

DECISION
ADB(D) 03-2012

amending Decision ADB (D) 10-2008 on “Confidentiality, independence and the management of conflict of interest of the bodies of the SESAR Joint Undertaking”

THE ADMINISTRATIVE BOARD OF THE SESAR JOINT UNDERTAKING (SJU),

Having regard to:

- Articles 5.1(m), 6, 9.3 and 9.4 of the Joint Undertaking Statutes annexed to Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation of the European air traffic management system (SESAR) as modified by Council Regulation No 1361/2008 of 16 December 2008¹;
- Article 4.2 of Decision ADB(D)-01-2007 on the Administrative Board Rules of Procedure;
- Decision ADB(D) 10-2008 of the Administrative Board on Confidentiality, independence and the management of conflict of interest of the bodies of the SESAR Joint Undertaking;

Whereas:

- Integrity and high standards of professional conduct by all those involved in the tasks and activities of the SJU are crucial for the independence and reputation of the SJU;
- There is a need for defining clearly what is an interest, as Joint Undertakings are public-private partnerships and that as a consequence public and private interests are intertwined;
- The Committee on Budgetary Control of the European Parliament in its draft report on discharge in respect of the implementation of the budget of the SJU for the financial year 2010 (C7-0297/2011 - 2011/2238(DEC))
 - o is of the opinion that under the circumstances the likelihood of conflicts of interest should not be dismissed but addressed properly;
 - o calls on the Joint Undertakings to inform the discharge authority on the verification mechanisms which exist in their respective structures to enable a proper management and prevention of conflicts of interest;

In its ordinary meeting of 29 March 2012, HAS DECIDED AS FOLLOWS:

¹ Council Regulation (EC) n° 219/2007 of 27 February 2007, OJ L 64, 02/09/2007, p.1 - 11, modified by Council Regulation (EC) n° 1361/2008 of 16 December 2008, OJ L 352, 31/12/2008, p.12.

Article 1

To clarify and amend the declarations included in Annexes I, II, III, IV and V of Decision ADB(D)10-2008, the Annexes I, II, III, IV and V are replaced as set out in the Annex to this Decision.

This decision shall enter into force on the date of its adoption.

Done in Brussels, 29 March 2012.

For the Administrative Board



Matthias Ruete
The Chairperson

ANNEX I

DECLARATION OF COMMITMENT AND CONFIDENTIALITY

(To be signed by all participants in the SESAR Joint Undertaking's bodies and working groups upon their appointment)

I, the undersigned on my word of honour and in full cognisance of Decision ADB(D) 10-2008 annexed hereto, in my function as member of the of the SESAR Joint Undertaking, representing.....
.....

- hereby undertake to act in the performance of my duties in the general interest of the SESAR Joint Undertaking. In particular, I am aware that I am obliged to declare at each meeting of the any interest¹ which might be considered prejudicial to the treatment of items on the agenda.
- hereby declare that I am aware of my obligation to respect confidentiality, even after my duties have ceased, if the information is subject to a request for confidentiality or for reasons of professional secrecy. I shall also respect the confidential nature of the opinions expressed by other members during discussions in meetings or provided in written form.

DONE IN _____ ON _____

SIGNATURE:

¹ The concept of conflict of interest is defined by Decision ADB(D)10-2008 (Art. 1 and Annexe VI Art. 2.1 and 2.2). It is stated that the holding of interests does not automatically 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 and for declaring any possible conflict of interest is placed on the participant concerned.

ANNEX II

DECLARATION OF CONFLICT OF INTEREST¹

(To be signed by all participants of the SESAR Joint Undertaking's meetings (including Administrative Board Members) before each meeting)

I, the undersignedon my word of honour
and in full cognisance of Decision ADB(D) 10-2008 annexed hereto, in my function of member of the
.....of the SESAR Joint Undertaking,
representing.....

hereby declare: (Please tick the applicable option(s) and fill in as appropriate)

<input type="checkbox"/>	that I <u>do not have</u> any direct or indirect personal [or corporate] interest in the outcome of the deliberations of the in relation to any matter on the agenda of the ____ th meeting of the SJU
<input type="checkbox"/>	that I <u>do have</u> a direct or indirect personal [or corporate] interest in the outcome of the deliberations of the in relation to the following points of the agenda of the ____ th meeting of the SJU
<input type="checkbox"/>	that there is no conflict between my duty as a representative of a founding member / of a public undertaking or body (delete the part not applicable) and my private interests, which could improperly influence the performance of my official duties and responsibilities

DONE IN _____ ON _____

SIGNATURE:

¹ It is stated that the holding of interests does not automatically 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 and for declaring any possible conflict of interest is placed on the participant concerned.

The concept of conflict of interest is **defined** by Decision ADB(D)10-2008 (Art. 1 and Annexe VI Art. 2.1 and 2.2).

Examples of Interests: the holding of stocks and shares, equity, bonds, partnership interests in the capital (greater than 10,000 Euros) of an organisation related to the activities of the SJU, directorships, board membership, grants, sponsorships, (co)authorship of scientific documents or literature, affiliation with national or international organisations or bodies with tasks mirroring those of the SJU etc. Share portfolios need not be disclosed if the management arrangement is in the form of a blind trust or equivalent where the individual has not control whatsoever over its management.

ANNEX III

DECLARATION OF INDEPENDENCE, COMMITMENT, CONFIDENTIALITY AND CONFLICT OF INTEREST

(To be signed by independent experts or consultants upon their appointment)

I, the undersigned _____ on my word of honour and in full cognisance of Decision ADB(D) 10-2008 annexed hereto, in my function of _____ of the SESAR Joint Undertaking,

- hereby undertake not to be bound by any instructions and shall be completely independent in the performance of my duties, in the general interest of the SESAR Joint Undertaking.
- hereby undertake to keep the activities and business of the SESAR Joint Undertaking confidential, with particular regard to its working methods, experiments and inventions. The same applies to information I might acquire, directly or indirectly, in the pursuance of my activities on behalf of the SESAR Joint Undertaking. The obligation to confidentiality applies both during and after the term of the appointment, and for whatever reason. At the end of the appointment, I undertake to return to the SESAR Joint Undertaking all documentation that would generally be in my possession and that is in any way related to the activity of the SESAR Joint Undertaking. I shall also respect the confidential nature of the opinions expressed by other members during discussions in meetings or provided in written form.
- hereby undertake to inform the SESAR JOINT UNDERTAKING immediately if I discover any disqualifying or potential conflict of interest¹ with any task that I am assigned to perform. In particular, I declare that my participation in the following tasks could create a conflict of interest (please indicate whether this would be a "disqualifying" or "potential" conflict of interest):

Short title	Title	Area	disqualifying (D) or potential (P)
.....
.....
.....
.....
.....

DONE IN _____ ON _____

SIGNATURE:

¹ The concept of conflict of interest is defined by Decision ADB(D)10-2008 (Art. 1 and Annexe VI Art. 2.1 and 2.2). It is stated that the holding of interests does not automatically 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 and for declaring any possible conflict of interest is placed on the participant concerned.

ANNEX IV

DECLARATION OF COMMITMENT AND CONFLICT OF INTEREST

(To be signed by the Executive Director and the SESAR Joint Undertaking's staff and seconded staff, who occupy a management position or a sensitive position for the nature of their functions upon their appointment)

I, the undersigned on my word of honour and in full cognisance of Decision ADB(D) 10-2008 annexed hereto, in my function of/staff member of the the SESAR Joint Undertaking,

- hereby undertake to act in the performance of my duties in the general interest of the SESAR Joint Undertaking.
- hereby undertake to inform the SESAR Joint Undertaking immediately if I discover any conflict of interest¹ with any task that I am assigned to perform. In particular, I am aware that I am obliged to make a declaration of interests at least on an annual basis and, in any case, as soon as an update is required for any new situation arising.

DONE IN _____ ON _____

SIGNATURE:

¹ The concept of conflict of interest is defined by Decision ADB(D)10-2008 (Art. 1 and Annexe VI Art. 2.1 and 2.2). It is stated that the holding of interests does not automatically 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 and for declaring any possible conflict of interest is placed on the participant concerned.

ANNEX V
ANNUAL DECLARATION OF INTERESTS

(Applicable to the Executive Director and the SESAR Joint Undertaking's staff and seconded staff, who occupy a management position or a sensitive position for the nature of their functions)

Name: _____

Position: _____

Information on direct or indirect interests⁶ of relevance to the tasks and activities of the SESAR Joint Undertaking:

1. **Direct interests** (e.g. personal benefits arising from employment, contracted work, directorships, board membership, investments, fees etc.):

2. **Indirect interests**

2.1. Financial benefits (e.g. grants to an institution, or other kind of benefits)

2.2. Benefits deriving from the professional activities of members of your family/household (e.g. spouse or partner and dependent children living in the same household):

2.3. Interests arising from any membership role or affiliation that you have in organisations/bodies/clubs with an interest in the work of the SESAR Joint Undertaking:

3. **Any other direct or indirect interests** or facts that the undersigned considers pertinent:

Declaration:

I declare on my word of honour and in full cognisance of Decision ADB(D) 10-2008 annexed thereto that the information provided above is true and complete.

DONE IN _____ ON _____

SIGNATURE:

⁶ The concept of conflict of interest is defined by Decision ADB(D)10-2008 (Art. 1 and Annexe VI Art. 2.1 and 2.2). It is stated that the holding of interests does not automatically 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 and for declaring any possible conflict of interest is placed on the participant concerned.