Attachment II and III

(Rules for Dealing with Conflicts of Interest)

to the

Rules of Procedure for the ESO Observing Programmes Committee

Approved by the ESO Council on 04.12.2013
(doc. ESO/Cou-1522 dated 21.11.2013)
ATTACHMENT II TO THE OPC RULES OF PROCEDURE

E. Rules for Dealing with Conflicts of Interest on ESO Committees

1. A conflict of interest arises when the Committee is called upon to make a decision or recommendation on a matter in which a member, or her/his institution, or a closely connected associate, or her/his immediate family has a professional, financial, or commercial interest.

2. It is the responsibility of all members of the Committee to recognize and report all their own actual or potential conflicts of interest. All members must declare any potential conflicts of interest to the Committee through ESO before accepting appointment, and ESO shall keep a record of such declarations.

3. Committee members shall declare to the Committee any actual or potential conflict of interest in any item on the Agenda immediately they become aware of it, and ESO shall update the record of declarations.

4. In any situation dealing with finite resources, some decisions have implications for all other decisions. If an actual or potential conflict of interest arises, the Committee Member may be requested by the Chair of the Committee either to withdraw from discussion of that item, or to participate in all or part of the discussion, but should a vote be called, the conflicted member shall not be present during the voting.

5. The request to withdraw may be challenged in which case it shall be put to a vote of the Committee, with the potentially conflicted member not participating; in the event of a tied vote, the decision of the Chair shall be final.

6. Should the Chair be required to withdraw from a discussion, the Committee members shall agree on one of their number to act as temporary Chair for the discussion of that item.

7. Should a conflict of interest be discovered after a vote or recommendation has been made, the Chair shall propose to the Committee that either

(a) the vote or recommendation should stand with the vote of the conflicted member converted to an abstention

or

(b) the vote or recommendation is declared null and void, and shall be revisited with the conflicted member withdrawn.

8. Any deliberate failure to report a conflict of interest shall be reported by ESO to the person or body appointing members to the Committee, and this person or body shall decide upon the action to be taken, and inform the Committee.

9. Any action under the rules above shall be recorded in the minutes of the Committee meeting.
ATTACHMENT III TO THE OPC RULES OF PROCEDURE

Additional Rules for Dealing with Conflicts of Interest on the OPC and its Expert Panels

To the OPC and its Expert Panels, special and more detailed rules regarding conflicts of interest apply in addition to the general "Rules for Dealing with Conflicts of Interest on ESO Committees".

The additional Rules are set out below.

Conflicts of interest may arise when an OPC/Expert Panel member has to review, grade, or discuss:

a. Proposals where the member is part of the research team submitting the proposal
b. Proposals from a PI or main Co-Is from his/her institution
c. Proposals from a close scientific collaborator
d. Proposals from immediate family
e. Proposals from a recent student or advisor

Exclusions

OPC members cannot be PIs of Large Programmes or Public Surveys proposed in the period in which they serve. In cases where they are a Co-I on a Large Programme, they may not take part in discussions of any Large Programmes or Public Surveys. In this case, they will be replaced by an appropriate member of the relevant Expert Panel, who will serve as an OPC Member at Large for these discussions only.

Declaration of Conflicts of Interest

It is the responsibility of all OPC/Expert Panel members to recognise and report all their own actual, potential or perceived conflicts of interest.

All members must inform the ESO Observing Programmes Office (OPO) of any potential conflicts of interest immediately after receiving proposals to review.

OPC/Expert Panel members shall declare to the OPC/Expert Panel Chair any actual or potential conflict of interest with any item on the Agenda immediately after they become aware of it.

If an actual or potential conflict of interest arises, an OPC or Expert Panel member may be requested by the Chair of the OPC or the respective Expert Panel either to withdraw from the discussion of an agenda item, or to participate in all or part of the discussion, but to withdraw during voting should a vote be called.

Withdrawal from discussion

The request to withdraw may be challenged, in which case it shall be put to a vote of the OPC/Expert Panel, with the potentially conflicted member not participating. In the event of a tied vote, the decision of the respective Chair shall be final.

Should a conflict of interest be discovered after a vote or recommendation has been made, the OPC/Expert Panel Chair shall propose to the OPC/Expert Panel that either:

a. The vote or recommendation should stand, with the vote of the conflicted member converted to an abstention or
b. The vote or recommendation is declared null and void, and shall be revisited with the conflicted member withdrawn

The OPC/Expert Panel shall decide on the Chair's proposal by consensus. In the event that a vote is necessary, a simple majority shall apply.
Failure to declare a Conflict of Interest
Any deliberate failure to report a conflict of interest shall be reported to the Chair of the OPC and the Director General, which shall jointly decide upon the action to be taken, and inform the OPC.

Records of action
Any action under the rules above shall be kept on record by ESO.