

FAQ'S

CIRCULAR OPS/OPM-EES/1/2025 ON CONFLICT OF INTEREST AND ACTION AGAINST FRAUD AND CORRUPTION

Declarations on Conflict of Interest (COI)

1. What are the minimum requirements for declaring and managing conflicts of interest under Circular OPS/OPM-EES/1/2025?

The minimum requirements under Circular OPS/OPM-EES/1/2025 establish that any actual, potential, or perceived COI must be identified, declared, and appropriately managed. Declarations must be updated if circumstances change, and any identified conflict must be addressed through documented mitigation measures, including, where necessary, recusal (that is withdrawal from the relevant process).

2. Which roles and entities must declare their non conflict of interest, and at which stages of procurement or recruitment?

Declarations are mandatory for the:

- i. Project Team engaged in EU-funded project management, as per Annex I and Annex Ia of this Circular.
- ii. Procurement Drafters and Evaluation Committee members (including any Consultant/Technical Advisor/s). Please refer also to the reply provided under Question 6.
- iii. Selection Committee members for recruitment procedures, as per Public Service Commission Form, or Authority/VOs/NGOs internal forms.

These declarations must be completed at key stages, including the initiation of procurement procedures, the constitution of evaluation committees, and the commencement of recruitment processes. Checks on COI must be performed prior signing any procurement or recruitment contracts.

3. How are outsourced consultants and advisors covered by COI declaration requirements?

Outsourced consultants, technical experts, and advisors are also subject to COI declaration requirements. Circular OPS/OPM-EES/1/2025 extends conflict-of-interest controls to all external parties involved in the project lifecycle, ensuring that they adhere to the same standards of transparency and integrity as internal staff. Contractual arrangements should therefore include explicit COI disclosure obligations. Outsourced Consultants and advisors should fill in the COI Declaration, as per Annex Ia.

4. Which COI form (Annex I or Ia) is required to be filled by Beneficiaries' immediate project team?

Annex I is to be filled in by Public Officials, who are considered part of the public administration.

Annex Ia is to be filled in by other entities such as Voluntary Organisations (VOs)/Non-governmental organisations (NGOs), or by Private Consultants who may be assisting Beneficiaries and being considered as part of the immediate Project Team.

The key distinction lies in the reference to the Public Administration Act, which is included in Annex I.

5. If a Project Leader has two projects, how many forms have to be filled?

Every Project Team's COI form Declaration pertains specifically to its individual project.

Therefore, if a Project Leader is involved in two separate projects, they are required to complete and submit two forms – one for each project. This ensures transparency and compliance on a per-project basis, as stipulated by Circular OPS/OPM-EES/1/2025.

6. Does the Project Team need to submit a signed Declaration on COI for every tender and/or quotation submitted, or is one Declaration sufficient?

No. As clarified above, every Project Team's COI form Declaration pertains specifically to its individual project.

However, a Declaration on COI must be submitted for every tender and/or quotation by all Evaluation Committee members, including any externally engaged Consultants or Technical Advisors.

For procurement procedures issued through the Electronic Public Procurement System (ePPS), each member of the Evaluation Committee is required to indicate their agreement to the Declaration of Impartiality and Confidentiality directly within the ePPS. Any externally appointed Consultant or Technical Advisor must instead sign a hard-copy Declaration of Impartiality and Confidentiality using the template issued by the Department of Contracts.

For VOs/NGOs, a signed Declaration of Impartiality and Confidentiality must be completed during the first meeting of the Evaluation Committee. The Evaluation Committee's Declaration template is available as an Annex to [Circular No. OPS/MFI/5/2026](#).

In addition, the Procurement Drafters need to complete the Declaration on Conflict of Interest as circulated by the Department of Contracts, for each and every procurement procedure, as specified in the Contracts Circular N° 16/2025. For VOs/NGOs, the Procurement Drafters Declaration template is available as an Annex to [Circular No. OPS/MFI/5/2026](#).

7. Does the COI Declaration need to be countersigned by a Senior Official? If yes, does the Senior Official refer to the direct superior of each officer?

The Declaration needs to be countersigned by a Senior Official. The term Senior Official refers to the direct superior of the officer completing the Declaration. For example:

- If the declarant is a CEO, the form must be countersigned by the Chairperson of the Board of Directors.
- In the case of privately engaged consultants, a co-signature from a senior official is required whenever the consultant is employed and provides services through a company structure.

8. When it comes to NGOs, is the co-signature of a senior official still required in the Declaration on COI?

Yes. The Declaration on COI must be countersigned by a senior official.

9. Is a new form to be signed whenever a project is assigned to an officer?

According to the Circular "The immediate project team must sign the Declaration of COI as soon as they are engaged on the project. Furthermore, a revised declaration must be submitted whenever any circumstances arise that may impact any project team member's COI, in relation to the ongoing project. Furthermore, they must be re-submitted and reviewed on a yearly basis, preferably by March of each year, to ensure continued compliance."

Thus, an updated Declaration needs to be submitted whenever an officer has its remit changed.

10. According to the Circular, a Project Team includes several individuals, including the Head of Organisation. In the case of Ministries, the Head of Organisation is the Permanent Secretary. Should we request the Permanent Secretary's COI Declaration Form and CV?

Yes. It is also clarified that the Permanent Secretary's declaration must be countersigned by the Principal Permanent Secretary.

11. The Project Team's COI declarations (refer to Annex I and Annex Ia) include *Annex I to Conflict of Interest Declaration Form*. The Project Team has not filled in or countersigned Annex I, providing a Nil reply. Should Annex I be completed in a Nil Reply?

Annex I should **only** be completed when an official is declaring a Conflict of Interest.

12. When COI Declaration forms are collected, where should they be sent?

The Circular places responsibility on the Line Ministries and Beneficiaries to securely store the forms. However, it is being clarified that the original forms should be retained by the relevant Beneficiary in accordance with an internal system that best suits their operations and in accordance with applicable data protection laws and the Data Protection Act.

These documents must be readily accessible for review by the Line Ministry or Managing Authority or Auditing bodies and retained for the period specified by the applicable Fund.

13. What are the requirements for storing and retaining COI and UBO data in line with GDPR and audit obligations?

COI and UBO data should be processed, stored, and retained in accordance with the beneficiary's and Line Ministry's Data Protection Policy, which must be compliant with the GDPR and applicable data protection legislation, while also meeting any relevant audit and record-retention requirements.

Checks carried out on Conflict of Interest (COI)

1. What actions are required when a potential or actual conflict of interest is identified?

A contradictory procedure should be triggered between the Line Ministry/Beneficiary and the officer filling the declaration of COI. If it is established that an actual COI was present, a financial recovery of 100% is affected as per Commission Decision laying down the guidelines for determining financial corrections to be made to expenditure financed by the Union for non-compliance with the applicable rules on public procurement dated 14th May 2019, and its Annex.

2. Who must review and ascertain our COI is accurate: should it be a senior official who is independent and not involved in the implementation of the project, or can members of the Project Team or those involved in the tendering process check each other's declaration?

Conflict of Interest checks may be performed by an officer designated by the Beneficiary or Line Ministry. Beneficiaries and Line Ministries may also opt to outsource these checks to external service providers.

3. With regards to CVs, the CVs provided are the same as the CV templates of the Evaluation Committee. Do we accept them?

Detailed and recent CVs are required.

4. What tools are recommended to assist in the COI checks?

The most used data mining tools include the Malta Business Register Database managed by the Malta Business Registry, the MACM database from the Malta Association of Credit Management, and the Jobsplus database. Government departments may also request access to the Identita' Database (previously known as CDB), which contains detailed personal information such as marital relationships and family connections.

5. How should external alerts (e.g. audit findings, media reports, social media) be integrated into the verification process?

The officer conducting the check should take note of these and verify the reliability of the sources through data mining tools available. Notes should also be included in the checklists in Annex II – Explanatory Note and Checklist.

6. How should Line Ministries coordinate with the Managing Authorities for high-risk procedures?

When a potential COI case is discovered, the Line Ministry should immediately communicate with the respective Managing Authority.

Fraud Risk Register

1. The Circular refers to a Fraud Risk Register. Can the Fraud Risk Register form part of our main Risk Register, or should it be compiled and maintained separately?

The risk register serves as the overarching framework. While the fraud risk register can be integrated into the main risk register, it is preferable to maintain it as a distinct section for clarity and focused management.