

CCM Albania

Conflict of Interest Policy

1. Background and Purpose

Conflict of interest arises where the individual or organizational interests of CCM members influence or could potentially influence their decision-making. The mere perception of conflict of interest can damage the credibility of CCMs and the programs they oversee. Actual, potential or apparent conflicts of interest are expected in all decision-making bodies and should be managed to ensure that decisions made are objective and credible.

The perception of conflict of interest unanimously recognizes that the judgment of even the most well-meaning persons may be impaired when their own interests, or those of a family member, an institution with which they are affiliated, or those of a close associate, are affected by their work. The CCM Albania (CCMA) recognizes that addressing conflict of interest is not only an eligibility requirement of the Global Fund, but that having instituted a conflict of interest policy is in the best interest of key stakeholders. The CCMA, its members, Global Fund Principal Recipients and Sub-recipients, and program implementers benefit from being conscious of actual and perceived conflicts of interest. Through establishing a comprehensive conflict of interest policy, the CCMA can transparently manage all conflicts of interests -- where conflicts of interest do arise, the CCM will ensure they are dealt with promptly and fairly.

This conflict of interest policy is designed to benefit CCMA members, employees, consultants and other parties that interact with the CCMA to identify situations or circumstances that present potential conflicts of interest. This policy is intended to provide the CCMA with procedures to appropriately manage these conflicts in accordance with the requirements of the Global Fund and operative laws of the soil. This conflict of interest policy is aimed to promote the goals of fairness, accountability and transparency while ensuring high standards of ethical conduct and public confidence in the CCMA's activities.

2. Guiding Principles

To promote transparency, accountability, inclusiveness, and public confidence in all of its activities, the CCMA shall be guided by the following core principles:

- The CCM’s supreme goal is to serve the public interest
- CCM activities should promote transparency, accountability and the integrity of the CCM
- Building public trust is a cornerstone of good governance
- Promoting organizational and individual CCM member responsibility should occur through example
- Promotion of a culture that is intolerant of actual or perceived conflicts of interest should guide the CCM in its activities
- Conflicts of interest should be managed through formal policies and procedures

3. Definitions

- 3.1 A conflict of interest occurs where a member of the CCM or the CCM Secretariat uses his/her position to advance personal ambitions or interests, the interests of an institution with which he/she is affiliated, or those of a family member, or close associate, in a way that disadvantages or excludes others, or is otherwise detrimental to the overall effectiveness of the program. (IIGF Guidelines and Requirements for Country Coordination Mechanisms – June 2011)
- 3.2 “Conflict of interest” includes potential conflicts of interest and perceived conflicts of interest.
- 3.3 A potential conflict of interest occurs where a member of the CCM or the CCM Secretariat is placed in a position in which they have the capacity to use his/her position or status in such a way that a conflict of interest, as defined above, can occur.
- 3.4 A perceived conflict of interest occurs where a person believes or suspects on reasonable grounds that a conflict of interest, as defined above, exists on the part of a member of the CCM or its Secretariat.
- 3.5 A close associate of a person includes a family member (spouse, child, sibling, parent, cousin, in-law), friend, business partner, or professional associate.
- 3.6 A person is affiliated with an institution where he/she is an employee or volunteer, or has a financial interest, or a technical or governance role with that institution.
- 3.7 Recusal occurs when a person remove themselves from participating in deliberations and decision-making when a conflict of interest would arise through their involvement.

3.8 The conflict of interest policy may arise in association with gifts, which is defined as including favors, gratuities, or sponsorships whether of a monetary or intangible nature.

3.9 Conflicts of interest can occur but are not limited to the following:

- Selection of Principal Recipients and Sub-recipients
- Renewal requests for a forthcoming phase of a grant
- A substantial reprogramming of grant funds
- Issues relating to assessment, monitoring, and oversight of Principal Recipients and Sub-recipients
- Discussion of matters in which CCM members or their institutions have a financial interest, such as contracting, recruitment of staff etc

4. Application of the Conflict of Interest Policy

4.1 The conflict of interest policy applies to CCM members, alternates, CCM Secretariat staff, Oversight Committee Members and members of the Technical Working Groups.

4.2 The CCM shall ensure that on taking the seat and at least once each year, the members of the CCM undergo orientation on their responsibilities regarding conflicts of interest and the requirements of this policy.

4.3 The CCM has delegated authority to the CCM Executive Committee to address ethics and conflict of interest issues

4.4 The CCM should consider the consequences of conflict of interest on its composition when considering membership renewal.

5. Protocols to Manage and Mitigate Conflict of Interest

5.1 Statutory Declaration: All CCM members and alternates shall complete an Acceptance of COI Policy and Declaration of Interest Statement (Appendix I) at the time of being seated on the CCM and disclose any actual or perceived conflict of interest at that time. The statement will be completed on an annual basis thereafter and updated as needed, whenever a material change occurs in the information. It is the member's responsibility to ensure that the statement is updated whenever a material change occurs. Statements shall be archived by the Secretariat and made available for inspection by the delegated CCM body charged with ethics and conflict of interest responsibilities. These statements shall form part of the public record of the CCM.

5.2 Role of Chair and Vice Chairs:The CCM shall ensure that neither its chairperson nor its vice-chairpersons is from an organization that serves as a principal recipient from a CCM-initiated project funded by the Global Fund. If this is the case, or that the CCM chairperson or vice-chairpersons represent organizations that are candidates for selection as a principal recipient, then Section 5.4 and Section 5.5 shall apply.

In case of selection as PR and if working directly as part of the Program Implementation Unit or posted/holding position in the same department/institution or its subordinate office the Chair/Vice Chair shall resign from their position and revert to the position of a simple member.

Should number of potential conflict of interest from a constituency be more than one, it would be incumbent to the members from that constituency to decide to have only one member (decided by consensus amongst them) and the others will submit resignations and cease to be CCM members. This is in compliance of the CCM Eligibility Requirement laid down by the GF. Should such a situation arise with one Ministry of the Government being a PR, not more than one member from that particular ministry will continue as an ordinary member.

5.3 Committee Membership:CCM members representing institutions that are principal recipients or sub-recipients shall not be named to the CCM Oversight Committee. Such CCM members may however be invited to Oversight Committee meetings as non-voting participants to provide information on the grants. CCM members representing institutions that are candidates to serve as a principal recipient or sub-recipient or sub-sub-recipient shall not participate in deliberations (committee or general meetings) during which selection takes place.

Consequently, if as an example the Ministry of Health or any of its departments or Institutions directly offers to serve as principal recipient or sub-recipient/sub-sub-recipient, they shall not participate in the deliberations during which the selection takes place. Further, in case the said entity is selected and directly takes up the role of principal recipient, they will resign from the CCM oversight committee. This clause does not apply on representatives of IPH and National Programs of TB and HIV

5.4 Notice of Agenda Items, Declaration of Potential or Perceived Conflict of Interest:

5.4.1 Each member of the CCM will receive an agenda of the meeting at least one week in advance. Members of the CCM must decide whether a potential conflict of interest exists and prepare to recuse themselves from CCM discussions. These members must disclose the nature of such interests to the chairperson. The member must recuse himself or herself from any and all deliberations and voting on the

conflict of interest topic as outlined in Section 5.8.1, Recusal.

5.4.2 CCM members or alternates must declare whether a conflict of interest exists at the beginning of the CCM meeting, at the time when all agenda items are read or reviewed.

5.4.3 Any member of the CCM may raise the question of a potential conflict of interest prior to or during a meeting. Members may present an allegation of conflict of interest to the chairperson or other CCM body charged with responsibility for conflict of interest, which must investigate each question raised.

5.5 Gifts and Favors:

5.5.1 CCM members are prohibited from accepting gifts under circumstances in which it could reasonably be construed that the gift is motivated by the position as a CCM member or alternate and could substantially affect decisions of the CCM.

5.5.2 CCM members and alternates are prohibited from giving gifts if it could be reasonably construed that the gift is intended to affect the policies or practices of the CCM, a principal recipient, or any of the programs it funds.

5.5.3 CCM members and alternates who represent governments, corporations, or organizations, and who are subject to a code of ethics or standards of conduct as a result of their position, may accept complimentary invitations to widely attended gatherings otherwise prohibited by this policy where such attendance is permitted under the code of ethics or standards of conduct to which the individual is subject.

5.6 Referral of Conflict of Interest Issues to the CCM Oversight

Committee/The committee charged with oversight responsibilities is best placed to address Conflict of Interest matters since it is clearly stated that members of this committee must have no COI.

5.7 Suspected Conflict of Interest:

5.7.1 If a suspected conflict of interest is reported by any party, the CCM chairperson and the CCM Oversight Committee responsible for conflict of interest issues will review the matter immediately to determine whether the CCM member or alternate has failed to declare an interest and if the breach is his or her responsibility. The issue must be reported to all CCM members. Any substantive issues must be brought to the entire CCM to decide.

5.7.2 If the matter is brought before the CCM for deliberation, the member or alternate shall be requested to withdraw while the matter is being deliberated. Any CCM member or alternate can bring allegations of conflict to the CCM, and such allegations must be discussed.

5.8 Recusal

5.8.1 At the moment in the meeting when the relevant agenda item is to be discussed for which there exists a conflict of interest for a CCM member or alternate, members and alternates shall recuse themselves, leave the room, and wait elsewhere. CCM members and alternates having a conflict of interest may not vote on the issue at hand and shall not be present in the meeting room when the vote is taken. Once the discussion and any necessary votes or decision making have been completed, the CCM member or alternate shall be recalled into the meeting room.

5.8.2 CCM members and alternates having a conflict of interest may be called into the meeting room in their capacity as a representative of their organization to provide needed information to the CCM membership. Once they have finished providing this information, they will again leave the room until recalled.

5.8.3 Whether in the meeting room or outside, the CCM members and alternates shall not attempt to exert their personal influence with respect to the discussion topic.

5.8.4 If the chairperson has a conflict of interest, he or she must delegate meeting responsibilities to a vice-chairperson for the period of the deliberation and recuse himself or herself. If a vice-chairperson also has a conflict of interest, the vice-chair shall also recuse himself or herself and the CCM must elect an acting chairperson for the period of deliberation and thoroughly document the process that was followed.

6. Consequence of Failure to Declare Conflict of Interest

6.1 Any person who has reason to believe that there is a conflict of interest on the part of a member of the CCM may at any time refer the matter to the CCM Oversight Committee in writing. The CCM Oversight Committee shall advise the CCM of all such matters referred to it, the actions taken by the Oversight Committee to investigate such matters, and any recommendations for action on the part of the CCM. The CCM shall consider and vote on any recommendations from the Oversight Committee at the next meeting following receipt of advice from the Oversight Committee.

6.2 If the CCM learns that a CCM member or alternate has willingly failed to disclose an interest, the CCM shall take all reasonable measures to revoke any benefit gained. Before taking such action, the CCM shall inform the member or alternate in writing of the conflict of interest issue and provide the member or alternate with the opportunity to explain the alleged failure to disclose.

6.3 The CCM chairperson shall refer all available information in relation to the conflict of interest to the Oversight Committee charged with conflict of interest matters, which shall make a determination on whether a conflict of interest exists. If a conflict of interest does exist, the Oversight Committee shall make a recommendation to the full CCM regarding appropriate action to be taken with respect to the person who has failed to declare the conflict of interest.

6.4 The full CCM shall consider and vote on the recommendation of the Oversight Committee at the first meeting following receipt of the determination and recommendation.

6.5 Following the CCM's vote on the recommendation, the circumstances and CCM member or alternate shall be reported to the member's constituency. The constituency shall be requested to immediately replace the member or alternate who serves on the CCM.

6.6 The CCM shall report all instances of conflict of interest situations that are in apparent violation of any operative laws to the appropriate official government body responsible for enforcement.

7. Documentation of Conflict of Interest

All decisions associated with conflict of interest will be recorded by the CCM and reported in the minutes of the meeting. The record will state:

- The nature and extent of the conflict
- A summary of the discussion
- The actions taken to manage the conflict.

8. Orientation to Conflict of Interest Policy

The CCM shall ensure that at least once each year the members of the CCM undergo training on their responsibilities regarding conflicts of interest and the requirements of this policy.

Appendix 1:

Acceptance of COI Policy and Declaration of Interest Statement

Upon appointment to the Country Coordinating Mechanism Albania, please complete this Declaration and submit it to the Chairperson and Secretariat of the CCM prior to attending your first meeting of the CCM. You will be asked to update this annually throughout your term of office.

Section 1: Acceptance of COI Policy

Name of CCM Member/Alternate: _____

Institution: _____ *Title:* _____

Constituency: _____

I, the undersigned, hereby pledge to comply with the attached Conflict of Interest Policy of the CCM Albania.

As a CCM member or alternate, I shall not participate in deliberations, the making of recommendations or decisions, or other processes in which I have a conflict of interest, or a potential conflict of interest, as defined in the attached Conflict of Interest Policy.

I will complete Section 2 of this document concerning my professional and personal affiliations. I promise to declare my conflict of interest to the general assembly of the CCM prior to or at the commencement of any CCM meeting at which a relevant matter will be considered. I will state the nature of the conflict of interest and all relevant facts pertaining to my interest. I will then recuse myself from participating in any proceedings concerning the matter.

If another person alleges that I have a conflict of interest, I will respond to this charge and will abide by the decision taken by the CCM.

If I have reason to believe that a person has a conflict of interest in relation to any matter arising from his or her role or responsibilities in the CCM, I will report my belief and the information on which it is based to the chairperson, and will provide such further information as is requested from me by the chairperson to the best of my abilities. I undertake not to make allegations of conflict of interest except in good faith, and on the basis of a genuine belief that such conflict or conflicts could compromise the transparency, accountability, inclusiveness of or public confidence in the CCM.

If I have any questions or need any assistance understanding or complying with the Conflict of Interest Policy, I will contact the chairperson of the CCM or the CCM Secretariat who will assist me.

I hereby certify that I have received a copy of, and read the CCM Albania Conflict of Interest Policy.

Signed: _____

Date: _____

Section 2: Declaration of Interest Statement

Please answer the following questions completely. When done, initial the page.

No.	Question	Response
1a.	Where do you work?	
1b.	What position do you hold?	
2.	Are you a member of a Board of Directors of an organization? If so, please list the organization(s).	
3.	Are you the owner, co-owner, or stockholder of a private business? If so, please list.	
4.	Do you currently or plan to receive remuneration (sitting fees, salary supplement etc.) from any Global Fund funded activities in Albania?	
5.	Do any of your affiliated organizations listed above, serve or plan to serve as a principal or sub-recipient of a Global Fund grant? If so, please list the organization and grant.	
6.	Does a close family member work for or hold an ownership interest in an organization serving as a principal or sub-recipient of a Global Fund grant? If so, please list the person, organization, and disease program.	
7.	Do you serve on a CCM committee? If so, please list and identify if you have a leadership role on the committee (Chair, co-Chair, etc.)	
8.	Do the mission or policies of the organization you work for conflict or have the potential to conflict with that of the national disease strategy? If so, for which disease and how?	
9.	Please list any other affiliation or situation you believe may cause a conflict of interest for you.	

Initialed By: _____

Date: _____

Appendix 2: Conflict of Interest Declaration

I, _____ (name) agree by my signature below that if appointed to the position of _____ I pledge to comply with the attached Conflict of Interest Policy of the Albania Country Coordinating Committee for the Global Fund to Fight HIV/AIDS and Tuberculosis.

As a _____ (name of position) I shall not participate in deliberations, the making of recommendations or decisions, or other processes in which I have a conflict of interest, a potential conflict of interest, or to the best of my knowledge a perceived conflict of interest, as defined in the attached Conflict of Interest policy.

If I believe I have a conflict of interest, a potential conflict of interest, or a perceived conflict of interest in relation to a matter arising from my position of _____ (name of position), then I will state this belief to the meeting of the CCM prior to or at the commencement of any CCM meeting at which the matter will be considered. I will state the nature of the conflict of interest and all relevant facts pertaining to my interest. I will then recuse myself from participating in any proceedings concerning the matter.

If another person alleges that I have a conflict of interest, a potential conflict of interest, or a perceived conflict of interest in relation to a matter arising from my position of _____ (name of position) I will provide all relevant facts to the Chair of the CCM Oversight Committee and CCM Secretariat, and will abide by any decision taken by the CCM Albania regarding the alleged conflict of interest.

If I have reason to believe that a person has a conflict of interest in relation to any matter arising from their role or responsibilities in the CCM or any related forum, I will report my belief and the information on which it is based to the Chair of the relevant forum, and will provide such further information as is requested from me by the Chair of the relevant forum to the best of my abilities. I undertake not to make allegations of conflict of interest except in good faith, and based on a genuine belief that such conflict or conflicts could compromise the transparency, accountability, inclusiveness of or public confidence in the CCM or other associated forum. I understand that in making such a report, it is my right to request that my identity be protected to the fullest extent possible, and that it is the obligation of the CCM and related forums to uphold this right.

If I have any questions or need any assistance understanding or complying with the Conflict of Interest policy, I will contact the Chair of the CCM or the CCM Secretariat who will assist me with questions and interpretation and will provide me

with a recommendation on whether or not I should excuse myself from participating in the relevant procedure/s. I understand that I am entitled to a written response to any questions or requests for assistance I submit.

Name: _____

Witness name:

Position: _____

Witness signature:

Signature: _____

Date: _____