Body of European Regulators
for Electronic Communications
BEREC

BEREC Reg. № BoR DI (18) ....07.....

ANNUAL 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[1]. The Financial Regulation defines what a conflict of interest of a financial nature is[2].

Article 21 of Regulation (EC) No 1211/2009 establishing the Body of European regulators for Electronic Communications (BEREC) and the Office provides for the obligation for the Members of the Board of Regulators and of the Management Committee, the Administrative Manager and the staff of the 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 Committee, the Administrative Manager 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 Committee 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 Committee, the Administrative Manager and the staff of the 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, likely to influence or given the appearance of influencing his behaviour.

[1] See in particular Article 11 of the Staff Regulations.
[2] See Article 34 of Commission Regulation (EC/Euratom) N°2342/2002 laying down the implementing rules. OJ L357/1, 31/12/2002.

- Indirect interests: Other interests that may have some influence over the individual's behaviour and therefore have to be neutralised.

Some examples of cases that could lead to a conflict of interests are:

a) any matter being considered by, or arising at, a meeting of the Board of Regulators and/or of the Management Committee in which a Member, the Administrative Manager, the staff of the Office or any household member have a direct or an indirect pecuniary interest;

b) a situation where a Member of the Board of Regulators and/or of the Management Committee, the Administrative Manager or the staff of the Office are in a position to make or make a decision, or are in a position to act or do act, motivated by other or additional considerations than the best interests of BEREC;

d) a situation where a Member of the Board of Regulators and/or of the Management Committee, the Administrative Manager, the staff of the Office or any household members learn of an opportunity for profit which might be valuable either personally or to any person in which they have a direct or indirect pecuniary interest.

These cases are not intended to be exhaustive.

It is recognized that it is often difficult to objectively assess whether a Conflict of Interest situation exists. If a Member of the Board of Regulators and of the Management Committee, the Administrative Manager or the staff of the Office feels that a potential Conflict of Interest position may exist he/she is bound to declare it immediately. Each individual is responsible for the declaration of his/her interests and, to the best of his/her knowledge, those of his household members. In order to maintain privacy, the names of the household members do not need to be declared.

Assessment of Conflict of Interest

Based on the information provided by the Member of the Board of Regulators and/or of the Management Committee, the Administrative Manager, the Management Committee or the Board of Regulators will jointly evaluate whether a declared interest constitutes a conflict. As a result of such assessment, the matter will be brought to the attention of the Board of Regulators/Management Committee.

Annual Declaration of Interests

Title (Ms., Mr., Dr., Prof.) **Dr.**
First Name: **Dražen**
Surname: **Lučić**
Position: **Member of the Board of Regulators**

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

1. Work and activities in organisations relevant to the operating area of BEREC.

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 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:

NO

2. From the moment of taking the post of the Member of the Board of Regulators and/or of the Management Committee, any financial interests in a company relevant to the operating area of BEREC and/or voting rights in a company, including holding of stocks and shares, equity, bonds, partnership interests[3] 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):

NO

[3] When declaring financial interests e.g. stocks and shares, only the kind, number and company name need be stated.

3. Other links with the field of activity of BEREC during the preceding 3 years, including the participation in relevant activities supported by EU grants or contracts. All assistance and support received from stakeholders of BEREC, whether associated with direct or indirect pecuniary or material benefits, including: i) grants for study or research, ii) fellowships or sponsorships endowed by a company operating in the related business and iii) any other relevant activity related to EU grants and contracts. If such assistance or support is still subject to compensation in any form then declaration of any activity independently of granting period:

NO

4. Any membership role or affiliation, or any other links with the organisations relevant to BEREC.

During the preceding 3 years, interests of non-pecuniary or material benefit to the declaring member, arising from professional activities or affiliation with national or international organisations or bodies with tasks similar to BEREC. It also includes the participation in public interest groups, professional societies, clubs or organisations which have an agenda or an interest or involvement in BEREC's work:

NO

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

NO

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 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 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 Office, which is accessible to the public, on request at the seat of the Office.

Signature:..... Date: 10/01/2018

HRVATSKA REGULATORNA AGENCIJA
ZA MREŽNE DJELATNOSTI
Roberta Frangeša Mihanovića 9
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