
EXECUTIVE DIRECTOR

**DECISION OF THE EXECUTIVE DIRECTOR ON DECLARATION OF INTEREST IN THE
CONTEXT OF EFSA PROCUREMENT CONTRACTS AND GRANTS**

THE EXECUTIVE DIRECTOR OF THE EUROPEAN FOOD SAFETY AUTHORITY

Having regard to Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority (EFSA) and laying down procedures in matters of food safety¹, and in particular Article 37 thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities² and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities³,

Having regard to EFSA's financial regulation⁴ and its implementing rules⁵,

Having regard to EFSA's Policy on Declarations of Interests and its implementing measures⁶,

Whereas:

1. EFSA's Policy on Declarations of interest provide a stringent and complete framework for identifying, and preventing the occurrence of, conflict of interest of EFSA's scientific experts, EFSA staff and other persons holding key positions in EFSA's internal governance bodies;
2. The Financial Regulation foresees that tenderers, candidates and grant applicants should not be in a situation of conflict of interest;
3. Pursuant to Commission Regulation (EC) No 2230/2004⁷, grants are only assigned to beneficiaries that meet the "independence criterion" foreseen therein;
4. It is appropriate to extend the obligation to fill in a true, complete and updated declaration of interest also to EFSA's contractors and in the most sensitive cases also to

¹ OJ L 31, 1.2.2002, p. 1, as last amended.

² OJ L 248, 16.9.2002, p. 1, as last amended.

³ OJ L 357, 31.12.2002, p. 1, as last amended.

⁴ Ps 28 01 09 item 7 doc 6 – Financial Regulation of the European Food Safety Authority – adopted, available at: <http://www.efsa.europa.eu/en/keydocs/docs/finregulation2009.pdf>.

⁵ Ps 28 01 09 item 7 doc 6 – Implementing Rules – adopted, available at: <http://www.efsa.europa.eu/en/keydocs/docs/finregulationrules2009.pdf>.

⁶ Available at <http://www.efsa.europa.eu/en/keydocs/docs/doipolicy.pdf>.

⁷ Commission Regulation (EC) No 2230/2004 of 23 December 2004 laying down detailed rules for the implementation of European Parliament and Council Regulation (EC) No 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority's mission.

the employees or consultants working on behalf of contractors and on behalf of grant beneficiaries.

HAS DECIDED AS FOLLOWS

Article 1 - Scope

1. The aim of the present decision is to extend certain obligations foreseen in EFSA's Policy on Declarations of Interest to legal or natural persons participating to EFSA's procurement procedures and, where appropriate, to their employees or consultants and to the employees and consultants of grant applicants.

Article 2 – Declaration by tenderers and candidates to EFSA's procurement procedures

1. Legal or natural persons applying to EFSA's public procurement procedures concerning a scientific or technical project shall submit a true, accurate and up to date declaration of interest using the template provided by EFSA and laid out in Annex 1 of the present Decision.
2. The declaration shall be submitted together with the offer and with reference to the natural or legal person applying to the relevant procedure. Tenderers and candidates shall update their declarations without delay in case of any substantial change in the relevant activities.
3. To interpret the concepts and definitions contained in the template declaration, tenderers or candidates referred in paragraph 1 shall make reference to EFSA's Policy on Declarations of Interests, and in particular to EFSA's Guidance on declarations of interest⁸. In accordance with those principles, tenderers or candidates shall complete their declaration with reference to the subject matter of the relevant procedure and to the operational entity that will carry out the project or provide the requested services.

Article 3 – Declaration by employees and consultants in the context of contracts and grants of EFSA

1. On a case by case basis, upon reasoned proposal of the competent EFSA unit and following the decision of the Mandate Review Committee, EFSA may demand legal or natural persons applying to its public procurement or grant procedures to submit as part of their offer/grant application a true, complete and updated individual declarations of interest for each of the members of the team they propose to work on their behalf in the context of that contract or grant agreement.
2. The proposal by the competent EFSA unit referred to in paragraph 1 may be based, *inter alia* on the degree of urgency of a certain call, the level of sensitivity of the

⁸ Available at <http://www.efsa.europa.eu/en/keydocs/docs/doiguideance.pdf>.

relevant subject matter, on reasons linked to the programme of work of EFSA or on other elements such as the type of contract to be signed.

3. The individual declarations referred to in paragraph 1 shall be submitted by the concerned legal or natural person together with the offer/grant application and shall comply with the template laid out in Annex 2 of the present Decision. Tenderers and candidates shall update their declarations without delay in case of any substantial change in the relevant activities. Specific calls or procedures may specify a different timeline for the submission of the individual declarations.
4. To interpret the concepts and definitions contained in the template declaration, participants referred to in paragraph 1 shall make reference to EFSA's Policy on Declarations of Interests, and in particular to EFSA's Guidance on declarations of interest⁹.
5. On the occasion of amendments during the period of implementation of the contract or grant and subject to a decision referred to in indent 1, EFSA reserves the right to ask individual declarations for project team members involved or proposed for involvement in activities under the respective contract or grant.

Article 4 – Screening of the declarations

1. The screening of the declarations of interest submitted under Article 2 or under Article 3 shall be performed by the evaluation committee designated for each procurement or grant call, with the participation of the competent Head of Unit in an advisory capacity, if he or she is not already part of the committee. The screening of declarations may also involve the Authorizing Officer for the contract or grant in question. The screening shall be performed in accordance with the principles and definitions laid down in EFSA's Guidance on Declarations of Interest and in the Procedure on identifying and handling potential conflicts of interest¹⁰.
2. Should a potential conflict of interest be identified, the evaluation committee shall request the tenderer/grant applicant to put in place within a set time period measures appropriate to prevent the occurrence of that conflict, such as the replacement of the individual(s) with the identified conflict.
3. The evaluation committee shall assess the measures taken by the tenderer/grant applicant and the above sequence shall be repeated until no potential conflict of interest is identified, or until the tenderer/grant applicant is excluded for its inability to adopt the appropriate measures. In that case, the tenderer/grant applicant shall be excluded and his or her offer/application shall not be retained for contract/grant award.
4. The screening of declarations submitted under Article 3(5) shall be performed under the supervision of the competent Head of Unit.

⁹ Available at <http://www.efsa.europa.eu/en/keydocs/docs/doiguideance.pdf>.

¹⁰ Respectively available at <http://www.efsa.europa.eu/en/keydocs/docs/doiguideance.pdf> and <http://www.efsa.europa.eu/en/keydocs/docs/doiconflicts.pdf>.

Article 5 – Publication, entry into force, and implementation

1. This decision shall enter into force one month following its signature and shall be published on the EFSA website. This decision shall be applicable only to calls published following its entry into force.
2. The Finance Unit is in charge of laying down the procedural workflow for implementing this decision.

Done at Parma, on 05/04/2011

(Signed)

Catherine Geslain-Lanéelle

Enclosures:

- Annex 1 Declaration of Interest for legal or natural persons participating to EFSA's public procurement procedures (Institutional DoI)
- Annex 2 Declaration of Interest for natural persons performing tasks of the contract or grant assigned to the contractor or beneficiary (Personal DoI for contractors and beneficiaries)

Annex 1 - Declaration of Interest for legal or natural persons participating to EFSA's public procurement procedures (Institutional DoI)

[The Declaration of Interests form should be completed by tenderers. The DoI form is contained in pp. 28-34.

To allow for electronic completion, you find the DoI form also in a separate Annex in MS Word format]

Declaration of Interests Participation in EFSA call for tenders related to Scientific Risk Assessment and Scientific Cooperation & Assistance

Legal basis:

- Article 94 of Regulation (EC, Euratom) N° 1605/2002 on the Financial Regulation applicable to the General Budget of the European Communities, dated 25 June 2002, OJ L 248, 16/9/2002, p.1
- Article 133a of Regulation (EC, Euratom) N° 2342/2002 laying down detailed rules for the implementation of the Financial Regulation, dated 23 December 2002, OJ L 357, 31/12/2002, p.1
- **Part 2.4.1** of these Tender Specifications (Grounds for Exclusion), stating that contracts may not be awarded to tenderers who are subject of a conflict of interest

Call for tenders: CFT/EFSA/nm/2011/nm

Title: Title

Name of tendering organisation:

Name of consortium partner(s) (if any): _____

Name of subcontractor(s) (if any): _____

The tenderer hereby declares the following interests:

*(Tenderers are aware of the fact that a declared interest does not necessarily mean to have a conflict of interest. EFSA will apply the **principle of proportionality** laid down in Article 133a of Regulation (EC, Euratom) N° 2342/2002 cited above)*

Nature of Interests: I. Commercial interest, business partnership or financial participation of the tenderer, consortium partner or subcontractor⁴	Current ¹ Please indicate Month/year	Name of Entity ² Please indicate Private or Public	Subject matter ³

1. Please indicate activities which are currently ongoing, with an indication of the starting date (month/year).
2. Please indicate name, location and nature of all organisations (private, public, etc.) that relate to EFSA's remit. Thus, for the purpose of the declarations of interests the involvement in public bodies needs to be included as well.
3. Please indicate the activity of the entity, *e.g.* types of substances, products, guidance documents, processes or policies. Any data collection and any other interest stemming from prior experience or affiliation of the individual with private or public institution should equally be declared.
4. Please indicate any substantial commercial interest, business partnership or financial interest with or by a company/entity operating in the food or feed business, including holding of stocks and shares, equity, bonds, partnership interests in the capital of a company, one of its subsidiaries or a company in the capital of which it has a holding. Only the kind of financial interests and the name of the entity need to be stated. Also any substantial interests of the tenderer's proposed subcontractor(s) and consortium partner(s) should be indicated.

Nature of Activities: II. Consultancy/Advisory of the tenderer & any consortium partner or subcontractor ⁸	Current ¹ <i>Please answer</i> <i>Yes or No</i>	Past Period ¹ <i>From/To</i> <i>(Month/Year)</i>	Name of Organisation ² <i>Please indicate</i> <i>Private or Public</i>	Subject matter ³

1. Please indicate activities which are currently ongoing, with an indication of the starting date (month/year). For activities that are no longer ongoing and which have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of all organisations (private, public, etc.) that relate to EFSA's remit. Thus, for the purpose of the declarations of interests the involvement in public bodies needs to be included as well.
3. Please indicate the activity of the entity, *e.g.* types of substances, products, guidance documents, processes or policies. Any data collection and any other interest stemming from prior experience or affiliation of the individual with private or public institution should equally be declared.
8. Please indicate any activity in which the organisation charges a fee for providing advice or services in field that relate to EFSA's remit. Also any activity of the tenderer's proposed subcontractor(s) and consortium partner(s) in a field that relate to EFSA's remit should be indicated.

Nature of Activities III. Research funding to the tenderer & any consortium partner or subcontractor ⁹	Current ¹ <i>Please answer</i> <i>Yes or No</i>	Past Period ¹ <i>From/To</i> <i>(Month/Year)</i>	Name of Organisation ² <i>Please indicate</i> <i>Private or Public</i>	Subject matter ³

1. Please indicate activities which are currently ongoing, with an indication of the starting date (month/year). For activities that are no longer ongoing and which have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of all organisations (private, public, etc.) that relate to EFSA's remit. Thus, for the purpose of the declarations of interests the involvement in public bodies needs to be included as well.
3. Please indicate the activity of the entity, *e.g.* types of substances, products, guidance documents, processes or policies. Any data collection and any other interest stemming from prior experience or affiliation of the individual with private or public institution should equally be declared.
9. Please indicate any funding for research in relation to matter or work financed by a private or public entity, including grants, rents, sponsorships and fellowships and received by the tenderer or any proposed consortium partner or subcontractor in a field that relate to EFSA's remit.

Nature of Activities IV. Intellectual property of the tenderer & any consortium partner or subcontractor¹⁰	Current¹ <i>Please answer</i> <i>Yes or No</i>	Past Period¹ <i>From/To</i> <i>(Month/Year)</i>	Name of Organisation² <i>Please indicate</i> <i>Private or Public</i>	Subject matter³

1. Please indicate activities which are currently ongoing, with an indication of the starting date (month/year). For activities that are no longer ongoing and which have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of all organisations (private, public, etc.) that relate to EFSA's remit. Thus, for the purpose of the declarations of interests the involvement in public bodies needs to be included as well.
3. Please indicate the activity of the entity, *e.g.* types of substances, products, guidance documents, processes or policies. Any data collection and any other interest stemming from prior experience or affiliation of the individual with private or public institution should equally be declared.
10. Please indicate any rights related to a field falling in EFSA's remit and granted to creators and owners of works that are results of intellectual creativity. These can be publications or can be in the industrial, scientific or artistic domain. They can be in the form of an invention, a document, a suite of software, or a business name (*e.g.* copyrights, trademarks, patents on the product or substance, *et cetera*). **Also any intellectual property of the tenderer's proposed subcontractor(s) and consortium partner(s) should be indicated.**

Nature of Activities: V. Membership or affiliation of the tenderer & any consortium partner or subcontractor¹¹	Current¹ <i>Please answer</i> <i>Yes or No</i>	Past Period¹ <i>From/To</i> <i>(Month/Year)</i>	Name of Organisation² <i>Please indicate</i> <i>Private or Public</i>	Subject matter³

1. Please indicate activities which are currently ongoing, with an indication of the starting date (month/year). For activities that are no longer ongoing and which have been completed in the preceding five years, please indicate starting and ending date (month/year).
 2. Please indicate name, location and nature of all organisations (private, public, etc.) that relate to EFSA's remit. Thus, for the purpose of the declarations of interests the involvement in public bodies needs to be included as well.
 3. Please indicate the activity of the entity, *e.g.* types of substances, products, guidance documents, processes or policies. Any data collection and any other interest stemming from prior experience or affiliation of the individual with private or public institution should equally be declared.
 11. Please indicate any membership or affiliation of the tenderer and any proposed consortium partner or subcontractor which can be perceived as an interest in the field of activity of the EFSA.
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Nature of Activities: VI. Other¹³	Current¹ <i>Please answer</i> <i>Yes or No</i>	Past Period¹ <i>From/To</i> <i>(Month/Year)</i>	Name of Organisation² <i>Please indicate</i> <i>Private or Public</i>	Subject matter³

1. Please indicate activities which are currently ongoing, with an indication of the starting date (month/year). For activities that are no longer ongoing and which have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of all organisations (private, public, etc.) that relate to EFSA's remit. Thus, for the purpose of the declarations of interests the involvement in public bodies needs to be included as well.
3. Please indicate the activity of the entity, *e.g.* types of substances, products, guidance documents, processes or policies. Any data collection and any other interest stemming from prior experience or affiliation of the individual with private or public institution should equally be declared.
13. Please indicate any activities or interests other than the above which can be perceived as an interest in an activity included in EFSA's remit

If you need more sheets to declare interests, do not hesitate to use blank ones or to ask for them, but please sign each one of them and attach them to this form.

The tenderer's legal representative, as well any proposed subcontractors (*if any*) or members of the Consortium (*if any*) hereby declare that the information contained in this declaration is correct and complete to best knowledge and ability:

Name of tendering organisation: *[complete].....*

Name of tenderer's legal representative & Signature: *[complete + signature].....*

Seal of tendering organisation:

Date: *.../.../2011*

Name of Subcontractor: *[complete]*.....

Name of subcontractor's legal representative & Signature: *[complete + signature]*.....

Seal of subcontracting organisation:

Date:/....../2011

Name of organisation, member in the Consortium: *[complete]*.....

Name of the Consortium member's legal representative & Signature: *[complete + signature]*.....

Seal of Consortium organisation:

Date:/....../2011

If you need more sheets to declare interests, do not hesitate to use blank ones or to ask for them, but please sign each one of them and attach them to this form.

Annex 2 - Declaration of Interest for natural persons performing tasks of the contract or grant assigned to the contractor or beneficiary (Personal DoI for contractors and beneficiaries)

The employee or consultant of the tenderer hereby declares the following interests:

*(employees or consultants are aware of the fact that declaring an interest does not necessarily mean to have a conflict of interest. EFSA will apply the **principle of proportionality** laid down in Article 133a of Regulation (EC, Euratom) N° 2342/2002 cited above)*

Nature of Interests: I. Commercial interest, business partnership or financial participation⁴	Current¹ Please indicate Month/year	Name of Entity² Please indicate Private or Public	Subject matter³

1. Please indicate activities which are currently ongoing, with an indication of the starting date (month/year).
2. Please indicate name, location and nature of all organisations (private, public, etc.) that relate to EFSA's remit. Thus, for the purpose of the declarations of interests the involvement in public bodies needs to be included as well.
3. Please indicate the activity of the entity, *e.g.* types of substances, products, guidance documents, processes or policies. Any data collection and any other interest stemming from prior experience or affiliation of the individual with private or public institution should equally be declared.
4. Please indicate any substantial commercial interest, business partnership or financial interest with or by a company/entity operating in the food or feed business, including holding of stocks and shares, equity, bonds, partnership interests in the capital of a company, one of its subsidiaries or a company in the capital of which it has a holding. Only the kind of financial interests and the name of the entity need to be stated. Also any substantial interests of the tenderer's proposed subcontractor(s) and consortium partner(s) should be indicated.

Nature of Activities: II. Consultancy/Advisory ⁸	Current ¹ Please answer Yes or No	Past Period ¹ From/To (Month/Year)	Name of Organisation ² Please indicate Private or Public	Subject matter ³

1. Please indicate activities which are currently ongoing, with an indication of the starting date (month/year). For activities that are no longer ongoing and which have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of all organisations (private, public, etc.) that relate to EFSA's remit. Thus, for the purpose of the declarations of interests the involvement in public bodies needs to be included as well.
3. Please indicate the activity of the entity, *e.g.* types of substances, products, guidance documents, processes or policies. Any data collection and any other interest stemming from prior experience or affiliation of the individual with private or public institution should equally be declared.
8. Please indicate any activity in which the organisation charges a fee for providing advice or services in field that relate to EFSA's remit. Also any activity of the tenderer's proposed subcontractor(s) and consortium partner(s) in a field that relate to EFSA's remit should be indicated.

Nature of Activities III. Research funding ⁹	Current ¹ Please answer Yes or No	Past Period ¹ From/To (Month/Year)	Name of Organisation ² Please indicate Private or Public	Subject matter ³

1. Please indicate activities which are currently ongoing, with an indication of the starting date (month/year). For activities that are no longer ongoing and which have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of all organisations (private, public, etc.) that relate to EFSA's remit. Thus, for the purpose of the declarations of interests the involvement in public bodies needs to be included as well.
3. Please indicate the activity of the entity, *e.g.* types of substances, products, guidance documents, processes or policies. Any data collection and any other interest stemming from prior experience or affiliation of the individual with private or public institution should equally be declared.
9. Please indicate any funding for research in relation to matter or work financed by a private or public entity, including grants, rents, sponsorships and fellowships and received by the tenderer or any proposed consortium partner or subcontractor in a field that relate to EFSA's remit.

Nature of Activities IV. Intellectual property ¹⁰	Current ¹ <i>Please answer Yes or No</i>	Past Period ¹ <i>From/To (Month/Year)</i>	Name of Organisation ² <i>Please indicate Private or Public</i>	Subject matter ³

1. Please indicate activities which are currently ongoing, with an indication of the starting date (month/year). For activities that are no longer ongoing and which have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of all organisations (private, public, etc.) that relate to EFSA's remit. Thus, for the purpose of the declarations of interests the involvement in public bodies needs to be included as well.
3. Please indicate the activity of the entity, *e.g.* types of substances, products, guidance documents, processes or policies. Any data collection and any other interest stemming from prior experience or affiliation of the individual with private or public institution should equally be declared.
10. Please indicate any rights related to a field falling in EFSA's remit and granted to creators and owners of works that are results of intellectual creativity. These can be publications or can be in the industrial, scientific or artistic domain. They can be in the form of an invention, a document, a suite of software, or a business name (*e.g.* copyrights, trademarks, patents on the product or substance, *et cetera*). **Also any intellectual property of the tenderer's proposed subcontractor(s) and consortium partner(s) should be indicated.**

Nature of Activities: V. Membership or affiliation ¹¹	Current ¹ <i>Please answer Yes or No</i>	Past Period ¹ <i>From/To (Month/Year)</i>	Name of Organisation ² <i>Please indicate Private or Public</i>	Subject matter ³

1. Please indicate activities which are currently ongoing, with an indication of the starting date (month/year). For activities that are no longer ongoing and which have been completed in the preceding five years, please indicate starting and ending date (month/year).
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3. Please indicate the activity of the entity, *e.g.* types of substances, products, guidance documents, processes or policies. Any data collection and any other interest stemming from prior experience or affiliation of the individual with private or public institution should equally be declared.
11. Please indicate any membership or affiliation of the tenderer and any proposed consortium partner or subcontractor which can be perceived as an interest in the field of activity of the EFSA.

Nature of Activities: VI. Other¹³	Current¹ <i>Please answer Yes or No</i>	Past Period¹ <i>From/To (Month/Year)</i>	Name of Organisation² <i>Please indicate Private or Public</i>	Subject matter³

1. Please indicate activities which are currently ongoing, with an indication of the starting date (month/year). For activities that are no longer ongoing and which have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of all organisations (private, public, etc.) that relate to EFSA's remit. Thus, for the purpose of the declarations of interests the involvement in public bodies needs to be included as well.
3. Please indicate the activity of the entity, *e.g.* types of substances, products, guidance documents, processes or policies. Any data collection and any other interest stemming from prior experience or affiliation of the individual with private or public institution should equally be declared.
13. Please indicate any activities or interests other than the above which can be perceived as an interest in an activity included in EFSA's remit

If you need more sheets to declare interests, do not hesitate to use blank ones or to ask for them, but please sign each one of them and attach them to this form.

The undersigned employee or consultant of the tenderer, hereby declare that the information contained in this declaration is correct and complete to best knowledge and ability:

Name of tendering organisation: *[complete].....*

Name of the employee or consultant of the tenderer & Signature: *[complete + signature].....*

Seal of tendering organisation:

Date: *.../.../2011*

If you need more sheets to declare interests, do not hesitate to use blank ones or to ask for them, but please sign each one of them and attach them to this form.