

Procedures for the operation of the Platform Project Management Team of the Biomedical and Photonics Research Platform for Innovative Products (BioPhoT), confidentiality and conflict of interest requirements

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1. Purpose and scope of the Procedure

- 1.1. The aim of this regulation for the functioning, confidentiality and conflict of interest requirements of the Platform Project Management Team (hereinafter referred to as "PPMT") of the Platform for Biomedical and Photonics Research for Innovative Products (BioPhoT) (hereinafter referred to as "the Procedures"), is to ensure compliance with the requirements of the national and European Union regulatory enactments concerning the operation, confidentiality and prevention of conflicts of interest of the PPMT of the Platform "Biomedical and Photonics Research Platform for Innovative Products (BioPhoT)" (hereinafter - BioPhoT Platform) within the national research programme.
- 1.2. The Procedures are drawn up in accordance with:
 - 1.2.1. Cabinet of Ministers Regulation of 4 September 2018 No 560 "Procedures for the Implementation of National Research Programme Projects" (hereinafter - the Cabinet Regulation);
 - 1.2.2. Article 61 of Regulation (EU, Euratom) No 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast);
 - 1.2.3. European Commission Communication "Guidance on the avoidance and management of conflicts of interest under the Financial Regulation" No 2021/C 121/01, C/2021/2119;
 - 1.2.4. the Law on Prevention of Conflict of Interest in the Activities of Public Officials of Republic of Latvia;
 - 1.2.5. Long-term National Research Programme project proposal No. IVPP-EM-Innovation-2024/1-0002 "Biomedical and Photonics Research Platform for Innovative Products (BioPhoT)" (hereafter - BioPhoT Platform proposal).
- 1.3. These Procedures shall apply to all members of the PPMT insofar as they are involved in the performance of the tasks set out in Section 2 of the Procedures;
- 1.4. The Procedure shall lay down:
 - 1.4.1. the functions and decision-making procedures of the PPMT;
 - 1.4.2. confidentiality requirements;
 - 1.4.3. circumstances giving rise to, or likely to give rise to, a conflict of interest which jeopardises or prejudices the implementation of projects of BioPhoT Platform;
 - 1.4.4. the measures to be taken and action plans to prevent conflicts of interest and in cases where a conflict of interest is identified;
 - 1.4.5. the form and procedure for signing the declarations of absence of conflict of interest.

2. Functions and decision-making procedures of the BioPhoT Platform Project Management Team (PPMT)

- 2.1. PPMT:
 - 2.1.1. performs the selection and internal evaluation of BioPhoT Platform project applications in accordance with the project call rules jointly developed by the BioPhoT Platform Coordinator and the partners and approved at the PPMT

- meeting, the BioPhoT Platform project selection and approval criteria and the BioPhoT Platform application;
- 2.1.2. monitors the BioPhoT Platform projects throughout their implementation and the progress of objectives and targets to ensure that the established BioPhoT platform projects intermediate outcome indicators are met and that the established BioPhoT platform projects performance outcomes and other specific objectives, targets and indicators defined in the long-term national research agenda, the BioPhoT platform and the BioPhoT platform project application are achieved;
 - 2.1.3. at least every six months, carries out an interim evaluation of the implementation of BioPhoT Platform projects, taking into account the progress made to date in each BioPhoT Platform project, the scientific quality of each BioPhoT Platform project, the impact, the expected progress and potential risks for future implementation;
 - 2.1.4. if necessary, make recommendations for changes to the content and financing plan of the BioPhoT Platform projects, or decide to suspend implementation, by carrying out an interim evaluation of the BioPhoT projects;
 - 2.1.5. if a BioPhoT Platform project is discontinued, select a new BioPhoT Platform project and decide on the allocation of funding for its implementation;
 - 2.1.6. carry out other tasks as foreseen in the BioPhoT Platform's documentation.
- 2.2. At the first meeting of the PPMT, the Chairperson of the PPMT shall be selected from among the members of the PPMT and elected by simple majority.
 - 2.3. The PPMT may remove the Chairperson by a vote in accordance with the procedure laid down in point 2.4 of the Procedures.
 - 2.4. Decisions of the PPMT shall be taken by a simple majority of votes cast. In the event of a tie, the Chair of the PPMT shall have a casting vote.
 - 2.5. The meetings of the PPMT shall be chaired by the Chairperson or, in his/her absence, by the BioPhoT Platform Manager.
 - 2.6. Meetings of the PPMT shall be announced by the Chair or the BioPhoT Platform Manager at least 5 working days before the scheduled date of the meeting. The dates of the meetings shall be announced by email to the members of the PPMT.
 - 2.7. The PPMT shall have decision-making capacity if all members of the PPMT are present.
 - 2.8. The PPMT meetings shall be organised in person or remotely or in a hybrid format (partly in person, partly remotely) using electronic tools and platforms available to the PPMT.
 - 2.9. The meetings of the PPMT are open to the public. In certain cases, meetings may be closed on the basis of personal data protection or confidentiality regulations.
 - 2.10. The decision of the PPMT shall enter into force on the day following that of its adoption, unless otherwise specified in the minutes.
 - 2.11. A meeting of the PPMT may be convened by the Chair, the BioPhoT Platform Manager or if requested by at least 2 PPMT members.
 - 2.12. The minutes of the meetings of the PPMT are taken. The minutes shall record only the participants and speakers on the matter and the decisions taken and the results of voting (if applicable).

3. Confidentiality requirements

- 3.1. "Confidential Information" means any and all technical, commercial, financial, marketing and other data, documents and other information, including but not limited

to trade secrets, intellectual property rights, proprietary know-how (whether oral or written and whether or not designated as "Confidential"), disclosed by the BioPhoT Platform and BioPhoT Platform Project applicant (the "Project Applicant") to the persons specified in Section 1.3 of the Procedures.

- 3.2. Subject to the provisions of this Procedure, the persons referred to in paragraph 1.3 of this Procedure undertake to keep strictly confidential all and any part of the Confidential Information and not to disclose any of it to any third party without the prior written consent of the Project Applicant, which may be withheld at the sole and absolute discretion of the Project Applicant.
- 3.3. The persons referred to in Section 1.3 of the Procedures shall use the Confidential Information only for the purposes set out in Section 2 of the Procedures.
- 3.4. The persons referred to in paragraph 1.3 of the Procedure shall limit the disclosure of Confidential Information to third parties who need it to carry out the tasks set out in Section 2 of the Procedure and only after such third parties have undertaken to comply with the requirements set out in this Procedure.
- 3.5. Notwithstanding the foregoing, the confidentiality requirements set out in this Procedure shall not apply to any part of the Confidential Information in respect of which the persons referred to in paragraph 1.3 of this Procedure can demonstrate that such part of the Confidential Information:
 - 3.5.1. was known to the person referred to in point 1.3 of the Procedures before it was disclosed by the Project Proponent;
 - 3.5.2. was generally available to the public before it was disclosed by the Project Applicant, or becomes generally available to the public after it is disclosed by a person referred to in paragraph 1.3 of the Procedures otherwise than by reason of a breach by a person referred to in paragraph 1.3 of the Procedures of its obligations under these Procedures;
 - 3.5.3. is required to be disclosed by law or regulation, or is disclosed in compliance with a valid order of a court or other public authority.

4. Concept of conflict of interest and circumstances giving rise to or likely to give rise to a conflict of interest

- 4.1. According to Section 1 (5) of the Law "On Prevention of Conflict of Interest in the Activities of Public Officials", a conflict of interest is a situation in which a public official, while performing the duties of a public official, has to take a decision or participate in taking a decision or pursue other personal or property interests related to the public official, his relatives or business partners.
- 4.2. A conflict of interest exists where the performance of a person's functions referred to in point 1.3 of the Procedures (i.e. the tasks referred to in Section 2 of the Procedures) is independently and objectively hindered for reasons relating to family, emotional ties, political or national affiliation, economic interests or any other direct or indirect personal interest.
- 4.3. A conflict of interest may arise even if the person does not actually benefit from the situation, since it is sufficient that the circumstances jeopardise (interfere with) the exercise of his or her functions in an impartial and independent manner. However, such

circumstances must have a specific identifiable and individual link to (or effect on) particular aspects of the person's conduct, behaviour or relationships.

- 4.4. Nationality, political affiliation, emotional ties or other aspects are factors which could compromise the neutrality and impartiality of the person referred to in point 1.3 of the Rules of Procedure. In order to avoid such threats, persons referred to in paragraph 1.3 of the Rules should refrain from any involvement, influence or pressure that could affect the neutrality and impartiality (or the perception of their neutrality or impartiality) of their professional activities. Such threats could arise in particular from friendship or hostile relationships, family relationships, party affiliation, membership of associations or religious beliefs.
- 4.5. The actions and professional decisions of the persons referred to in point 1.3 of the Procedures must be based solely on legal and objective criteria and on sufficient and relevant evidence.
- 4.6. Direct and indirect interests may include gifts or hospitality, non-economic interests, or may arise from membership of non-governmental or political organisations (even if unremunerated), competing duties of loyalty between one person to whom the person owes a duty and another person or entity to whom the person owes a duty.
- 4.7. The appearance of a conflict of interest is any activity or interest which might appear to interfere with the independent and impartial exercise of the functions of a person referred to in point 1.3 of the Procedures and thereby affect public confidence in the sound financial management of the public budget, i.e. a situation which might be perceived as a conflict of interest.
- 4.8. The appearance of a conflict of interest may arise where a person, irrespective of his or her intention, may reasonably consider himself or herself to have, or be perceived to have, competing personal and public interests because such interests may undermine his or her ability to perform his or her tasks and duties independently and impartially (for example, the risk or likelihood of favouritism or hostility due to family interests and national or political affiliation may objectively be perceived as a conflict of interest).
- 4.9. An apparent conflict of interest covers objective circumstances that affect confidence in and reliance on the independence and impartiality of a person or entity, even if the conflict of interest does not materialise or even if the person does not actually benefit from the situation. In this context, it is of paramount importance to ensure that the rules on the avoidance of conflicts of interest are effectively respected and to remove any doubt that a reasonable, informed, impartial and honest person might have as to the appropriateness of the conduct of the person involved.
- 4.10. A potential conflict of interest is a situation in which a person has no personal or professional interest at the time, but it is likely to arise in the future and affect the ability to perform the functions assigned in an independent and impartial manner.

5. Measures to be taken and action plan to prevent conflicts of interest and in cases where a conflict of interest is identified

- 5.1. The person referred to in point 1.3 of the Procedures must examine and resolve situations which may objectively be perceived as a conflict of interest so that they can no longer be objectively perceived as a conflict of interest.

5.2. the person referred to in point 1.3:

- 5.2.1. refrain from any action that could create a conflict between their personal and public interests in the implementation of the BioPhoT Platform;
- 5.2.2. take appropriate measures to prevent conflicts of interest in their area of responsibility;
- 5.2.3. take appropriate measures to resolve situations that could objectively be perceived as a conflict of interest.

5.3. If a person referred to in point 1.3 of the Procedures suspects that an actual, apparent or potential conflict of interest exists, he/she shall report it to the PPMT and recuse himself/herself from the relevant decisions. For example, in situations where the PPMT takes a decision on a BioPhoT Platform project or its application, the PPMT member involved in the application shall recuse him/herself from the decision.

5.4. In order to ensure as a preventive measure that the persons referred to in point 1.3

- 5.4.1. are fully aware of the circumstances of an actual, apparent or potential conflict of interest;
- 5.4.2. have undertaken to comply with the conditions set out in these Procedures;
- 5.4.3. are not in a situation of actual, apparent or potential conflict of interest;

sign the declaration attached to the Annex to the Procedures before starting work on the tasks referred to in Section 2 of the Procedures.

5.5. During the lifetime of the PPMT, the BioPhoT Platform Coordinator shall document its checks for conflict of interest, corruption and fraud risks. Where necessary, the identified risks or identified conflicts of interest shall be addressed or corrected.

Attached

Procedures for the provision of the platform "Biomedicine and Photonics research platform for innovative products
The activities of the "BioPhoT" Platform Project Management Team, for confidentiality and conflict of interest requirements

Certification of absence of conflict of interest and respect of confidentiality

I, _____, acting in the capacity of the Platform Project Management Team of the "Biomedical and Photonics Research Platform for Innovative Products" (hereinafter referred to as BioPhoT), declare that I am not involved in the submission of BioPhoT project proposals under the Law on the prevention of conflicts of interest in the activities of public officials and Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (Recast) within the meaning of Article 61 of the Financial Regulation applicable to the general budget of the European Union, and I have not participated in the preparation of the project proposals to be assessed, and there are no circumstances (including situations of conflict of interest¹) under which it may be considered that I have an interest in decisions which may give rise to a conflict of interest, conflict with the ethical standards applicable to public officials and prejudice the performance of my direct duties as a public official.

If, in the course of my duties as a member of the BioPhoT PPMT, it appears that such circumstances exist or have arisen and my objectivity and independence in the decision-making process could be called into question, I will immediately inform the BioPhoT PPMT and will not participate in the relevant decision-making or terminate my membership of the BioPhoT PPMT.

As a member of the BioPhoT PPMT, I will act only within the scope of my mandate, without any conflict of interest, and in compliance with the ethical requirements for public officials set out in the "Procedures for the operation of the Platform Project Management Team of the Biomedical and Photonics Research Platform for Innovative Products (BioPhoT), confidentiality and conflict of interest requirements".

I undertake not to disclose to third parties any information which has come to my knowledge or access in the course of the evaluation of project applications on the BioPhoT platform and to use the information and documents available only for the purpose of evaluating and deciding on project applications. I undertake not to pass on to third parties any written or electronic information on the project application and its evaluation and to destroy them after the evaluation of the projects.

(signature, its transcription) (date)