





## **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.

Interests can be direct or indirect depending on their likely or potential impact on the individual's behaviour at a given point in time:

- Direct interests: Interests of personal benefit to the individual at the time of declaration,

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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



## Declaration of Interests

Title (Ms., Mr., Dr., Prof.): Ms.

First Name: Alejandra

Surname: de Iturriaga Gandini

Position: **Member**

hereby declares to have the following direct or indirect interests of relevance to the BEREC Office:

1. Work and activities in organisations relevant to the operating area of BEREC Office. During the past 3 years, all activities performed for or on behalf of an organization operating in a related field, whether related to the substance of BEREC Office mandate or to its operational support, and whether or not these activities have been subject to regular or occasional remuneration in cash or kind, either by the declaring member or to the best of his/her knowledge the members of his/her household, including i) participation in the internal decision-making of a company (e.g. Board membership, executive or non executive directorship), ii) permanent or temporary member of the personnel of a company/institute (Other activities performed within a company (e.g. traineeship) are also subject to declaration.), iii) work contracted out by companies/institute, through consultancy or otherwise. Indicate names of organisation/Position/Period:

2. From the moment of taking the post of the Member of the of the Management Board, any financial interests in a company relevant to the operating area of BEREC Office and/or voting rights in a company, including holding of stocks and shares, equity, bonds, partnership interests<sup>3</sup> in the capital of a company, one of its subsidiaries or a company in the capital of which it has a holding (names of the companies):

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<sup>3</sup> When declaring financial interests e.g. stocks and shares, only the kind, number and company name need be stated.



5. Other interests or facts whether or not related to such organisations which you consider should be made known to BEREC Office, including matters relating to the members of your household:

To the best of my knowledge, the only direct or indirect interests I, or any members of my household have, in organisations relevant to the operating area of BEREC Office related to my position referred to above are those listed above.

I further declare that should any changes occur and should it appear that I have or acquire additional interests that should be made known to BEREC Office I shall forthwith declare them and complete a new declaration of interests detailing the changes.

I understand that this Declaration **will be published on BEREC's website** and entered in a register held by the BEREC Office, which is accessible to the public, on request at the seat of the BEREC Office.

Signature:.....

Date:18/09/2020