



**DECISION OF THE GOVERNING BOARD OF THE SMART NETWORKS AND SERVICES JOINT UNDERTAKING N° 2022.01**

**adopting comprehensive rules on the prevention and management of conflicts of interest**

THE GOVERNING BOARD OF THE SNS JOINT UNDERTAKING,

Having regard to Council Regulation No 2021/2085 setting up the SNS Joint Undertaking, in particular Article 42 of its Statutes,

Having regard to the Financial Rules adopted by the Governing Board on 15 December 2021 (SNS GB 2021.02), in particular Article 27,

WHEREAS:

- (1) In accordance with Article 42 of the Council Regulation (EU) No 2021/2085 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe<sup>1</sup> (hereinafter, the “SNS Regulation”), the Smart Networks and Services Joint Undertaking (hereinafter, the “SNS JU”), its bodies and staff shall avoid any conflict of interest in carrying out their activities. Furthermore, as per Article 42(2) of the SNS Regulation, the SNS JU Governing Board should adopt rules for the prevention and management of conflicts of interest in respect of its members, bodies and staff. Those rules shall also contain provisions intended to avoid a conflict of interest in respect of the representatives of the members of the SNS JU serving on the Governing Board or on the States Representatives Group.
- (2) By virtue of Article 5 of SNS Regulation, the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union as provisions laid

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<sup>1</sup> COUNCIL REGULATION (EU) 2021/2085 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe and repealing Regulations (EC) No 219/2007, (EU) No 557/2014, (EU) No 558/2014, (EU) No 559/2014, (EU) No 560/2014, (EU) No 561/2014 and (EU) No 642/2014. OJ L 427, 30.11.2021, p. 17- 119

down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>2</sup> ('Staff Regulations' and 'Conditions of Employment') as well as the rules adopted jointly by the institutions of the Union for the purpose of applying the Staff Regulations and Conditions of Employment apply to the staff of the SNS JU.

- (3) Commission Decision C(2008) 6866 of 12.11.2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training, makes applicable to them the rules about conflict of interest established in the 'Staff Regulation'.
- (4) The Governing Board of the SNS JU has adopted rules for the prevention and management of conflicts of interest regarding financial actors in its Financial rules, Article 27<sup>3</sup>.
- (5) The Governing Board of the SNS JU has adopted its Rules of Procedure<sup>4</sup> setting out, inter alia, rules for the prevention and management of conflicts of interest regarding the representatives of the Members in the context of their participation in Governing Board meetings and in the Governing Board decision-making process.
- (6) Additional rules are deemed necessary in order to ensure a comprehensive and coherent approach to establish rules on conflict of interest for the actors involved in the SNS JU activities.
- (7) In the interest of legal certainty and clarity, this decision should be limited to distinct, additional rules and in the interest of completion and self-consistency, it will only refer to the rules already established in existing regulations and decisions.
- (8) This decision should be adopted without prejudice to the rights and obligations arising under the Staff Regulation, Regulation (EC) No 45/2001<sup>5</sup>, Regulation 1049/2001 on public access to documents<sup>6</sup>, the SNS Regulation establishing the SNS JU, the SNS JU Financial Rules and the SNS JU Decision adopting its Governing Board Rules of Procedure of SNS JU and PAB rules on procedure.

HAS DECIDED AS FOLLOWS:

### *Article 1 — Subject*

The present decision represents a comprehensive summary of the rules established by various regulations as well as the specific rules so that the SNS JU, its bodies and staff avoid any

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<sup>2</sup> Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission. OJ L 56, 4.3.1968.

<sup>3</sup> Decision SNS-GB-2021.02 of 15 December 2021

<sup>4</sup> Decision SNS-GB-2021.01 of 15 December 2021

<sup>5</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

OJ L 8, 12.1.2001, p. 1–22

<sup>6</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents

OJ L 145, 31.5.2001, p. 43–48

conflict of interest in carrying out their activities as established in Article 42(1) of the SNS Regulation.

As established in Article 42(2) of the SNS Regulation, the present document fulfils the Governing Board obligation to adopt the rules for the prevention and management of conflicts of interests of its members, bodies and staff.

### ***Article 2 — Persons concerned***

This decision shall apply to the following SNS JU actors:

- The member's representatives in the Governing Board and their alternates,
- The representatives in the States Representatives Group,
- The Executive Director,
- The SNS JU staff members recruited under the Conditions of Employment of Other Servants of the European Communities,
- The trainees engaged by SNS JU,
- The interim staff engaged by SNS JU,
- The Seconded National Experts engaged by SNS JU,
- The external experts in projects reviews, proposals evaluation and monitoring of evaluations,
- The participants in procurement committees,
- The participants in Staff Selection Boards and other boards or committees involved in human resources activities.

### ***Article 3 — Definition of the conflict of interest***

According to article 11 of the 'Staff Regulation' a conflict of interest refers to a situation where the impartiality and objectivity of a decision, opinion or recommendation of the SNS JU is or might be perceived as being compromised. This definition is to be applied to all actors listed in Article 2.

### ***Article 4 — Obligations related to the conduct of the SNS JU staff, including Seconded National Experts.***

Regarding conflict of interest these actors should comply with the legal obligations applicable to them in the 'Staff Regulation' (in particular Articles 11, 11a, 13, 15, 16, 17, 19, 22a) and the 'Conditions of Employment' (in particular Articles 11, 54, 80, 81, 91, 92).

### ***Article 5 — Obligations related to the conduct of representatives in the SNS JU Governing Board***

A representative in the SNS JU Governing Board is a person appointed by a member of the SNS JU.

Without prejudice to any potential conflict of interest raised during the Governing Board's meetings or written procedures, that will be handled according to the SNS JU Governing Board Rules of Procedure, a conflict of interest can also arise when there is some link

between the work of the Members representatives and their personal interests, or those of their family or partner, or where they may find themselves in a situation that could reasonably lead to allegation being made of bias or partiality, in light of their personal interest.

When communicating on a matter on which the SNS JU has taken a position, the representatives in the Governing Board members shall represent the views of the SNS JU; when communicating on a matter that falls within the remit of the SNS JU but on which the SNS JU has not taken a position so far, they should give their own personal view, but should make clear that this does not necessarily represent the official view of the SNS JU.

#### ***Article 6 — Obligations related to the conduct of representatives in the States Representatives Group***

A representative in the States Representatives Group is a person appointed by a Public Authority.

A conflict of interest can arise when there is some link between the duties as a representative of the State Representatives Group of the SNS JU, and the personal interest, or those of the family or partner, or where Members representatives may find themselves in a situation that could reasonably lead to allegation being made of bias or partiality, in light of their personal interest. The representatives should not, in the performance of their duties, deal with a matter in which, directly or indirectly, they may have any personal interest such as to impair their independence.

When communicating on a matter on which the SNS JU has taken a position, the representatives in the States Representatives Group shall represent the views of the SNS JU; when communicating on a matter that falls within the remit of the SNS JU but on which the SNS JU has not taken a position so far, they should give their own personal view, but should make clear that this does not necessarily represent the official view of the SNS JU.

#### ***Article 7 — Obligations related to external experts***

Experts should be independent, impartial and objective, and behave professionally at all times.

Each appointed expert must acknowledge in written the adherence to the general rules governing her/his appointment, including the rules pertinent to avoiding any conflict of interest. The forms are kept on file.

Experts in proposal evaluations: Prior to the specific assignment to the proposals to be evaluated, the expert is required to sign a form highlighting possible situations of conflict of interest arising from the specific proposals to be evaluated.

Experts in project monitoring: Prior to the appointment of experts, their name is communicated to the project consortium preparing the technical review. Any expert that will be subject to an objection expressed by the project consortium will be replaced.

Experts in monitoring of evaluations: Prior to the specific assignment of monitoring, the expert is required to sign a form highlighting possible situations of conflict of interest arising from the evaluation to be monitored.

***Article 8 — Obligations to avoid situations of incompatibility for SNS JU Executive Director, staff, interim staff and trainees***

1. Compatibility with outside activities

Applying mutatis mutandis article 12 b) of the ‘Staff Regulation’, the Executive Director, staff, interim staff and trainees may engage in outside activities, whether paid or unpaid, or may carry out assignments outside the SNS JU.

However, in order to do so, it shall first obtain the permission:

- of the Authority Empowered to conclude Contracts of Employment if the person concerned is a staff member other than the Executive Director, an interim staff or a trainee.
- of the Governing Board if the person concerned is the Executive Director.

The permission shall be refused only if the activity or assignment in question is such as to interfere with the performance of the SNS JU actor's duties or whether it is incompatible with the interests of the SNS JU.

The concerned SNS JU actor shall notify the relevant authority who granted the permission in the first place, of any changes in a permitted outside activity or assignment, which occur after the SNS JU actor has sought the permission established above. Permission may be withdrawn if the activity or assignment no longer meets the conditions in which it was granted in the first place.

2. Compatibility with the spouse's activity

Applying mutatis mutandis article 13 of the ‘Staff Regulation’, if the spouse of one of these actors is in gainful employment, the concerned SNS JU actor shall inform the relevant authority, the Authority Empowered to conclude Contracts of Employment, or the Governing Board if related to the spouse of the Executive Director.

Should the nature of the employment prove to be incompatible with that of the SNS JU actor and if the SNS JU actor is unable to give an undertaking that it will cease within a specified period, the relevant authority shall, after jointly consulting the Staff Committee, decide whether the concerned actor shall continue in his/her post or be transferred to another post.

3. Compatibility with standing for public office

Applying mutatis mutandis article 15 of the ‘Staff Regulation’, if one of these actors intends to stand for public office, he/she shall notify the Authority Empowered to conclude Contracts of Employment, or the Governing Board in case of the Executive Director.

The Authority Empowered to conclude Contracts of Employment, or the Governing Board, shall decide, in the light of the interests of the service, whether the SNS JU staff member concerned:

- (a) should be required to apply for leave on personal grounds, or
- (b) should be granted annual leave, or
- (c) may be authorised to discharge his/her duties on a part-time basis, or
- (d) may continue to discharge his/her duties as before.

In accordance with article 19 of the ‘Staff Regulation’ the SNS JU actor elected or appointed to public office shall immediately inform the relevant authority.

The Authority Empowered to conclude Contracts of Employment, or the Governing Board in case of the Executive Director, shall, having regard to the interests of the service, the importance of the office, the duties it entails and the remuneration and reimbursement of expenses incurred in carrying out those duties, take one of the decisions referred to in the second sub-paragraph.

If the SNS JU actor is required to take leave on personal grounds or is authorised to discharge his/her duties on a part-time basis, the period of such leave or part-time working shall correspond to the SNS JU actors' term of office.

***Article 9 — Obligations to avoid situations of incompatibility for representatives in SNS Governing Board or States Representatives Group***

The Governing Board or States Representatives Group members shall not occupy the position of external expert for the evaluation of projects proposals in the framework of SNS JU calls for proposals.

***Article 10 — Procedures to prevent and manage conflicts of interest***

The procedures to prevent and manage conflicts of interest are set up in the Annex.

***Article 11 — Transparency and final provisions***

These rules shall come into force on the date of their adoption by the Governing Board and shall be published on the website of the SNS JU.

Any update and modification to the procedures and templates contained in the Annex of these rules shall be done by means of a decision of the Executive Director.

***Article 12 — Entry into force***

This decision shall enter into force on the day following its adoption, with the exception of Article 2 (bullets 3, 4, 5, 6, 7), Article 4 and Article 8 which will enter into force upon receipt by the SNS JU of the notification from the Commission in accordance with Article 110 of the Staff Regulations.

Done at Brussels, on 14 July 2022,

For the Governing Board

*(signed)*  
Colin Willcock  
Chairperson of the Governing Board

Annex: SNS JU procedures to prevent and manage conflicts of interest

# **ANNEX: SNS JU procedures to prevent and manage conflicts of interest**

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## **Article A.1 — Dealing with arising situations of conflict of interest**

1. With regards to the Executive Director or another SNS JU staff member, a trainee, an interim, or a seconded national expert, engaged by the SNS JU

The Appointing authority is responsible for adopting any formal decision as to the consequences of a conflict of interest, when informed of a situation which may be detrimental to the SNS JU.

In accordance with article 22a of the ‘Staff Regulation’, where a potential conflict of interest is reported by the Executive Director, an SNS JU staff member, a seconded national expert, a trainee or an interim engaged by the SNS JU, or where identified by any other means, the SNS JU actor concerned or any other person who identified the potential conflict of interests shall immediately inform in writing the relevant authority; the Governing Board in case of the Executive Director, or the Authority Empowered to conclude Contracts of Employment for the rest of the SNS JU’s staff.

The relevant authority shall carry out an internal assessment involving the Legal Officer of the SNS JU and other actors as appropriate. Based on the findings of the assessment, administrative measures shall be decided in writing, in accordance with the rules applicable in the specific case and in accordance with the principles of sound financial management, equality, protection of the financial interests of the SNS JU and transparency. Before the decision of the Appointing Authority is taken, the individual concerned shall be heard.

2. With regards to the representatives in the Governing Board

In case a situation of potential conflict of interests arises in the context of the Governing Board activities, the representatives in the Governing Board or any other person who identifies a potential conflict of interests shall immediately inform the Governing Board Chairperson who shall without delay decide on any specific measure in this respect. In case the conflict of interest regards the Chairperson, the person to be informed is one of the Vice-Chairs of the Governing Board.

3. With regards to the representatives in the States Representative Group

In case a situation of potential conflict of interests arises in the context of the States Representatives Group activities, the representative in the States Representatives Group or any other person who identifies a potential conflict of interests shall immediately inform the States Representatives Group Chairperson who shall without delay decide on any specific measure in this respect. In case the conflict of interest regards the Chairperson, the person to be informed is the Vice-Chair of the States Representatives Group.

#### 4. With regard to experts

The assignment of experts to project proposals to be assessed or evaluated shall be done such that all potential conflicts of interests highlighted in the forms will be avoided. Experts will sign a relevant declaration, attached to the contract or to their appointment.

The SNS JU management will execute each assignment with the utmost care to avoid any kind of situation that may affect the impartial judgement of an assigned expert.

In the case of proposals evaluation, should a conflict be identified by an expert during the process, SNS management will make its best efforts to reallocate proposals dealt with by the experts.

The specific assignments and the work done of each expert is automatically registered in great detail in the documents resulting from the respective activities. The conflicts of interests identified by each expert shall be published on the SNS JU website.

If necessary to avoid a conflict of interest, the SNS JU may withdraw experts from evaluation or monitoring duties.

The conflicts of interests identified by each expert shall be published on the SNS JU website.

### **Article A.2 — Specific provisions for participation in procurement committees, Staff Selection Boards, and other boards and committees involved in HR topics.**

The members of a selection board, a staff selection board or any other board or committee involved in HR topics (such as promotions, contradictory procedures etc.) shall remain independent to the participants in the procedure and shall ensure the integrity, confidentiality and objectivity of the selection procedure. The work of the board/committee and its deliberations are strictly confidential. The board/committee members shall immediately report any attempt made by candidates or third parties to contact or influence them in relation to the selection procedure.

Throughout the entire selection process, the selection board/committee members should refrain from any kind of behaviour that could be interpreted as partiality vis-à-vis candidates, concerning the entities or the persons concerned by the procedure. The selection board/committee members shall sign the declaration in Appendix 10.

In case of family/personal link or financial interest with a candidate, respectively the entities or the persons concerned by the procedure, a member of the selection board/committee should - as soon as the name of the candidate, respectively of the entities or the persons concerned by the procedure, has come to his/her attention – immediately inform the Chairperson of the selection board/committee and discuss whether the potential conflict of interest may hamper the member of the board/committee from participating in the selection or the procedure and if specific mitigation action can be considered. If, after discussions, it is evident that the

personal link will hamper an objective assessment, the concerned member of the selection board/committee should withdraw from participation in the entire procedure.

## **Article A.3 —Obligation to make declarations of interests**

### 1. Before recruitment and/or when returning from leave on personal grounds

Before recruitment, the Executive Director and other SNS JU staff members, including interim staff, Seconded National Experts and trainees, shall sign the declaration in Appendix 1.

### 2. Upon appointment / assignment the concerned SNS JU actors shall sign the following declarations

- The representatives in the Governing Board and or in the States Representatives Group shall sign the declaration in Appendix 2;
- The Executive Director and the SNS JU staff members, seconded national experts, interim staff and trainees must sign the declaration enclosed in Appendix 3 to the present guidelines. If their spouse is in gainful employment outside the SNS JU, they shall also sign the declaration in Appendix 4;

### 3. Upon leaving the service

The Executive Director of the SNS JU, its staff members, interim staff and trainees, shall sign the declaration in Appendix 5. In case they intend to engage in an occupational activity, whether gainful or not, within two years of leaving the service, they shall sign the application in Appendix 6.

### 4. Spontaneously

If at any time in the course of his/her duties an SNS JU actor, as defined in Article 2, becomes aware of any potential conflict of interests, he/she shall:

- i. make a spontaneous declaration of interests highlighting the potential conflict, and
- ii. refrain from any actions that could be affected by the conflict of interests.

Such situations will be dealt with in accordance with article A.1.

### 5. In case of a request to carry out an outside activity or in case of standing for public office

The SNS JU staff member requesting an authorisation to carry out an outside activity shall sign the declaration in Appendix 7.

The SNS JU staff members who intend to stand for public office or who are elected or appointed to public office shall sign the Appendix 8 or Appendix 9, respectively.

## Article A.4 —Register

Declarations of interest, as well as the arrangements for resolving conflicts, should be clearly recorded in formal documents, to enable the SNS JU to demonstrate, if necessary, that a specific conflict has been appropriately identified and managed.

For that purpose, a Register of Declaration of interest shall be kept, mentioning the measures adopted to manage conflicts of interests.

## Article A.5 —Gifts Policy

1. The Executive Director, the SNS JU staff members, including interim staff, seconded national experts and trainees shall not without the permission of the appointing authority accept from any government or from any other source outside the SNS JU any honour, decoration, favour, gift or payment of any kind whatsoever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service.

2. Concerning gifts: they should only be accepted if in line with or if required by social, courtesy or diplomatic usage without obtaining a permission of the Appointing Authority;

- a) Prior permission by the Appointing Authority is presumed to be granted for a gift worth up to 50 €.
- b) Explicit prior permission by the Appointing Authority is required for a gift worth between 50 and 150 €.
- c) Authorisation for gifts with a value higher than €150, or any sum of money will be refused by the Appointing Authority.
- d) If the Appointing Authority refuse permission, the gift should be sent to a charity if possible and if diplomatically appropriate. For transparency reason, the sender should be informed that the gift was sent to a charity.

3. Concerning hospitality, prior permission by the Appointing Authority is presumed to be granted for hospitality in the form of lunches or dinners strictly linked to the function of the SNS JU actor, and as such not prejudicial or other interest and public image of the SNS JU, and in which the SNS JU actor participates in agreement with his hierarchy and in the interest of the service.

## Article A.6 — Ex-post treatment of situations of non-compliance with the obligations of the present rules

1. With regards to the representatives in the Governing Board, and/or in the States Representatives Group

Should the Governing Board of the SNS JU become aware that a conflict of interest was not declared by a representative in the Governing Board, the Governing Board shall decide on the appropriate measures to be taken after hearing the affected representative. The States Representatives Group shall apply the same procedure *mutatis mutandis* with regards to

representatives in the States Representatives Group members.

2. With regards to the Executive Director and other SNS JU staff members

In accordance with article 86(1) of the ‘Staff Regulation’, any failure by the Executive Director or any other SNS JU staff member to comply with his/her obligations under the rules of conflict of interests, whether intentionally or through negligence on his/her part, shall make him/her liable to disciplinary action, in accordance with the provisions of the ‘Staff Regulation’.

3. With regards to the trainees, interim staff, an seconded national experts engaged by SNS JU

Trainees and interim staff engaged by SNS JU must comply with the obligations imposed by the rules of Conflict of Interests. If the conduct of any of these SNS JU actors does not prove satisfactory, the SNS JU may carry out an administrative enquiry preliminary to a disciplinary procedure, and if the seriousness of the breach of trust may justify it, the termination of the collaboration with the concerned SNS JU actor.

4. With regards to experts and participants in procurement committees, Staff Selection Boards, and other boards and committees involved in HR topics

If a conflict of interest has been recognised after it has already impacted the SNS JU activities, the appropriate measures from the SNS JU may include taking legal measures, and/or alerting OLAF.

**Appendix 1 - Declaration of interest - before recruitment**

**DECLARATION OF INTEREST BY CANDIDATES**

(Articles 11 and 11a of the Staff Regulations and

Articles 11 and 81 of the Conditions of Employment of Other Servants- CEOS)

*This questionnaire aims at allowing the Appointing Authority/Authority Empowered to Conclude Contracts of Employment to identify potential or actual conflict of interest in relation to the specific position offered and the appropriate measures to be adopted, if any.*

*This questionnaire does not exempt candidates from complying with all the ethics obligations imposed*

*on them upon recruitment.*

*Once the Appointing Authority/Authority Empowered to Conclude Contracts of Employment has finalised this form, copies will be transmitted to the candidate, to and to the candidate's direct manager.*

**THE POSITION OFFERED-**

**TO BE FILLED IN BY THE JU**

Vacancy notice No: .....

Administrative status of the position offered: temporary agent/contract agent<sup>7</sup>

Grade of the position offered: .....

Unit/Service: .....

Name of the immediate superior: .....

**PART I**

**TO BE FILLED IN BY THE CANDIDATE AND SENT BACK TO THE JU**

SURNAME/FIRST NAME: .....

Address for correspondence:.....

<sup>7</sup> Delete as appropriate

Date: . . / . . / . . . .

Home telephone number: .....

Work telephone number: .....

E-mail address: .....

If applicable, applicant number in any European Union competitions/selection procedures:

**ASSESSMENT BY THE CANDIDATE OF ANY POTENTIAL OR ACTUAL CONFLICT OF INTEREST**

*In your opinion, do you have any personal interest, in particular a family or financial interest, or do you represent any other interests of third parties which would actually or potentially impair your independence in the course of your duties **in the specific position offered** at the SNS JU and which may thus lead to any actual or potential conflict of interest relevant to that position?*

YES  NO

*If yes, please detail:*

**Declaration**

I hereby certify that the information provided in this form is correct and complete and that my curriculum vitae is duly updated. I will immediately inform the Appointing Authority/Authority Empowered to Conclude Contracts of Employment of any change in my situation, or of any new relevant information I may receive which could cause a breach of the Staff Regulations/CEOS. I am aware that any false declaration may result in the cancellation of the recruitment process or, after recruitment, in disciplinary sanctions.

Signature of the candidate:

**FOR USE BY THE ADMINISTRATION ONLY**

**PART II**

**OPINION OF THE JU HEAD OF ADMINISTRATION BASED ON THIS FORM AND ON THE  
(UPDATED) CV PROVIDED BY THE**

**CANDIDATE**

No (risk of) conflict of interest.

• If the candidate **has not identified** any personal interest, in particular a family or financial interest, or representation of any other interests of third parties which may, in his/her view, lead to an actual or potential conflict of interest and if you confirm that opinion, **this form is considered as finalised and will not be assessed by the Appointing Authority/ Authority Empowered to Conclude Contracts of Employment.**

• If the candidate **has identified** any personal interest, in particular a family or financial interest, or representation of any other interests of third parties which may, in his/her view, lead to an actual or potential conflict of interest, please explain why you believe there is no (risk of a) conflict of interest.

(Potential) conflict of interest.

• Describe the personal interests which would actually or potentially impair the candidate's independence in carrying out his/her duties in the specific position offered or any other circumstance which actually or potentially constitutes a conflict of interest with respect to the proposed position.

• Describe measures which could be taken to mitigate the negative effects of the actual or potential conflict of interest.

Explain how the measures proposed are proportionate to the scope of the actual or potential conflict of interest.

**CONCLUSION**

SURNAME/FIRST NAME: ..... POSITION: .....

SIGNATURE:

DATE: ..../..../...



### PART III

#### OPINION OF THE APPOINTING AUTHORITY/AUTHORITY EMPOWERED TO CONCLUDE CONTRACTS OF EMPLOYMENT

- No risk of conflict of interest.
- (Potential) conflict of interest.
  
- Describe the personal interests which would actually or potentially impair the candidate's independence in carrying out his/her duties in the specific position offered or any other circumstance which actually or potentially constitutes a conflict of interest with respect to the proposed position.
  
- Describe measures which could be taken to mitigate the negative effects of the actual or potential conflict of interest.
  
- Explain how the measures proposed are proportionate to the scope of the actual or potential conflict of interest.

#### CONCLUSION

SURNAME/FIRST NAME: ..... POSITION: .....	
SIGNATURE:	DATE: .../.../....

## Appendix 2 - Declaration of confidentiality and of conflict of interest for representatives in the Governing Board and States Representatives Group of the SNS JU upon appointment

### Declaration of confidentiality & conflict of interest for the representatives in the Governing Board, and/or States Representatives Group of the SNS JU

**Name:**

**Professional Address:**

**Phone:**

**E-mail:**

**Position:**

Chairperson or Deputy Chairperson of the [Governing Board], [States Representatives Group],

Representative/lead delegate/alternate of the Commission

Representative/lead delegate/ alternate of [...]

Other (please specify)

I hereby undertake to act in the performance of my duties in the general interest of the SNS JU.

I shall declare any interest which might be considered to influence or bias my judgment.

I undertake to ensure the confidentiality of sensitive information whose disclosure could damage the interests or the reputation of the SNS JU, the Members of the SNS JU or of the participants in the activities of the SNS JU.

I shall not disclose sensitive information learnt during the activities of the SNS JU even after my duties have ended.

Done at [place], [date]

Name and Signature

## **Appendix 3 - Declaration of commitment and independence - upon appointment of the Executive Director and the SNS Joint Undertaking staff members, seconded national experts, interim staff and trainees**

### **Declaration of commitment and independence upon appointment**

#### **DECLARATION OF COMMITMENT AND INDEPENDENCE**

I, the undersigned in my function as .

Of the SNS Joint Undertaking (hereinafter referred as to the "SNS JU")

WHEREAS the Staff Regulations adopted by the Institutions of the European Union apply to the staff of the SNS JU as per article 37 of the Council Regulation (EC) No 2021/2085 of 19 November 2022 setting up the SNS JU;

WHEREAS articles 11, of the Staff Regulations apply by analogy to temporary and contract staff of the SNS JU as per article 11, respectively articles 91 and 92 of the Conditions of Employment of Other Servants of the European Communities (CEOS);

I hereby declare to have examined the Staff Regulations and notably the articles 11 and 11a providing

for:

#### *Article 11*

*An official shall carry out his duties and conduct himself solely with the interests of the Union in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside his institution. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Union.*

*An official shall not without the permission of the appointing authority accept from any government or from any other source outside the institution to which he belongs any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service.*

#### *Article 11a*

*1. An official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests.*

*2. Any official to whom it falls, in the performance of his duties, to deal with a matter referred*

*to above shall immediately inform the Appointing Authority. The Appointing Authority shall take any appropriate measure, and may in particular relieve the official from responsibility in this matter.*

*An official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties.*

- I hereby undertake to act in the performance of my duties in the general interest of the SNS JU;
- I hereby undertake neither to seek nor to take instruction from any government, authority, organisation or person outside the SNS JU;
- I hereby undertake to carry the assigned duties in highly and impartial manner and in with loyalty to the SNS JU;
- I hereby declare on my honour to have taken note of the rules and guidance laid down in the 'SNS JU Code of good administrative behaviour', I am aware that they are applicable to my functions and tasks in the JU. I commit to comply with those rules in the exercise of my functions;
- I further commit to declare in due time in writing to the SNS JU any additional interest and/or any situation that may raise concerns or doubts with respect to conflict of interest, objectivity and impartiality in the exercise of my functions or otherwise affect my position/ability to perform my work.
- I hereby declare on my honour to inform the Governing Board immediately in case of any disqualifying or potential conflict of interest with any task I am assigned to perform.

Signature Date

## Appendix 4 - Declaration – Spouse employment

### Spouse employment declaration

*\*You should not declare the employment of your spouse if he/she works at the SNS JU*

**Name and surname:** \_\_\_\_\_

**Name and surname of the spouse:** \_\_\_\_\_

**Description of employment of the spouse (name of the employer or self-employed; area of activity; responsibilities of the spouse; any other relevant information):**

**Indicate any links between your spouse employment and your current duties at SNS JU:**

**Provide comments on risk of conflict of interest, if any (optional):**

Done at

Date

Name

Signature

## Appendix 5 - Declaration on honour - upon leaving the service

### DECLARATION ON HONOUR

I, the undersigned: .....

Position: ..... Personnel N°:

Contact address: .....

Telephone:

WHEREAS the Staff Regulations adopted by the Institutions of the European Union apply to the staff of the SNS JU as per article 37 of the Council Regulation (EC) No 2021/2085 of 19 November 2022 setting up the SNS JU;

WHEREAS articles 16,17 and 19 of the Staff Regulations apply by analogy to temporary and contract staff of the SNS JU as per article 11, respectively articles 91 and 92 of the Conditions of Employment of Other Servants of the European Communities (CEOS);

I hereby declare to have examined the Staff Regulations and notably the articles 16, 17 and 19 providing for:

#### *Article 16*

*An official 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.*

*Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the Appointing Authority may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit. The institution shall, after consulting the Joint Committee, notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance.*

#### *Article 17*

*1. An official has the right to freedom of expression, with due respect to the principles of loyalty and impartiality.*

2. *An official shall continue to be bound by this obligation after leaving the service.*

*Article 19*

*An official shall not, without permission from the appointing authority, disclose on any grounds whatever, in any legal proceedings information of which he has knowledge by reason of his duties. Permission shall be refused only where the interests of the Communities so require and such refusal would not entail criminal consequences as far as the official is concerned. An official shall continue to be bound by this obligation after leaving the service.*

*The provisions of the preceding paragraph shall not apply to official or former official giving evidence before the Court of Justice of the European Communities or before the Disciplinary Board of an institution on a matter concerning a servant or former servant staff of one of the three European Communities.*

**I commit myself to respect the obligations of articles 16, 17 and 19 of the Staff Regulations after my departure from the SNS JU, and to inform the responsible service if I could be concerned with the contents of these articles. I commit myself to restore at the time of my departure any document or written notes belonging to the files or the series of non-public documents managed by myself during my activities at the SNS JU.**

**I declare also to have taken note that any new professional activity must receive prior authorisation from the appointing authority, and I am obliged, in this respect, to seek approval from the Executive Director of the SNS JU.**

Date: ..... Signature (8):

## Appendix 6 - Application for authorisation to engage in an occupation after leaving the SNS JU

### Application for authorisation to engage in an occupation after leaving the SNS JU

#### Article 16 of the Staff Regulations

NAME/First name:.....

Personnel No ..... Category/grade/step: .....

Date of leaving the SNS JU: .....

Address: .....

Telephone: ..... Fax:.....

Email :.....

Are you receiving or will you receive any pecuniary benefit from the SNS JU after leaving?  
If so of what sort?

What was your work during the last three years of service? State the service .....

#### New activity

Name of the body: .....

Address: .....

Telephone:..... Fax:.....

Email: .....

Nature of its activities: .....

Does this body receive funding from the SNS JU?                      Yes / No

Description of the work contemplated:

Expected duration of the work:.....

Position in the body: .....

Are you an employee and/or shareholder in the body?.....



Will you receive remuneration or other pecuniary advantages?

Does the body for which you wish to work have direct or indirect commercial, financial or contractual links (including grants) with a European Union institution (in particular the SNS JU) or body? .....

During your work at the SNS JU, did you have any direct or indirect relations with the body for which you wish to work<sup>9</sup>? If so, specify them: .....

Will your new activity have direct or indirect links with other SNS JU units:

Other relevant information:

(Place): ..... (date):

Signature: .....

You may attach any document you consider will demonstrate that your new activities or duties are compatible with those you exercised at the SNS JU.
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<sup>9</sup> State in particular whether you were engaged in preparing financial and/or contractual relations

## Appendix 7 – Outside activities

### **Authorisation to engage in an outside activity, whether gainful or not, or carry out an assignment outside the Union**

(Article 12b of the Staff Regulations and Articles 11, and 81 of the CEOS)

#### **APPLICANT**

Name/first name: ..... Personnel No: .....

Administrative status: temporary staff/contract staff, Grade: .....

Administrative address: ..... Tel: .....

Unit: .....

Description of duties at the SNS JU: .....

.....

.....

.....

Activity at the SNS JU is full-time/part-time

#### **PLANNED ACTIVITY**

Name of the organisation in which activity is to be exercised: .....

.....

Address: .....

.....

**Type of activity:** .....(e.g. teaching, conference, seminar, other)

Place in which the activity is to be carried out:.....

The activity is to be carried out:

1. outside normal working hours: • evening • Saturday • Sunday

2. during normal working hours (give dates and times): .....

For 1 and 2, indicate the period: from ..... to.....

#### **Possible conflict of interests**

1. Does the organisation have a financial and/or a contractual relationship with the SNS JU?  
YES/NO

If YES, give details (on a separate sheet of paper if necessary)

.....  
.....  
.....

2. Is there any direct and/or indirect link between the activity and your duties at the SNS JU? YES/NO

If YES, give details (on a separate sheet of paper if necessary)

Absences

The activity will entail a planned/likely total absence of ..... working day(s), including travel time.

Will this absence be covered in its entirety by a request for annual leave?  
YES/NO<sup>10</sup>(if NO) special leave of day(s) is requested.

In the case of an educational activity

Total number of teaching hours to be worked: .....

i.e..... hours/week or ..... hours/month.

Financial arrangements

Will remuneration or compensation be provided for:

- 1. the activity itself? (total net amount) .....
- 2. travel expenses? YES/NO (if YES, the proposed amount) .....
- 3. subsistence expenses? YES/NO (if YES, the proposed amount).....

Publication

Will the above activity result in a publication? YES/NO

If YES, give details of the financial arrangements: .....

SIGNATURE: ..... DATE:.....

---

10 The special leave may not be more than half the working days involved. No special leave will be than reimbursement of travel and subsistence expenses is provided (see the Commission decision of 28 April 2004 introducing implementing provisions on leave, section II.b.1 - Administrative Notice 102/2004 of 28 July 2004).

**OPINION OF IMMEDIATE SUPERIOR**

Is the activity of benefit to the SNS JU?

YES/NO If not, explain why: .....

Application approved/Application not approved

If not approved, give reasons: .....

NAME/FIRST NAME: ..... POSITION:

SIGNATURE: ..... DATE:

**DECISION OF THE APPOINTING AUTHORITY**

**Activity: authorised from ..... to .....**

*NB: the maximum annual ceiling for net remuneration for all external activities combined is €4 500.*

**refused:** give the grounds .....

**Special leave is granted for.....day(s): YES/NO**

NAME/FIRST NAME: ..... POSITION:.....

SIGNATURE: ..... DATE: .....

6. Authorisation is valid only for the period indicated, which may not exceed one year. Any extension beyond one year or any renewal requires a new request to be presented at least two months before the expiry of the period.

## Appendix 8 - Declaration of candidature for public office

### DECLARATION OF CANDIDATURE FOR PUBLIC OFFICE

(Article 15 of the Staff Regulations and Articles 11 and 81 of the CEOS)

#### APPLICANT

#### I THE UNDERSIGNED

SURNAME/FIRST NAME: .....

Personnel No:

Administrative status: temporary /contract staff Grade: ..

Administrative address: .....

Tel.:

Unit/Service: .....

hereby declare that I am a candidate for public office.

#### DETAILS OF PUBLIC OFFICE

Nature of public office:

Country and place in which public office is to be exercised:

If an election, name of list on which I am a candidate: .....

Position on this list: .....

Election campaign:

YES/NO<sup>1</sup>

If YES, specify: - duration: ..... from ..... to .....

- during working hours:

YES/NO<sup>1</sup>

I hereby undertake to inform the SNS JU without delay if I am elected and to send a completed declaration of tenure of public office.

SIGNATURE: ..... DATE: .....

**OPINION OF EXECUTIVE DIRECTOR**

Candidature compatible with the requirements of the service: YES/NO If NO, give reasons: .....

SURNAME/FIRST NAME: .....

SIGNATURE: ..... DATE:

**Send the completed form to the JU**

**DECISION OF APPOINTING AUTHORITY**

SURNAME/FIRST NAME: .....

SIGNATURE: ..... DATE:

For the period from ..... to ..... the applicant:  <input type="checkbox"/> must apply for leave on personal grounds;  <input type="checkbox"/> must take annual leave;  <input type="checkbox"/> must apply to work part time;  <input type="checkbox"/> may continue normal duties.
---

**Appendix 9 - Declaration tenure of public office**

**DECLARATION TENURE OF PUBLIC OFFICE**

(Article 15 of the Staff Regulations and Articles 11 and 81 of the CEOS)

**APPLICANT**

SURNAME/FIRST NAME:

Personnel No:

Administrative status: temporary/contract staff

Grade: ..... Tel: .....

Service: .....

**PLANNED ACTIVITY**

Nature of duties to be performed and place: .....

Date on which duties are to start and duration: . Times  
and frequency of performance of duties:

Monthly remuneration: .....

**OPINION OF THE IMMEDIATE SUPERIOR**

Tenure of the public office may be detrimental to the SNS JU's interests: YES/NO If YES, give reasons: .....

The extent of the planned duties and the commitments they entail are such that the Staff member is able to perform his/her duties in the SNS JU in full: YES/NO If NO, give reasons: .....

SURNAME/FIRST NAME: .....

SIGNATURE: ..... DATE:

**Send the completed form to the JU**

**DECISION OF APPOINTING AUTHORITY**

SURNAME/FIRST NAME: .....
SIGNATURE: ..... DATE: .....

<p>For the period of his/her mandate from..... to ..... the applicant:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> must apply for leave on personal grounds;</li> <li><input type="checkbox"/> must take annual leave;</li> <li><input type="checkbox"/> must apply to work part time;</li> <li><input type="checkbox"/> may continue normal duties.</li> </ul>
---

Date:

Signed:



**Appendix 10 - Declaration of absence of conflict of interest and confidentiality of participants in procurement committees, Staff Selection Boards and other boards or committees involved in human resources activities**

**DECLARATION OF ABSENCE OF CONFLICT OF INTEREST AND OF CONFIDENTIALITY**

*To be filled by SNS JU*

**Subject:**

**Reference:**

I, the undersigned, ....., personnel number ....., having been appointed to the above mentioned board/committee, declare that to my knowledge, I have no conflict of interest with the .....

I confirm that, if I discover during the selection that such a conflict exists, I will immediately inform the chairperson of the selection board/committee and I will resign from the selection board/committee.

I also confirm that I will keep all matters entrusted to me confidential. I will not communicate outside the board any confidential information that is revealed to me or that I have discovered, nor will I communicate any information relating to opinions expressed during the selection. I will not make any adverse use of information given to me.

Date:

Signed: