

OIE Policy on Conflicts of Interest

Introduction

The World Organisation for Animal Health (OIE) is an intergovernmental organisation committed to the promotion of animal health, animal welfare and animal production food safety world-wide. Its scientifically-based standards, guidelines and recommendations are used by governments as the basis for formulating national rules and regulations in these fields and also to ensure safe and humane trade in animals and safe trade in animal products. To achieve these ends, the OIE relies on the services and advice of qualified scientists and professionals in a wide range of disciplines and through a variety of mechanisms including its Specialist Commissions (elected by the World Assembly of national Delegates), Working and *ad hoc* Groups and its world-wide network of Reference Centres¹.

It is important for the credibility and the acceptability of OIE's advice to Member Countries that it be scientifically based, independent and free from potential conflicts of interests in particular with commercial entities. The OIE Basic Texts (See Annex A) require all OIE Experts, Members of Specialist Commissions, Working Groups and *ad hoc* Groups to provide the Director General with a statement of any potential conflicts of interest between themselves and any commercial entity: similar requirements apply to OIE Reference Centres.

The OIE's policy for the management of potential conflicts of interest are given in the present document.

What is a conflict of interest?

A potential conflict of interest exists when the person concerned or his/her partner ("partner" includes a spouse or other person in a similar close personal relationship), or immediate family (essentially the children, brothers, sisters or parents), or the administrative unit with which the person has an employment relationship, has a financial or other interest that could unduly influence the person's position with respect to the subject-matter being considered by OIE. A conflict may appear to exist when an interest would not necessarily influence the person concerned but could result in the person's objectivity being questioned by others.

It is expected that the scientists, professionals and other experts that cooperate with the OIE will have an interest in matters that are relevant to its work: indeed, it would be unlikely that the OIE would require their services if they did not have a professional interest in its work. The nature of the interest may, however pose potential problems relating to the independence of their advice and create concerns about possible commercial influences on the quality of that advice.

OIE's Rules are specifically directed to its protection from potential commercial influence. Interests related to the public sector (for example by means of government research grants) are therefore excluded from consideration. However, conflicts of interest must be properly managed wherever the OIE deals with matters directly relating to a particular national interest (e.g. official disease status) in Specialist Commissions and other relevant bodies in which members and other participants are expected to act in their personal and independent capacity and not as a representative of his/her government.

¹ Reference Centres include Reference Laboratories and Collaborating Centres

The term “**commercial entity**” is taken to mean any any commercial business, industry association consultancy, research institution or organisation or any other entity of any nature whatsoever whose funding is significantly derived from commercial sources. A public institution offering diagnostic services against fees, vending diagnostic tests, biological and other veterinary products or developing these products with a view to future placement on the market, is considered as commercial entity.

Different types of financial or other interests, whether personal or with the administrative unit with which the expert has an employment relationship, can be envisaged and the following list, which is not exhaustive, is provided for guidance. For example, the following types of situations give rise to potential conflicts of interest:

1. A current proprietary interest in a substance, technology or process (e.g. ownership of a patent) related to the subject matter.
2. A current financial interest, e.g. shares or bonds, in a commercial entity with an interest in the subject matter (except share holdings through general mutual funds or similar arrangements where the expert has no control over the selection of shares).
3. An employment, consultancy, directorship, or other position during the past 5 years, whether remunerated or not, in any commercial entity that has an interest in the subject matter, or an ongoing negotiation concerning prospective employment or other association with such commercial entity.
4. Performance of any paid work or research during the past 5 years commissioned by a commercial entity with interests in the subject matter.
5. Payment or other support covering a period within the past 5 years, or an expectation of support for the future, from a commercial entity with an interest in the subject matter, even if it does not convey any benefit to the expert personally but that benefits his/her position or administrative unit, e.g. a grant or fellowship or other payment, e.g. for the purpose of financing a post or consultancy.

With respect to the above, an interest in a competing substance, technology or process, or an interest in or association with, or work for, or support by a commercial entity having a direct competitive interest constitutes a potential conflict of interest.

Management of Potential Conflicts of Interest

Declarations of interest

Procedures for the management of potential conflicts of interest will depend on whether the person concerned is an Expert, a Member of a Specialist Commission, a member of a Working Group or an *ad hoc* Group. In all cases the person concerned shall complete the appropriate Declaration of Interests Form (See Annex B) and forward it to the Director General of the OIE.

The Heads of OIE Reference Centres² shall provide an annual declaration of interest to the Director General, on behalf of the Centre itself and its individual staff members involved in matters related to the work of the OIE.

The Director General shall mention in his/her annual report to the Assembly, the status of the management of potential conflicts of interest in the OIE if necessary.

² OIE Reference Laboratory or OIE Collaborating Centre.

Experts

Experts, for the purpose of the present policy, are persons who are providing expertise to the OIE, who have not entered into a staff contract with the OIE and who are not Members of Specialist Commissions, Working Groups, *ad hoc* Groups, or OIE Experts of Reference Laboratories.

Experts shall complete the Declaration of Interests Form on an annual basis covering the period of a calendar year (January to December) or a partial year from the time of their appointment as an Expert to the end of that year. Completed Forms shall be forwarded to the Director General by end of January each year. If, however, the interests of the Expert change, or the Expert acquires new interests subject to declaration, the Expert shall promptly complete a new Declaration of interests detailing the changes.

If in the following year there is no change in the status concerning the Expert's interests, he can choose not to send a new declaration. In this case, the OIE considers that the latest declaration is still valid.

If the Director General determines that an apparent conflict of interest exists, the matter shall be raised with the Expert and – if necessary - with the *Delegate* of the Member Country concerned with a view to resolving the apparent conflict of interest. This may result in the person concerned no longer being considered as an OIE Expert or restricting the work of the Expert to matters where apparent conflicts of interest do not arise.

Information disclosed on the Forms submitted by Experts may be made available on request to persons or organisations outside of OIE when the objectivity of the Expert been questioned such that the Director-General considers disclosure to be in the best interests of the Organisation, and then only after consultation with the Expert concerned and the *Delegate*.

Members of Specialist Commissions and Working Groups

Members of Specialist Commissions and Working Groups shall complete the appropriate Declaration of Interests Form not later than sixty days after their election or nomination and the Form shall remain valid for their term of office. If, however, the interests of the Member change, or the Member acquires new interests subject to declaration, the Member shall inform the Director General thereof at the earliest opportunity.

The Declarations of Interest Forms shall be made available on request to other Members of the respective Specialist Commission or Working Group at the beginning of each meeting, but shall not be retained by them.

If any Member of a Specialist Commission or Working Group is of the opinion that there is an apparent conflict of interest based on the information submitted or if the Director General determines that there is an apparent conflict of interest, the matter shall be raised with the President of the Specialist Commission or the Chairperson of the Working Group (or if it concerns the interests of the President of a Specialist Commission, with one of the Vice- Presidents) with a view to resolving the apparent conflict and the Director General shall be informed. This may result in the Specialist Commission or Working Group instructing the Member concerned to withdraw from the discussion or decision of matters associated with the apparent conflict of interest.

Information disclosed on the Forms submitted by Members of Specialist Commissions or Working Group may be made available on request to persons or organisations outside of OIE when the objectivity of the Specialist Commission or the Working Group has been questioned such that the Director-General considers disclosure to be in the best interests of the Organisation, and then only after consultation with the Member concerned, the President of the Specialist Commission or the Chairperson of the Working Group and, if necessary, the President of the Assembly.

Members of *ad hoc* Groups

Members of *ad hoc* Groups shall complete the appropriate Declaration of Interests Form in advance of each meeting of the relevant Group of which they are a member. If, however, the interests of the Member do not change, his/her declaration submitted is considered to be valid for subsequent meetings of the same Group during a one-year period, provided that the Terms of Reference of the Group remain the same. The Declaration shall be based on the subject matter of the *ad hoc* Group's meeting as outlined in its Provisional Agenda. The Declaration should be forwarded to the Director General not less than one month before the meeting.

If the Director General determines that there is an apparent conflict of interest, the matter shall be raised with the member concerned with a view to resolving the apparent conflict of interest. If any member of the Group is of the opinion that there is an apparent conflict of interest based on the information submitted, the matter shall be raised with the Director General or, if the Director General is absent, with the Deputy Director General responsible for the work of the Group. In either case, this may result in the Member concerned to be instructed to withdraw from the discussion of matters of the Group's agenda associated with the apparent conflict of interest.

Information disclosed on the Forms submitted by members of *ad hoc* Groups may be made available on request to persons or organisations outside of OIE when the objectivity of the Group has been questioned such that the Director-General considers disclosure to be in the best interests of the Organisation, and then only after consultation with the member concerned.

OIE Reference Centres

The head³ of the Reference Centre shall provide a report on behalf of the institution and its staff on matters related to the work of the OIE, as part of the Reference Centre's Annual Report to the OIE, in accordance with the model presented in Annex C. This procedure shall fulfil the requirements of Article 2 of the Internal Rules applicable to Reference Centres. The procedure shall not annul the obligations of OIE Experts who are staff of the Reference Centre to report directly to the Director General as described above.

If the Director General determines that an apparent conflict of interest exists, the matter shall be raised – if necessary - with the head of the institution and with the *Delegate* of the Member Country concerned with a view to resolving the apparent conflict of interest. This may result in restricting the work or the removal of the Reference Centre to matters where apparent conflicts of interest do not arise.

In May 2017 the World Assembly of Delegates of the OIE adopted Procedures for Designation of OIE Reference Laboratories. These Procedures make reference to four critical points for consideration when evaluating a laboratory's performance. In addition to these critical points the Director General determined that the importance of transparency and confidentiality require a further critical performance criteria against which a laboratory's performance will be assessed, namely compliance with the administrative requirement of submitting in a timely manner the declaration of interests and confidentiality undertaking.

Similarly, in May 2018, the World Assembly of Delegates of the OIE adopted Procedures for Designation of OIE Collaborating Centres. These Procedures make reference to five critical points for consideration when evaluating a Centre's performance, one of which is compliance with the administrative requirement of submitting in a timely manner the declaration of interests and confidentiality undertaking.

³ This means "Head of the Institution", i.e. "Head of laboratory (Responsible Official)" in the case of an OIE Reference Laboratory, and "Director(s) of the institution(s)" in the case of an OIE collaborating Centre

Annex A: Legal basis – Extracts from the Basic Texts of the OIE as adopted by the Assembly, May 2011

Experts

Experts shall provide the Director General with a statement covering potential conflicts of interest between themselves as experts providing expertise to the OIE and any commercial entity in accordance with the procedure established by the Director General.

Experts shall respect the legitimate confidentiality of information with which they may be entrusted in the performance of their functions and shall submit such an undertaking to the Director General.

[GR 35]

Members of Specialist Commissions

Members of Specialist Commissions shall provide the Director General with a statement covering potential conflicts of interest between themselves and any commercial entity in accordance with the procedure established by the Director General.

Members of Specialist Commissions shall respect the legitimate confidentiality of information with which they may be entrusted in the performance of their functions and shall submit such an undertaking to the Director General.

[SC 4]

Members of Working Groups and *ad hoc* Groups

Members of Working Groups and *ad hoc* Groups shall provide the Director General with a statement covering potential conflicts of interest between themselves and any commercial entity in accordance with the procedure established by the Director General.

Members of Working Groups and *ad hoc* Groups shall respect the legitimate confidentiality of information with which they may be entrusted in the performance of their functions and shall submit such an undertaking to the Director General.

[WG 6]

Reference Centres

The head of the institution shall provide the Director General with a statement of interest for the institution and its staff covering potential conflicts of interest between it as an OIE institution and any commercial entity in accordance with the procedure established by the Director General. The head of the institution shall ensure that the institution and its staff respect the legitimate confidentiality of information with which they may be entrusted in the performance of their functions for the OIE and shall submit such an undertaking to the Director General.

[RC 2]