

ELI ERIC Code of Conduct in Contracting



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1. Purpose

This Code of Conduct in Contracting defines the necessary rules and measures that shall apply, in accordance with the Procurement Rules of the Extreme Light Infrastructure ERIC (“ELI ERIC” or the “Organisation”), to effectively identify, prevent and remedy conflicts of interest arising from the conduct of procurement so as to ensure integrity, equal treatment of all suppliers and tenderers and to avoid any distortion of competition.

2. Applicability

In accordance with Art. 9(3) of the ELI ERIC Procurement Rules, this Code of Conduct in Contracting shall apply to all Staff Members, within the meaning defined under Section 4 of this Code of Conduct.

3. Publicity

This Code of Conduct in Contracting shall be made accessible to the public once approved and systematically maintained. Specifically, it shall be published on the website of the Organisation as well as the website of the Contracting Authorities applying the ELI ERIC Procurement Rules in accordance with their Article 2(3).

4. Glossary of Terms

Contracting Authorities means the entities other than ELI ERIC bound to apply the ELI ERIC Procurement Rules when procuring and awarding contracts financed by ELI ERIC, as per Article 2(3) of the ELI ERIC Procurement Rules.

ELI ERIC Procurement Rules means the Procurement Rules of The Extreme Light Infrastructure ERIC as initially adopted by the Extreme Light Infrastructure ERIC General Assembly on 17 March 2022 and further amended.

Staff Members shall mean, for the purpose of this Code of Conduct:

- The employees of ELI ERIC
- The employees of the contracting entities applying the ELI ERIC Procurement Rules as per their Article 2(3)
- Generally, any person, including members of the ELI ERIC Governing Bodies (delegates or experts) or agents of ELI ERIC or of the Contracting Entities, who may be in a position to request or conclude a contract with third parties for or on behalf of ELI ERIC or one of the Contracting Entities, or influence the outcome of a procurement, influence a decision to award a contract, approve payments, introduce changes to the scope of an existing contract, or is generally involved in contract management.

5. Relevant References and Applicable Documents

[01] – ELI ERIC Procurement Rules

[02] – ELI ERIC Procurement Policy

[03] – Statutes of the Extreme Light Infrastructure ERIC (2021/C 230/01)

6. General Rules

- (1) During the procurement process, it is mandatory for all Staff Members to fully comply with all relevant laws, internal binding regulations, and fundamental principles contained therein.
- (2) When involving third parties in the procurement process (e.g., consultants, service providers), the supervising Staff Members shall make all reasonable efforts to ensure that these third parties also adhere to this Code of Conduct.
- (3) All Staff Members shall strive for genuine, fair and transparent engagement with suppliers, using

competitive procedures wherever practicable or feasible and in line with ELI ERIC Procurement Rules. The Organisation maintains a strict zero-tolerance policy towards all forms of corruption.

- (4) If any Staff Member, whether through their actions or inaction, is found to be involved in any kind of corrupt behaviour, they will face internal disciplinary action or measures under the labour law. Depending on the situation, this conduct may also be reported to the relevant public authorities for further investigation.
- (5) Engaging in any corrupt conduct may lead to the disqualification of present or potential suppliers from doing business with the Organisation, in accordance with the ELI ERIC Procurement Rules. Furthermore, suspicions of illegal conduct will be reported by ELI ERIC to the relevant public authorities for further investigation.

7. Confidentiality and personal data protection

- (1) All Staff Members shall protect sensitive information and trade secrets shared or provided by suppliers during the procurement process from unauthorised disclosure. Staff Members shall not use any confidential information obtained during the procurement process for personal gain or advantage, and shall exercise utmost care to prevent any unintentional or accidental disclosure.
- (2) All Staff Members shall ensure the secure handling of personal data and privacy-related information during the procurement process. Staff Members shall adhere to data protection laws and internal regulations when collecting, storing, or transmitting personal data during the procurement process.
- (3) Personal data obtained from suppliers shall only be used for legitimate procurement purposes and shall not be disclosed to unauthorised parties. Personal data shall be stored securely and accessible only to those involved in the procurement process with a legitimate need to access such information.

8. Conflict of interest

- (1) When conducting procurement, placing contracts or entering into any financial arrangement with third parties, Staff Members must declare any actual, potential or perceived conflicts of interest either of a financial or personal nature including any conflicting interest of a family member, or related to a personal (e.g., previous friendship) or business interest. In the event of an actual conflict, the Staff Member must either dispose of the conflicting interest or cease to have any involvement in the contract or the procurement process as is considered necessary. In case of doubt, the Staff Member should seek the advice of **line manager** prior to his/her involvement.
- (2) Staff Members should not use any information gained during the procurement procedure to further their own (including any related entity or person) financial or personal interests and should adhere to the terms of the ELI ERIC Procurement Rules.

9. Bribery

The Organisation strictly prohibits the offering, promising, giving, accepting, or soliciting of any advantage, whether directly or through third parties. This includes, but is not limited to, "kickback" payments and all other forms of inducement, such as political and charitable contributions, sponsorships, acceptance of benefits or business, and any other favours provided to a Staff Member or a member of their family. The timing of any payment or advantage is irrelevant in determining whether it constitutes a bribe. Such actions are forbidden both prior to, during, or after the outcome of the procurement procedure.

10. Facilitation payments

Facilitation payments, which are demands for money or benefits to make a contract happen faster or as a condition to get the contract, are considered corruption. If any Staff Member is asked for such a payment

or any other favour in exchange for contract performance or faster processing, they should immediately report the matter to **Facility Director or Director General, where appropriate.**

11. Gifts, rewards and other benefits

Unless differently specified below, Staff Members are prohibited from accepting any gifts, hospitality, or other forms of benefits, directly or indirectly, from current or potential suppliers, business partners, or any external entities. This includes, but is not limited to, monetary or nonfinancial gifts, loans, private business deals, credits, or similar benefits. The only exceptions to this rule are gifts of nominal value, explicitly defined as not exceeding 50 Euros or the equivalent amount in local currency per item. Also permitted are nonfinancial benefits provided directly by the employer, business-related meals, or participation in sports and cultural events. All gifts permitted according to the rules above are further subject to no expectation of influence on decision-making in return. Any acceptance of gifts or benefits outside these parameters must receive prior consent from the employer to ensure it does not improperly influence, or could not reasonably be perceived to influence, procurement decisions, contract awards, contract management, or any related processes.

12. Coercion

Staff Members are required to report any instances of coercion, whether it comes from within or outside the Organisation. Coercion, which involves using force to intimidate someone into acting unethically, is strictly prohibited. If any Staff Member experiences intimidating behaviour, they should promptly report it to their **line manager or to line manager's line manager** (should the direct line manager be involved in the intimidating behaviour) according to Art. 16(1) hereof.

13. Collusion

Staff Members must not take part in any scheme amounting to collusion and should be alert to the possibility of collusion among tenderers and suppliers. Collusion is any agreement, direct or implicit, aimed at removing the element of competition from the process, with a view to obtaining an unfair advantage. If any Staff Member suspects collusion, they should promptly report it to **their line manager or to line manager's line manager** (should the direct line manager be allegedly involved in the intimidating behaviour) according to Art. 16(1) hereof.

14. Unusual business expenses

Staff Members should not approve or cause unusual business expenses. Unusual expenses may include (but are not limited to) fees or commissions that go beyond what is stated in a properly agreed contract, commissions paid without any valid or genuine service in return, inflated fees or commissions for a provided service, payments to recipients without clear identification, or payments to companies that seem to be acting as fronts. All forms of corruption are expressly forbidden.

15. Responsibilities within the organisation

All steps in the procurement process must be clearly documented. Once a procurement procedure is initiated, only contact between the nominated Procurement Officer, or otherwise delegated Staff Member, and the supplier or tenderer's nominated representative is permitted. No other member of Organisation's staff should have any independent contact with that supplier/tenderer throughout the duration of the procurement procedure up until conclusion of contract.

16. Raising concerns and seeking guidance/routines for reporting violations

(1) If any Staff Member perceives or experiences behaviours or actions that go against this Code of Conduct

in Contracting, he/she shall report that information immediately to his/her line manager, with the assurance that there will be no retaliation or other negative consequences for persons acting in good faith. If for some reason a Staff Member feels that he/she cannot confide in his/her line manager, the next step would be to report the situation to the line manager's line manager. For issues of a sensitive nature, which would be inappropriate to direct to line managers as stated above, shall be directed to **Facility Director or Director General where appropriate**. If any Staff Member perceives or experiences behaviour or actions that go against this Code of Conduct, he/she may also report such information in accordance with the laws and internal regulations regulating whistleblowing.

- (2) On receipt of a complaint, all ELI ERIC managers are required to investigate and resolve the matter complained of and report on its progress and outcome to **Facility Director or Director General where appropriate**, as may be appropriate in the circumstances.