

UFFIĊĊJU TAD-DEPUTAT  
PRIM MINISTRU  
MINISTERU GHALL-AFFARIJJIET EWROPEJ

SEGRETARJAT PARLAMENTARI GHALL-  
PRESIDENZA UE 2017 U GHALL-FONDI  
EWROPEJ



MALTA

OFFICE OF THE DEPUTY  
PRIME MINISTER  
MINISTRY FOR EUROPEAN AFFAIRS

PARLIAMENTARY SECRETARIAT FOR THE EU  
PRESIDENCY 2017 AND EU FUNDS

*Id-Divizjoni għall-Fondi u Programmi*

*Funds and Programmes Division*

### EFF Managing Authority Circular 01/2014

To: EFF Managing Authority personnel  
From: Head of the EFF Managing Authority  
Date: 05 February 2014

### Subject: Avoidance of conflict of interest

Reference is made to article 5 and part B of the First Schedule to the Public Administration Act (PAA) (Chapter 497 of the Laws of Malta).

I understand that a conflict of interest is defined as a situation in which I have a private or personal interest sufficient to influence or appear to influence the objective exercise of my official duties within the European Fisheries Fund Unit, Funds and Programmes Division.

I certify that I am not in any position which renders me in the situation described in the preceding paragraph. In addition I do not have any personal, financial, business or other interests or undertakings that directly or indirectly compromise the performance of my duties.

Furthermore, once I become aware that a potential conflict of interest is going to arise, I agree that I will immediately notify such to my Director-General in writing.

I acknowledge that failure to abide by article 5 and part B of the First Schedule to the PAA will constitute grounds for disciplinary proceedings against me.

  
AZZOPARDI KARMENU  
EU FUND OFFICER

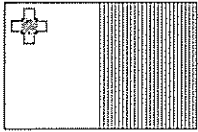
  
ABELA ALISON  
EU FUND OFFICER

  
MIFSUD KURT  
EU FUND OFFICER

  
ZERAFA IAN  
PROJECTS MANAGER

  
Endorsed by Raphael Scerri  
Head of the EFF Managing Authority  
Funds and Programmes Division

  
Chris Magri  
Director [Funds]  
Funds and Programmes Division



Fisheries Operational Programme 2007-2013  
Part-financed by the European Union  
European Fisheries Fund (EFF)  
Co-financing rate: 75% EU Funds; 25% National Funds



*Investing in sustainable fisheries*

- (a) be governed by the provisions of this Act, including the public administration values and the Code of Ethics;
- (b) be subject to Ministerial direction as provided for in the Constitution and in this Act and other laws, except on matters in respect of which they are expressly required by law to act independently or under the direction of a person or authority other than a Minister;
- (c) be accountable under this Act and other laws for the manner in which they provide services, carry out their functions and manage their resources, for their observance of the public administration values and the Code of Ethics, and for their observance of the Ministerial directions referred to in paragraph (b).

Public  
administration  
values.

4. (1) Departments, agencies and government entities shall be governed by the values inherent in the duties listed hereunder, and public employees shall:

- (a) exercise any powers vested in them by law, and deliver services to the public, courteously, expeditiously and impartially;
- (b) provide objective and knowledgeable advice on matters within their competence;
- (c) efficiently and effectively implement the policies of the government of the day;
- (d) contribute towards the co-ordination of Government policy in conjunction with departments, agencies, government entities and Local Councils; and
- (e) contribute through their own conduct to making their workplace one which recognises talent, develops skills and abilities, rewards performance, avoids discrimination and offers safety.

(2) Public employees shall uphold and promote the public service values, and a failure to do so on the part of any public employee may constitute grounds for disciplinary proceedings against that employee under applicable rules and procedures.

(3) The Principal Permanent Secretary may issue directives and guidelines aimed at upholding and better realising the public service values, and public employees shall comply with such directives.

Code of Ethics.

5. (1) The Code of Ethics set out in the First Schedule shall apply to public employees.

(2) The Prime Minister may from time to time, by Order in the Gazette, amend or substitute the First Schedule.

(3) It shall be the duty of all public employees to comply with the Code of Ethics, and failure to do so on the part of any public employee may constitute grounds for disciplinary proceedings against that employee under applicable rules and procedures.

(4) The Principal Permanent Secretary may issue directives and guidelines aimed at upholding and ensuring compliance with the Code of Ethics and, with the concurrence of the Minister responsible for the particular board or commission, he may also issue such guidelines with respect to boards and commissions.

(5) The head of a department, agency or government entity may, with the approval of the Principal Permanent Secretary, make rules of ethical conduct, complementary and in addition to the Code of Ethics, relating to the circumstances particular to that organisation, and the term Code of Ethics in relation to public employees in that organisation shall include such rules.

## PART II

### THE PUBLIC SERVICE

#### Title 1 - Organisation

6. (1) Where a Minister is assigned responsibility for any department of Government in terms of article 82 of the Constitution, that Minister shall, in line with article 92 of the Constitution, and without prejudice to article 6 of the Interpretation Act, have the general direction and control of all departments, agencies and government entities that may be placed under his responsibility and may give directions directly to the head of the department, Chief Executive Officer, Board of Directors or any other employee falling within his responsibilities, on any matter, except matters where the head of department, Chief Executive Officer, Board of Directors or other employee is required by any law to act -

Ministers and  
Ministers'  
secretariats.

Cap. 249.

(a) independently; or

(b) in accordance with the direction of a person or authority other than the Minister:

Provided that where a Permanent Secretary has been appointed to supervise the relative department, agency or government entity the Minister shall inform the Permanent Secretary that he has given such directions.

(2) A Minister may be assigned responsibility for any department, agency or government entity including those listed in Part II of the Second Schedule.

(3) The staff assigned to the secretariat of a Minister, including advisors or consultants to the Minister, shall be deemed to be occupying positions of special trust and shall, even if they are public officers assigned on transfer, be appointed thereto on the basis of a definite contract:

Provided that on the expiration or termination of the contract, the directives and guidelines mentioned in subarticle (4) shall apply.

(4) The Prime Minister may issue directives and guidelines concerning the functions, administration and establishment of Ministers' secretariats, the engagement of staff thereto, and the terms and conditions under which such staff shall serve.

FIRST SCHEDULE  
CODE OF ETHICS  
(Article 5)

**A. Principles**

1. This Code of Ethics is adopted within a framework of principles which are fundamental to the ethos governing behaviour. These have been identified as public trust; serving the public and the business community; responsibility to the Government of the day; productivity and flexibility; and public employees' rights.
2. The public has a right to expect that public sector organisations and their employees are of the highest integrity and competence and serve all citizens fairly, reasonably, equitably and efficiently.
3. Public employees shall provide impartial and accurate advice to the Government of the day and shall implement its policies promptly, efficiently and effectively.
4. The public and the business community have a right to expect that public employees will seek to meet their legitimate needs promptly and courteously.
5. The nation expects public employees to be committed to a constant quest for innovation, improved productivity, and the simplification of procedures, so as to contribute to national economic growth and competitiveness.
6. Public employees shall make full use of information and communication technology as an essential tool in the improvement of public administration and the delivery of better services, and they shall ensure that they possess the necessary skills to this end.
7. Public employees' rights are all the rights of employees, within the provisions of legislation and regulations.

**B. Conflicts of Interest**

8. A conflict of interest may be defined as a situation in which a public employee has a private or personal interest sufficient to influence or appear to influence the objective exercise of his or her official duties.
9. Public employees shall avoid any financial or other interest or undertaking that could directly or indirectly compromise the performance of their duties.
10. In many cases only the individual employee will be aware of the potential for conflict. Therefore, the onus is on the employee to disclose to his or her senior if a potential or actual conflict of interest arises.
11. This includes the notification of all relevant personal, financial, business or other interests, in particular:
  - (a) any directorship, partnership, agency or any shareholding;
  - (b) any interest in any activity or business in which or with which the organisation is engaged;
  - (c) any interest in goods or services recommended or supplied to the organisation.
12. Public employees shall notify the head of the organisation in writing within a week whenever any of the above interests arise namely, upon assuming office, change in duties or due to a change in circumstances.

