

**Ministry/Entity
Conflict of Interest Declaration Form¹
(to be filled in by Ministry/Entity officials)**

Full Name and Surname of Official:	
I.D. Number of Official:	
Date of birth	
Grade of Official:	
Detailed functions of official	
Senior Official:	
Grade of Senior Official:	
I.D. Number of Senior Official:	

In terms of the First Schedule of the Public Administration Act titled “Code for Ethics for public employees and Board members” and Section 6.2 of the Public Service Management Code, I, the undersigned, staff member of the **Ministry/Entity** do hereby declare that:

- a) I **have / do not have** a conflict of interest in the implementation of the **project code xxx** (*official is related with contractors/subcontractors/ultimate beneficiary owner by virtue of a professional or work relationship, provided that a period of five years has not elapsed since such relationship has been terminated*) or have any interests that are in conflict with the implementation of the EU budget and/or in conflict of interest linked to the implementation of the EU budget.
- b) I **have / do not have** a conflict of interest in the implementation of the **project code xxx** (*the official has a family relationship with the contractors/subcontractors/ultimate beneficiary owner*) or have any interests that are in conflict with the implementation of the EU budget and/or in conflict of interest linked to the implementation of the EU budget.
- c) There **are no / are** other circumstances where the relationship I have with the *contractors/subcontractors/ultimate beneficiary owner* has direct or indirect personal interest or has any form of influence on me or can cause influence on my judgement in such manner that I would not be in a position to perform my duties in an impartial and fair manner. These can include emotional life, political or national affinity, economic interest or any other direct or indirect personal interest.

¹ Please refer to the explanatory note (Annex II) attached to this declaration for clear guidance on the aspects of this declaration form.

- d) There **are no/ are** current circumstances (including interests) that might place me in a conflict of interest in the near future.
- e) I have/do not have any conflict of interest in any private or ancillary work I perform.
- f) I will immediately report any possible conflict of interest in the event of any circumstance that might put me in such a situation.

In all cases where a conflict of interest is claimed by the official, a declaration should be made in the attached form Annex I.

Signature of Official

Date

Signature of Senior Official

Date

Annex I to Conflict of Interest Declaration Form

1. Description of the conflict of interest situation (where applicable)

Signature

2. Decision by Senior Official

I agree that subject to the information given by the official in section 1 of this declaration:

- a) There is no conflict of interest and the official should continue with his/her work
- b) There is a conflict of interest and the official should refrain from continuing with his/her work

Signature of Senior Official

Date

Annex II to Conflict of Interest Declaration Form (Explanatory Note)

As stipulated in the sub-heading “Integrity” of the First Schedule of the Public Administration Act (Chapter 595 of the Laws of Malta) titled “Code of Ethics for public employees and Board members”, “public employees and board members shall ensure that no conflict, real or apparent arises between their official duties and any other occupations, activities or interests (financial or otherwise) that they or their close relations may have”.

In view of this and of the fact that the **Ministry/entity** aims to ensure that the implementation of the project **code xxx** is carried out guided by the principles of good governance, transparency and sound financial management efficiently and effectively, it is of utmost importance that officers working within this organisation declare any conflict of interest vis-à-vis the task assigned to them. Indeed, officers are to ensure that they declare whether they have interests that they perceive to be or may be perceived to be in conflict with the implementation of the EU budget and/or whether they are in conflict of interest linked to the implementation of the EU budget. It is pertinent to note that the declaration made by the officer is subject to verification to ensure the correctness thereof.

Officers are to sign the Declaration of Conflict of Interest as soon as new officers are engaged on the project and hence forth on an annual basis.

The following definitions in relation to the respective declaration are being provided:

- a. **Direct personal interest** – direct connection between the person in question and the beneficiary of EU funds including contractors/sub-contractors and ultimate beneficiary owners. This can include gifts or hospitality, non-economic interests, or result from involvement with non-governmental or political organisations (even if non remunerated), competing duties of loyalty between one entity the person owes a duty to and another person or entity the person owes the duty to.
- b. **Indirect personal interest** – indirect connection goes beyond the direct connection between the person in question and the beneficiary of EU funds including contractors/sub-contractors and ultimate beneficiary owners. This can also include gifts or hospitality, non-economic interests, or result from involvement with non-governmental or political organisations (even if non remunerated), competing duties of loyalty between one entity the person owes a duty to and another person or entity the person owes the duty to.
- c. **Professional and working relationships** - The declaration of conflict of interest should also include any reference to current and past interests. The latter are relevant as long as the person continues to have obligations/liabilities stemming from past positions/employment (during a specific period for ‘cooling off’ and abstention from exercise of duties which may interfere with duties of past employment). Declarations of past interests are to be limited to 5 years or as long as the person continues to have liabilities/obligations related to those past positions/employment situations.
- d. **Family relationship** - a person who is either the spouse (including a partner with whom the individual has a (non-)registered non-marital partnership), children and parents, (great)grandparents and (great-)grandchildren, (half-) brothers and sisters (including from blended families), uncles and aunts, nieces and nephews, first-degree cousins, parents-in

-law, children-in-law, siblings-in-law, stepparents and stepchildren or any other person who is in a personal friendship (or god-parents or god-children relationships) which may imply a closer proximity to immediate family. This will also include someone permanently living in the concerned persons' household.

- e. **National affinity, political affinity, emotional life or others as listed in Article 61(3) FR 2018²** – these are factors that could compromise the impartiality and objectivity of a person involved in budget implementation. In practical terms, to avoid such compromise persons involved in budget implementation should refrain from involvement, influences or pressures that may affect their impartiality and objectivity (or the perception of their impartiality or objectivity) in their professional performance. This could in particular result from friendships or enmities, family relationships, party affiliations, associations or religious beliefs. Persons involved in budget implementation should base their performance and professional judgment only on legal and objective criteria and on sufficient and appropriate evidence.

As per Section 6.6.2 of the PSMC, an officer shall become liable to disciplinary proceedings for misconduct which includes unprofessional and unethical behaviour. Indeed, should an officer intentionally fail to disclose a conflict of interest, also known as “breach of trust” procedures, the officer may become liable to disciplinary proceedings.

N.B The conflict of interest related procedures as outlined in this declaration can be adapted in case of a need.

² For the purposes of paragraph 1, a conflict of interests exists where the impartial and objective exercise of the functions of a financial actor or other person, as referred to in paragraph 1, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest.