




European  
Global Navigation  
Satellite Systems  
Agency

**ADOPTED**  
**by the GSA Administrative Board**

 Ref. Ares(2024)1421041 - 23/02/2024

Ref.: GSA-OED-AB-DEC-A09370

Version 1.0

Decision no: GSA-AB-63-21-01-08

# **European GNSS Agency**

**63<sup>rd</sup> Meeting of the Administrative Board**

**Prague, 28 January 2021**

**Decision on implementing rules on the prevention and  
management of conflicts of interests with regard to  
staff members and external workforce**



## DECISION OF THE ADMINISTRATIVE BOARD OF THE EUROPEAN GNSS AGENCY

of 28 January 2021

### on implementing rules on the prevention and management of conflicts of interests with regard to staff members and external workforce

*THE ADMINISTRATIVE BOARD OF THE EUROPEAN GNSS AGENCY ('the Agency' or 'GSA')*

Having regard to Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency (hereinafter the 'GSA Regulation'), and in particular Article 22a thereof,

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants ('CEOS') of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Title II of the Staff Regulations and Articles 11 and 81 of the CEOS,

Having regard to the Decision of the Administrative Board of 5 March 2015 approving the GSA Anti-fraud Strategy and Action Plan (GSA-AB-41-15-03-05-07),

Having regard to the Decision of the Administrative Board of 25 September 2015 establishing the General GSA Policy on the Prevention and Management of Conflicts of Interests (GSA-AB-WP52, hereinafter 'Policy on conflicts of interests'),

Having regard to the Decision of the Administrative Board of 24 July 2012 laying down rules on the secondment to the Agency of national experts and national experts in professional training (GSA-AB-WP24, hereinafter 'Rules on the SNE and NEPT'),

Having regard to the agreement of the European Commission pursuant to Article 110 (2) of the Staff Regulations [reference number of the Commission's Decision] of [date],

After consulting the Staff Committee,

After consulting the Chair of the Security Accreditation Board,

Whereas:

- 1) The management of actual and potential conflicts of interest is a key element of governance of the Agency towards maintaining the trust of stakeholders and European Union citizens in its integrity. The effective management of conflicts of interest contributes to ensuring legality and regularity of the GSA's processes and constitutes a crucial requirement for the credibility of the European GNSS programme.

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1.



- 2) Article 22a(1) of the GSA Regulation imposes *inter alia* on the Executive Director and on seconded national experts the obligation to make a declaration of commitments and a declaration of interests indicating the absence or existence of any direct or indirect interests which might be considered prejudicial to their independence. Those declarations are to be made in writing upon entry into service and are to be renewed annually and updated whenever necessary, in particular in the event of relevant changes in the personal circumstances of the persons concerned.
- 3) Article 22a(2) of the GSA Regulation also imposes *inter alia* on the Executive Director and on seconded national experts participating in ad hoc working groups, the obligation to declare the absence or existence of any interests which might be considered prejudicial to their independence in relation to any items on the agenda, and to abstain from participating in the discussion of and voting upon such points.
- 4) Among the persons working for the GSA, only the Executive Director and the seconded national experts are required by the GSA Regulation to make declarations of interests. However, due to public scrutiny of conflict of interests issues, the GSA should extend this obligation to the persons holding positions influencing the strategic choices of the Agency or involved in budget implementation and management of funds.
- 5) Title II of the Staff Regulations imposes on staff members obligations related to the prevention and management of conflict of interests.
- 6) The GSA has adopted the Policy on conflicts of interests which lays down general rules on prevention and management of conflict of interest.
- 7) Under Article 9 of the Policy on conflicts of interests specific measures for managing conflicts of interest regarding staff members are to be set out in implementing rules within the meaning of Article 110(2) of the Staff Regulations.
- 8) Conflicts of interests are to be avoided in particular by GSA staff members. However, in respect of their involvement in the activities of the Agency, external workforce should also avoid all conflicts of interests.
- 9) The first responsibility with regard to preventing conflicts of interests should lie with the staff members and external workforce.
- 10) This Decision sets out those specific measures related to declarations of interests, declarations of conflict of interest, as well as those related to other aspects of conflicts of interests.



HAS DECIDED AS FOLLOWS:

## **Article 1 Scope**

(1) This decision shall apply to

- staff members of the Agency<sup>2</sup>;
- seconded national experts, national experts in professional trainings and trainees (hereinafter the 'members of external workforce'),

(altogether hereinafter the 'persons concerned').

(2) This Decision shall not apply to members of the GSA Administrative Board and of the Security Accreditation Board.

(3) The powers of the Authority Authorised to Conclude Contracts ('AACC'<sup>3</sup>) shall be exercised by:

- a) the Administrative Board if the conflict of interests concerns the Executive Director;
- b) the Chair of the Security Accreditation Board if the conflict of interests concerns persons involved in activities covered by Chapter III of the GSA Regulation. The Executive Director shall be informed about that conflict of interest.
- c) the Executive Director if the conflict of interests concerns other persons.

In respect to the members of external workforce, those powers shall be exercised *mutatis mutandis* by their respective Head of Department while informing the Executive Director, or, under the conditions referred to under point b) above, by the Chair of the Security Accreditation Board.

## **Article 2 General principles**

- 1) In line with the first paragraph of Article 11 of the Staff Regulations<sup>4</sup>, all persons concerned shall carry out their duties and conduct themselves solely with the interests of the Agency in mind. All persons concerned shall carry out their duties objectively and impartially and in keeping their duty of loyalty to the Agency without allowing themselves to be influenced by personal interests or relationships. All persons concerned shall abstain from any action adversely affecting the reputation of the Agency.
- 2) In line with Article 11a of the Staff Regulations, the persons concerned shall not, in the performance of their duties, deal with a matter for which they may have a conflict of interest

<sup>2</sup> In accordance with Article 15b of the GSA Regulation, this category shall include also the Executive Director of the Agency.

<sup>3</sup> Without prejudice to specific provisions laying down rules on delegation of the appointing authority/authority authorised to conclude contract of employment powers.

<sup>4</sup> The provisions under Title II of the Staff Regulations, referred to in this decision, shall *apply mutatis mutandis* to SNE and national experts in professional trainings.





unless appropriate mitigation measures are taken and approved by the AACC.

- 3) According to Article 3 of the Policy on conflicts of interests, a conflict of interests exists where the impartiality and objectivity of a decision, opinion or recommendation of the Agency is or might in the public perception be compromised by an interest held by, or entrusted to, a person involved in those processes. A conflict of interests is considered as potential where a person concerned has interests which are such that a conflict of interests would arise if this person were to become involved in relevant (i.e. conflicting) responsibilities in the future.
- 4) The appearance of a conflict of interest can constitute a reputational risk to the Agency, even if turns out to be unsubstantiated. Therefore, taking due consideration of proportionality, specific backgrounds, all relevant facts and mitigating circumstances, a risk of perceived conflict of interest shall be treated as if it were an actual conflict of interest
- 5) It is the responsibility of all persons concerned to ensure that their conduct is in line with the rules regarding the conflict of interest in both letter and spirit.

## CHAPTER I - TREATMENT OF SITUATIONS DIRECTLY LINKED TO CONFLICTS OF INTEREST

### Article 3

#### Obligation to make declarations of interests and of conflicts of interests

- (1) Before taking up any activity for the Agency or returning from unpaid leave, the persons concerned shall submit, in a relevant form, the written declaration of conflict of interest referred to in Article 11 of the Staff Regulations (hereinafter the 'declaration').
- (2) In the declaration, the Executive Director, Heads of Departments, accounting officer, accounting correspondent and staff assuming management responsibilities who are involved in budget implementation, shall also indicate any direct or indirect interest which might be considered prejudicial to their independence in performing the tasks in connection with the activities of the Agency.

The Executive Director is empowered to adopt a decision by which the obligation to indicate such interests will also apply to other categories of persons concerned. The criteria to define such categories are the following:

- persons holding positions influencing the strategic choices of the Agency,
- persons involved in budget implementation and management of funds.

- (3) The persons mentioned in paragraph 2 shall renew annually the declarations and update all the interests referred to in paragraph 2.

They shall also submit updated declarations whenever necessary, in particular in the event of any relevant change in their personal circumstances.

- (4) The declarations shall be duly signed. They shall be accurate and complete.
- (5) Making the declaration does not discharge the persons concerned from the obligation to



obtain the authorisation of the AACC before engaging in any outside activity and to the obligation to inform the AACC of the gainful employment of the spouse.<sup>5</sup>

- (6) In case an activity has already been authorised under Article 12b of the Staff Regulations, the person concerned shall indicate so in the declaration of interests.
- (7) Pursuant to Article 11a(2) of the Staff Regulations, the persons concerned shall submit a declaration of an ad hoc conflict of interests if, during the performance of their duties, they find themselves in such a situation or are in any doubts as to whether their circumstances could give rise to concerns over a conflict of interests.
- (8) The Executive Director and the seconded national experts shall submit declarations referred to in Article 22a(2) of the GSA Regulation.
- (9) The persons concerned shall submit all the declarations referred to in this Article to the GSA Internal Control Coordinator.

#### **Article 4**

##### **Management of the declarations referred to in Article 3**

- (1) The declarations shall be screened by the GSA Internal Control Coordinator, if need be and in case of any doubt with the support of the Conflicts of Interests Advisory Committee (hereinafter 'COIAC'). The latter shall assess the risk of a conflict of interests in respect of the declaration, and elements referred to in Article 3 of the Policy on conflicts of interests.
- (2) The Internal Control Coordinator shall refer the matter to the COIAC if he/she considers that a declared interest results in a conflict of interests. If he/she considers that a declared interest does not result in a conflict of interests, he/she shall also refer the matter to the COIAC if the declared interest is related to activities of the person concerned, which took place in the last two years from the date of the declaration. The Internal Control Coordinator may refer the matter to the COIAC if the declared interest is related to activities of the last five years from the date of the declaration.

If the COIAC considers that a declared interest might result in a conflict of interests, it shall report this risk to the AACC.

- (3) In order to decide whether to report this risk the COIAC shall take into account the gravity of the risk that the declared interest may affect the impartiality and objectivity of processes in which the person concerned participates or could participate.
- (4) If the Administrative Board, the Chair of the Security Accreditation Board or the Executive Director confirm the existence of the conflict of interests reported to them according to paragraphs 2 or 3, they shall take appropriate measures in order to ensure impartiality and objectivity of the activities of the Agency.
- (5) Every six months the Internal Control Coordinator and the COIAC shall compile a joint report on all assessed cases related to conflicts of interests, including the information when a declared interest was not considered as a conflict of interests, when the matter was referred to the COIAC and how the matter was treated by the COIAC.

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<sup>5</sup> Article 12b of the Staff Regulations, implementing rules of that provision and Article 13 of the Staff Regulations.





## Article 5

### Other preventive measures

- (1) Pursuant to Article 11a(1) of the Staff Regulations, the persons concerned shall refrain from performing tasks affected by a conflict of interests. The conflict of interests shall be identified on the basis of criteria set out in Article 3 of the Policy on conflicts of interests and recalled in Article 2 of this Decision.
- (2) If there is a risk that a person concerned is in a conflict of interests, that person shall inform the process owner of this risk as defined in Article 3 of the Policy on conflicts of interests before participation in the process, even if his participation consists merely in giving an opinion or advice. The person concerned shall also inform the AACC and the Internal Control Coordinator. In addition, staff members shall inform their superior. Members of external workforce shall inform the Head of Department in which they exercise their activity.

If the risk of conflict of interests concerns the Executive Director, the latter shall inform the AACC (Administrative Board<sup>6</sup>).

- (3) Process owners shall manage conflicts of interests in accordance with Article 5 of the Policy on conflicts of interests. If they identify a conflict of interests in their process, they shall inform the AACC, superior of the staff member concerned or the Head of Department of the member of external workforce. The AACC shall exclude the person concerned from the task, unless appropriate measures are imposed to guarantee the impartiality and objectivity of the process.

The AACC shall take any appropriate measure after hearing the opinion of the COAIC.

- (4) Particular care shall be taken in the recruitment, procurement, grant and any other financial processes. Owners of those processes shall notably ensure that persons involved in them respect all the requirements of the Staff Regulations and applicable financial regulations. The persons concerned shall also sign specific declarations of interests in addition to declarations referred to in Article 3.
- (5) The staff members shall sign a specific declaration at the end of their employment, by which they shall in particular declare to have returned to the Agency all documents belonging to it and confirm awareness and understanding of their obligations under Article 16 of the Staff Regulations.
- (6) The AACC may, on his own initiative or on a proposal from the COIAC, require that specific additional measures be taken in sensitive procedures (in particular of procurement or grants) in order to ensure impartiality and objectivity of those procedures. Such measures may notably define enhanced criteria for the composition of evaluation committees and provide for specific controls on absence of conflicts of interests.
- (7) The European Commission shall be notified in writing without delay of any situation constituting or likely to lead to a conflict of interests during the implementation of tasks entrusted by it to the GSA on the basis of delegation agreements.

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<sup>6</sup> See footnote 2.



## **Article 6**

### **Appointment of the COIAC**

- (1) The Executive Director shall appoint members of COIAC after consultation with the Chair of the Security Accreditation Board.
- (2) The COIAC shall report to the Executive Director and, regarding the staff involved in activities covered by Chapter III of the GSA Regulation, to the Chair of the Security Accreditation Board.

## **CHAPTER II - TREATMENT OF OTHER OBLIGATIONS**

### **Article 7**

#### **Obligations related to honours, decorations, favours and gifts**

- (1) Pursuant to the second paragraph of Article 11 of the Staff Regulations, the person concerned shall not accept, directly or indirectly, without the prior permission of the AACC, any honour, decoration, favour, gift or payment of any kind whatsoever from any source outside the Agency, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service.

These provisions apply also to indirect gifts which are understood to be those which are not offered directly to persons concerned, but to a third party that is close to the person concerned.

Gifts and hospitality motivated solely by a family relationship or personal friendship, or in a context not related in any way to the duties of the person concerned do not, in principle, fall under these provisions. However, even here situations may arise when acceptance can be perceived as compromising the independence of the person concerned.

For staff members who are not in active employment in the Agency, any gifts and hospitality that they might receive which are not related, and may not be reasonably perceived to be related, in any way to their capacity as Agency's staff members (including, for example, gifts received in a new professional capacity while they are on unpaid leave) are not deemed to be covered by Article 11 of the Staff Regulations or by present Decision.

- (2) A gift is understood to mean:

- a sum of money or any physical object, or
- the possibility to participate for free in events which are either open to the public or private in nature, only accessible in return for payment and represent a certain value (such as complimentary tickets for sports events, concerts, theatre, conferences, etc.), or
- any other advantage with a pecuniary value such as transport costs.

The following items are not considered as gifts in this context and are not covered by this decision:

- low value items given for purely information purposes (brochures, booklets, catalogues, etc.),



- gifts that are offered to the Agency (Article 25 of the Financial Regulation<sup>7</sup>).
- (3) Hospitality offers are considered to be one particular type of favour. Hospitality is defined as an offer of food, drink, accommodation and/or entertainment from any source outside the Agency.
- (4) Acceptance of gifts or hospitality may exceptionally be authorised (within the limits indicated in Article 8.5 and 8.7 below) when it is clear that this will not compromise or reasonably be perceived to compromise the objectivity and independence of the person concerned and will not damage the Agency's public image.
- (5) Subject to the general principles set out in the present Article, the following rules apply:
  - a) Prior permission by the AACC is presumed to be granted for accepting a gift worth up to 50 EUR;
  - b) Explicit prior permission by the AACC is required for accepting a gift worth between 50 and 150 EUR, by submitting a declaration using the relevant form.
  - c) Authorisation to accept gifts with a value higher than 150 EUR or any sum of money shall be refused by the AACC, except if the AACC, due to exceptional circumstances decides otherwise.

Offers of any sum of money shall always be refused by the persons concerned.

- (6) If the AACC refuses to authorise the acceptance or if a gift is unwanted, it can be returned to the source, if this is feasible. Alternatively, the gift can be donated by the Agency to an appropriate charitable organisation.

As a courtesy, the person concerned should inform the sender of the gift that the gift cannot be accepted and will be donated to a charity, unless such information would be diplomatically inappropriate.

- (7) As a general rule, the person concerned shall not accept any hospitality, and shall make use of sound judgement in order to assess if, in the given circumstances and by derogation to the general rule an acceptance could be envisaged.

Subject to the general principles set out in the present Article, the following apply:

- a) Prior permission by the AACC is presumed to be granted for:
  - i) hospitality in the form of lunches or dinners strictly linked to the function of the person concerned and as such not prejudicial to the interests and public image of the Agency, and in which the person concerned participates in agreement with his/her hierarchy and in the interest of the service;
  - ii) occasional offers of simple meals, refreshments, snacks.

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<sup>7</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012.



b) Explicit prior permission by the AACC is required in cases not covered by the previous heading, by submitting a declaration, using the relevant form. If prior authorisation is not feasible, the AACC's permission should be sought as soon as possible subsequent to the hospitality. In any event the line manager of the person concerned shall be informed.

- (8) As for the hospitality offered during missions, the mission order will as a rule cover all predictable offers of hospitality, based on the mission programme - notably meals, accommodation and transport. These shall not be considered as hospitality offers if the programme of the mission and the participation of the person concerned has been authorised - as they form part of the performance of his/her duties in the interest of the Agency. The acceptance of those offers shall be declared in the mission expense statement.

Particular prudence is necessary in sensitive situations. For instance, the person concerned participating in inspections, audits, market development projects reviews and similar missions should, as a general rule, refuse the offer. If this is impossible for strictly courtesy reasons, they should exercise their individual judgement and act according to the principles set out in these guidelines. Any hospitality thus accepted should be declared in the mission expense statement.

- (9) Accumulation of gifts and hospitality for which prior permission of the AACC is presumed may be seen to compromise the person's concerned objectivity and independence, or may damage the Agency's public image. Therefore, it requires the prior permission by the AACC.

#### **Article 8**

##### **Obligations related to publications and speeches**

- (1) As set out in Article 17a(2) of the Staff Regulations, a person concerned wishing to publish or having published, either on their own or with other parties, a document, such as an article or a book, on anything dealing with their work or EU matters generally, shall inform the AACC in advance.

The person concerned above shall submit the declarations using relevant forms, as the case may be, and provide the AACC with any information, in particular a copy, in electronic form, of the document he/she intends to publish. This must be accompanied by a summary of the document to be published, in electronic form, in one of the Agency's working languages.

- (2) Without prejudice to Article 17a of the Staff Regulations, the above-mentioned person concerned, when publishing on EU matter, shall indicate in the document he/she wants to publish that he/she is writing under his/her own name, engaging himself/herself and not the responsibility of any EU institution or body. The person concerned is obliged to observe the rules concerning non-disclosure of information and the confidentiality requirement on EU matters or related to his/her work in the Agency.

#### **Article 9**

##### **Declarations regarding professional activity of the spouse and outside activities, assignment and occupational activities after leaving the service**

- (1) For the obligations of the persons concerned to declare the professional activities of the



spouse or partner Article 13 of the Staff Regulations shall apply.

- (2) Situations related to outside activities and assignment and occupational activities after leaving the service are governed by the Commission Decision on the matter<sup>8</sup> that applies by analogy in GSA.

### CHAPTER III - GENERAL AND FINAL PROVISIONS

#### Article 10

##### ***Ex-post* treatment of situations of non-compliance with the obligations under the present rules**

- (1) In accordance with Article 86(1) of the Staff Regulations, any failure by staff members to comply with their obligations under the rules of conflict of interests, whether intentionally or through negligence on their part, shall make them liable to disciplinary measures, in accordance with the provisions of the Staff Regulations and the CEOS.
- (2) Seconded national experts shall comply with the relevant obligations imposed by the present Decision. Failure to observe the obligations provided herein entitles the Agency to terminate the collaboration, subject to respecting the procedural safeguards of the seconded national expert concerned, notably including the right to be informed in advance of the reasons underlying the intention to terminate the collaboration and giving him/her the opportunity to be heard.<sup>9</sup>
- (3) If the person concerned was involved in a decision-making procedure without having declared an interest, the AACC or the respective body or group may undertake remedial actions, in particular to review or cancel the decision if seriously affected by the conflict of interest, without prejudice to the acquired rights of the third parties to the Agency. This implies carrying out an ex post review of the person's activities and contributions to the Agency's output.

#### Article 11

##### **Register**

- (1) All the declarations made by persons concerned shall be clearly recorded in a register managed by the GSA Internal Control Coordinator.
- (2) The register shall be maintained in compliance with the applicable provisions of Regulation on the protection of personal data<sup>10</sup>.

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<sup>8</sup> C(2018) 4048 of 29.06.2018.

<sup>9</sup> According to Article 10(2) of the GSA's Rules on SNE and NEPT, when the Agency terminates the secondment without notice following failure by the seconded national expert to respect his obligations, the Agency immediately informs the seconded national experts and the employer accordingly.

<sup>10</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, p. 39).





## Article 12 - Transparency

- (1) The policies and rules for the prevention of conflict of interest shall be published on the Agency's website in a clear and easily identifiable manner.
- (2) The Internal Control Coordinator shall publish on the Agency's website the declarations of the Executive Director, heads of departments, accounting officer or accounting correspondent and team leaders involved in budget implementation and management. This publication shall respect applicable rules on protection of personal data. In particular, the published version of the declarations shall replace the handwritten signature by a machine-written signature.


## Article 13

### Final provisions

- (1) The Executive Director is empowered to adopt subsequent explanatory guidelines to facilitate the implementation of this Decision.
- (2) The Agency's previous internal rules on the subject-matter, except for the Policy on conflicts of interests are repealed.
- (3) This Decision shall take effect on the day following that of its adoption.

Done in Prague on 28 January 2021

For the GSA Administrative Board

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Mr Alberto Tuozi

Acting Chair of the GSA Administrative Board