



**DECISION OF THE MANAGEMENT BOARD  
OF THE TRANSLATION CENTRE FOR THE BODIES OF THE EUROPEAN UNION  
ON THE POLICY OF THE TRANSLATION CENTRE ON THE PREVENTION AND MANAGEMENT OF CONFLICTS OF  
INTEREST – CT/CA-048/2014/01 EN**

THE MANAGEMENT BOARD OF THE TRANSLATION CENTRE FOR THE BODIES OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for the Bodies of the European Union ('the Translation Centre'), as last amended by Council Regulation (EC) No 1645/2003 of 18 June 2003,

Having regard to the Staff Regulations (SR) and Conditions of Employment of Other Servants (CEOS) in particular Articles 11-26a SR and Articles 11 and 81 CEOS,

Having regard to 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,

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

Having regard to the Commission Decision of 16 December 2013 on outside activities and assignments (C(2013) 9037 final),

Having regard to the Commission Guidelines on gifts and hospitality,

Whereas:

- (1) The Translation Centre, following the Common approach, should have a policy on the prevention and management of conflicts of interest,
- (2) The European Court of Auditors gave several recommendations in its Special Report No 15/2012 'Management of conflict of interest in EU selected Agencies',
- (3) The Parliament in its 2012 discharge of the Translation Centre for the Bodies of the European Union of 3 April 2014 recalls the agency to take into consideration the Court of Auditor's recommendations and to bring its conflict of interest policy in line with the Commission's guidelines;

HAS DECIDED AS FOLLOWS:

**Article 1**

The Management Board of the Translation Centre for the Bodies of the European Union approves the Policy of the Translation Centre on the prevention and management of conflicts of interest, which comprises the following:

- the Translation Centre's policy on the prevention and management of conflicts of interest,
- the declaration by a member of the Management Board with the explanatory note on conflicts of interest,
- the breach of trust procedure on conflicts of interest for Management Board Members.

A more detailed explanation of these elements is presented in the annexes to this decision.

## Article 2

This decision shall enter into force on the day following that of its approval.

Done at Luxembourg, 29 October 2014.

For the Management Board,  
R. Martikonis

Chairman

A handwritten signature in black ink, appearing to be 'R. Martikonis', with a long, sweeping horizontal line extending to the right.

Annexes: 3



## THE TRANSLATION CENTRE'S POLICY ON THE PREVENTION AND MANAGEMENT OF CONFLICTS OF INTEREST

The policy on the prevention and management of conflicts of interest will be implemented according to the Guidelines of the Commission on the prevention and management of conflicts of interest in EU decentralised agencies of 10 December 2013 and 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.

**The Translation Centre's policy on the prevention and management of conflicts of interest concerns:**

Active staff<sup>1\*</sup>,  
Former staff,  
Candidates before recruitment,  
Staff returning from leave on personal grounds/unpaid leave,  
Members of the Management Board.

\* Experts are treated identically to active staff regarding conflicts of interest.  
Within the group 'active staff' a distinction should be made between management staff and other staff.

**Applicable rules for active staff, former staff, candidates before recruitment and staff returning from leave on personal grounds/unpaid leave:**

- Staff Regulations ('SR') and Conditions of Employment of Other Servants ('CEOS') (Articles 11-26a SR and Articles 11 and 81 CEOS);
- Financial Regulation of 2 January 2014 applicable to the Translation Centre for the Bodies of the European Union (Article 41);
- Commission Decision of 16 December 2013 on outside activities and assignments (C(2013) 9037 final) – applicable by analogy;
- Commission Guidelines on gifts and hospitality – applicable by analogy.

**Applicable procedures:**

- **Applicable procedures are in place for active staff, former staff, candidates before recruitment and staff returning from leave on personal grounds or unpaid leave;**
  - Before and upon entering into service, specific information is provided to staff members;
  - Regular information sessions on ethics and outside activities are organised for active staff;
  - Declarations of interests:  
before being recruited, during employment and before returning from leave on personal grounds/unpaid leave.

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<sup>1</sup> Including staff on parental leave and family leave.

Procedures are in place for dealing with the declarations.

Staff involved in selection committees for the recruitment of staff and staff involved in evaluation committees for calls for tenders must fill in a declaration of confidentiality and absence of conflict of interest.

- **Management staff**

- The names of management staff are available on internet;
- Annual declaration of interest and an obligation to declare the payment or reimbursement of expenses, e.g. travel and accommodation costs occurred in relation to conferences, seminars, etc. attended as a speaker or in another significant role;
- Cooling-off period: explicit prohibition for senior staff (AD14 and above) in the 12 months after leaving the Centre to engage in lobbying or advocacy towards the staff of the Translation Centre on matters for which they were responsible during the last three years.

Procedures are in place for dealing with the declarations.

Regular information sessions on ethics and outside activities are organised for management staff.

- **Members of the Management Board**

- Upon joining the Board, members and alternate members must sign a declaration of interests;
- Should a member or alternate member find himself faced with a conflict of interest during his mandate, a new declaration should be signed;
- In order to guarantee transparency, the following information regarding individual Management Board members and alternate members are available on the internet: name, function, country and/or organisation providing the mandate, and declaration of interests.

A procedure is in place for handling the declarations of interests as well as refusals to sign a declaration and incomplete or incorrect declarations.



## Declaration of interests by a member of the Management Board<sup>1</sup>

*The purpose of this declaration, to be filled in by members of the Management Board, is to identify any potential or actual conflict of interest of members in relation to their membership and to allow the Translation Centre to take the appropriate measures, where necessary. The signed original declaration will be kept by the Director, and a copy will be given to the member.*

**PART TO BE FILLED IN BY THE MEMBER**

*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 as member of the Management Board of the Translation Centre for the Bodies of the European Union and which may thus lead to any actual or potential conflict of interest relevant to that position?*

YES  NO

*If yes, please give details:*

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

I hereby certify that the information provided in this declaration is correct and complete. I will immediately inform the Chairman of the Management Board and the Director of the Translation Centre of any change in my situation, or of any new relevant information I may receive which could cause a breach of trust towards the Translation Centre. **I am aware that any false or incorrect declaration may result in my exclusion from the Management Board.**

Name: .....

Date: .....

Signature: .....

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<sup>1</sup> Any personal data shall be processed pursuant to 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 (Regulation 45/2001). Such data shall be processed solely for the purposes of this procedure without prejudice to possible transmission to the bodies charged with monitoring or inspection tasks in application of European Union law.



## WHAT IS A CONFLICT OF INTEREST?

A conflict of interest is the situation in which a member<sup>1</sup> of the Management Board is in a position to exploit his membership of the Board for his personal benefit or that of a third party.

A conflict of interest may, as a consequence, lead to a situation in which the impartiality and objectivity of a decision or opinion of the Translation Centre is or may be considered to be compromised by a personal or professional interest held or entrusted to a member of the Management Board.

### BASIC PRINCIPLES

1. Board members shall act with integrity and discretion and avoid any situation liable to give rise to personal conflicts of interest.
2. Board members shall declare all interests that could have an impact on their independence. When declaring these interests, any interests of household members, e.g. spouse, partner or children living at the same address, relating to the Centre's activity shall also be declared.
3. Board members shall not apply for or accept, from any source, any advantage – direct or indirect – such as gifts or hospitality not in line with the Guidelines on gifts and hospitality, that is in any way related to their role as member of the Management Board.
4. Board members shall immediately inform the Chairman and the Director of the Centre of any new interests they should declare.
5. Interests may include employment with full or part ownership of a company, financial interests in a company or undertaking an advisory role for a company.

### GENERAL INFORMATION

- Examples of situations that constitute a (potential) conflict of interest:
  - Interest in a company involved in procurement procedures organised by the Centre, i.e. in the field of translation, information technology and other services.
  - Interest in a company that has signed a contract with the Centre.
- The declaration of interests covers the period of two years before joining the Management Board, the duration of the mandate and the two years following departure from the Board.
- The signed originals of the declarations of interests will be kept by the Director.

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<sup>1</sup> Any reference made to members of the Management Board also includes alternate members.

- The Secretariat of the Management Board will arrange and implement the declaration procedure.
- As a consequence of a conflict of interest, restrictions may be imposed on a member regarding his involvement in the Management Board's activities.
- The breach of trust procedure relating to conflicts of interest applies to declarations submitted by the Management Board members.
- The Centre will implement random *ex-post* controls to verify the declarations made.



## BREACH OF TRUST PROCEDURE ON CONFLICTS OF INTEREST FOR MANAGEMENT BOARD MEMBERS OF THE TRANSLATION CENTRE

### INTRODUCTION

Reference is made to the Translation Centre's policy on the prevention and management of conflicts of interest.

A procedure should be in place regarding the handling of the declarations of interests as well as the refusals to sign the declaration and incorrect declarations.

### SCOPE

The breach of trust procedure on conflicts of interest applies to the members of the Management Board.

The scope of the procedure concerns any incorrect declarations of interests. Failure to fill in the declaration of interests or an incorrect declaration may be considered as a breach of trust towards the Centre. Appropriate actions may be taken in the event of any such failure, including the exclusion of the member from the Management Board's activities.

### PROCEDURE

The following procedure shall apply:

1. If the Centre has knowledge of information that is not consistent with the information included in the member's declaration of interests, and such information should have been declared, the Director shall inform the Chairman of the Management Board. The Chairman shall ask the member to clarify the situation within seven working days, in particular by providing the reasons for the absence of the information to be declared, and, if applicable, to complete the declaration of interests with the missing information.
2. The Chairman, in consultation with the Director, may suspend the member's involvement in the Management Board's activities until the relevant information has been received and assessed. The member and the nominating authority shall be notified of the suspension.
3. Once the relevant information has been received, the Centre shall launch the procedure and assess the information to establish whether the member's omission should be considered as a breach of trust towards the Centre if it is found that:
  - o The missing information is a declarable interest according to the Centre's policy on the prevention and management of conflicts of interest, and
  - o The member did not declare the missing information intentionally or through gross negligence, or otherwise failed to meet his obligations under the Centre's policy.



4. The member shall be notified of the opening of the procedure and of the possible consequences.
5. The member shall be invited to a hearing to give his views. The hearing shall be organised with a group of Management Board representatives before any decision is taken. This group shall consist of up to five members of the Management Board, appointed by the Chairman. The hearing may take place by teleconference or as a face-to-face meeting. During the meeting the member shall have the possibility of expressing his point of view. The Centre shall take account of any comments or documents submitted before and during the hearing.
6. The group shall provide an opinion on whether or not there has been a breach of trust and shall submit a recommendation to the Management Board. The period between receiving the member's information and forwarding a recommendation to the Management Board shall be up to four calendar weeks.
7. Upon recommendation by the group, the Management Board shall take a decision having due regard to all the information provided. The member concerned shall have the opportunity to present his views to the Board. He shall not take part in the vote.
8. The member shall be given the possibility to appeal the decision. Following the receipt of the reasoned decision, the member may appeal within 14 calendar days from the date of notification of the decision, submitting all the relevant supporting documents and information. An appeal group shall be set up consisting of up to five members of the Management Board, appointed by the Chairman. The members of the appeal group shall be different from those appointed for the hearing. The group shall assess all documents and information submitted within two calendar weeks, and may seek the opinion of the nominating authority before reaching its decision. Unless the group asks the Management Board to review its earlier decision, the decision shall remain in force.
9. The Chairman of the Management Board shall inform the member and the nominating authority of the outcome of the review. If the member is excluded from the Management Board, the nominating authority shall be asked to appoint a new member.
10. In the event of a breach of trust, the Director of the Centre shall make this information public.
11. Whenever a breach of trust reveals a case of suspected fraud, the Centre shall inform the European Anti-Fraud Office (OLAF) without delay.

## **INTEGRITY OF THE MANAGEMENT BOARD'S DECISIONS**

Irrespective of the outcome of the breach of trust procedure, a decision shall be taken by the Chairman, in consultation with the Director, on whether to initiate a procedure to check the integrity of the Management Board's decisions. If such a procedure is launched, the Chairman shall ask that any decisions in which the member was involved be checked to ensure that they were not influenced by the member.

A report shall be prepared and the Chairman, in consultation with the Director, shall decide whether any further remedial action is necessary, such as the re-adoption of certain documents.



**DECISION OF THE MANAGEMENT BOARD  
OF THE TRANSLATION CENTRE FOR THE BODIES OF THE EUROPEAN UNION  
COMPLEMENTING THE POLICY OF THE TRANSLATION CENTRE ON THE PREVENTION AND MANAGEMENT OF  
CONFLICTS OF INTEREST – CT/CA-013/2015/EN**

THE MANAGEMENT BOARD OF THE TRANSLATION CENTRE FOR THE BODIES OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for the Bodies of the European Union ('the Translation Centre'), as last amended by Council Regulation (EC) No 1645/2003 of 18 June 2003,

Having regard to the Staff Regulations (SR) and Conditions of Employment of Other Servants (CEOS) in particular Articles 11-26a SR and Articles 11 and 81 CEOS,

Having regard to 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,

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

Having regard to the Commission Decision of 16 December 2013 on outside activities and assignments (C(2013) 9037 final),

Having regard to the Commission Guidelines on gifts and hospitality,

Having regard to the Decision of the Management Board of the Translation Centre for the Bodies of the European Union on the Policy of the Translation Centre on the prevention and management of conflicts of interests adopted on 29 October 2014,

Whereas:

(1) The Translation Centre should complement the abovementioned Decision of the Management Board with an additional Annex

HAS DECIDED AS FOLLOWS:

**Article 1**

The Management Board of the Translation Centre for the Bodies of the European Union approves the Annex presented which shall become Annex N°4 to the abovementioned Decision:

- Specific privacy statement related to the processing of personal data in connection to the declaration of interests by a member of the Management Board

## Article 2

This decision shall enter into force on the day following that of its approval.

Done at Luxembourg, 24 March 2015.

For the Management Board,

R. Martikonis 

Chairman

Annex: Specific privacy statement related to the processing of personal data in connection to the declaration of interests by a member of the Management board



## **Specific privacy statement related to the processing of personal data in connection to the declaration of interests by a member of the Management board**

### **1. Context**

- Upon joining the Management Board, members and alternate members (hereinafter the members) must sign a declaration of interests, which will be made available on the internet.
- Board members shall declare all interests connected to the activities of the Centre that could have an impact on their independence. When declaring these interests, any interests of household members, e.g. spouse, partner or children living at the same address, shall also be declared.
- The declaration of interests covers the period of two years before joining the Management Board, the duration of the mandate and the two years following departure from the Board.
- Should a member or alternate member find himself faced with a potential conflict of interest during his mandate, a new declaration should be signed.

### **2. Controller and purpose**

Processing operations are under the responsibility of the Controller, the Director of the Translation Centre.

As laid down in the Articles 11 and 12 of Regulation 45/2001, the Translation Centre provides members of the Management Board with the present information prior to signing their declaration of interests. The personal data is collected and further processed to identify any potential or actual conflict of interest of Management Board members in relation to their membership and to allow the Translation Centre to take the appropriate measures, where necessary. A breach of trust procedure is in place for situations where the members' declaration of interest is either incorrect or not complete.

### **3. Data collected, the legal basis and means employed**

The name, the date, the signature and the details provided by the member of the Management Board on the declaration form are collected.

Legal bases:

- Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for the Bodies of the European Union, as last amended by Council Regulation (EC) No 1645/2003 of 18 June 2003;
- Financial Regulation of 2 January 2014 applicable to the Translation Centre for the Bodies of the European Union (Article 41);
- Commission Guidelines on gifts and hospitality of 7 March 2012;
- Decision of the Management Board of the Translation Centre of 29 October 2014 on the Policy of the Translation Centre on the prevention and management of conflicts of interest.

The information is stored in paper and in electronic form in an isolated secure system. The information is processed by the staff of the Translation Centre under the responsibility of the Controller.

#### **4. Access and disclosure**

- An electronic copy of the declaration of interests signed by the member will be made available on the internet.
- Access can be given to the bodies charged with monitoring or inspection tasks in application of European Union law.

#### **5. Requests for verification, modification, correction or deletion of information**

Requests for verification, modification, correction or deletion of personal data by the member or the household member concerned can be introduced with the Controller.

#### **6. Starting date of the processing**

Date of introducing the signed declaration

#### **7. Period for keeping the data**

The data will be kept until two years after termination of the mandate of the Management Board member.

#### **8. Contact information**

Questions related to the rights can be addressed to the Controller.

Any information related to the processing of the personal data is detailed in the register of the Data Protection Officer of the Translation Centre.

#### **9. Recourse**

Right for recourse exists at any time to the European Data Protection Supervisor. Complaints can be introduced at: <http://www.edps.europa.eu>.