAC ensures that the activities of the ColAC are annually reported in the Consolidated Annual Activity Report of EIT.

5. Decision-making

1. Opinions, advice and/or decisions shall be adopted by consensus of the three members present at the meeting. In the absence of consensus, a simple majority shall be required. Each member shall have one vote. The observer has not right to vote.

Article 5 Confidentiality

Participants of the meetings of the ColAC are required, even after their duties have ceased, not to disclose information of the kind covered by the duty of professional secrecy.

Article 6 Protection of personal data

All processing of personal data for the purposes of this decision shall be in accordance with Regulation (EU) 2018/1725.

Article 7 Entry into force

This decision shall enter into force on the date of its signature.

Done at Budapest, 14 March 2023

For the Governing Board of the EIT

(e-signed)

Nektarios Tavernarakis

Chairperson of the Governing Board