

Policy for Interactions with Public Officials

The purpose of this document is to set forth the principles and standards which should determine any relationship between CropLife Europe (and its representatives) and Public Officials.

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POSITION AND COMMITMENT

Public Officials play an important role in society, e.g. by establishing and maintaining the necessary conditions and institutions for economic stability, social cohesion and environmental protection as well as for providing access to agricultural know how. For all these reasons CropLife Europe considers and respects Public Officials as important partners and stakeholders.

CropLife Europe is convinced that a proactive, honest, transparent, responsible and sustainable dialogue and engagement between Public Officials and the Association is a fundamental aspect of good public governance.

CropLife Europe has a vital role to play in the political process by informing and working closely with Public Officials who adopt laws, regulations and policies enabling the best possible and sustainable solutions for the agricultural challenges.

For the reasons mentioned above, CropLife Europe considers a professional engagement and dialogue with Public Officials not as an option, but as an important duty and social responsibility. A professional dialogue and engagement can make a significant contribution to a sustainable process, providing a necessary link between business, policy makers and civil society.

CropLife Europe represents its member companies and member national associations throughout Europe and the European area, upholding the interests of the crop solution industries, including the conventional crop protection, biologicals (derived from nature), agricultural biotechnology and digital & precision agricultural technology sectors.

As such, we have a social responsibility to our members as well as to the public, policymakers and the authorities, and to other sectors of the economy, science and media.

This CropLife Europe Policy applies to the day to day business of CropLife Europe when interacting with Public Officials, providing a clear framework of responsible behaviour aiming to secure future recognition as a credible business partner.

It sets out the aims and lists practices for certain situations. Every employee is responsible for ensuring that his/her action is consistent with the rule of law and adheres to this policy, to preserve the reputation of the Association, our members and the crop solution industries.

CropLife Europe employees, and members and representatives when acting on behalf CropLife Europe, should implement this policy in line with our Values and Principles. The integrity and reliability of our employees are the basis of a successful industry.

PURPOSE OF POLICY

The purpose of this Policy (hereafter called “Policy”) is to set forth the principles and standards which should determine any relationship between CropLife Europe (and its representatives) and Public Officials. By implementing this Policy, CropLife Europe intends to maintain the highest professional standards and act as a trustworthy and legitimate partner for Public Officials.

CropLife Europe expects and requests that CropLife Europe employees, as well as Intermediaries, employees of CropLife Europe members or employees of member national associations acting for or on behalf of CropLife Europe, must fully abide by the provisions contained in this Policy when engaging with Public Officials for or on behalf of CropLife Europe.

1. General Principles

CropLife Europe will proactively seek dialogue and cooperation with Public Officials, provided such engagement is necessary, appropriate and mutually beneficial to both parties.

CropLife Europe will build its dialogue with Public Officials on its active involvement in and close links to civil society (e.g. CropLife Europe’s relationships with agricultural groups, trade associations, non-governmental organizations).

In its interactions with Public Officials, CropLife Europe is committed to honesty and integrity, adopting a transparent and responsible behaviour, respecting all applicable local, national and international laws, in matter of anti-bribery and corruption, as well as all relevant CropLife Europe provisions, including, but not limited to, the provisions as set forth in this Policy.

CropLife Europe expects its employees and intermediaries acting for or on behalf of CropLife Europe to act with proper business integrity in all interactions with Public Officials.

The use of improper influence or attempt to improperly influence Public Officials by CropLife Europe employees and Intermediaries is strictly prohibited; CropLife Europe will not tolerate any unacceptable practice(s).

2. Legal Framework

2.1 National & International Conventions

International conventions dealing with anti-bribery and corruption measures such as the OECD “Convention on Combating Bribery of Foreign Public Officials in International Business Transactions” as well as the “Convention against Corruption” of the UN do not have a direct normative impact. The nations that have ratified the conventions have to implement the provisions in their national laws and hence this affects the CropLife Europe member companies and CropLife Europe as well.

As an example, in the UK, the UK Bribery Act regulates, beyond the scope of the international conventions, the liability of a Company and the individual liability of their directors and officers in the matter of public and private bribery. Remarkable is also the large extraterritorial reach abroad of this legislation as it has been described at its entry into force in July 2011.

Belgium implemented the UN "Convention against Corruption" in its national legislation in 2007. Furthermore, pursuant to the law of 10 February 1999, implementing the abovementioned OECD Convention, the Belgian criminal code was amended to sanction both passive and active bribery, whereby "*bribery*" is understood to mean "*accepting and/or granting any offer, promise or benefit of any nature whatsoever*". Similar to the UK, Belgian anti-bribery law may have an extraterritorial reach.

Finally, an anti-corruption policy has been implemented at EU level. The EU anti-corruption policy comprises *inter alia* the [Convention on fighting corruption involving officials of the EU or officials of Member States](#)¹ and a Council Decision on combating corruption in the private sector aiming to criminalize both active and passive bribery². The European Commission has also adopted a Communication on fighting corruption in the EU (COM(2011) 308 final) and a Decision establishing an EU anti-corruption reporting mechanism (C(2011) 3673 final). The UN "Convention against Corruption" was approved on behalf of the EU by Council Decision of 25 September 2008 on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption (2008/801/EC).

2.2 EU Transparency Register

The EUROPA Transparency Register was set up and is operated by the European Parliament and the European Commission. CropLife Europe is a registrant and adheres to its Code of Conduct which stipulates:

In their relations with the EU institutions and their Members, officials and other staff, registrants shall:

- a. always identify themselves by name and by the entity or entities they work for or represent; declare the interests, objectives or aims promoted and, where applicable, specify the clients or members whom they represent;
- b. not obtain or try to obtain information, or any decision, dishonestly, or by use of undue pressure or inappropriate behaviour;
- c. not claim any formal relationship with the European Union or any of its institutions in their dealings with third parties, or misrepresent the effect of registration in such a way as to mislead third parties or officials or other staff of the European Union, or use the logos of EU institutions without express authorisation;
- d. ensure that, to the best of their knowledge, information, which they provide upon registration, and subsequently in the framework of their activities covered by the Register, is complete, up-to-date and not misleading; accept that all information provided is subject to review and agree to co-operate with administrative requests for complementary information and updates;
- e. not sell to third parties copies of documents obtained from any EU institution;
- f. in general, respect, and avoid any obstruction to the implementation and application of, all rules, codes and good governance practices established by EU institutions;
- g. not induce Members of the EU institutions, officials or other staff of the EU, or assistants or trainees of those Members, to contravene the rules and standards of behaviour applicable to them;
- h. if employing former officials or other staff of the EU or assistants or trainees of Members of the EU institutions, respect the obligation of such employees to abide by the rules and confidentiality requirements which apply to them;

¹ Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, OJEU C 195, 25.6.1997, p. 2–11.

² Council Framework Decision 2003/568 of 22 July 2003 on combating corruption in the private sector, OJEU, L 192, 31.7.2003, p. 54.

- i. obtain the prior consent of the Member or Members of the European Parliament concerned as regards any contractual relationship with, or employment of, any individual within a Member's designated entourage;
- j. observe any rules laid down on the rights and responsibilities of former Members of the European Parliament and the European Commission;
- k. inform whomever they represent of their obligations towards the EU institutions;

Individuals representing or working for entities which have registered with the European Parliament with a view to being issued with a personal, non-transferable badge affording access to the European Parliament's premises shall:

- l. ensure that they wear the access pass visibly at all times in European Parliament premises;
- m. comply strictly with the relevant European Parliament Rules of Procedure;;
- n. accept that any decision on a request for access to the European Parliament's premises is the sole prerogative of the Parliament and that registration shall not confer an automatic entitlement to an access pass.

3. Interaction with Public Officials

3.1 Gifts and other advantages

At CropLife Europe part of our commitment to acting as a trustworthy Association means not seeking any improper advantage that can be obtained by providing gifts or entertainment.

CropLife Europe employees or Intermediaries will not provide any gift that could be perceived as an attempt by CropLife Europe to improperly influence the recipient.

Therefore, the granting of gifts or any other advantages of low value by an CropLife Europe employee or Intermediaries acting for or on behalf of CropLife Europe to Public Officials should be exceptional and should follow the steps described below:

- it is allowed by applicable national laws
- it is allowed by the internal guidelines of the public authority
- it is in conformity with local custom
- it is appropriate, in good taste and judgement
- the value of the gift or advantage is so low that it does not raise any question of an obligation on the part of the recipient, and
- it is properly registered in CropLife Europe's books.

Offering, granting, demanding or accepting of cash or cash equivalent (e.g. vouchers) is always unacceptable.

3.2 Meals, travel and Accommodation

Appropriate compensation such as reasonable and documented costs associated with meals, travel and accommodation incurred by Public Officials for an active participation at the request of CropLife Europe such as giving a presentation or participating in a panel discussion or otherwise incurred directly as consequence of a partnership with CropLife Europe, can be considered, provided such compensation is in compliance with applicable laws and regulations and with local custom, is allowed by the internal guidelines of the public authority, could not be perceived as an attempt by CropLife Europe to improperly influence the Public Official and does not raise any question of an obligation on the part of the Public Official.

Visa invitations will only be provided for the sole occasion of a business meeting or conference and will not be granted for any private visit or trip.

An audit trail on invitations made, occasions, participants and amounts paid has to be kept.

4. Transparency and Openness

CropLife Europe employees or Intermediaries acting for or on behalf of CropLife Europe shall always identify themselves openly and correctly as representing CropLife Europe and their specific function.

CropLife Europe employees shall not misrepresent their status or the nature of their inquiries to Public Officials nor shall they create any false impression in relation thereto.

Interaction with Public Officials on behalf of CropLife Europe should always take place in an open, transparent and non-discriminatory manner and in full compliance with all applicable rules, including this Policy and the applicable competition laws.

5. Respect and Independence

CropLife Europe fully respects the independence and impartiality of Public Officials in the performance of their functions. CropLife Europe considers such respectful behaviour as the precondition for any professional dialogue and collaboration.

Any abuse of an official position should be avoided by all parties involved. Any collaboration should be based on the understanding that both parties should be considered of equal importance.

CropLife Europe remains independent of any political affiliation, in particular CropLife Europe is not associated with any specific political parties, candidates or platforms.

6. Confidentiality

In any interaction with Public Officials, CropLife Europe employees or any Intermediaries acting on behalf of CropLife Europe shall not disclose any Confidential Information given to them in the course of their activities for CropLife Europe, provided they are not forced by law to disclose any specific Confidential Information.

When and where specific rules, standards or conventions govern the receipt, distribution and release of any documentation developed by Public Officials, CropLife Europe employees must comply with any corresponding applicable rules, standards or conventions. This refers to formal contracts as well as oral agreements or unwritten conventions in a given political environment.

7. Employment of former Public Officials

Former Public Officials (e.g. persons resigning or retiring from government office, public service or any other elected political positions) may only be hired and employed by CropLife Europe in conformity with the rules of the institutions they previously served.

Prior consultation of and clearance by CropLife Europe's Finance and Personnel Committee is required before any discussion of potential employment opportunities with Public Officials are started.

8. Implementation

CropLife Europe employees as well as Intermediaries, employees of CropLife Europe members or employees of member national associations acting for or on behalf of CropLife Europe, are directly responsible for applying the provisions of this Policy.

The CropLife Europe Director General is responsible to instruct the CropLife Europe employees as well as those working for or on behalf of CropLife Europe.

Violations of this Policy are not tolerated; immediate remedial action(s) and appropriate internal sanction(s) shall be executed in each individual case and must be reported to CropLife Europe's Director General.

CropLife Europe will regularly assess the terms and conditions that determine appropriate behaviour in engagements with Public Officials and review this Policy as required from time to time.

9. Entry into Force

This Policy was approved by ECPA's General Assembly 14 November 2012 and enters into force with immediate effect. This policy is updated to the new association name CropLife Europe and put to the General Assembly vote of 25th June 2020 for effect as of 1 January 2021.

ANNEX

10. Glossary

Term	Definition
Public Official	<p>A public official may include, but is not limited to:</p> <ul style="list-style-type: none"> • any person working for the EU institutions; • any person holding an office or working for or on behalf of a government entity at any level; • any person working for a government controlled enterprise, a public national or international organization; • any person performing a public function or a public service; • any person considered a public official under local law or: • Family members of any person falling under one of the above mentioned categories.
Family member	<p>Family members include blood relatives, spouses, partners or other persons with whom a Public Official has a similarly close relationship.</p>
Intermediaries	<p>An intermediary may be any business associate who engages in business on behalf of CropLife Europe, including but not limited to:</p> <ul style="list-style-type: none"> • agents • consultants • public affairs agencies • public relations agencies • lobbyists • management advisors, • service providers.
Third party	<p>Third parties are persons who are not related to CropLife Europe, such as customers, suppliers, cooperation partners, which are no Intermediaries.</p>
Improper advantage	<p>An improper advantage may include, but is not limited to:</p> <ul style="list-style-type: none"> • any improper influence of action or omission (e.g. in order to receive changes in law without meeting the requirements); or • any improper influence of a decision (e.g. on whether to support or reject a new law).
Confidential Information	<p>"Confidential Information" means any non-public information of a disclosing Party including but not limited to:</p> <ul style="list-style-type: none"> • business methods • business plans

	<ul style="list-style-type: none"> • contracts • data • delivery and inspection procedures, • documentation • formulas • know-how • information related to engineering, marketing, or finance. • presentations • processes • product functionality • product plans • products • rules and procedures • services • specifications • technical data
Bribery	<p>Bribery is offering, promising or giving, as well as demanding or accepting, any improper payment or advantage (a bribe), whether directly or indirectly (such as through an intermediary), to or from a Public Official in order to improperly obtain, retain or direct any business or to secure any other improper advantage.</p> <p>The term corruption also covers the rather more specific terms bribery and corruptibility, as well as the acceptance and granting of personal benefits. In most national jurisdictions these are criminal offences.</p>
Gifts	All free services for legal entities or natural persons, irrespective of whether they are connected with a service for the recipient which has been performed or is still to be performed.
Socially acceptable benefits	Benefits of an appropriate amount which, taking into account the rules of social dealings, politeness and the position of the invited person, are not of unusually high value and do not offend any laws or internal regulations and the recipient will not encounter any conflict of interest situation.
Conflict of interests	A situation in which a person must choose between two or more incompatible interests. This situation can occur above all when somebody is employed or is active in various positions and/or organizations/companies. An employee of CropLife Europe or the Public Authority is involved in a conflict of interests when, for example, a personal interest could prevent them from making the best possible decision in the interest of CropLife Europe members/ Public Authority.