



CONSORCI PER A LA CONSTRUCCIÓ, EQUIPAMENT I EXPLOTACIÓ DEL LABORATORI DE LLUM SINCROTRÓ
CONSORCIO PARA LA CONSTRUCCIÓN, EQUIPAMIENTO Y EXPLOTACIÓN DEL LABORATORIO DE LUZ SINCROTRÓN
CONSORTIUM FOR THE CONSTRUCTION, EQUIPPING AND EXPLOITATION OF THE SYNCHROTRON LIGHT SOURCE

CODE OF CONDUCT AND GOOD PRACTICE

Approved by the Governing Council in Session number 38, held on 20 December 2019



1. GENERAL ASPECTS

1.1. Objectives

This Code of Conduct has two main objectives:

- To Establish clear and concrete rules of conduct and principles of action that allow the performance of the functions and competences of the Consortium in an environment of ethical and legal security.
- To Guarantee full, transparent and efficient management, in compliance with the principles of good governance and institutional integrity established, both in Law 19/2013, of 9 December, on transparency, access to public information and good governance, (hereinafter “Law 19/2013”), and in the rest of the legal norms applicable to it.

1.2. Subjective and objective scope of application

From a **subjective point of view**, this Code of Conduct shall be **mandatory** for personnel, collaborators, external consultants and students of the Consortium.

This Code of Conduct shall also apply to those people who participate punctually in any act or procedure related to the Consortium at its request (people who are part of Evaluation Committees, expert committees or selection tribunals, among others). Henceforth, to refer to all previous groups, “persons linked to the Consortium” shall be used.

From an **objective point of view**, the principles, values and norms of conduct set forth herein shall be applied to decisions related to the Consortium.

It shall be considered **decisions related to the Consortium**:

- a) The subscription of reports, resolutions or acts, in the procedures that are carried out in the Consortium.
- b) The intervention, by vote or the presentation of a proposal, in collegiate body sessions in which the said decision is adopted.

1.3. Principles and values of institutional integrity

The persons linked to the Consortium must perform their functions and competences, in accordance with the following principles and values:

- **Integrity**: application of ethical standards and measures to prevent corruption or situations of conflict of interest or abuse of office, in the processes, policies and strategies of the institutions, exclusively for the public interest and not for private interests.

- **Transparency:** to allow access to public information derived from the actions of the Consortium, so that citizens can know what decisions are made and how or what their resources are dedicated to. *(All this, without prejudice to the duty of confidentiality with respect to the information that is accessed in the performance of functions and competences)*
- **Legality:** to defend and guarantee compliance with the legal order in force.
- **Institutional loyalty:** both internal, in the Consortium itself, to ensure effective and efficient application of resources, and external, in relations with other administrations and/or institutions for an effective and efficient coordination.
- **Equality and non-discrimination:** to guarantee equal treatment, without discriminatory conduct based on birth or geographic location, racial or ethnic origin, gender, sex, sexual orientation, religion, convictions, opinion, disability, age, or any other circumstance.
- **Impartiality:** to act always in an objective and neutral manner, reasoning the decisions exclusively in accordance with good practice and the regulations that apply to the matter that requires its intervention, studying with rigor the relevant aspects and placing them in relation to the information provided and with absolute independence of individual ways of thinking or feeling.
- **Respect:** to guarantee a respectful treatment to people, with absolute absence of physical or verbal violence.
- **Satisfaction of the public interest:** to ensure the general benefit, in compliance with institutional objectives and avoiding any situation of conflict of interest.

1.4. Definition of Conflict of interest

There shall be “**conflict of interest**”, when there is a **personal** interest, predilection or incentive, direct or indirect, economic, financial and/or personal, in the persons linked to the Consortium, which may interfere or appear to interfere negatively in the impartial, objective exercise and honesty of its functions or competences, causing the final decision to be contrary to the public interest and/or to the principles of integrity, transparency, equal treatment and non-discrimination.

It shall be considered **personal** interests:

- a) The own.
- b) Those of relatives up to the fourth degree of consanguinity or second degree of affinity and that of the spouse or person with whom they live in a similar emotional situation.
- c) Those of persons with whom there are pending litigation issues.
- d) Those of persons with whom you have intimate friendship or manifest enmity.
- e) Those of legal entities in which there has been a link due to an employment or professional relationship in the 2 years prior to being part of the Consortium collective.
- f) That of legal entities with or without profit or private entities to which relatives of letter b) are linked by work or professional relationship, provided that this involves management, advisory or administrative functions.

In the case of having or believing to have a conflict of interest, the affected person must **report** to his/her immediate hierarchical superior –or, in the case of non-personnel, to the person with the competence to take the last decision– **before** intervening in any matter relating to the Consortium whose final resolution may influence directly or indirectly, in order to be conveniently substituted.

In view of the above, the persons linked to the Consortium who have or believe to have a conflict of interest may not participate actively or indirectly in related matters or procedures (drafting or proposal to write reports, technical documents, among others).

1.5. Code of conduct relating to the principles and values and prevention of conflict of interests.

In application of the principles and values established previously, the persons linked to the Consortium must adjust the exercise of their functions and competences to the following code of conduct:

- a) **To refrain** from taking part in any matter in which they consider that may concur personal interests that damage or hinder the achievement of the general interest of the Consortium within the applicable legal framework.
- b) **Comply with** what is established in the provisions of the regulatory rules of the procedures in which they must intervene by reason of their functions and competences, as well as **to keep due confidentiality** of the matters and information to which they have access in compliance with them and respect what is established in the internal regulations for the protection of personal data, in application of the legislation in force in this matter.
- c) **To motivate** their decisions in application of the rules applicable in each case, always guaranteeing an objective and neutral position.

In this sense, it shall not be accepted suggestions or interference from third parties with the aim of restricting or falsifying competition or the principles of transparency and equality, or that may introduce elements of favoritism or arbitrariness.

- d) **To refrain from providing** information on processes or decisions related to the Consortium that may represent a competitive advantage for third parties or may be a violation of the principle of equal treatment.
- e) **To promote transparent and equitable participation mechanisms** in order to obtain market information (planned preliminary market consultations, annual public procurement programs).
- f) **To refrain from using** their position and functions to streamline or retard the proper development of procedures, as well as to provide benefits or cause harm to third parties, against to the principle of equal treatment.
- g) **To refrain from** developing or participating indirectly, in any activity outside the functions of the Consortium that may led to conflict with its interests. In case of carrying out a second activity, they must **guarantee compliance with the regulations of incompatibility, where appropriate.**

- h) **To refrain from** hindering or impede effective compliance with the principle of active advertising in accordance with the Laws.
- i) **To refrain** from making use of their position or the prerogatives derived from the performance of their duties to obtain personal advantages or benefits.
- j) **NOT** accept **individual** gifts or preferential treatment (meals, trips, among others) that exceed the usual, social or courtesy uses, or favors or services in more favorable conditions than those established in the market, which may condition the neutral development and objective of their functions. Therefore, the persons linked to the Consortium **shall refrain** from providing a personal address in order to receive such treatments.

Gifts that, individually or in groups, exceed € 100.00 are considered to exceed the usual, social or courtesy uses. However, in addition to the amount, the proportionality of the gift and the specific case in which it occurs shall be taken into account.

In the event of receiving gifts of a value higher than indicated, they must be returned and, in the event that the return is not possible or their cost are higher or disproportionate in relation to the value of the gift, they must be delivered to Management so that they can be incorporated into the estate of the Consortium.

Gifts sent to the Consortium or one of its groups may be accepted, as long as they are consumables of small value and are to be consumed or raffled among all the persons linked to the Consortium or among the group that is the object of the present.

Merchandising gifts offered in general for attending congresses and similar professional events may be accepted.

Gifts of books may also be accepted, although these shall remain the property of the Consortium, so it must be communicated to Management.

Finally, gifts may be accepted on behalf of the Consortium, and they must be delivered to it.

- j) In terms **of travel**, to undertake only those that are essential for the development of the functions or competences entrusted.
- k) **Communicate** to a hierarchical superior or to the Consortium Management any situation contrary to the conduct described in this clause that you are aware of.

1.6. Promoting values, principles and code of conduct and action

The Consortium shall ensure the application and dissemination of the values, principles and rules of conduct contained in this Code, both internally and externally. As a consequence, it shall publish the Code of Conduct on the Transparency Portal and on the corporate intranet, to promote the knowledge of its content.

1.7. Participation in collegiate bodies of procedures related to the Consortium

The persons linked to the Consortium may not be part of collegiate bodies that must decide on matters related to it, if they have or believe they may have a conflict of interest situation, according to clause 1.4.

Thus, in these cases it shall not be able to form part of Evaluation committees, selection tribunals for personnel (or students, if applicable), or the selection of scientific proposals.

Furthermore, any person related to the Consortium who in the last two (2) years has held executive or responsibility positions in companies that take part in the procedures for which the aforementioned collegiate body has been constituted, may not be part of the latter.

In compliance with the foregoing, the persons linked to the Consortium who are proposed to form part of a collegiate body, shall declare in advance, that there is no conflict of interest situation.

With regard to panels for evaluating scientific proposals, the conflict of interest defined in clause 1.4 e) should be considered only in the event that the evaluator has belonged in the last two years to the same research group as the researcher evaluated, or to a research group with which the evaluated collaborates intensely, not being relevant that the evaluated and the evaluator belong or have belonged to the same institution.

2. SANCTIONING REGIME

Infractions of the rules of conduct established in this Code of Conduct shall be considered minor, serious or very serious, in accordance with the provisions of articles 27 *et seq.* of the Law 19/2013 and the sanctions derived from these same articles shall be applied. The provisions of Chapter VIII of the Second Collective Agreement of the Consortium's Personnel shall apply to the personnel of the Consortium.

The competence to initiate and resolve a disciplinary inquiry lies on the person who exercises the Consortium's Management.

3. ADVERTISING AND AMENDMENTS TO THIS CODE OF CONDUCT

This Code of Conduct shall be published on the Consortium's Transparency Portal. The amendments thereof to adapt it to new needs or regulations shall also be the subject of publication.

4 COMPLEMENTARITY WITH OTHER SPECIFIC GOOD PRACTICE DOCUMENTS

This Code of Conduct should be understood as a complement to the documents that currently serve to implement internal regulations or policies of good practices of the Consortium in specific areas (data protection, intellectual and industrial property, instructions for the correct execution of external services, good practices of the use of ICT resources), which are published on the Transparency Portal or on the Intranet, as well as the documents that may be prepared in the future for the implementation or updating of the said policies of good practices.

ANNEX



DECLARATION OF ADHERENCE TO THE CODE OF CONDUCT AND GOOD PRACTICE OF THE CONSORTIUM FOR THE CONSTRUCTION, EQUIPPING AND EXPLOITATION OF THE SYNCHROTRON LIGHT SOURCE

Mr./Ms....., acting as

DECLARE,

1. That, I have read this Code of Conduct of the Consortium for the Construction, Equipping and Exploitation of the Synchrotron Light source.
2. That, I adhere to its content, in all its terms, committing myself to the fulfillment of its principles, values and rules of conduct.
3. That, I have read the documents that currently serve to implement internal regulations or policies of good practices of the Consortium in the specific fields of data protection, intellectual and industrial property and instructions for the correct execution of external services, and I promise not to perform any action that could be contrary to them.
4. That, while I am within the scope of this Code of Conduct, I undertake to access the documents that are prepared in the future for the implementation or update of new policies of good practices and published on the Transparency Portal .

(In this sense, when the CELLS incorporate a document of this type into the Transparency Portal, the people who sign this Declaration shall be informed by electronic means, for their knowledge).

And for all pertinent purposes, I sign this declaration.

Date and signature.