

## DECLARATION OF INTERESTS

### **Conflict of Interest: Legal basis**

General provisions on conflict of interest are laid down in the Staff Regulation and the Conditions of Employment of other Staff<sup>1</sup>. The Financial Regulation defines what a conflict of interest of a financial nature is<sup>2</sup>.

Article 42 of the BEREC Regulation provides for the obligation for the Members of the Board of Regulators and of the Management Board, the Director, seconded national experts and other staff not employed by the BEREC Office to make a declaration of commitments and a declaration of interests indicating the absence of any direct or indirect interests, which might be considered prejudicial to their independence. Such declarations shall be made in writing. The declaration of interests made by the members of the Board of Regulators and of the Management Board, the Director shall be made public.

Therefore, as a rule, any person facing a conflict of interest situation is under a duty of informing and, as appropriate, discussing the best way of avoiding that the situation has an impact on the validity of the decisions.

The Board of Regulators and the Management Board have therefore decided to give guidance on how these rules should be interpreted as far as the Members of the Board of Regulators Members of the Management Board, the Director and the staff of the BEREC Office are concerned.

### **Conflict of Interest: Definition**

A conflict of interest exists when a person appointed to a function has a personal or vested interest in the outcome of decisions resulting from that function. Consequently, a person must not be involved in any decision during the course of his/her duties with the knowledge that there is an opportunity to further his/her personal interests.

It must be highlighted that an "interest" declared is not automatically considered a conflict of interest. Therefore, the immediate aim of a conflict-of-interest policy is to protect the integrity of official policy and administrative decisions and of public management generally.

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<sup>1</sup> See in particular Article 11 of the Staff Regulations

<sup>2</sup> See Article 34 of Commission Regulation (EC/Euratom) No. 2342/2002 laying down the implementing rules