



Innovative Medicines Initiative

POLICY GOVERNING CONFLICTS OF INTEREST FOR THE EXECUTIVE DIRECTOR AND STAFF OF THE INNOVATIVE MEDICINES INITIATIVE JOINT UNDERTAKING

1. INTRODUCTION

Integrity and high standards of professional conduct by the Executive Director and staff of the IMI JU are crucial for the credibility and reputation of the Joint Undertaking.

Prevention and management of conflict of interest situations across the Joint Undertaking are governed by:

- The legal and regulatory framework as set out under Article 21 of the Council Regulation 73/2008 setting up the Joint Undertaking and under the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities;
- Internal Control Standard No. 2 of IMI JU on ethical and organisational values.

Applicable legal provisions are set out in Annex. They are complemented with specific implementing provisions and guidance applicable to EU civil servants on such matters as involvement on outside activities, whistleblowing, contacts with the media, gifts and hospitality or publications.

This policy incorporates the above rules and describes the key principles, definitions, rules and procedures applicable in IMI JU on situations of conflicts of interests.

2. SCOPE

This policy applies to the **Executive Director and other statutory staff**, i.e. temporary agents and contract agents under employment contract with the Joint Undertaking.

3. POLICY STATEMENT

(1) Objectives

The main objective of the Policy is to ensure that the Executive Director and staff whose duties and activities have a significant influence in the activities of the Joint Undertaking's or impact on its decision-taking have no individual or corporate interests which could affect their independence, as per the requirements of the IMI JU constituent instrument, the Staff Regulations or other EU legislation applicable.

Other objectives include:

- Achieving a robust process based on the assessment of staff members interests reported in Declarations of Non- Conflict of Interest. Implement an effective system which provides adequate

monitoring and enforcement, taking into account the limited resources and the required efficiency of IMI JU operations.

- Improve the transparency and accountability of IMI's policy, notably through the publication of the Executive Director's Declaration of Non-Conflict of Interest.

(2) Principles

The policy is based on Declarations of Non-Conflict of Interest and assessment of the interests reported therein for which the following **principles** apply:

- The identification and handling of conflict of interests shall be based on the evaluation of Declarations of Non-Conflict of Interest submitted by the concerned staff as specified below.
- The responsibility for a complete and truthful declaration shall lie exclusively with the staff member completing the declaration.
- Only activities having taken place in the 3 years preceding the submission of the declaration shall be declared.

4. DEFINITIONS

The following definitions apply to this policy:

- **Interest** means the fact of being objectively concerned in something, e.g. by having a right, a title, a claim or a share therein.
- **Interest of close family member** means interests in the subject matter held by partners or persons dependent on an individual submitting an IMI Non-Conflict of Interest Declaration.
- **IMI Non-Conflict of Interest Declaration** means a self-declaration of a staff member developing IMI tasks and activities containing information capable of identifying potential independence risks including conflict of interest. Declarations of Non-Conflict of Interest can be of the following types:
 - Declaration of Commitment, Confidentiality and Non-Conflict of Interest - this self-declaration certifies that a staff member undertakes to act, in the performance of his/her duties, in the interest of the IMI JU; to keep IMI activities and business confidential; to commit (or) to inform on any situation of (potential) conflict of interest.
 - Declaration of Interest - this declaration contains information on interests of relevance to the tasks and activities of the IMI JU.
- **Conflict of Interest** means a situation where a staff member is in a position to exploit his or her own professional or official capacity in some way for personal or corporate benefit with regard to that person's function in the context of his or her activities in IMI JU.
- **Potential Conflict of Interests** means a situation when a staff member is involved in multiple interests that may appear to be or be perceived as being in conflict.
- **Disqualifying Conflict of Interests** means a situation when a staff member is involved in multiple interests that make him/her unsuitable to participate in a given IMI task or activity.

The following definitions also apply for the purposes of filling a staff member IMI Non-Conflict of Interest Declaration:

- **Employment** means any form of regular occupation or business, part-time or full-time, paid or unpaid, including self-employment, in any body with an interest in IMI activities.
- **Consultancy** means an activity where the individual concerned provides advice or services (including training on a one-to-one basis) to bodies with an interest on IMI activities regardless of contractual arrangements or any form of remuneration.
- **Strategic advisory role** means any participation, with a right to vote on or with other means to influence the outputs, in (scientific) Board or Committee of public or private entity with interest in the subject matter e.g. member of a managing body or equivalent structure or scientific advisory body.
- **Financial interests** mean any economic stake or share in a body with an interest in IMI activities, including the stocks, equities or bonds, or one of its subsidiaries.
- **Other relevant interest** means any interest not falling under the definitions provided above and relevant for the purposes of the present decision e.g. member of an entity receiving IMI grant or other funding.

5. PROCEDURE

An **IMI register** shall be created specifically to support the implementation of the policy. All declarations of Non-Conflict of Interest will be recorded in the register in order to ensure overall consistency, efficiency and traceability in the process.

The register will be managed by the Legal and Policy Manager and the Head of Administration and Finance (HoAF) will be kept informed of any changes and updates. The HoAF, with the support of the Legal and Policy Manager, will assess the declarations are in order to identify and act upon any potential conflict of interests. During the process clarifications may be requested with regard to the declared information. After this procedure is concluded:

- i. The **Head of Administration and Finance** (HoAF) shall report any potential conflict of interests to the Executive Director along with preventive measures proposed in that respect. The Decision will rest with the Executive Director and should be taken within one month from the reception of the declarations by the HoAF. The decision should be copied in the register,
- ii. In case the **Executive Director** declares any potential situation regarding his/her independence, the **IMI Governing Board** is responsible for taking a Decision. The Decision should be recorded in the register.

Implementing provisions

In order to allow the appropriated collection of declarations, screening of interest and enforcement the following shall apply:

- All IMI staff members should sign a Declaration of Commitment, Confidentiality and Independence upon appointment.
- **The Executive Director and staff** who occupy a management or a sensitive position for the nature of their functions, should sign **annually** a Declaration of Non-Conflict of Interest. In this context, management or sensitive positions are those referred to in IMI Standard Operating Procedure on sensitive posts as follows:

Profile or activity	Positions	Associated risks
IMI Management	Executive Director and Head of Administration and Finance	Power of decision and margin of appreciation in all sensitive areas: finance, staff, IMI JU policy formulation and implementation – high financial and reputational stakes (AOD/AOSD, AIPN, preparation of AAR, AIP, Budgets)
Call preparation	Executive Director, Call coordination, Scientific Officers	Input to Calls topics and launch of Calls, appointment of evaluators and independent observers, overseeing selection process
Negotiation and grant award	Scientific Officers, Finance Officers, Legal Officers	Drive process of negotiation and leading to award of grant
Project management	Scientific Officers, Finance Officers	Manage interim reviews, power to execute pre-financing, checking and validation of cost claims
Finance	Finance officers, Finance assistants, Accountant, AOSDs, Executive Officer	Budget preparation and implementation monitoring; Power to initiative and verify payments; Power to execute all payments
Communication	Communications and events manager; legal and policy manager	Power to influence IMI corporate communication
Contract management	Operational managers, procurement and contracts officer	Participation in tenders' launch and evaluation leading to contract awards, monitor contract implementation, validate payments (CAF)
Audits and controls	Internal auditor, Internal Control Coordinator, Finance managers/officers	Prepare and monitor ex-post audit plan (beneficiaries and EFPIA companies), manage relations with external audit firms and validate payments, manage relations with CAR
Information and Communication Technology	IT manager	Manage development and maintenance of overall IT architecture and systems, including DRP and systems security, manage relation with external contractors
Human Resources	HR manager	Management of staff (recruitment, entitlements, end of service) and implementation of staff policies

- Before appointment of a staff member to a tendering or recruitment process as well as for each specific evaluation or management of an IMI project, a screening and analysis of each individual's Declaration of Commitment, Confidentiality and Conflict of Interest together with the annual Declaration of Interests (where applicable) shall be performed so as to ensure the absence or adequate management of potential conflicts of Interest.
- The Declaration of Interest of the **Executive Director** will be made **publicly available** on the IMI website.
- Staff members signing a declaration with confidentiality provisions shall be subject to the requirements of confidentiality even after their duties have ceased.
- When assessing the interests, the holding of interests does not give rise to a conflict of interest, if the independence and objectivity of decisions are not at risk. The primary responsibility for assessing whether an interest might impede independence or influence judgment or for declaring any possible conflict of interest is placed on the staff member concerned.
- A staff member who has an independence issue shall on his/her own initiative refrain from taking part in any reporting, discussions and vote on the issue that may give rise to independence risk or conflict of interest, and if necessary, from participating in the task, meeting, or the relevant part thereof.
- Based on the Declarations of Non-Conflict of Interest provided or non-existent, the Executive Director, in the case of a staff member, or the Governing Board in the case of the Executive Director, may decide to exclude a staff member from a task, activity, decision, voting or discussion where an independence issue is likely to occur based on the provided declaration of non-conflict of interest provided.
- Notwithstanding the above, if staff members do not disclose an independence issue or conflict of interest that might involve them, any other individual may bring to the attention of the concerned responsible entity the existence of an issue or conflict.
- In case of doubts it may be proposed to take all such other actions necessary to avoid the issue or conflict e.g. withhold any information and material from the concerned individual.
- If a potential Conflict of Interest emerges excluding a staff member from participating in an IMI task or activity and his/her expertise or participation is considered essential for the completeness of certain outputs, the availability of alternates or substitutes in the field shall first be considered. Nonetheless, in exceptional cases, when the individual involvement is considered essential and no suitable alternative is found, a waiver may be requested from the Executive Director.

6. PUBLICATION AND PROTECTION OF PERSONAL DATA

IMI will process all Declarations of Independence 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 European Union Institutions and bodies and on the free movement of such data.

The purpose of the data processing is to safeguard the non-Conflict of Interest of IMI JU Executive Director and other staff.

The legal basis for Declaration of Independence processing is provided in:

- Article 21 of the Statutes annexed to the Council Regulation (EC) No 73/2008 of 20 December 2007 setting up the IMI JU.
- As concerns Declarations of Interest of IMI staff, Article 11 and 11 (a) of the Staff Regulations.
- Article 40 (6) and 49 of the IMI Financial Rules and 34 of Regulation (EC, Euratom) No 2342/2002 laying down detailed rules for implementation of the Financial Regulation.

IMI Executive Director is the controller of handling the Declarations of Independence. The nature of interests to declare, the obligation to do so, as well as enforcement procedure is explained in the present document. The recipients of the Declarations of Non-Conflict of Interest are the staff members identified above. Furthermore, Declarations may be transferred to bodies in charge of monitoring or inspection in conformity with EU law.

The conservation period of the declarations per category of data subjects shall be:

- For the Executive Director 5 years after the discharge for the budgetary year in which the Executive Director terminates the mandate at IMI.
- For IMI staff 5 years after the discharge for the last budgetary year in which they worked at IMI.

Data subjects with active IMI involvements have a right to access their Declaration of Non-Conflict of Interest and to update or correct active Declarations at any time. Data subjects are also entitled to have recourse at any time to the European Data Protection Supervisor: <http://www.edps.europa.eu>.