

EFAD Policy on Declaration of Interests

Applicable to all EFAD:

- Committee members
- Representatives
- Staff
- Consultants

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Background

EFAD, like all professional associations, is expected to uphold a high standard of integrity in all its operations. Any Disclosure of Interest involving a committee member, representative, staff member or consultant of EFAD, if not properly managed, could lead to a breach of public trust, tarnish the goodwill of EFAD, or even constitute a criminal offence under the Prevention of Bribery Ordinance.

A fundamental integrity requirement is that all EFAD committee members, representatives, staff and consultants should avoid situations which may lead to conflict of interest.

When such situations cannot be avoided, EFAD committee members, representatives, staff or consultants should as soon as possible declare all relevant interests which may conflict with their official duties.

Management should particularly remind EFAD committee members, representatives, staff or consultants involved in tender or recruitment exercises, etc., to declare their Interest(s), provide the declaration form for them to use and properly handle the disclosure.

What amounts to Conflict of Interest?

A Conflict of Interest situation arises when the “private interests” of an EFAD committee member, representative, staff member or consultant compete or conflict with the interests of EFAD, which may easily lead to a decision against the best interest of EFAD.

Private interests include financial and other interests of the EFAD committee member, representative, staff member or consultant himself / herself, and those of his / her connections including family and other relations, personal friends, the clubs and societies to which he / she belongs, and any person to whom he / she owes a favour or to whom he / she may be obligated in any way.

Some examples of conflict of interest include:

1. Paid job or consulting work. Did you or your institution receive payment or services from a third party (government, commercial, private foundation, food industry, including retail companies)?
2. Research and scientific actions paid by the food industry (including retail companies) and / or pharmaceuticals (includes grants, invitation to conferences, coverage of travel expenses, equipment, etc.)
3. Intellectual property (patents, copyrights, commercial interests) that is or may be related to interests or services related to EFAD

4. Other activities related to your professional work that you consider should be brought to the attention of EFAD

Actions required of EFAD committee members, representatives, staff or consultants

EFAD committee members, representatives, staff or consultants must:

1. disclose all of their interests at the time of application for a post within EFAD
2. disclose any interests that arise during their term of office/ employment/ consultancy with EFAD
3. disclose any interest which they may have (or might be seen to have) in the outcome of any decision in which they are asked to participate.
4. disclose any interest that could otherwise prejudice any service they are asked to perform.
5. consider potential conflicts of interest at the earliest stage possible and declare any interest as soon as they realise it is necessary to do so.
6. not participate in any decision or perform any other service until the potential conflict is resolved.
7. recognise that:
 - a. in dealing with conflicts of interest, the test to be applied is not **whether an interest would influence their decision, but whether a member of the public, acting reasonably, may think that it might have such an influence;**
 - b. similar considerations apply to the interests of a spouse or close relative, as a member of the public, acting reasonably, may regard those interests as effectively being the interests of the EFAD Executive Committee member, (Representative, Staff member or Consultant); and
 - c. the key principle is the need for transparency in respect of any interest which may be regarded by a member of the public, acting reasonably, as potentially affecting the EFAD Executive Committee member's, (Representative's, Staff member's or Consultant's) objectivity.

Essential Information when Disclosing an Interest

The declarer should provide the following key information:

- a. Persons / organisations involved in the Conflict of Interest situation
- b. His / her relationship with the persons / organisations (e.g. relative)
- c. Relationship of the persons / organisations with EFAD (e.g. supplier)
- d. Brief description of his / her duties which involved the persons / organisations (e.g. handling of tender exercise)

This information will facilitate the EFAD Executive Committee and/or Executive Director to make appropriate decisions on managing the declaration.

How EFAD will manage a declared interest

Once a declaration of interest is received, the Executive Director will follow the principles below in managing the declaration:

Prudent

The declaration will be handled prudently and decisions on mitigating measures will be taken. The declaration will not simply be noted without making any decision on the mitigating measures.

Appropriate

Mitigating measures commensurate with the actual or perceived risk will be adopted, and the decision made will be well documented (e.g. the actions taken, the rationale behind the decision).

Timely

The decision will be made quickly and mitigating measures will be implemented as soon as practicable. Taking into account individual circumstances of the declaration and possible public perception, the management should take appropriate mitigating measures (e.g. restrict the committee member / representative / staff member or consultant's involvement in the task, appoint an independent party to oversee the work, redeploy another committee member / representative / staff member or consultant to take up the task or, if the situation warrants, request the committee member / representative / staff member or consultant to relinquish his/her private interest).

Even if the risk is very remote and no mitigating action is considered necessary, the declaration and related decision with justifications will be properly recorded.

Procedure

The Executive Director is ultimately responsible for ensuring that everyone involved officially with EFAD is aware that any and all “Declarations of Interest” must be disclosed.

Each committee chair is responsible for ensuring that their committee members are aware of the need to disclose any and all interests.

The Project Manager is responsible for ensuring that any consultants contracted to participate in projects are aware that they need to disclose any and all “Declarations of Interests”.

Minutes of all meetings should contain a note that either no “Declarations of Interest” were noted or relevant actions taken were recorded.

Declarations of Interest should be made on appropriate forms in ANNEXES 1 & 2.

ANNEX 1: Declaration of Interest by Committee members and Representatives

Part A – Declaration *(To be completed by Declaring Committee member or representative)*

To: Executive Director

I would like to disclose the following existing or potential interest relating to:

i)	Agenda item to be discussed by the Committee
ii)	Other
Brief description of my connection with the matter in (i) or (ii) above (e.g. directorship in a company which is connected with the matter)	

Name of Declaring Committee member or representative _____

Name of Committee / Representation _____

Date _____

Part B – Acknowledgement *(To be completed by Executive Director)*

To : (Declaring Committee member or Representative)

Acknowledgement of Declaration

The information contained in your declaration form of (Date) is noted. It has been decided that:

- You may continue to speak and vote on the matter as described in Part A, provided that there is no change in the information declared above.
- You may continue to speak but should not vote on the matter as described in Part A, provided that there is no change in the information declared above.
- You may remain in the meeting as an observer on the matter as described in Part A, provided that there is no change in the information declared above.
- You should withdraw from the meeting and immediately return any documents regarding the matter sent to you earlier.
- Others (please specify): _____

 Judith Liddell
 Executive Director
 (Date)

ANNEX 2: Declaration of Interest by Staff or Consultants

Part A – Declaration *(To be completed by Declaring Staff or Consultants)*

To : Executive Director via (supervisor of the Declaring Staff or Consultant)

I would like to declare the following existing / potential* interest situation arising during the discharge of my official duties:

Persons / companies with whom / which I have official dealings
My relationship with the persons / companies (e.g. relative)
Relationship of the persons / companies with our Organisation (e.g. supplier)
Brief description of my duties which involved the persons / companies (e.g. handling of tender exercise)

Name of Declaring Staff or Consultant _____

Job Title _____

Date _____

Part B – Acknowledgement *(To be completed by Approving Authority)*

To : (Declaring Staff) via (supervisor of the Declaring Staff)

Acknowledgement of Declaration

The information contained in your declaration form of ___ (Date) ___ is noted. It has been decided that:

- You should refrain from performing or getting involved in performing the work, as described in Part A, which may give rise to a conflict.
- You may continue to handle the work as described in Part A, provided that there is no change in the information declared above.
- Others (please specify): _____

 Judith Liddell
 Executive Director
 (Date)