

## ANNEX 1 - CODE OF CONDUCT

### 1. PERFORMING THE WORK

- 1.1. The expert must work independently, in a personal capacity and not on behalf of any organisation.
- 1.2. The expert must:
  - (a) evaluate each proposal in a confidential and fair way, in accordance with the Horizon 2020 Rules for Participation Regulation No 1290/2013<sup>10</sup> and, in particular, with the ERC Rules for Submission and Evaluation<sup>11</sup>;
  - (b) perform his/her work to the best of his/her abilities, professional skills, knowledge and applying the highest ethical and moral standards;
  - (c) follow the instructions and time-schedule given by the Agency.
- 1.3. The expert may not delegate the work to another person or be replaced by another person.
- 1.4. If a person or entity involved in a proposal(s) approaches the expert before or during the evaluation, s/he must immediately inform the Agency.
- 1.5. The expert may not be (or become) involved in any of the actions resulting from the proposal(s) that s/he evaluated (at any stage of the procedure, including for two-stage calls).

### 2. IMPARTIALITY

- 2.1. The expert must perform his/her work **impartially** and take all measures to prevent any situation where the impartial and objective implementation of the work is compromised for reasons involving economic interest, political or national affinity, family or emotional ties or any other shared interest ('**conflict of interests**').

The following situations will **automatically** be considered as **conflict of interest**:

- (a) **for a proposal(s) s/he is requested to evaluate**, if s/he:
  - (i) was involved in the preparation of the proposal(s);
  - (ii) is a director, trustee or partner or is in any way involved in the management of an applicant (or linked third party or other third party involved in the action);
  - (iii) is employed or contracted by one of the applicants (or linked third parties, named subcontractors or other third parties involved in the action) ;
  - (iv) has close family ties (spouse, domestic or non-domestic partner, child, sibling, parent etc.) or other close personal relationship with the principal investigator of the proposal s/he is requested to evaluate as an additional reviewer from another panel (cross-panel or cross-domain proposal);
  - (v) has (or has had during the last five years) a scientific collaboration with the principal investigator of the proposal;
  - (vi) has (or has had) a relationship of scientific rivalry or professional hostility with the principal investigator of the proposal;

<sup>10</sup> Regulation (EU) No 1290/2013 of 11 December 2013 laying down the rules for the participation and dissemination in "Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020)" (OJ L 347, 20.12.2013, p. 81).

<sup>11</sup> Available at [http://ec.europa.eu/research/participants/portal/desktop/en/funding/reference\\_docs.html](http://ec.europa.eu/research/participants/portal/desktop/en/funding/reference_docs.html)

(vii) has (or has had), a mentor/mentee relationship with the principal investigator of the proposal.

In this case, the expert must be excluded from the evaluation of the proposal(s) concerned (and may not take part in any discussion or scoring of the proposal and must leave the room or the electronic forum when it is discussed ('out of the room' rule). Part(s) of an evaluation to which the expert already participated must be declared void. Comments and scores already given must be discounted. If necessary, the expert must be replaced and the proposal(s) concerned must be re-evaluated.

However, in exceptional and duly justified cases, the responsible Agency staff may decide to nevertheless invite the expert to take part in the evaluation, if:

- the expert works in a different department/laboratory/institute from the one where the action is to be carried out and
- the departments/laboratories/institutes within the organisation concerned operate with a high degree of autonomy and
- the participation is justified by the requirement to appoint the best available experts and by the limited size of the pool of qualified experts.

In this case, the other experts in the group of evaluators will be informed about the situation of the expert.

**(b) for a proposal(s) s/he is requested to evaluate AND for all proposal(s) competing for the same call budget-split**, if s/he:

- (i) was involved in the preparation of any proposal(s) assigned to the same panel within the same call budget-split;
- (ii) would benefit if any proposal(s) assigned to the same panel within the same call budget-split is accepted or rejected;
- (iii) has close family ties (spouse, domestic or non-domestic partner, child, sibling, parent etc.) or other close personal relationship with a person (including linked third parties or other third parties) involved in the preparation of any proposal(s) assigned to the same panel within the same call budget-split, or with a person which would benefit if such a proposal(s) is accepted or rejected.

In this case, the expert may not evaluate any proposal in the call concerned ('out of the call' rule). Part(s) of an evaluation to which the expert already participated must be declared void. Comments and scores already given must be discounted. If necessary, the expert must be replaced and the proposal(s) concerned must be re-evaluated.

**(c) for ALL proposal(s) under the call in question**, if s/he:

- (i) is a member of an advisory group set up by the Commission to advise on the preparation of EU or Euratom Horizon 2020 work programmes or work programmes in an area related to the call in question;
- (ii) is a National Contact Point (NCP) or is working for the Enterprise Europe Network (EEN);
- (iii) is a member of a programme committee;
- (iv) has submitted a proposal as a principal investigator or a team member, under the same call;
- (v) has close family ties (spouse, domestic or non-domestic partner, child, sibling, parent etc.) or other close personal relationship with the principal investigator of any proposal submitted to his/her panel.

In this case, the expert may not evaluate any proposal in the call concerned ('out of the call' rule). Part(s) of an evaluation to which the expert already participated must be declared void. Comments and scores

already given must be discounted. If necessary, the expert must be replaced and the proposal(s) concerned must be re-evaluated.

The following situations **may be** considered as **conflict of interest** if the responsible Agency staff so decides (in consultation with the ERC Scientific Council) , in view of the objective circumstances, the available information and the potential risks:

- (a) employment of the expert by one of the applicants (or linked third parties or other third parties involved in the action) in the last three years;
- (b) involvement of the expert in a contract, grant, prize or membership of management structures (e.g. member of management or advisory board etc.) or research collaboration with an applicant, a linked third party or another third party involved in the action in the last three years;
- (c) any other situation that could cast doubt on his/her ability to participate in the evaluation impartially, or that could reasonably appear to do so in the eyes of an outside third party.

In this case, the responsible Agency staff may decide (in consultation with the ERC Scientific Council) to exclude the expert from the evaluation (and on the scope, i.e. only for the proposal(s) concerned or also for competing proposal(s) or the entire call) and, if necessary, to replace him/her and organise a re-evaluation.

- 2.2. The expert will be required to **confirm** — for each proposal(s) s/he is evaluating — that there is no conflict of interest, by signing a declaration in the Participant Portal electronic exchange system (see Article 21).

If the expert is (or becomes) aware of a conflict of interest, s/he must immediately **inform** the responsible Agency staff and stop working until further instructions.

- 2.3. If the expert breaches any of his/her obligations under Points 2.1 and 2.2, the Agency may apply the measures set out in Chapter 5, and in particular terminate the Contract (see Article 17).

### 3. CONFIDENTIALITY

- 3.1. During implementation of the Contract and for five years after the date of the last payment, the expert must keep confidential all data, documents or other material (in any form) that is disclosed (in writing or orally) and that concerns the work under the Contract (‘**confidential information**’).

Unless otherwise agreed with the responsible Agency staff, s/he may use confidential information only to implement the Contract.

The expert must keep his/her work under the Contract strictly confidential, and in particular:

- (a) not disclose (directly or indirectly) any confidential information relating to proposal(s) or applicants, without prior written approval by Agency;
- (b) not discuss proposal(s) with others (including other experts or Agency staff that are not directly involved in the evaluation of the proposal(s)), except during evaluation meetings and with prior approval by the responsible Agency staff;
- (c) not disclose:
  - details on the evaluation process or its outcome, without prior written approval by Agency;
  - details on his/her position/advice;
  - the names of other experts participating in the evaluation.
- (d) not communicate with applicants (including linked third parties or other third parties involved in the actions) nor with the principal investigators or potential team members or persons linked to them during the evaluation or afterwards — except in panel hearings, interviews or on-site visits.

If the Agency makes documents or information available electronically for remote work, the expert is responsible for ensuring adequate protection and for returning, erasing or destroying all confidential information after the end of the evaluation (if so instructed).

If the expert works on Agency premises, the expert:

- (a) may not remove from the premises any documents, material or information on the proposal(s) or on the evaluation;
- (b) is responsible for ensuring adequate protection of electronic documents and information and for returning, erasing or destroying all confidential information after the end of the evaluation (if so instructed).

If the expert uses outside sources (for example internet, specialised databases, third party expertise etc.) for his/her evaluation, s/he:

- (a) must respect the general rules for using such sources;
- (b) may not contact third parties, without prior written approval by the Agency.

The confidentiality obligations no longer apply if:

- the Agency agrees to release the expert from the confidentiality obligations;
- the confidential information becomes public through other channels;
- disclosure of the confidential information is required by law.

3.2. If the expert breaches any of his/her obligations under Point 3.1, the Agency may apply the measures set out in Chapter 5.