

CPVO policy on prevention and management of conflict of interest

1. Introduction

The Common Approach endorsed by the Inter-institutional Working Group on EU decentralised agencies in July 2012 mandated the Commission to “*examine, together with the agencies, if there is scope for a harmonised approach*” on preventing and managing conflicts of interest for management board members and directors, and to also consider extending such approach to members of scientific committees and Boards of Appeal in the agencies. A Roadmap on the follow-up to the Common Approach was adopted by the Commission on 19th December 2012¹, in which the Commission committed itself to elaborate, in cooperation with agencies, Guidelines on the prevention and management of conflicts of interest in EU decentralised agencies (hereinafter referred to as “Commission Guidelines”). Having taken the last final version of 10/12/2013² of the Commission Guidelines into consideration, the CPVO has updated and collated, through the present Policy, its internal rules on prevention and management of conflicts of interest. A first version was adopted in 2018.

The CPVO implements the system for the protection of plant variety rights established by European legislation, which is in line with the 1991 Act of the international Convention of the Union for the Protection of new Varieties of Plants (UPOV). The system allows intellectual property rights, valid throughout the Community, to be granted for plant varieties. The decisions of the CPVO are based on technical examinations conducted in Member States by Examination Offices (EOs) entrusted by the CPVO Administrative Council (AC) taking into account the conclusions of the quality audits performed by the CPVO Quality Audit Service (QAS). Internal committees appointed by the President of the CPVO, and composed of CPVO staff members, take decisions in relation to the handling of applications and registrations of plant variety rights. The number of Committees is determined by the Administrative Council of the Office. A Board of Appeal, composed of a Chairperson, an alternate Chairperson and members, none of whom are CPVO staff members, takes decisions on appeals. It is important that individuals and bodies participating in these decision making process acts in an impartial and objective manner.

Apart from the decision-making process relating to the core business of the CPVO, i.e. granting intellectual property rights for new plant varieties, there are other decisions and procedures in the CPVO in which impartiality and objectivity are very important, such as employment procedures, public procurement, and funding of R&D projects.

CPVO staff is subject to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union³ (hereinafter referred to as “the Staff Regulations”) which contains several provisions addressing situations of conflict of interest. Nevertheless, over the years, procedures, provisions in agreements and declarations of absence of conflict of interest have been introduced in order to remind the persons concerned about the importance of acting independently, in transparency and with integrity. The CPVO provides regularly to its staff trainings on ethics and integrity, which includes the rules on whistleblowing. The CPVO adopted Guidelines on Whistleblowing⁴ in 2019.

¹ Roadmap on the follow-up to the Common Approach on EU decentralised agencies

² Guidelines on the prevention and management of conflict of interests in EU decentralized agencies, 13.12.2013

³ Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community.

⁴ DOC-AC-WP-2019-1 of 15 February 2019

2. Definitions/ principles

A conflict of interest refers to a situation where the impartiality and objectivity of a decision, opinion or recommendation of an Agency is or might be perceived as being compromised by a personal interest held or entrusted in a given individual.

According to the Commission Guidelines, the best way to foster **integrity** and **accountability** is to ensure **transparency** in all situations, in compliance with the data protection legislation and the principle of proportionality (in the adoption of prevention or remedying measures). Declaring an interest does not necessarily entail having an actual or potential conflict of interest.

The Commission Guidelines recall that decision-making procedures should be clear and transparent. Furthermore, to ensure adequate identification and management of situations implying conflict of interest or appearance thereof, the person concerned should draw attention to the possible conflict before giving an opinion or advice, and rules in place should provide for restricted or absence of participation in the decision-making procedure(s) concerned.

The Commission Guidelines provide that, upon request, minority opinions should be included in the minutes and made public, thereby ensuring transparency on divergent views.

3. Preventing conflicts of interests

The prevention of conflicts of interests is undertaken through a series of specific measures, either general or targeting specific groups of persons.

The CPVO will store all of the conflict-of-interest declarations mentioned in this policy in a Network Shared folder of the Office.

The following declarations will be published in their respective sections of the CPVO website:

- i) AC members
- ii) Board of Appeal members
- iii) Committee members
- iv) President and Vice-President

General principles applicable to declarations of interest:

The provision of an adequate declaration of interest shall be a condition to perform the activity to which said declaration refers.

The individuals concerned shall assume an individual responsibility by declaring their current and past direct or indirect interests or absence of interests in good faith, considering that declaring a direct or indirect interest does not necessarily mean having an actual or potential conflict of interest, nor does it automatically disqualify a person from participating in certain activities.

The persons concerned are responsible for the completeness and the accuracy of their declaration of interest. This includes updating said declaration should their situation change over time.

The following information on all direct or indirect interests that are or could be perceived as related to the domain of activity of the Office may be taken into consideration:

- i) Past activities: posts and professional activities (nature of the post and name of the employer, foundation, institution, company or other organisation shall also be indicated);
- ii) Current activities: posts and professional activities held (nature of the post and name of the employer, foundation, institution, company or other organisation shall also be indicated) if applicable;
- iii) Any direct financial interests (managerial stakes in companies, including ownerships of patents or any other relevant intellectual property rights);
- iv) Spouse's/legally recognised partner's/dependent family members' current professional activity and financial interests that might entail a risk of conflict of interests.

The person concerned shall use the most appropriate declaration template made available by the Office as per Annexes of the present policy.



3.1. CPVO Management

Function / composition

The CPVO management is in charge of defining the strategy and priorities of the Office in its functioning, in relation to the working objectives, choice and maintenance of the premises, definition of manpower needs, recruitment of staff and allocation of financial resources. It is composed of the President of the Office, its Vice-President, the Senior Advisor and the heads of units.

Risk of conflict of interest

The potential risk of conflict of interest lies with members of the management recruiting or procuring from persons or entities from which these members might derive direct or indirect (through family, acquaintances) interest/advantage, or taking management decisions that could favour any of these persons. Regarding the recruitment procedure, additional rules apply (see point 4).

Mitigating measures

This risk is mitigated by having specific measures regarding procurement, by the Staff Regulations, as explained below under indent 3.2, and by having members of the Management Team sign an annual declaration of interests (see **Annex 1**).

3.2. Staff

Function

Employees of the CPVO are recruited with a view to performing a wide range of tasks in different areas: technical, programming, legal, quality auditing, treasury management, accountancy, etc.

Risk of conflict of interest

The risk could be to see staff involved in such procedures favouring companies in which they or their relatives or acquaintances have interests. As to the staff involved in treasury management, an additional risk could be for them to favour banks in which they might have direct or indirect (family, acquaintances) interest/advantages. Other risks to take into consideration relate to the occupational status of outgoing staff members, especially if the new activity is related to the work carried out by the staff member during the last three years of service and could lead to a conflict with the legitimate interests of the institution. This could also be the case of former senior officials. The CPVO considers as senior officials staff members who held any of the following positions during their final three years of service: President, Vice-President and Senior Adviser.

Mitigating measures

Pursuant to Article 1a(2) of Staff Regulations, the CPVO applies their rules to all its categories of staff, in particular Article 11(a) on independence, Article 16 on post-employment situations, etc.

The AC of the CPVO has adopted Rules on working methods of the Office dated 12 April 2000 which refer to the Ombudsman Code of Good Administrative Behaviour in all relations of CPVO staff with the public. These were repealed in 2014 when the AC decided to adopt, *mutatis mutandis*, the European Code of Good Administrative Behaviour of the Ombudsman, which still applies to the CPVO.

Staff members sign a declaration of integrity form upon appointment and both a declaration on honour and an occupational declaration, when necessary, upon termination of contract (see **Annexes 3, 4 and 5**). Staff moving between EU institutions is excluded from this obligation. An up-date of the declaration of integrity should be made every three years. This up-date should be initiated by the People & Resources Unit (P&RU).

If staff members, during their careers in the CPVO, find themselves in a situation of (potential) conflict of interest, or which could be perceived as such, they should notify this by introducing a declaration in the Ethics module of Sysper (see hereunder).

A Decision on the policy and procedures governing the engagement and use of seconded national experts (SNEs) at the CPVO was also adopted on 23 August 2004, reviewed on 2 June 2015 and on 21 March 2018. Its Article 6 (d) provides that "The SNE shall not, in the performance of his duties, deal with a matter in which, directly or indirectly, he has any personal interests such as to impair his independence, and, in particular, family and financial interests". Seconded national experts have to sign the declarations appended to the present Policy when they enter into service (see **Annex 3**) and when they leave (**Annex 4**).

Regarding the specific risks associated with treasury management, banking contracts are concluded after a procurement procedure and contracts are reviewed by the Legal & Governance Affairs Unit (L&GAU), and the staff members involved also sign a declaration of absence of conflict of interest (see **Annexes 2a and 2b**).



In accordance with Article 42 of the CPVO Financial Regulation⁵ financial actors involved in budget implementation and management, shall not take any action that may bring their own interests into conflict with those of the Union body.

The CPVO shall require staff members involved in procurement procedures to sign declarations of absence of conflict of interest (see **Annex 2a and 2b**).

Regarding the risks of conflict of interest for outgoing staff, the first mitigating measure would consist of requesting the staff member to inform the CPVO of any new professional activity during the two years following the termination of the employment contract with the CPVO. Furthermore, the CPVO may, having regard to the interests of the service, either forbid him/her from undertaking the new activity or give its approval subject to any conditions necessary to address the potential conflict of interest.

In the case of former senior officials, the CPVO shall, in principle prohibit them, during the 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former institution for their business, clients or employers on matters for which they were responsible during the last three years in service. Outgoing senior officials will sign a declaration upon leaving the service (see **Annex 4**), to be assessed by the Administrative Council.

The CPVO is using the Ethics module of Sypser (dedicated HR IT tool), and the following declarations should be introduced via that tool:

- Conflict of interest declaration
- Gift of Hospitality declaration
- Publication declaration
- Request authorisation for outside activity
- Request for outside activity while on leave on personal grounds
- Spouse employment declaration

The term "spouse" includes a partner with whom the individual has a registered non-marital partnership.

3.2.1 External service providers, interim staff and trainees.

The general principles of the present policy apply also to external service providers, interim staff and trainees who, despite not being defined as staff members under the Staff Regulations, are bound by the same duties of integrity.

When the CPVO makes use of external service providers, interim staff and trainees they are contractually bound by confidentiality obligations. Moreover, trainees are not assigned tasks that have a substantial impact on the decision making process of the CPVO. They could, however, have access to sensitive information and they are therefore asked to sign the declarations in Annex 3 and 4.

Concerning external service providers and interim staff, the Office reserves the right to provide a declaration of interest only in the case where the task performed has a substantial impact on the decision making process of the CPVO (see *mutatis mutandis* **Annex 3**).

3.4. Committees

Function / composition

Decisions regarding the refusal of applications, the grant of Community plant variety rights, the objection or nullity/cancellation requests, the amendment to variety denominations, and the grant of compulsory licenses on Community plant variety rights are adopted by specific Committees set up in pursuance to Article 35 of Regulation 2100/94⁶ (the "Basic Regulation"). There is not necessarily a total overlap in the composition of the management team and the decision committees.

Risk of conflict of interest

The potential risk of conflict of interest lies with members of the CPVO decision Committees having a personal interest in the granting of a certain protection right, e.g. bonds, equity, participations beyond the threshold of minority control in companies that apply to the CPVO for plant variety rights, which could bias their decisions regarding the granting, annulment or cancellation of rights.

Mitigating measures

This risk is mitigated by having the members of the CPVO decision Committees and the President sign annual declarations of interests (see **Annex 1**). These declarations, stored in the Network Shared Folder of the Office and included in the personal file of the Committee member, remain valid until a new version has been signed.

⁵ DOC-AC-2019-2-5 of 19 September 2019

⁶ Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights.

Applications, withdrawal of applications, decisions regarding the refusal of applications or the grant of Community plant variety rights, proposals of variety denominations, withdrawals or approvals of such proposals, amendments to variety denominations, applications for the grant of compulsory licenses on Community plant variety rights, withdrawals of such applications, rejections or grants of such applications, changes in the person of the applicant or of the holder of protection or of the procedural representative, deeds of pledge, levies of execution and termination of protection (i.e. the subject matters of the five Committees as per Article 35 of the Basic Regulation) are made public in the official gazette of the CPVO so that any person may lodge an appeal. Appeals and decisions on appeals are also published in the official gazette.

3.4. Members of the CPVO Board of Appeal

Function / composition

The Board of Appeal ("BoA") of the CPVO is responsible for deciding on appeals against the decisions of the Office regarding the grant, refusal of or objections to applications, nullity petitions and cancellations of Community plant variety rights, decisions on the suitability or amendment of variety denominations, on compulsory exploitation of rights, or relating to the entering or deletion of information in the register, on the setting of fees and on apportionment of costs pursuant to Article 67 of the Basic Regulation. The Chairperson and its alternate are appointed by the Council of the European Union according to the procedure described in Article 47 of the Basic Regulation, for a period of 5 years. The members of the Board of Appeal are appointed for 5 years by decision of the AC upon proposal of the CPVO, after interviews following a call for expression of interest. The list of qualified members of the BoA includes technical and legal experts. Thus, the experience of both categories of members is in many instances acquired either in the private sector (breeding companies or law firms) or working for EOs.

Risk of conflict of interest

Members of the BoA including its Chairperson and alternate could adopt decisions favouring one of the parties or the CPVO (which is also a party to proceedings lodged against its decisions) due to personal and/or economic interests.

Mitigating measures

The BoA of the CPVO is composed of members who are not subject to the Staff Regulations. However, they are bound by the rules on independence and objectivity laid down in Articles 47(5) and 48 of the Basic Regulation.

Upon application to become members of the CPVO BoA in reply to the CPVO call for expression of interest, candidates are required to sign a general declaration of absence of conflict of interest (see **Annex 6**).

Article 48 of the Basic Regulation further provides that members of the BoA may not be part of any appeal proceedings if they have any personal interest therein, if they have previously been involved as representatives of one of the parties to proceedings or if they have contributed to the decision under appeal. The members of the BoA (including its Chairperson and alternate) are reminded, upon designation in a given appeal proceedings, that he/she should inform in writing the BoA in case of doubt about a potential conflict of interest. The BoA shall decide on the action to be taken, without the participation in such decision of the member of the BoA concerned, replaced by his/her alternate.

In addition, parties to appeal proceedings may also object to the participation of one or more members of the BoA for the reasons above or if the member is suspected of partiality (See Article 48(3) of the Basic Regulation).

3.5. Members of the Administrative Council

Function / composition

The AC of the CPVO established by the Basic Regulation monitors the Office's activities, may establish rules on the working methods of the Office, may issue test guidelines for the conduct of technical examinations for new plant varieties, adopts the entrustment requirements for the EOs, entrusts the EOs, grants compulsory licenses, adopts the annual budget of the Office, and gives a discharge to the President of the Office in respect of the implementation of the budget and staff establishment plan, proposes amendments to the legislation, appoints the members of the BoA, experts of the Quality Audit Service ("QAS"), the Chairperson of the Audit Advisory Board, and takes part in the recruitment processes of the President and Vice-President.

The AC consists of a representative of each EU Member State and a representative from the European Commission, as well as their alternates. The representatives from the Member States have voting rights. Member States appoint the AC members and their alternates. The Chairperson and his/her deputy are



selected among the AC members; the duration of their terms of office is three years and their mandate is renewable.

The AC has adopted rules of procedures to allow non-governmental organizations operating in the sphere of plant variety protection under the Community plant variety protection system, including breeders' organisations, to send observers to its meetings.

Risk of conflict of interest

The members of the AC represent the EU Member States who are in many instances employed by national agencies granting national plant variety rights or by EOs also carrying out DUS tests for the CPVO.

The AC is in particular in charge of making proposals to the Commission on the level of fees to be paid to the Office by breeders.

The AC is also responsible for entrusting the EOs for a given set of species, through a vote. Entrusted EOs are then in charge of carrying out technical trials for new plant varieties on behalf of the CPVO. When voting, members of the AC could be tempted to favour an EO from their Member State, or to reject the termination of entrustment recommended by the Quality Audit Services ("QAS") on the basis of documented instances of non-compliance with entrustment requirements.

As explained more in detail below, the QAS was set up as an independent body of the CPVO for the purpose of giving recommendations on entrustment to the Administrative Council.

Mitigating measures

In order to avoid biased voting, the rules of vote contained in Article 8 of the Rules of procedure of the AC make it impossible for one AC member to skew the overall vote. There is no veto right for any member or group of members of the AC and decisions are taken by simple or qualified majority, depending on the matter. Each Member State has one vote.

Furthermore, the approval of the budget pursuant to Article 109 of the Basic Regulation or an entrustment decision are adopted by show of hands in order to guarantee transparency, in the presence of breeders' organizations participating as observers. This entails that the members of the AC have to justify a vote against a recommendation of the CPVO QAS and thereby reduces the risk for arbitrary decisions.

Moreover, for those among AC members who are experts from EOs, they shall not be designated as experts assisting the Quality Audit Officer in the conduct of audits of EOs. The policy in the AC is that members do not take part in voting concerning the entrustment of the EO with which they are employed or which is located in the Member State appointing the AC member.

Risk of conflict of interests is also mitigated by having members, alternate members (including Commission representatives) of the AC sign a declaration of interests, when appointed as members or alternate members of the AC (see **Annex 7**). Such Declaration shall be signed every year of appointment and updated in the course of the year in case of changes. The CPVO will make said declarations available to the public. During every meeting, the members of the AC shall be invited by its Chair to declare any conflict of interest in relation with any item of the agenda. The declaration will be recorded in the minutes of the meeting.

Observers to the AC are not required to submit a declaration of interest as they do not take part to the decision making process of the Office.

All AC members or alternates shall declare their interests by filling in the declaration, which is sent for signature in the beginning of each year. The declarations are then published on the CPVO website for transparency.

Where a potential or apparent conflict of interests arises, it must be managed and solved before the person concerned takes part in any decision making process. The AC is responsible for adopting any formal decision as to the consequences of a potential or apparent conflict of interest.

3.6. Outsourcing of scientific activities –technical examinations establishing distinctness, uniformity, stability

Function – Activity presenting a risk of conflict of interest

Technical examinations of new varieties of plants are outsourced to EOs almost all of them operating in Member States. The role of the EOs is to conduct the technical examination of new applied-for varieties relating to the compliance with the DUS criteria (Articles 7, 8, 9 of the Basic Regulation), pursuant to CPVO Technical Protocols and, in their absence, UPOV Technical Guidelines or National Technical Protocols. Based on any of these protocols, the EO drafts the DUS report and the official variety description of the candidate variety. Some EOs among those entrusted with the conduct of the technical



examination have departments or are part of wider organisations with activities that could conflict with the work carried out on behalf of the CPVO. In particular, EOs could carry out research and breeding activities as well as apply for plant variety rights themselves. Some EOs may also, as per Article 56(3) of the Basic Regulation, make use of the services of a so-called “technically qualified bodies”, entity entrusted by the EO to perform a part of the DUS testing on its behalf.

In addition, some Examination Offices call upon external experts who are not involved in the decision making process but whose knowledge is used by EOs in order to validate or expand existing information on varieties of common knowledge. Some of these experts could have conflicts of interests as they generally come from the industry.

Risk of conflict of interest

The main risks include not making an impartial assessment of the DUS criteria due to a direct or indirect personal interest, the breach of confidential information (e.g. breeding scheme) and the misuse of plant material submitted for DUS purposes.

Mitigating measures

All EOs entrusted to carry out technical examinations on behalf of the CPVO must sign a designation agreement with the CPVO. The designation agreement by which, pursuant to Article 55 of the Basic Regulation and Article 15(1) Regulation (EC) No 874/2009, the entrustment of an EO by the AC of the CPVO is fulfilled, provides, under its Article 8, rules to be followed to avoid conflicts of interests and to declare situations which could lead to a potential conflict of interests. A form for making such declaration and describing the situation, the risks of conflict and the remedies adopted is provided in an annex to the designation agreement (see **Annex 8**). Additionally, a provision of the designation agreement requires confidentiality of the EO. In case an EO makes use of the services of a technically qualified body, it shall obtain the prior agreement of the CPVO and the species concerned must be listed following the scheme provided by the designation agreement. The EO is liable for all actions carried out by such technically qualified body.

The risk associated with the consultation of external experts or “walking reference collections” is mitigated as follows:

- i) By limiting the scope of their intervention, which consists of giving a non-binding advice;
- ii) By coding the plant material;
- iii) By striving for transparency, e.g. publishing the details on the involvement of external experts as per CPVO Framework procedure for walking reference collections.

In addition the CPVO has adopted the CPVO policy on the status of plant material⁷ used for DUS testing purposes, concerning the way this material shall be handled by EOs.

A potential conflict of interest can also be spotted by the Case Holder dealing with the relevant crop or as a result of a QAS visit. In this case, the Case Holder or QAS shall invite the EO to submit the appropriate declaration. Once the declaration has reached the CPVO, the Legal & Governance Affairs Unit (L&GAU) shall analyse its content and determine if it contains all necessary information. The analysis of the conflict-of-interest declaration includes the possible impact on on-going, past examination results and the risk of future conflicts. If further information is needed, the CPVO shall request the EO to provide the missing information. The L&GAU shall consult the Head of the Plant Variety Expertise Unit (PVEU) and the relevant Case Holder before proposing a final draft decision of the CPVO, to be signed by the President. The PVEU will take care of the transmission of the declaration to the L&GAU, of the draft decision to the President and the storage of the signed declaration. The relevant Case Holder will inform the EO of the outcome of the decision.

3.7. Quality Audit Services

Function / composition

QAS conducts assessments of EOs against quality requirements specified in Entrustment Requirements for CPVO EOs (adopted by the AC) and related documents such as technical protocols, designation agreements and other guidance documents. The assessment process involves expertise from external sources participating in on-site visits. The QAS prepares audits recommendations to the AC which might lead to the entrustment or non-entrustment of the EO. In case of objections by EOs or complaints filed against the audit findings of QAS an Audit Advisory Board will be involved. The Audit Advisory Board was set up since the inception of the Quality Audit programme in 2010.

⁷ CPVO Policy on the Status of Plant Material used for DUS testing purposes, 19.03.2019

The audit team is composed of the Head of the QAS (CPVO staff member) and external experts (number depending on the scope of the audit in terms of species or test sites). The external experts involved in the assessment of the EOs are appointed by the AC for a defined period.

The Audit Advisory Board is composed of a Chairperson and 4 members, 2 staff members representing CPVO (outside QAS), CIOPORA (1 member) and Euroseeds (1 member) and provides advice to the AC in its evaluation of the audit process in case of objections and complaints by EOs. The Audit Advisory Board is appointed by the AC for a period of three years. Its Chairperson shall not be a member of the AC, employee of the CPVO or affiliated with breeders and should preferably have experience in conformity assessment or auditing. Individuals appointed as members do not have alternates or proxies.

Risk of conflict of interest

As some of these external experts work for Examination Offices, they could tend to be partial if they are to assess their own employer. They could also take a lenient approach when assessing another EO, knowing that a colleague will soon assess their EO.

Mitigating measures

To ensure the independence of the opinions emanating from the QAS, said service reports directly to the Administrative Council, which adopts the QAS work programme. The QAS depends on the President of the CPVO only for administrative matters (payroll, career development, mission expenses...), the external experts (appointed by the AC) involved in the assessment of the EOs sign upon their appointment a declaration of integrity (see **Annex 9**). They work under the guidance of the Head of the QAS. For each assignment to an assessment mission they receive a written reminder in respect of the declaration of integrity and an oral briefing concerning the confidential nature of the assessment.

The QAS may spot an issue concerning a potential conflict of interest regarding the EO. In the case a declaration under Annex 8 is needed, the QAS should inform the Head of PVEU and the relevant Case Holder for further action (see above paragraph 3.6).

Since 2013, the pool of technical experts for EOs assessment does no longer include individuals who are members of the AC. This ensures that any decision on entrustment of an EO is taken by people who are different from those involved in the assessment of the compliance by EOs with the entrustment requirements.

The Audit Advisory Board is an independent body involved in the entrustment process when there are doubts as to the integrity of an assessment. The members of the Audit Advisory Board are appointed by the AC and sign a Confidentiality declaration (see **Annex 10**).

3.8. Funding of scientific activities – R&D projects

Description of the activity

Since 2002, the CPVO has started funding or co-funding R&D projects along with some EOs with a view to developing the methodology of technical examination tests for plant varieties, in order to further improve the quality and reduce the duration and costs of testing.

The rules for this activity are laid down in the CPVO Administrative procedure to be followed in relation to the request for Co-financing of R&D projects of 2 December 2020. Once proposals of R&D projects are considered to be final by their respective coordinators the staff member in charge of the project (Case Holder) shall request an opinion of an Expert Group and in case of proposals involving molecular techniques, inform the responsible CPVO staff member for the IMODDUS group who will request an opinion of the IMODDUS working group. The opinion of both groups should contain a statement of the relevance of implementing the proposal taking into account the CPVO R & D strategy, as well as a statement of the requested level of co-funding. The composition of the expert group will be defined on a case by case basis and should not automatically be the crop sector expert group. The group shall always include experts from CPVO entrusted examination offices for the species in question and the relevant Case Holder. The group can be complemented with experts having a recognised knowledge in the subject matters of the project.

Having received the mentioned opinion(s), the Case Holder shall forward these together with the proposal to the Chair of the Advisory Group, which is composed by 2 members appointed by the AC, 3 representatives of breeders' organizations and 2 CPVO staff members appointed by the CPVO President. The request shall be accompanied by a written summary of the opinion(s) of the Expert Group, and when applicable, the IMODDUS working group. The Chair of the Advisory group is provided by the CPVO.

The Chair of the Advisory Group after having consulted its members will prepare a draft decision for the President.



Risk of conflict of interest

The President, or any of the members of the experts group or of the Advisory Group, could favour projects of one or several particular EOs due to their personal interest.

Mitigating measures

The decision making procedure is transparent. The President must motivate any refusal to grant funds to a R&D project. This decision is sent to the applicant(s).

The formal opinion given to the President is provided by the Advisory Group, where external experts are in minority. The members and the chairperson of the Advisory Group sign a declaration of absence of conflict of interest⁸ for each project proposal the group has to consider (see **Annex 11**).

The CPVO reports to the AC on R&D projects, for the sake of transparency and in order to limit the risks that the CPVO allocates funds in a manner contrary to rules of prevention of conflicts of interest.

4. Screening of candidates (staff, experts, Administrative Council)

Activity

Regarding external experts and members of the AC, please refer to indents 3.5 to 3.8.

Regarding the screening of candidates in recruitment procedures, the CPVO has adopted a Vademecum for selection and recruitment of temporary (2f) and contract agents⁹, in which the rules to follow for Selection Board members are laid down.

Risk of conflict of interest

A potential conflict of interest could arise where a member of the Selection Board considers that his/her judgement is impaired by reason of his/her relationship (personal or professional) with a candidate, or where the Board impartiality could be called into question by reason of a member's relationship with a candidate.

Mitigating measures

The Selection Board members sign a declaration of absence of conflict of interest (see **Annex 12**).

5. Gifts and invitations

Activity

Pursuant to Article 11a of the Staff Regulations, the CPVO applies the rules and in particular its provisions regarding the policy on gifts.

On 11 March 2015, the CPVO proposed, and the AC agreed, to apply by analogy the Commission Guidelines on Gifts and Hospitality contained in the Communication from Vice-President Sefcovic to the Commission SEC(2012) 167 final, dated 7 March 2012.

Risk of conflict of interest

As a general rule, staff members accepting gifts, favours or payments from governments or any other source outside the Office might be perceived as influencing their independence.

Mitigating measures

Offers that have more than merely symbolic value (such as diaries, calendars, small desk items, an invitation for coffee etc.) should be declined. In some exceptional circumstances (for instance if required by social, courtesy or diplomatic usage) and if there is clearly no risk for the interests and public image of the CPVO, some gifts or hospitality may be accepted. If a gift is offered with an estimated value of more than €50, the staff member must apply for permission to accept it. In any event, permission will not be granted if the value exceeds €150. Staff members should avoid accumulating gifts (even below €50 and independently of the source).

6. Missions financed by external entities

Activity

CPVO staff members may be required to perform their tasks outside of the Office's premises e.g. providing technical expertise to stakeholders or promoting the Plant variety protection system. The CPVO

⁸ Article 6 of R & D rules, 19.09.2019

⁹ New Vademecum for selection and recruitment of temporary (2f) and contract agents, 16.11.2021

has adopted with decision of 2 July 2018 implementing the Commission Guide to missions for officials and other servants of 27 September 2017, regarding the requirements for the booking of travel tickets, accommodation and claims to daily subsistence allowances. This Guide to missions also applies to members of the Board of Appeal and to experts assisting the Quality Audit Service of the CPVO.

Risk of conflict of interest

This risk entailed in this activity includes the staff member seeing its mission expenses covered by an external entity, which may be perceived as affecting the staff member's integrity.

Mitigating measures

Where the costs are to be covered by an external source, they should be accepted only when in the interest of the service and if there is no risk of any real, apparent or potential conflict of interests.

Before the beginning of the mission, the Authorising Officer must check that there is no such conflict of interest and confirm this accordingly in the travel order.

If certain costs were covered by the external source during the mission, a declaration of absence of conflict of interest confirming that there is no (potential) conflict of interest and signed by the Authorising Officer must be attached to the mission's request (see **Annex 13**).

7. Overview of potential remedies in case of conflict of interest

The CPVO considers that appropriate courses of action and remedies are provided by the Basic Regulation regarding members of the Board of Appeal.

A specific procedure is foreseen by Article 47(5) of the Basic Regulation, for the removal of members of the CPVO BoA during their term, by decision of the Court of Justice of the European Union, on application by the Commission after obtaining the opinion of the CPVO AC.

The CPVO also considers that appropriate courses of action and remedies are provided by the model designation agreement concluded with entrusted EOs (see indent 3.6 above and **Annex 8** below).

Regarding staff involved in decision-making Committees competent pursuant to Article 35(2) of the Basic Regulation, members of these committees shall provide their expertise independently and not be bound by any instructions of the CPVO.

Under indent 8, the Commission recommends in its Guidelines that, in a situation where a member of a decision-making committee was involved in a decision-making procedure without having declared an existing interest, the Agency may review or cancel that decision if seriously affected by the conflict of interest.

Article 53 of Regulation No 874/2009 provides that patent mistakes in decisions of the Office shall be corrected. Owing to the general principle of parallelism of forms and competences, the committee which adopted the flawed decision has to correct or repeal it.

For members of decision-making committees and other members of staff, the CPVO has adopted 4 different declarations/request of authorization for outside activities as per Article 12b of the Staff Regulations.

Further, disciplinary measures may apply to all members of staff, such as those listed under indent 8 of the Commission Guidelines and Article 9 of Annex IX to the Staff Regulations: (i) letter of reprimand, (ii) revocation of nomination or (iii) duty to resign or request resignation, only in situations of very serious conflict of interest amounting in a breach of the duty of integrity by the member of staff concerned.

8. Post-employment policies ('revolving door' policies)

The CPVO adopted the Commission Decision C(2018) 4048 of 29 June 2018 on outside activities by analogy. Pursuant to Article 1a of the Staff Regulations, the CPVO applies the rules and in particular the provisions regarding the post-employment policy (See Article 16 of the Staff Regulations as well as annexes 4 and 5 of this policy).

9. Periodical review

The CPVO Administrative Council will regularly assess the effectiveness of the existing conflict-of-interest policy, in order to adapt it to possible new risks.



Date, Angers, 31 March 2023

Marien VALSTAR

Chairperson of the Administrative Council



Annexes:

- Annex 1: Declaration of Interests for members of the Management Team and/or of Committees
- Annex 2a: Declaration of absence of conflict of interest and of confidentiality of the opening committee
- Annex 2b: Declaration of absence of conflict of interests and of confidentiality of the evaluation committee
- Annex 3: Declaration of integrity
- Annex 4: Declaration on honour
- Annex 5: Declaration of intention to engage in an occupational activity after leaving the CPVO
- Annex 6: Declaration of independence for BoA members
- Annex 7: Declaration of Interest for members of the Administrative Council
- Annex 8: Annex to the Designation Agreement of entrusted Examination Offices
- Annex 9: Declaration of integrity for audit experts
- Annex 10: Declaration of confidentiality -Audit Advisory Board
- Annex 11: Declaration of absence of conflict of interest (R&D Advisory Group)
- Annex 12: Declaration of absence of conflict of interest and of confidentiality (Selection Board members)
- Annex 13: Declaration of absence of conflicts of interest in the frame of a mission



Declaration of interests for members of the Management Team and/or of Committees

Name/ First name :

Title :

Hereby declares to have or have had in the past 5 years the following interests:

Nature of activities	Period	Name/location of the organization	Subject matter
I. Ownership or other investments, including shares, in breeding companies, exceeding the minority control threshold in applicable national law			
II. Member of a Managing Body or equivalent structure in a breeding company/plant-related research centre			
III. Member of a Scientific Advisory Body, of an agricultural/horticultural research institute			
IV. Consultancy/ Advocacy for an environment/food/IP-related NGO			
V. Research funding			
VI. Intellectual property			
VII. Other membership or affiliation			
VIII. Interests of close family members ¹⁰			
IX. Other			

A conflict of interest arises where the impartiality and objectivity of a decision, opinion or recommendation of the Agency and/or its bodies, is or might in the public perception be compromised by an interest held by, or entrusted to, an individual working for the Agency.

¹⁰ The terms of 'close family members' shall be construed as meaning spouse, partner, children and direct ascendants.



Please note that expertise is by nature based on prior experience and that therefore having an interest does not necessarily mean having a conflict of interest.

The signatory is hereby informed of his right, in pursuance to Articles 11 and 12 of Regulation (EU) 2018/1725 to access and rectify the present declaration by addressing a communication to dpo@cpvo.europa.eu and to have recourse at any time to the European Data Protection Supervisor.

The undersigned undertakes to provide an update of the present declaration in the shortest delay should any new interest of which he/she was not aware at the time of signing arise.

Date:

Signature :



Declaration of absence of conflict of interest and of confidentiality of the opening committee

Call for tender [Contract Reference]

Contract title [Contract Title]

The members of the opening committee for the aforementioned call for tender are hereby appointed:

Name	Unit	Signature

and their **signature** attest to the fact that they have taken notice of the article 42 of the Financial Regulations mentioned below and that they agree to the terms of this declaration as a whole.

"1. Financial actors within the meaning of Chapter 3 of present Title (IV) and other persons, including the members of the Administrative Council, involved in budget implementation and management, including acts preparatory thereto, audit or control shall not take any action that may bring their own interests into conflict with those of the Union body. They shall also take appropriate measures to prevent a conflict of interest from arising in the functions under their responsibility and to address situations which may objectively be perceived as a conflict of interest.

2. Where there is a risk of a conflict of interest, the person in question shall refer the matter to the competent authority. The competent authority shall confirm in writing, whether a conflict of interest is found to exist. In that case, the competent authority shall ensure that the person concerned ceases all activities in the matter. The competent authority shall take any further appropriate action.

3. For the purpose of paragraph 1, a conflict of interest exists where the impartial and objective exercise of the functions of a financial actor or other person, as referred to in paragraph 1, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest."

4. Each and every member of the opening committee hereby declares that to her/his knowledge s/he has no conflict of interest with the contractors who applied to this call for tender, including persons or members of a consortium, or with any subcontractor.

Each and every member of the opening committee confirms that if s/he were to discover, during the opening, that such a conflict exists, s/he will declare it immediately. If a conflict of interests is found to exist, s/he will cease all activities related to the committee. Subsequently a new committee shall be appointed

5. Each and every member of the opening committee declares that s/he shall keep absolute professional secrecy. S/he shall not communicate either any confidential information s/he would have learned or be told outside of the analysis committee or any opinion that may have arisen during the openings. S/he shall not use any of those information which might be detrimental to the Office or any of the tender".

Angers, [Click here to enter a date.](#)



Declaration of absence of conflict of interest and of confidentiality of the evaluation committee

Contract title [Contract Title]
Call for tender [Contract Reference]

The members of the evaluation committee for the aforementioned call for tender are hereby appointed:

Name	Unit	Signature

and their **signature** attest to the fact that they have taken notice of the article 42 of the CPVO Financial Regulation and that they agree to the terms of this declaration as a whole:

"1. Financial actors within the meaning of Chapter 3 of present Title (IV) and other persons, including the members of the Administrative Council, involved in budget implementation and management, including acts preparatory thereto, audit or control shall not take any action that may bring their own interests into conflict with those of the Union body. They shall also take appropriate measures to prevent a conflict of interest from arising in the functions under their responsibility and to address situations which may objectively be perceived as a conflict of interest.

2. Where there is a risk of a conflict of interest, the person in question shall refer the matter to the competent authority. The competent authority shall confirm in writing, whether a conflict of interest is found to exist. In that case, the competent authority shall ensure that the person concerned ceases all activities in the matter. The competent authority shall take any further appropriate action.

3. For the purpose of paragraph 1, a conflict of interest exists where the impartial and objective exercise of the functions of a financial actor or other person, as referred to in paragraph 1, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest."

4. Each and every member of the evaluation committee hereby declares that to her/his knowledge s/he has no conflict of interest with the contractors who applied to this call for tender, including persons or members of a consortium, or with any subcontractor.

Each and every member of the evaluation committee confirms that if s/he were to discover, during the evaluation phase, any conflict of interest, s/he will declare it immediately. If a conflict of interests is found to exist, s/he shall cease all activities related to the committee. Subsequently a new committee shall be appointed

5. Each and every member of the evaluation committee declares that s/he shall keep absolute professional secrecy. S/he shall not communicate either any confidential information s/he would have learned or be told outside of the evaluation committee or any opinion that may have arisen during the analyses. S/he shall not use any of those information which might be detrimental to the Office or any of the tender".

Angers, [Click here to enter a date.]



Declaration of integrity of a staff member/Seconded National expert (SNE)

I, the undersigned:

recognise the following principles of professional conduct which shall guide the members of CPVO staff/SNE when they are carrying out their duties:

- **independence:** their conduct and decision-making should be determined by the need to serve the common good and the public interest, and never by any other interests (whether private or otherwise, or as a result, for example, of political pressure);
- **impartiality:** in any decisions staff/SNE is called upon to make, their approach should be unbiased;
- **objectivity:** when drawing conclusions, these should be balanced and based on a thorough analysis of the facts and the legal background;
- **loyalty:** their loyalty is essential to the CPVO maintaining its independence and achieving their mission. It is also necessary for the functioning of each service.

Putting these principles into practice requires:

- **circumspection:** stopping and reflecting on the possible consequences and implications of potential actions, showing a degree of moderation and conducting yourself at all times with a due sense of proportion and propriety;
- **a sense of responsibility:** carrying out those tasks entrusted to them as dutifully as possible and looking for solutions, when difficulties are encountered. Staff/SNE also need to know and respect the legal obligations and administrative rules and procedures in force.

At work, staff members/SNEs may be faced with many different types of situations, which constantly require you to exercise good judgement and common sense, in line with the **ethical principles and standards** required of CPVO staff.

In order to adhere to the essential elements involved in staff ethical conduct, staff members/SNEs should:

1. **serve the public interest**, by acting with integrity and being objective and impartial in their work;
2. **be loyal to the CPVO;**
3. provide citizens and others with **quality service;**
4. remember that they are the **human face of the CPVO** and that others will judge the CPVO on the basis of what they see and experience;
5. carry out the tasks assigned to them with responsibility and to **the best of their ability;**
6. treat their **colleagues with respect;**
7. make sure their **conduct is beyond reproach**, by not knowingly being a party to an activity that could bring the CPVO into disrepute or could cause their impartiality to be questioned;
8. ensure that they are aware of the relevant **legal obligations, rules and procedures;**
9. **if they are unsure** whether something (they do or are asked to do) is ethical, staff members should consult the relevant information – including the [Code of good administrative behaviour](#) – and if **in doubt ask their superior.**

Staff members/SNEs must exercise the greatest discretion with regard to all facts and information coming to their knowledge in the course of or in connection with the performance of their duties.

For the purposes of this Declaration, Seconded National Experts shall respect the above mentioned ethical guidelines in carrying out their duties for the Office. Moreover SNEs shall abide to the specific rules laid down in Article 6 of the Decision on SNEs of the Administrative Council of the Office of 21 March 2018 (DOC-AC-2018-1-13-Annex 1).



Professional and private behaviour inside or outside the CPVO should not bring the European civil service into disrepute.

Staff members/SNEs are obliged to **request authorisations** or **provide notifications** in situations of potential conflict of interest (for example in cases of conflicts of interest in call for tenders, gifts, external activities, spouse's employment, publications or speeches on EU-related matters). This must be done on their own initiative.

It is also worth noting that if their acts or behaviour risk bringing the CPVO into disrepute, staff could be subject to **disciplinary proceedings**. This could be the case, for example, if they were to be convicted of a crime or a misdemeanour. Article 12 of the Staff Regulations also applies to behaviour within the Institution. Obviously, when assessing any act or expression of opinion, account will be taken of its impact, especially the degree to which it may appear harmful to the CPVO's reputation.

Date:

Signature :



Declaration on honour of Officials/Temporary agents/ Contract staff leaving the CPVO services

I, the undersigned:

Pension N°:

Contact address:

Telephone:

in accordance with article 19 of the Commission decision of 16 December 2013 relating to external activities and mandates, applicable by analogy to the CPVO, declare to have examined the staff regulations and notably the articles 16, 17 and 19¹¹ 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 using a specific form. 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 appointing authority 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.

In the case of former senior officials as defined in implementing measures, the appointing authority shall, in principle, prohibit them, during the 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former institution for their business, clients or employers on matters for which they were responsible during the last three years in service.

In compliance with Regulation (EU) 2018/1725 of the European Parliament and of the Council¹², each institution shall publish annually information on the implementation of the third paragraph, including a list of the cases assessed.

Article 17

1. An official shall refrain from any unauthorised disclosure of information received in the time of duty, unless that information has already been made public or is accessible to the public.
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 Union 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 first paragraph shall not apply to an official or former official giving evidence before the Court of Justice of the European Union or before the Disciplinary Board of an institution on a matter concerning a servant or former servant staff of the European Union.

I commit myself to respect the obligations of articles 16, 17 and 19 of the Staff Regulations after my departure from the CPVO 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

¹¹ According to Article 11 of the Conditions of Employment of other servants of the European Union, the provisions of Article 16, 17 and 19 of the Staff Regulations shall apply by analogy to temporary agents. Said Article 11 also applies by analogy to contract staff.

¹² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regards to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L29, 21.11.2018, p.39-98)



document or written notes belonging to the files or the series of non-public documents managed by myself during my activities at the CPVO.

I declare also to have taken note that any new occupational activity, whether gainful or not, within two years of leaving the CPVO must receive prior authorisation from the appointing authority, and I am obliged, in this respect, to seek approval from the CPVO.

Date:

Signature (*):

(*) to be preceded by the handwritten text "read and approved"

Please complete in capitals and return to the CPVO:

HR Service

CPVO/OCVV

3 boulevard Maréchal Foch

CS 10121

F-49101 ANGERS CEDEX 2



Declaration of intention to engage in an occupational activity after leaving the CPVO

Article 16 of the Staff Regulations

The former official or other servant

Name and first name:

Personnel No

Function Group/grade/step:

Position (Director, Head of Unit, etc.):

Date of leaving the CPVO:

Address:

Telephone: Fax:

Email :

Are you receiving or will you receive any pecuniary benefit from the CPVO after leaving? If so, of what sort? ¹³

Describe your work during the last three years of service. State the Unit/Service(s).

New activity

Name of the body:

Address:

Telephone: Fax:

Email:

Nature of its activities:

Does this body receive funding from the European Commission or the CPVO?

Precise description of the work:

Expected duration of the work:

Expected starting date of the work:

Position in the body:

Will you be an employee in the body?

a shareholder in the body?

self-employed?

Will you receive remuneration or other pecuniary advantages? If so, please specify

¹³ If you receive an invalidity allowance, a form relating to Art.13 (2), Annex VIII of the staff regulations concerning the details on the activity after leaving the service will be provided to you.



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 CPVO) or body? If so, please specify:

During your work at the CPVO, did you have any direct or indirect relations with the body for which you wish to work¹⁴? If so, please specify:

Will your new activity have direct or indirect links with:

- your former service?
- other CPVO services?

If so, please specify:

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 CPVO.

¹⁴ State in particular whether you were engaged in preparing financial and/or contractual relations.



Declaration of independence for Board of Appeal members

Name and address

Declaration of Independence

I hereby declare that I am not linked in any way to a private company or any person having professional activities involved in proceedings before the Community Plant Variety Office.

I commit to act independently, in the public interest, and to make an immediate declaration in respect of any interest, which might be considered prejudicial to my independence.

I undertake to treat in the strictest confidence and not make use of or divulge to third parties any information or documents which are linked to performance of my tasks as a member of the CPVO Board of Appeal. I understand that I am responsible for maintaining the confidentiality of any documents or electronic files received or prepared in this framework.

I am aware that I continue to be bound by this undertaking after the completion of my tasks as a member of the CPVO Board of Appeal.

I also declare that I am hereby informed that the present declaration will be kept on file by the secretariat of the Board of Appeal during the term of my appointment as a member of the CPVO Board of Appeal and of my right, in pursuance to Articles 11 and 12 of Regulation (EU) 2018/1725, to access and rectify the present declaration by addressing a communication to dpo@cpvo.europa.eu and the Board of Appeal Registrar, and to have recourse at any time to the European Data Protection Supervisor.

Date and signature:



Declaration of interests for members of the Administrative Council

Name/ First name:

Title:

Current and previous activities:

Please give details of any posts held and/or professional activities currently held or carried out over the past two years **which may have a potential impact such as to impair your independence** in your activity as AC member or alternate member.

Please also indicate any shares and/or stocks **(with a value in excess of 50 000 €, or equivalent)** in the capital of companies having an interest in or related to the field of activity of the CPVO, which may have a potential impact such as to impair your independence in your activity as AC member or alternate.

1. Ownership or other investments, including shares, in breeding companies, exceeding the minority control threshold in applicable national law

Nature of Activities:	
Period:	
Name/location of the organisation:	
Subject matter:	

2. Member of a Managing Body or equivalent structure in a breeding company/plant-related research centre

Nature of Activities:	
Period:	
Name/location of the organisation:	
Subject matter:	

3. Member of a Scientific Advisory Body, of an agricultural/horticultural research institute

Nature of Activities:
Period:
Name/location of the organisation:
Subject matter:

4. Consultancy/ Advocacy for an environment/food/IP-related NGO

Nature of Activities:	
Period:	
Name/location of the organisation:	
Subject matter:	

5. Employment

Nature of Activities:	
Period:	
Name/location of the organisation:	
Subject matter:	

6. Research funding, for example fund received from private companies for research activities in this domain.

Nature of Activities:	
Period:	
Name/location of the organisation:	
Subject matter:	



7. Ownership of Intellectual property

Nature of Activities:	
Period:	
Name/location of the organisation:	
Subject matter:	

8. Other membership or affiliation

Nature of Activities:	
Period:	
Name/location of the organisation:	
Subject matter:	

9. Interests of close family members¹⁵

Nature of Activities:	
Period:	
Name/location of the organisation:	
Subject matter:	

10. Other

Nature of Activities:	
Period:	
Name/location of the organisation:	
Subject matter:	

¹⁵ The terms of 'close family members' shall be construed as meaning spouse, partner, children and direct ascendants.

A conflict of interest arises where the impartiality and objectivity of a decision, opinion or recommendation of the Agency and/or its bodies, is or might in the public perception be compromised by an interest held by, or entrusted to, a member or alternate member of the Administrative Council.

Please note that expertise is by nature based on prior experience and that therefore having an interest does not necessarily mean having a conflict of interest.

The signatory is hereby informed of his right, in pursuance to Articles 11 and 12 of Regulation (EU) 2018/1725 to access and rectify the present declaration by addressing a communication to dpo@cpvo.europa.eu and to have recourse at any time to the European Data Protection Supervisor.

The undersigned undertakes to provide an update of the present declaration in the shortest possible delay should any new interest arise of which he/she is not aware at the time of signing.

I confirm that:

☐ **I do not have an interest with respect to my participation in the Administrative Council of the CPVO**

☐ **I do have an interest with respect to my membership in the CPVO's Administrative Council.**

I declare that I have read the CPVO's policy on prevention and management of conflict of interests and that the above declaration is truthful and complete.

Date:

Signature:



Form for a declaration in cases where there is a risk of conflict of interest within the meaning of the Designation Agreement

This form shall be used by Examination Offices to declare the incidence of a conflict of interest or any situation bearing the risk of a conflict of interest. It shall also be used in order to obtain confirmation, by the CPVO, whether a specific set of measures to remedy a conflict of interest situation are considered appropriate or if limitations to the scope of entrustment apply.

Please note: For the purpose of this document the term Examination Office includes staff of the Examination Office, Technically Qualified Bodies of the Examination office and staff of Technically Qualified Bodies.

The second part of the form is intended to serve as record for the decision by the CPVO

Examination Office

- ☐ The Examination Office is involved in Breeding activities or envisages such involvement.
Please provide details such as species concerned, duration, range of activities etc.

- ☐ R&D activities for the purpose of creating new varieties.
Please provide details such as species concerned, duration, range of activities etc.

- ☐ Other activities that may influence the objectivity or impartiality of the DUS test.
Please provide details such as species concerned, duration, range of activities etc.



Conflict of interest

- ☐ The Examination Office believes that there is a conflict of interest for the Examination Office to carry out specific DUS tests. The Examination Office hereby requests not to carry out the requested DUS test.

Please specify current test requests concerned.

- ☐ For the following reasons, the Examination Office does not believe that there is a conflict of interest for the Examination Office to carry out the DUS requested by the Office.

Please specify any measures taken to address a situation described under 1

Date:

Place:

Signature:



Decisions and follow-up

Based on the information given by the Examination Office, the Office takes the following decision.

- ☐ Before taking a decision the Office needs additional information concerning the following items.

- ☐ There is a risk of conflict of interest. The Examination Office must undertake the following measures in order to mitigate the conflict of interest.

Please note: a confirmation in writing of the effectiveness of measures taken will be required before commencement of the test concerned.

- ☐ There is a risk of conflict of interest. The Examination Office must undertake the following measures in order to mitigate the conflict of interest.

- ☐ There is a conflict of interest for the following reasons.

- ☐ The request by the Office to do the DUS test is hereby withdrawn.

Reference to current test requests to which the decision applies.

- ☐ There is no conflict of interest.

Date:

Place:

Signature:



Declaration of integrity for audit experts

1. *Aim*

This document aims to explain the elements that make up the framework of professional behaviour which will guide the members of CPVO QAS assessment teams when they are carrying out their duties. The undersigned recognises the following principles of professional conduct as the basis of this Declaration of Integrity:

2. *Scope of application*

The document is specifically designed to provide guidance to Technical Experts but shall apply principally to all persons involved in the assessment of EOs. The members of assessment teams shall act, with due consideration for their rights and obligations, in accordance with the spirit of the document. The term "team member" is used generically here.

3. *Basic values*

Loyalty, impartiality, objectivity, effectiveness, professional confidentiality and transparency are fundamental values which should guide the team members in the exercise of their duties.

Team members should observe an absolute standard of honesty and integrity in the conduct of the work and the use of resources. Their action should in no circumstances be influenced by outside pressures or by their personal or financial interests. They must avoid any form of unlawful discrimination. Team members should ensure that their actions do not compromise the independence of the assessments.

These fundamental values apply to all actions by the team members

- in an administrative context (notably in relation to employment of staff and the awarding of contracts for goods and services and the review of assessments conducted by QAS)
- in the context of the assessments.

Team members shall undertake to serve the Community interest by providing effective quality audit service. Quality service presupposes from each team member commitment, ability, courtesy and helpfulness.

4. *Requests for information*

Team members shall reply personally to requests for information on matters which concern them directly and shall direct the requester to the lead assessor for subjects which do not concern them directly or where the nature of the information requires the lead assessor to be involved.

Any information request to Examination Offices in respect to an assessment or relevant follow-up activities shall be made in writing, either through or with cc to the lead assessor.

5. *Decision making process*

When evaluating observations in order to come to an assessment conclusion team members should act in accordance with the basic values described in section 3 above and be guided by those principles which form an integral part of the *acquis communautaire*, in particular equality before the law, respect for reasonable expectations, objectivity and impartiality, listening to all parties concerned and the obligation to justify decisions.

6. *Confidentiality*

Team members must exercise the greatest discretion with regard to all facts and information coming to their knowledge in the course of or in connection with the performance of their duties. Any information obtained in the assessment process should be held confidential, and must not be disclosed to third parties, either orally or in writing. Requests for access to documents shall be dealt with according to the Article 33a of the Basic Regulation, Regulation 1049/2001 and the implementing rules adopted by the Administrative Council.

7. *Right to complain*

Any failure by a team member to comply with the principles set out in this document may be the subject of a complaint and will be recorded and processed in accordance with the internal complaint procedure.

Name / Surname / Date / Place / Signature



Declaration of confidentiality- Audit Advisory Board

I hereby declare that I am aware of my obligations to respect confidentiality.

I undertake to treat in the strictest confidence and not make use of or divulge to third parties any information or documents which are linked to performance of my tasks as a member of AAB.

I understand that I am responsible for maintaining the confidentiality of any documents or electronic files sent and for returning, erasing or destroying all confidential documents or files upon completing my tasks.

I am aware that I continue to be bound by this undertaking after the completion of my tasks as a member of AAB.

I am aware that the CPVO reserves all rights to pursue legally any breach of confidentiality.

Date:

Signature:



Declaration of absence of conflict of interest and of confidentiality

Reference: =

Procedure:

Having regard to Article 6.4 of the CPVO's R&D rules as adopted by the Administrative Council on 19/09/2019, "The members and the chairperson will sign a declaration of absence of conflict of interest".

I hereby declare that to the best of my knowledge, at the time of signature of this document, I do not have any conflict of interest of any kind with the proposed project, which I need to assess and give advice. If a conflict of interest arises or may arise during the execution of my tasks, I shall immediately notify the other members and chairperson of the R&D Advisory Group in writing without delay. In that case, I shall not provide any opinion on the R&D project concerned.

Besides, I hereby declare that I am aware of my obligations to respect confidentiality.

I undertake to treat in the strictest confidence and not make use of or divulge to any third parties any information or documents, which are linked to the performance of my tasks during the assessment process carried out by the R&D Advisory Group.

I understand that I am responsible for maintaining the confidentiality of any information, documents or electronic files sent and for returning, erasing or destroying all confidential documents upon completing my tasks.

I am aware that I continue to be bound by this undertaking after the completion of my tasks as a member of the R&D Advisory Group.

Date

Name

Signature



Declaration of absence of conflict of interest and of confidentiality

Reference:

Open position:

Having regard to the article 11(a) of the Staff Regulations of Officials of the European Communities:

"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.

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."

I hereby declare that to the best of my knowledge, I do not have any conflict of interest of any kind with the candidates who applied for the position. Should I encounter any during the procedure, I solemnly agree to disclose any conflict of interest that may arise and confirm I would immediately resign from the selection committee.

Besides, I undertake to keep secrecy of each and every piece of confidential information heard, discovered or encountered during the selection process and not to disclose any information or opinion outside of the committee. I will not make any potentially harmful use of the information I will be provided with.

Signature

Declaration of absence of conflicts of interest in the frame of a mission

The CPVO applies strict rules regarding conflict of interest, in application of article 11 of the Staff Regulations, articles 11 and 81 of the CEOS and following the CPVO policy on Prevention and Management of Conflict of Interest. Moreover the CPVO Administrative Council adopted in March 2015 the Commission Guidelines on Gift and Hospitality, giving specific rules in this respect.

The EC Guide to Missions and Authorised Travel, adopted by the CPVO Administrative Council and applied at the CPVO since 2 July 2018, requests to apply the principle of absence of conflict of interest for mission arrangements, and especially when mission expenses are paid partially or fully by the organisers.

This form needs to be filled before the mission, or at the latest as soon as the information is known by the staff member.

Mission number:	
Title of the mission	
Name of the organiser:	
Type of organisation ¹⁶ :	
Type of expenditure paid by the organiser:	
Amount paid by the organiser:	

I declare to have been ascertained of the fact that the aforementioned mission with expenses paid by the organiser does not represent a potential conflict of interest, or even if this is the case, that it does not cause prejudice to the independence of the Community Plant Variety Office.

Staff member going on mission	Signature

Authorising Officer	Signature

¹⁶ Government, international organization, private, Examination Office...