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Rules of procedures of the Conflict of interest Review Panel

1. <i>Process</i>	Governance (GOV)
2. <i>Process Owner</i>	Management Board (MB)
3. <i>Purpose and Customers</i>	<p>To define the procedures governing the functioning of the Conflict of Interest Review Panel (hereinafter CoIRP), which is responsible for assessing and managing actual, potential or perceived conflicts of interest involving members of the ERA Management Board .</p> <p>The primary beneficiaries include the ERA MB, conflict of interest review panel members and auditors. It will also serve ERA's stakeholders, ensuring that ERA maintains public trust and regulatory compliance.</p>
4. <i>Scope</i>	<p>The process applies to all participants in the ERA CoIRP, including MB members, the Ethics Officer, and designated observers, and covers all activities related to:</p> <p>The scope of this document covers:</p> <ul style="list-style-type: none"> • <i>Assessment of Declarations of Interest (Dols)</i> • <i>Review of actual or potential conflict of interest cases</i> • <i>Recommendations for mitigating measures</i> • <i>Monitoring and reporting to the MB</i>
5. <i>Legal Basis</i>	<p>Amended Decision n° 162 of the Management Board of the European Union Agency for Railways adopting rules for the prevention and management of conflicts of interest in respect of the members of the Management Board of the European Union Agency for Railways</p> <p>Decision 318 of the European Union Agency for Railways on the rules of procedure of the Management Board, and in particular article 5 and 17</p>
6. <i>Links with other (Sub)Processes /documents</i>	<p>Risk management (RIM)</p> <p>MB rules of procedures</p>
7. <i>Process Input</i>	<p>Submission (or non-submission) of a Public Declaration of Interest (hereinafter PDol) by a MB member</p> <p>Requests for clarification or assessment by a MB member</p> <p>Discovery of new information suggesting a potential conflict of interest</p> <p>Written requests for advice</p> <p>Meetings agenda</p>
8. <i>Process Output</i>	<p>Formal CoIRP assessments and recommendations on conflict of interest cases</p> <p>Mitigating measures communicated to the MB</p> <p>Published minutes and records on the MB/CoIRP Extranet</p>
9. <i>Enablers</i>	<p>CoIRP and MB Extranet for document exchange and tracking</p> <p>Emails</p> <p>Guidelines for assessing declarations of interests</p>
10. <i>Process Constraints</i>	<p>Timely and complete submission of declarations by MB members</p> <p>Cooperation from appointing authorities in Member States or the Commission</p>

1. ROLE AND INDEPENDENCE

1.1. CoIRP is available to the MB for advice on matters related to actual or potential conflicts of interest of MB members, including the assessment of the PDol.

1.2. The members of the CoIRP shall be independent from any internal or external influence in the conduct of their mandate. The ERA Management Board rules for the prevention and management of conflicts of interest in respect of the members of the MB apply to the CoIRP and its members. They shall perform their duties in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to personal conflicts of interest. They shall not take part in the deliberations or consultations of the CoIRP regarding any case in which they have a personal interest.

2. COMPOSITION AND TERM OF MANDATE

2.1 The CoIRP is composed of:

- a) The Chair of the Board and as alternate, the Deputy Chair of the Board;
- b) A member (or alternate member) of the MB representing the Member States and as alternate another member (or alternate member) of the MB representing the Member States; this member is nominated by the Executive Board and might change for each CoIRP meeting, depending on the availability;
- c) A European Commission representative in the MB and as alternate a Commission official; this member is appointed by the European Commission and might change for each CoIRP meeting, depending on the availability;
- d) ERA's Ethics Officer and, as alternate, a legal expert from the ERA staff, as non-voting representative;
- e) The MB Secretariat as a non-voting representative.

2.2 The CoIRP is presided over by the Chair of the Board.

2.3 In the case that one of the members of the CoIRP is prevented from exercising his/her functions (e.g. due to a conflict of interest), the member shall be replaced by the alternate for that particular case. In case the Chair of the Board is prevented from exercising his/her functions (e.g. in case of absence, due to a conflict of interest or when he/she is concerned), the Deputy Chair of the Board presides over the CoIRP. In case both the Chair and the Deputy Chair of the Board are prevented from exercising their functions, the other members will decide who will act as Chair of the CoIRP.

2.4 One representative, competent in the field of conflicts of interest, from another European Regulatory Agency, will be appointed by the Management Board on the proposal of the Executive Director to act as an external expert when a re-examination of an assessment is requested by the concerned member. This expert shall act with objectivity, impartiality and independence.

2.5 The mandate of the members of the CoIRP who are also members of the MB expires when their term of office in the Board is terminated.

3. ORGANISATION AND MEETINGS

3.1 Meetings shall be held when necessary, at the Agency's premises or via video-conference or other technical means as appropriate. All members (or alternates) must be present to take decisions.

3.2 The Secretariat shall be provided by the Agency.

3.3 If needed, the Chair of the CoIRP may invite other persons to attend meetings for specific agenda items. These persons shall not take part in the decision-making process of the CoIRP.

3.4 The draft minutes of the meeting will be prepared by the Ethics officer, circulated to the CoIRP for

approval in the next CoiRP meeting and published on the MB/CoRrP Extranet.

3.5 Reimbursement of travel expenses will be based on the rules for reimbursement of MB members. By derogation, staff members shall be reimbursed based on the rules prescribed by the guide to missions and authorised travel applicable to ERA staff.

4. DUTIES AND RESPONSIBILITIES

The CoiRP is tasked with:

- Reviewing submitted declarations of interest (DoI) in accordance with the *Guidelines for assessing Declarations of Interest*.
- Identifying actual, potential or perceived conflict of interests.
- Recommending tailored mitigating measures
- Communicating recommendations for implementation to the Management Board

5. ASSESSMENT PROCESS

The CoiRP assesses the submitted declarations by referring to the *Guidelines for Assessing Declarations of Interest*. These guidelines contain detailed criteria and the assessment methodology, which includes evaluating the personal vs. non-personal nature of the declared interest, timeliness, relevance to agenda items, and any potential conflicts with MB duties.

The decisions shall be taken in line with section 6.2.

5.1 Request for advice on conflict of interest matters

1. Any member of the MB and/or the Executive Director may request the CoiRP to provide advice on conflict of interest situations related to the MB members.
2. Requests must be made in written form and submitted to the Chair of the CoiRP.
3. The Chair of the CoiRP may request relevant information from the Agency and/or the other MB members.

5.2 Decision-making rule.

1. For the decisions of the CoiRP to be valid, all members entitled to vote must be present. Alternate members may attend meetings but shall take part in votes only if full members are not present.
2. The CoiRP shall give advice based on consensus among its members. In the absence of a consensus, decisions shall be taken by an absolute majority of members entitled to vote and agree on a written document that will comprise the recommendation of the CoiRP.

5.3 Specific Process in case of non-submission of the declarations of interest or non-reply to requests for clarifications from the CoiRP.

1. If a PDol is not submitted, the Chair or the ethics officer will send a reminder. If the member fails to comply, the Chair informs the Appointing Authority and requests remedial action. The CoiRP updates the MB on submission progress.
2. In case the content of the declaration is not clear for any reason, the ethics officer will request clarifications from the person concerned in writing.
3. If non-submission or unclear declarations persist beyond a reasonable period, or if a declared interest poses an actual or perceived conflict of interest, the CoiRP may recommend exclusion of the member from participation in related discussion and/or decision-making and/or restriction of

access to related documents.

4. Recommendations are communicated to the MB for decision, with justifications provided to the member before the next MB meeting.

5.4 Notification of assessment/recommendations

The CoIRP notifies the concerned MB member in writing of the assessment outcome and recommended mitigating measures.

In agreement with the CoIRP members, the Chair may informally discuss recommendations with the member to facilitate compliance.

The Chair ensures that mitigating measures are communicated during MB meetings.

6. REVIEW PROCEDURE

- 6.1 A MB member or his/her Appointing Authority may request a review of a CoIRP assessment within 15 days, providing a clear justification in writing to the Chair.
- 6.2 The CoIRP convenes a meeting (or conducts the review via email) to reassess the case, involving the external expert if required.
- 6.3 The CoIRP will review the appeal and provide a final ruling to the member concerned within 15 days of submission. The ruling is final.
- 6.4 The CoIRP shall provide a reviewed documented assessment together with a recommendation to the Management Board members before the next MB meeting.
- 6.5 The Management Board shall take appropriate decisions in line with its rules of procedure.

7. CONFIDENTIALITY

All information, discussions, and documentation related to conflict of interest assessments are confidential

CoIRP members are required, even after their duties have ceased, not to disclose information and documents as a result of CoIRP activities (including meeting preparation and follow-up, associated discussions or any other related activities).

8. RECORDS

All CoI assessments and decisions are recorded on the CoIRP Extranet for transparency and audit purposes.