

Safeguarding against possible conflicts of interest in nutrition programmes:
Draft approach for the prevention and management of conflicts of interest in
the policy development and implementation of nutrition programmes at
country level

PROPOSED DECISION-MAKING PROCESS AND TOOL

1. MANAGEMENT OF CONFLICTS OF INTEREST FOR PUBLIC OFFICIALS

a) Preventive and management measures

According to databases from the World Bank (WB) and the Organization for Economic Cooperation and Development (OECD), most governments have laws and procedures in place addressing COI in staff members (WB, 2012 and OECD, 2015a). The following tables provide an overview of preventive and management measures that governments may consider, at their discretion, adopting when addressing internal COI for their public officials. Some of these measures would be more relevant for COI related to the official's personal situation; others for COI resulting from influence by an external individual or institution; others for both.

a) Preventive measures

- **Training and capacity-building of staff;**
- **Rules on the hiring of spouses and other family members;**
- **Rules on the acceptance of gifts, decorations and honours;**
- **Pre and post-employment obligations:** Pre-employment measures may include inquiring about the prospective staff member's previous occupations. Post-employment engagements may be addressed, as some countries have done, by legally requiring a "cooling off period" that restricts certain activities of staff members leaving the public sector (OECD, 2015a). Post-employment obligations include that of confidentiality regarding information that staff members knew because of their previous employment. Such information must not be disclosed, nor used for personal advantage (WHO, 2017a);
- **Transparency and integrity in lobbying:** Governments can set up legal requirements for lobbyists to disclose information through a register (OECD, 2015a). Some countries have also regulated the process by establishing rules or standard of conduct that clarify the expected behaviour of staff members during the lobbying process (OECD, 2015a);
- **Fair and transparent procurement;**
- **Disclosure of interests that may affect the capacity of public officials to serve**

independently;

- **Whistleblowing protection against retaliation:** Policies to protect whistle-blowers from retaliation should apply to all staff members who report misconduct to the authorities in good faith (WHO, 2017a).

b) Management measures

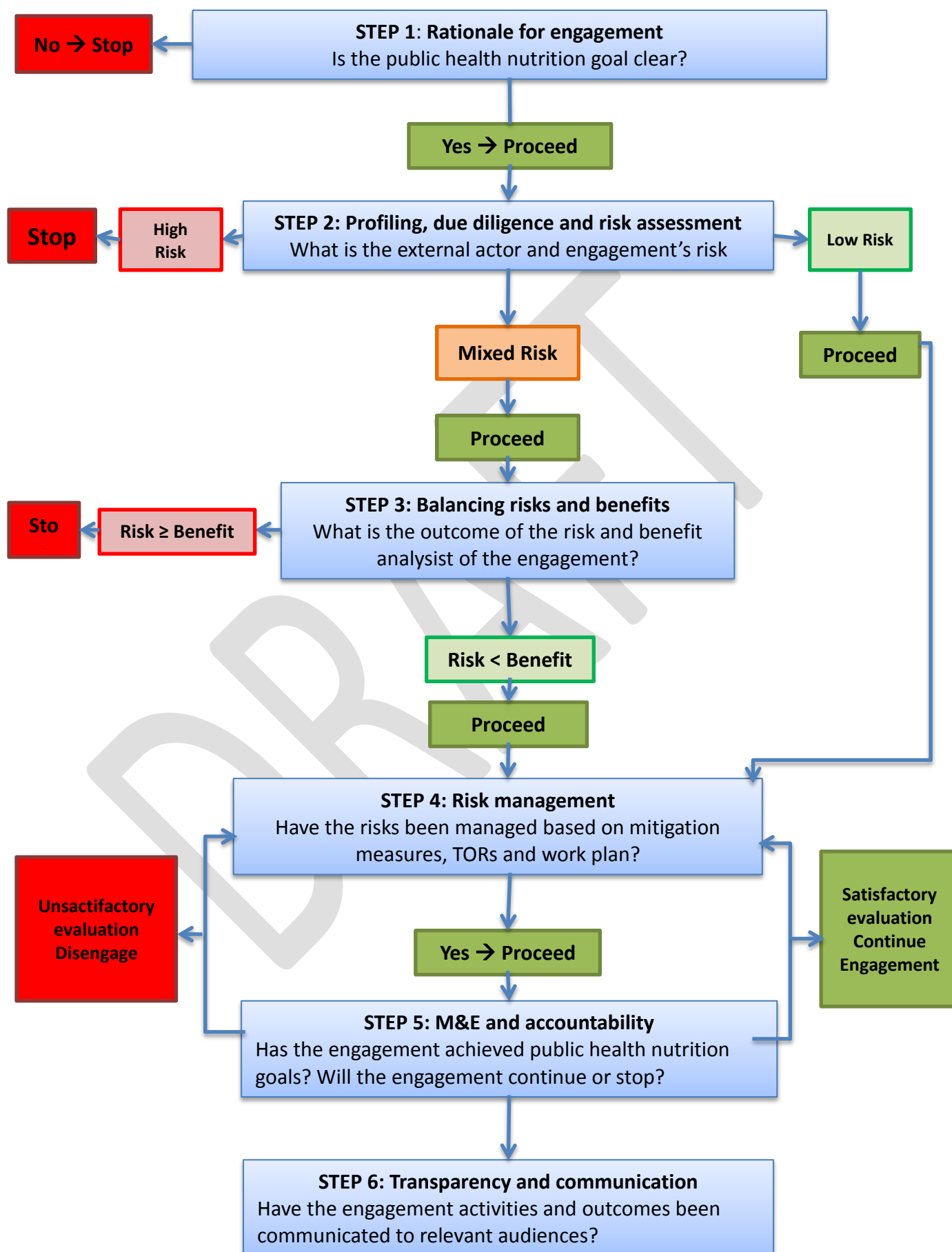
- **Divestment or liquidation of the interest;**
- **Recusal of public officials from functions where they have a COI:** When a COI is limited in scope and not likely to affect the staff member often, it can be managed through recusal from the specific role where the official has a COI (OECD, 2003b). For instance, if an official received a job offer from a company and has not yet rejected it, he or she should not participate in decision-making that affects the firm. Moreover, his or her functions related to the company's activities or interests may be performed by another official and information related to the company may not be shared with the staff member (WHO, 2016a); **Re-organization of public officials' responsibilities and official tasks, including transfer if necessary:** When recusal is not appropriate because of the nature of the COI, countries may consider re-arranging the functions of the staff member. For instance, they may decide to move the public official to a different department if they deem that this would suffice to eliminate the COI (OECD, 2003b);
- **Resignation:** When the COI cannot be managed and is incompatible with public service the staff member should resign from his position (OECD, 2003b);
- **Set up mechanisms to enforce COI policies:** These can include sanctions in the form of fines, delays in promotion or even dismissal. As part of the enforcement system, countries could entrust an independent unit or expert with the task of reviewing COI policies (WHO, 2016a)
- **Set up mechanisms to assist public officials to manage COI** Alongside sanctions there could also be a non-punitive system to help officials facing difficulties in addressing COI. For complex problems, States may consider a system of counselling, whereby trained individuals give advice to public officials on how to handle COI. The meetings could result in a written document, which would be transparent, accountable and easy to monitor. This counselling service could be given by an independent unit or expert entrusted with the task of reviewing COI policies (Adams, 2016).
- **Monitoring:** The monitoring process should be periodic and performed by an independent body).

2. COI PREVENTION AND MANAGEMENT FOR EXTERNAL INSTITUTIONS AND INDIVIDUALS

The aim of the following section is to provide an example of a step-by-step decision-making process that may assist governments in preventing, identifying and managing COI when engaging with non-State institutions and individuals. The process consists of six steps, each followed by an assessment by the national authority. The process covers all stages of engagement, from the decision to consider an engagement proposal to the communication phase, where engagement activities and outcomes are shared with relevant audiences.

Governments may decide, at their discretion, to follow the process, completely or partially, if they consider it beneficial. In the latter case, they may choose to look at specific steps of the process, where they deem that guidance is most needed. Therefore, this proposal may be adapted at the national level according to the national legal framework and the country context. The six steps are presented below in Figure 1 while more detailed guidance will be given throughout the tool.

Figure 1: Proposed decision-making tree



STEP 1: RATIONALE FOR ENGAGEMENT

Clarify the public health nutrition goal

Purpose

The government might start interacting with an external actor because the external actor has approached the government with an engagement proposal or because it has identified a potentially suitable external actor based on a previous experience, a call for bid or a stakeholder mapping exercise. In either case, the government should ask the external actor to formally submit an engagement proposal. The formal submission might contain an acceptance by the external actor of the engagement review process.

The scope, objectives and expected outcomes of the proposed engagement should be clearly defined before the first interaction with the non-State institution or individual. It is crucial that the engagement with an external actor is initiated only if it will help advance the nutrition or public health goal.

The following steps are suggested:

- a) Clarify and summarize the scope, objectives and expected outcomes of the engagement.
- b) Explain how the engagement addresses a priority for the government. The engagement should be aligned with the government's agenda, programme of work or normative priority setting. This is an important step since there is a risk that the engagement may shape the government's agenda (e.g. by offering funds to work on a specific activity) or divert the government from its priorities (e.g. if it pulls out resources from priority projects).

STEP 2: PROFILING AND PERFORMING DUE DILIGENCE AND RISK ASSESSMENT**Have a clear understanding of the risks' profile of the external actor and the engagement****Purpose**

Due diligence refers to the actions taken by the national authority to gather and verify relevant information on a external actor and to reach a clear understanding of its profile. The Due Diligence and Risk assessment steps may assist governments in characterizing whether the proposed engagement is high, mixed or low risk. The national authority may perform a series of tasks, such as:

Task 1: Perform a background check and assess the external actor's profile against the exclusionary criteria

Before the first interaction with the non-State institution or individual, the national authority may consider performing a background check in order to have a preview of the interlocutor's profile. The search may start with the institution's website (e.g "About us", "Our mission" and "Members of board") or individual's CV, followed by an internet search with regards to the actor's main activities and positions statements. The national authority may also check any history of the actor's engagement with the government, if available.

Following the background check, the national authority should consider a set of exclusionary criteria, which may help determine whether the external actor is eligible for a potential engagement. If any of these criteria apply, the national authority should consider not going ahead with the engagement. The exclusionary criteria that the national authority should consider are listed in the Table 1 below.

Table 1 -: Exclusionary criteria

Exclusionary criteria
<ul style="list-style-type: none"> • The external actor is a tobacco or arms industry or a not-for-profit entity <u>not</u> at arm's length from these industries. • The external actor does not respect international human rights, such as the right to health or the right to food. • The external actor has violated nutrition-related international, national or regional laws, agreements or norms (e.g. violator of the International Code of Marketing of Breast-milk Substitutes). • The private sector entity or not-for-profit entity <u>not</u> at arm's length from the latter (or any individual representing them) aim to participate* in policy development (including agenda setting, policy formulation and decision-making) or contribute (in-kind or financially) to activities related to government normative work or public officials' salaries.

*Public consultations are allowed.

Task 2: Collect in-depth information about the non-State individual or institution (external actors)

In addition to the information already gathered through the background check in Task 1, a more detailed search may be performed. Relevant information may be collected through a questionnaire.

- *See ANNEX: Example of a due diligence questionnaire for institutions and individuals for disclosure of information (STEP2-Task2).*

Task 3: Categorize the non-State institution or individual

1. Private sector entities;
2. Non-governmental organizations;
3. Philanthropic foundations;
4. Academic institutions;
5. Individuals belonging to the above-mentioned categories of external institutions;
6. Individuals acting in their individual capacity.

For the purpose of this document, the above-mentioned external actors may be categorized into the **private sector** or the **not-for-profit sector**.

- *See Appendix Table1 (STEP2-Task3): Example of how to categorize external actors.*

Task 4: Characterize the non-State individual or institution's risk profile

This categorization can be applied to individuals, private sector entities or not-for-profit sector entities. The national authority may assess the risk profile of the non-State institution or individual by considering the following indicators, which may assist governments in the task. For each indicator, risks may be high or low.

- **Indicator 1- Alignment with public health nutrition goals:** Alignment with nutrition goals is based on whether the external actor products, policies and practices are in line with government public health nutrition policies. The national authority may consider checking all three.
- *See Appendix Table 2: Example of how to categorize aligned and non-aligned external actors (STEP2-Task4).*

- **Indicator 2- Commercial and other interests within the topic or field:** Commercial interests are interests that the external institution or individual has with regards to the topic or field of the engagement. Other secondary interests are interests other than commercial ones, such as reputational interests.
- *See Appendix Table 3: Examples of high risk and low risk indicators of the external actor's risk profile (STEP2-Task4).*

Task 5: Characterize the engagement's risk profile

This categorization can be applied to all engagements, whether with non-State institutions or individuals. The national authority may assess the risk profile of the engagement by considering the following indicators, which may assist governments in the task. For each indicator, risks may be high or low.

- **Indicator 3- Purpose of engagement:**

- (a) **Phase of the policy cycle** is one of the two components of the purpose of engagement together with the activity in the policy phase. It is important to differentiate the three policy phases (i) policy development ii) policy implementation iii) policy monitoring and evaluation), since each one has a different level of COI.
- (b) **The activity performed by the external actor** is the second component of the purpose of engagement. This indicator is useful to assess whether the role of the non-State institution or individual is appropriate for the specific topic addressed in the engagement.

- ❖ For the analysis of this indicator please refer to the section on ***Appropriateness of role (or activity)*** of the introductory paper.

- **Indicator 4- Forms of engagement:** Forms of engagement are means or channels to shape the purpose of formalized engagements. The same formal engagement can be established through different forms, described as follows:

- a) **Charitable** form (e.g. acceptance of donation);
- b) **Transactional** form (e.g. public-private partnership or sponsorship);
- c) **Transformational** form (e.g. multi-stakeholder platforms).

- ❖ For the analysis of this indicator please refer to the principle of ***Government leadership in all settings, including multi-stakeholder initiatives*** of the introductory paper.

- **Indicator 5-Financial contribution:** Financial contribution relates to the acceptance of a certain amount of resources (either financial or in-kind) from the non-State institution or individual for a certain period of time.
 - **Indicator 6 -Endorsement of a product or brand:** Endorsement of a product or brand helps the national authority to assess whether the engagement could promote a product and/or brand that leads to unhealthy diet, whether the external institution or individual may be benefiting from this engagement to whitewash its image or whether the endorsement is creating a competitive advantage with regards to other brands.
- See Appendix Table 4: Examples of high risk and low risk indicators for the engagement risk profile (STEP2-Task5).

Task 6: Combine the external actor and the engagement risk profiles in the risk-based matrix

Based on the overall assessment of indicators, a matrix may be constructed, setting engagement categories against external actors' categories. As a result, three typologies of risk-based categories may be identified: Category A (high risks in both external actors and engagement categories), Category B (combination of high and low risks), Category C (low risks in both external actors and engagement categories). Table 1 below sets out some possible guidance that the national authority can consider.

Table 1 - Matrix combining the risks of the external actor and the engagement

Engagement risk profile	External actor risk profile	
	High risk	Low risk
High risk	<u>Category A: Combination of High/High</u> Should not engage	<u>Category B: Combination of High/Low</u> May go to STEP 3: Balancing Risks/Benefits
Low risk	<u>Category B: Combination of High/Low</u> May go to STEP 3: Balancing Risks/Benefits	<u>Category C: Combination of Low/Low</u> May go to Step 4: Risk Management

STEP 3: BALANCING RISKS AND BENEFITS

Analyze the risks and benefits of the proposed engagement based on impacts

Purpose

In the third step of the decision-making process, the national authority may consider to balance risks against benefits, taking into account the results of the due diligence and risk assessment conducted in *Step 2*. Balancing risks against benefits may involve weighting indicators in order to assess the potential positive or negative impact of the engagement, depending on:

- **Three “ethical impacts”**: 1) impact on reputation, 2) impact on independence, 3) impact on integrity; and
- **Three “technical impacts”**: 1) impact on the nutrition intervention effectiveness, 2) impact on future or parallel nutrition interventions’ effectiveness, 3) and impact on policy coherence and the whole-of-government approaches in relation to other policy areas such as the prevention of NCDs and the Sustainable Development Goals (SDGs).

Task 1: Identify benefits

The potential benefits of engagement could be considered (high or low), using the same indicators as in step 2. Benefits can be categorized as high or low depending on the nature and magnitude of the advantage obtained. For instance, with regards to Indicator 5, financial contribution, a low benefit would be a modest financial gain whilst an high benefit would be a contribution that allows the government to expand significantly its programme in a previously underfunded area.

- *See Appendix Table 5: Examples of benefits(STEP 3- Task 1).*

Task 2: Impacts and balancing test

At this stage, the national authority may consider to assess the consequences of engagement on the six potential impacts:

- ❖ **“Ethical impacts”**: For the purpose of this document, impacts on the government’s reputation, independence and integrity, are called “ethical impacts” since they relate to the core identity of the government. They also affect how the government is perceived. The three “ethical impacts” are important to preserve and it should be kept in mind that damage to one of these aspects is generally hard to recover. These impacts are presented in Table 1.
- ❖ **“Technical impacts”**: For the purpose of this document, impacts on the nutrition intervention’s effectiveness, or on future or parallel nutrition interventions’ effectiveness

and impact on policy coherence and the whole-of-government approaches in relation to other policy areas such as the prevention of NCDs and the SDGs are called “technical impacts”. These impacts are presented in Table 2.

Table 2- Description of “ethical and “technical” impacts

“Ethical impacts”		
Impact 1: Impact on reputation	For the purpose of this document, reputation is understood to mean the general opinion or judgement that people hold about public institutions. The reputation of governmental institutions is closely related to public trust.	Reputation can be affected (positively or negatively) by: (a) Alignment with public health nutrition goals (Indicator 1) (b) Characteristics of the external actor, including the presence of a commercial interest and/or other interests (Indicator 2) (c) Characteristics of the engagement, including its purpose and form, the nature of its funding and whether it could be characterized as an endorsement of the external actor’s products or brand (Indicators 3, 4, 5 and 6).
Impact 2: Impact on independence	For the purpose of this document, there is a negative impact on independence (high risks) when external actors are able to affect the general direction of the institution. This is particularly likely to happen when external actors provide significant funding for activities related to decision-making processes. Lack of independence also affects reputation and integrity.	Independence can be affected (positively or negatively) by: (a) Characteristics of the external actor, including the presence of a commercial interest and/or other interests (Indicator 2) (b) Characteristics of the engagement, including its purpose and form (Indicators 3 and 4) (c) Contributions, financial or in-kind, received by the external actor (Indicator 5). The national authority should be particularly careful when the contributions received are considerable and they come from an entity with a commercial interest in the outcome of engagement.
	For the purpose of this document, integrity is understood	Integrity can be affected (positively or negatively) by:

Impact 3: Impact on integrity	to mean "consistency among what an institution does (its practices), what the institution says it does (its mission) and what it is obligated to do (what one might call its purpose)" ¹ . For instance, there would be a lack of integrity if the government, as a result of the engagement, were to take steps that undermine its mission and purpose of protecting public health. Lack of integrity also affects reputation.	(a) Alignment with public health nutrition goals (Indicator 1) (b) Characteristics of the external actor, including the presence of a commercial interest and/or other interests (Indicator 2) (c) Characteristics of the engagement, including its purpose and form, the nature of its funding and whether it could be characterized as an endorsement of the external actor's products or brand (Indicators 3, 4, 5 and 6).
"Technical impacts"		
Impact 4: Impact on the nutrition intervention effectiveness.	Impact on the nutrition intervention effectiveness is understood in terms of, the impact of the engagement on coverage of an intervention, quality of services, and function of public service and food supply or environment.	This impact can be affected (positively or negatively) by: (a) Alignment with public health nutrition goals (Indicator 1) (b) Characteristics of the external actor, including the presence of a commercial interest and/or other interests (Indicator 2) (c) Characteristics of engagement, including its purpose and form, the nature of its funding and whether it could be characterized as an endorsement of the external actor's products or brand (Indicators 3, 4, 5 and 6).
Impact 5: Impact on future or parallel	Impact on future and parallel nutrition interventions is understood in terms of, the impact of engagement on coverage, quality of services, function of public service and food supply or environment of	This impact can be affected (positively or negatively) by: (a) Alignment with public health nutrition goals (Indicator 1) (b) Characteristics of the external actor, including the presence of a commercial interest and/or other


¹ Marks, J. H. (2017). Caveat Partner : Sharing Responsibility for Health with the Food Industry. *American Journal of public Health*, 107(2):pp 360-361.

See also Marks, J.H.(2014) Toward a Systemic Ethics of Public-Private Partnerships Related to Food and Health, *Kennedy Institute of Ethics Journal*, 24(3): pp 267-299

nutrition interventions' effectiveness	future or parallel nutrition interventions.	interests (Indicator 2) (c) Characteristics of engagement, including its purpose and form, the nature of its funding and whether it could be characterized as an endorsement of the external actor's products or brand (Indicators 3, 4, 5 and 6).
Impact 6: Impact on other policy areas	For the purpose of this document, there is a negative impact (high risk) when the engagement has the potential to undermine or jeopardize other policy areas, including prevention. Conversely, there is a positive impact (high benefits) when the engagement has the potential to contribute directly or indirectly to such other areas.	This impact can be assessed by contacting the government focal point on NCDs or SDGs or through other coordination practices as presented through the principle on <i>Policy coherence and whole-of-government approaches</i> of the Introductory paper.

For each impact, the national authority may consider pulling together all the relevant indicators and performing a risk/benefit qualitative assessment that may be used to guide the final decision. However, the national authority may also choose to either include indicators that are not mentioned or to exclude some that are mentioned if it is deemed appropriate. This should be done by taking into account the circumstances specific to the intervention and/or to the national context as well as the information collected in the previous stage of the process.

Risks and benefits may then be weighted in the **balancing test**. The aim of the test is to carry out a qualitative assessment and reach a conclusion. The decision can be based on the combinations found in the categorization of risks and benefits but does not necessarily need to be a sum of them. Ultimately, the national authority needs to decide whether, in the impact under consideration, the benefits outweigh the risks (**Benefits > Risks**), they are equal to the risks (**Benefits = Risks**) or they fall behind the risks (**Benefits < Risks**).

Table 2: Balancing test


Indicators	Benefits	Risks	Impacts to consider	Possible Combinations
Indicator 1 Alignment with public health nutrition goals	High or Low	High or Low	Three “ethical impacts”: 1) impact on reputation, 2) impact on independence, 3) impact on integrity; Three “technical impacts”: 1) impact on the nutrition intervention effectiveness, 2) impact on future or parallel nutrition interventions’ effectiveness, 3) and impact on policy coherence and whole of government approach with other areas such as NCDs (specially diet and physical activity) and SDG	Benefits (Low)/ Risks (Low) Benefits (High) /Risks (High) Benefits=Risks Benefits (High)/ Risks (Low) Benefits>Risks Benefits (Low)/ Risks (High) Risks>Benefits
Indicator 2 Commercial or/and other interests with the topic/field	High or Low	High or Low		
Indicator 3 Purpose of Engagement (Phase of the policy cycle + Activity performed by the external actor)	High or Low	High or Low		
Indicator 4 Forms of engagement	High or Low	High or Low		
Indicator 5 Financial contribution	High or Low	High or Low		
Indicator 6 Endorsement of a product or brand	High or Low	High or Low		

Task 3: Final decision on weighting risks and benefits

The final decision about engagement may be taken by considering the conclusions reached in the balancing test. As a possible guideline that the national authority may choose to consider in its decision, the following criteria are proposed:

- For the government to decide to proceed with engagement, the overall benefits related to the six impacts should be significant and clearly outweigh the risks (Benefits > Risks).
- When there are some risks and low benefits (Risks > Benefits or Risks = Benefits), it may not be worth the effort of the government (in terms of time and resources) to enter into engagement.
- Ethical impacts should be given due consideration as they may have a long-lasting effect on the credibility of the institution.

STEP 4: RISK MANAGEMENT

Manage the risks based on mitigation measures and develop a formal engagement agreement

Purpose

Based on the risks identified, the national authority may apply the appropriate management measures in order to safeguard as much as possible the engagement from COI. The goal is to confine activities to safe areas of engagement with clear terms of reference and adequate mitigation measures. At this step, two actions could be taken:

- 1- Adequate **mitigation measures**, which may be put in place based on the risks previously identified;
- 2- Clear **terms of reference and work plan**, which may be developed to ensure the effective performance of the external actor. This step will also be helpful for performance of the monitoring and evaluation phase.

Task 1: Put in place adequate mitigation measures of the COI related risks identified

Whether the engagement assessment was considered as “medium risk” or “low risk”, this step considers all COI risks to be addressed. In principle, risks related to the external actor cannot be changed since they are specific to the nature of the actor. Nevertheless, the risk-profile of the external actor (high or low) may be indicative of the level of safety of the mitigation measures that are required. Higher caution should be put on external actors that are not aligned with public health or nutrition goals.

- *See Appendix Table 6: Examples of mitigation measures (STEP4- Task 1)*

Task 2: Check if there are available resources to implement the mitigation measures and monitor the engagement

Upon identification of the mitigation measures required, the national authority may consider re-assessing whether the government would have the available resources to put these appropriate measures in place (e.g. expertise, staff and time). If this is the case, the national authority would present to the external actor the conditions in which the engagement will take place, in order to protect the government from COI.

Task 3: Develop terms of reference and a work plan

If the government has the capacity to proceed with the engagement, the national authority may decide to develop terms of reference (TORs) and a work plan related to the achievement of the agreed nutrition goals. This may be done by keeping in mind the risk profile of the external actor as well as the risks related to the engagement.

- *See Appendix Table 7: Examples of entry into engagement measures with TORs and work plan (STEP4- Task 3)*

STEP 5: MONITORING AND EVALUATION AND ACCOUNTABILITY

Ensure that the engagement has achieved the public health nutrition goals and decide to continue or disengage

Purpose

The national authority may consider using an accountability lens to guide how the government engages with external actors and view their progress toward the achievement of nutrition and public health goals. Accountability is a systematic process illustrated in Figure 1 that involves four steps. These steps include: **taking account** (assessment, which involves transparency, monitoring and evaluation); **sharing the account** (communication); **holding to account** (enforcement); and **responding to the account** (system improvements) is important to help the government and its representatives identify and manage COI related to nutrition policies and programmes. The national authority is recommended to have an independent monitoring process with clear objectives, a governance process, performance standards, indicators or metrics to which the external actors must adhere to; and a process for reporting the results. Each step is described below.

Task 1: Taking the Account (Monitoring and evaluation)

This task involves collecting, reviewing, verifying, monitoring and evaluating meaningful data and evidence to establish benchmarks and analyse external actors' compliance with implementing policies and programmes. Monitoring and evaluation (M&E) are an important first step within a four-step accountability process to determine progress made toward goals, objectives and performance metrics. It is also important to determine how effectively policies and programmes are implemented as planned and achieve the desired outcomes. Representation of civil society groups and institutions, ensuring protection for whistle-blowers, engaging with independent consumer groups in the policy process, and registering lobbyists would also help to prevent and manage or mitigate COI. The national authority would also have to establish clear reporting expectations and a time frame for achieving goals and objectives, and actions to be taken if they are not achieved.

Task 2: Sharing the Account (Communication)

Task 2 involves communicating the results of Task 1 to all relevant actors or stakeholders through a deliberative and participatory engagement process. This step is important to encourage and ensure transparency and understanding among all actors who may hold different views and positions on the relevant nutrition or public health issue; to foster shared learning among these diverse groups; to develop a timeline for action; and to inform the actions taken at accountability Tasks 3 and 4.

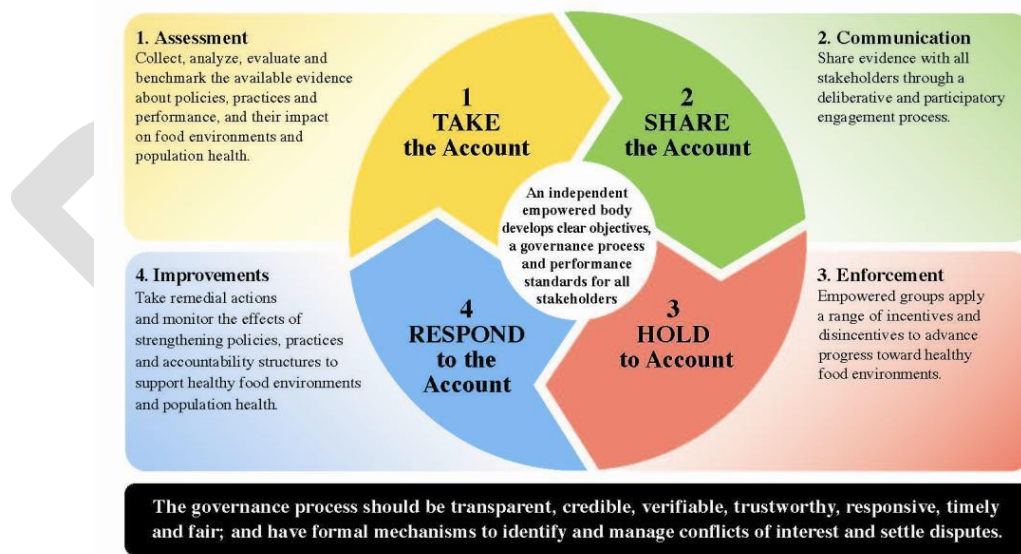
Task 3: Holding to Account (Recognition and enforcement)

Task 3 is the most difficult of the accountability steps because it involves appraising the goals and objectives (Task 1) and obtaining input from other stakeholders (Task 2) to recognize the achievements of external actors. The independent process may also use several different levers for change, such as incentives or disincentives, enforcement of existing policies, regulations or laws to influence the practices and behaviours of actors toward established outcomes.

Task 4: Responding to the Account (Systemic and structural improvements)

Task 4 involves the government and other external actors taking remedial actions to improve their performance and strengthen accountability structures where there are observed weaknesses. This task involves monitoring the fidelity of implementing policies and programmes, and the effectiveness of using various approaches or levers to hold external actors to account. This step may also involve building strong internal and external approaches to track the performance of external actors. In this regard, step five is closely related to step four, because if the outcome of M&E suggests that there are weaknesses in the mitigation measures, the national authorities may reconsider their approach related to mitigation measures as well as whether to continue the engagement or disengage.

Figure 1: Accountability Framework



STEP 6: TRANSPARENCY AND COMMUNICATION

Communicate the engagement activities and outcomes to relevant audiences

Purpose

Governments are encouraged to be transparent and ready to communicate on any engagement they enter into. To that end, the following principles can be considered:

- Openness which is crucial to integrity and the reputation;
- Transparency which is closely linked to openness and is equally important in building trust and credibility, including transparent decision-making.
- Responsiveness/timeliness. Communicating in a timely and accurate manner, even when all the facts are not known will, in the long-term, contribute to ensuring that the source of information is seen as credible and trustworthy.

Task 1: Communicate the rationale for engagement or non-engagement

At the end of the decision-making process, whether the national authority has decided to enter or not to enter into engagement, the national authority may communicate on the decision to engage, the COI identified and the mitigation measures adopted for this engagement. This could be done, for instance, through a note for the record of the final conclusion, listing the intermediary conclusions of the steps followed.

Task 2: Communicate the engagement activities and outcomes

In cases where the national authority has decided to engage with the external actor, the engagement activities and outcomes need to be communicated in a transparent manner to relevant audiences. Examples of possible measures that the national authority may consider are sharing the minutes of meetings, listing experts that are part of advisory committees and other activities.

This communication can be done through the following channels: Media relations; websites; printed publications; digital publications; meetings and workshops; public consultations; partner/stakeholder networks.

- *See Appendix Table 8: Examples of practices that can enhance transparency in the process of engagement (STEP6- Task2 2).*

Appendix

Table 1: Example of how to categorize external actors (STEP 2- Task 3)

- External actors may be categorized into the **private sector** or the **not-for-profit sector** based on the following proposed characteristics (non-exhaustive list):
 - c) Structure;
 - d) Legal status;
 - e) Mission, goals and objectives;
 - f) Governance (e.g. board members);
 - g) Financial sources;
 - h) At arm's length from another entity.
- **At arm's length:** A screening exercise should be done to distinguish those external actors that are at arm's length from other entities. In the screening carried out to identify entities not at arm's length, factors that the national authority can consider include (non-exhaustive list):
 - a) The governance structure of the entity (e.g. majority of its members or chair of the board from a commercial entity);
 - b) Financial or in-kind contributions that the entity or individual received from other entities with a commercial interest;
 - c) Pre-employment situation for individuals;
 - d) Any affiliation which has the potential to render the entity or individual dependent or clearly influenced, or clearly reasonably perceived to be influenced, in its decisions and work by another entity.

Table 2: Example of how to categorize aligned and non-aligned external actors (STEP 2- Task 4)

For institutions:	
Products	<p>a) How do you assess non-alignment of products? A non-aligned product is a non-recommended product by WHO or national policies (e.g. based on nutrient profiling); products for which demand needs to be reduced to improve nutrition and public health; or products that lead to unhealthy diet. If one of the products produced or manufactured is not aligned, the actor is not aligned.</p> <p>b) How do you find information on the products? The website of the actor may have a section “our products” or “our brands” where the types of products they manufacture can be found.</p>
Practices	<p>a) How do you assess non-alignment of practices? In the case where the external actor does not manufacture products, but promotes them, the national authority may consider to check its practices. It may be checked whether the private sector institution or any other actor develops any activities that promote non-recommended products or non-recommended eating practices.</p> <p>b) How do you find information on the practices? This may be identified accessing any media channel (starting with tv, radio, internet, magazine). Examples of non-aligned practices are cases where: there is a placement or promotion of non-recommended products to increase sells (supermarkets); an association or scientific organization that does not manufacture products organizes a congress funded by a company which manufactures non-recommended products; think tanks that do not manufacture products but are engaged in writing documents and papers and/or organizing meetings that bias evidence in favour of non-recommended products and/or actors that are major investors in non-recommended products.</p>
Policies	<p>a) How do you assess non-alignment of policies? In cases where the external actor does not manufacture products, or promotes them through its practices, the national authority may consider checking its policies. The policies, vision, mission, values, goals of the external actor are non-aligned when they relate to any statement and/or activities that promote non-recommended products or non-recommended eating practices.</p> <p>b) How do you find information on the policies? The national authority may consider checking the external actor annual reviews, annual reports, CEO speeches, letters to shareholders or any other document where their policies, vision, mission, values, goals, and objectives can be found. This type of information is mostly available online or on the website of the external actor.</p>
For individuals	
<p>For individuals, any relevant information obtained from the example “Questionnaire for non-State institutions and individuals for disclosure of information” in Annex. Information to consider may be related to, among others, position statements, investments, intellectual property rights.</p>	

Table 3 : Examples of high risk and low risk indicators of the external actor's risk profile (STEP 2 – Task 4)

Indicators	Examples of High Risk	Examples of Low Risk
<u>Indicator 1</u> Alignment with public health nutrition goals	<p>The external actor manufactures or promotes (sale or distribution) products that contribute to unhealthy diet (foods high in fat, sugar and/or sodium), promotes practices (e.g. through marketing) that are not recommended for/consistent with healthy and sustainable diets, and adopts policies that reinforce the expansion of such products and practices (e.g. sugar sweetened beverages or processed food).</p> <p>A private sector entity that has in its portfolio a combination of products that contribute to both healthy and unhealthy diet is considered not aligned if just one of these products contributes to unhealthy diet.</p>	<p>The external actor manufactures or promotes (sale or distribution) healthy or non-harmful products, promotes practices that are recommended for healthy and sustainable diets, and adopts policies that reinforce the expansion of such products and practices (e.g. local farmers producing fruits and vegetables).</p> <p>The engagement has even a lower risk (although has less benefits) when the external actor has no direct connection with nutrition but has a high interest to promote healthy diet (e.g. health insurance companies)</p>
<u>Indicator 2</u> Commercial or/ and other interests with the topic of the engagement	<p>The external actor has a commercial interest in the topic or field of the engagement regardless of their potential contribution to healthy diet (e.g. whether fruits or sugar-sweetened beverages).</p> <p>The risk is even higher when the external actor's products, policies and practices are not aligned with nutrition goals.</p> <p>The external actor may have secondary interests other than commercial ones. Other interests that are high risk can be financial (e.g. investments, intellectual property) or reputational (e.g. whitewashing).</p>	<p>The external actor has no commercial interest. The risk is even lower when the external actor comes from a sector that is not directly linked to the topic of the engagement and has no interest in the promotion of nutrition products or practices (e.g. solar energy company).</p> <p>The external actor may have secondary interests other than commercial ones. Other interests that are low risk can be linked to personal promotion (e.g. an expert wants to have international recognition for their research).</p>

Table 4 : Examples of high risk and low risk indicators for the engagement risk profile (STEP 2 – Task 5)

Indicators	Examples of High Risk	Examples of Low Risk
Indicator 3 Purpose of engagement (Phase of the policy cycle + Activity performed by the external actor)	<p>Engagements with external actors that occur at the policy development and M&E phase of the policy cycle are at high risk.</p>	<p>Engagement in the policy implementation phase presents a lower risk than the two other phases. However, the role or activity performed by the external actor should be checked by applying the principle of Appropriateness of Role based on the topic of engagement (see introductory paper).</p>
	<p>The role of the external actor is not appropriate with regards to the topic (based the principle of appropriateness of role). The engagement relates to activities that are not in the scope of responsibilities of the external actor and can harm or jeopardize the effectiveness of the intervention (e.g. sugar – sweetened beverage (SSB) company proposes to develop dietary guidelines for children).</p> <p><u>Examples of inappropriate activities/roles given to a private sector entity (or a not-for-profit entity NOT “at arm’s length”) that is conflicted with nutrition goals or has a commercial interest in the outcomes of these projects are:</u></p> <ul style="list-style-type: none"> • Health promotion and communication campaigns (e.g. information leaflets and posters); • Diet and nutrition education in formal and informal venues (e.g. building cooking skills); • Conducting or supporting research (e.g. on development of novel foods); • Developing recommendations, guidelines, advice, and strategies for government and industry (e.g. government decision-making committee that includes the food industry); • Funding for above activities connected to healthy eating 	<p>The role of the external actor is appropriate with regards to the topic and the activities performed are in the scope of its responsibilities.</p> <p><u>Examples of appropriate activities/roles given to a not-for-profit entity at arm’s length from any other entity are:</u></p> <ul style="list-style-type: none"> • Communicating information on food products (e.g. nutrition labelling and healthy food logos); • Controlling advertising and marketing of food products (e.g. advertising codes on marketing); <p><u>Examples of appropriate activities/roles given to an aligned private sector entity are:</u></p> <ul style="list-style-type: none"> • Increasing or decreasing access to food products (e.g. fruits and vegetables, vending machines); <p><u>Examples of appropriate activities/roles given to a non-aligned private sector entity are:</u></p> <ul style="list-style-type: none"> • Developing or reformulating food products (e.g. reducing sodium);
	<p>Forms of engagement where management of COI is more complex are those that have the following characteristics:</p> <ul style="list-style-type: none"> • Informal governance structure; • Horizontal relationship which puts the government and external actors at the same level; 	<p>Forms of engagement where management of COI is easier are those that have the following characteristics:</p> <ul style="list-style-type: none"> • Institutionalized and formal governance structure; • Vertical relationship which is an up down relationship

<p>Indicator 4 Forms of engagement</p>	<ul style="list-style-type: none"> • Power and co-decision shared amongst the government and external actors; • Open and not binding discussions; • Mutual accountability; • Broad scope of activity; • Intensive level of interaction; • Low visibility/transparency of the discussions and outcomes of engagement; • Multi-dimensional; • Roles, activities and positions between different actors are not distinguished. <p>The following forms of engagement may present the above mentioned characteristics:</p> <ol style="list-style-type: none"> 1. Transformational; 2. Transactional. <p>Advanced knowledge and resources for the management of COI are required for transformational forms of engagement. These are based on a shared decision-making governance structure and, horizontal relationships which require ensuring that government leadership is stronger than in other forms of engagement.</p> <p>Although not part of the “formalized engagements”, informal interactions between policy-makers and external individuals are challenging in terms of COI management due to their informal, unplanned and ad hoc nature. Staff need to be aware and trained in protecting themselves from undue influence in such contexts.</p>	<p>between the government and external actors;</p> <ul style="list-style-type: none"> • Government 's leadership with decision-making power; • Binding arrangement with clear and time-bound activities and outputs; • One way accountability; • Narrow scope of activity; • Moderate level of interaction; • High visibility/transparency of the discussions and outcomes of engagement; • Bi-dimensional; • Roles, activities and position between different actors are clearly defined. <p>The following forms of engagement may present the above mentioned characteristics:</p> <ol style="list-style-type: none"> 1. Charitable; 2. Transactional.
<p>Indicator 5 Financial</p>	<p>Funding (whether in cash or in kind) for activities that contribute to decision-making process, such as research, training to better understand the issues, preparatory meetings, is at high risk.</p> <p><u>Examples of situations at high risk are when:</u></p> <ul style="list-style-type: none"> • The contribution is used for policy development or normative work; 	<p>There is a low risk of financial dependency when the financial contribution is minimal and/or ad hoc for a specific project, with no long term funding.</p>

contribution	<ul style="list-style-type: none"> • The external actor has a commercial interest; • The contributor may use the results of the government's work for commercial purposes. This is especially risky if conflicting with nutrition goals; • The proportion of funding of the activity is such that the programme's continuation (feasibility and sustainability) would become dependent on this support; • The proportion of funding of the activity is such that the external actor could have control over government's decision-making and/or the outcomes of the intervention; • The proportion of funding contributes to the payment of salaries of public staff and is such that there is a risk for the government to become financially dependent on the external actor. 	
Indicator 6 Endorsement of a product or brand	<p>From the external actor perspective, the main purpose of the engagement is to have the endorsement by the government of the external actor, or its activities, products or services; this is especially risky if conflicting with nutrition goals.</p> <p>Through the proposed engagement, the external actor may use the fact of its contribution in its promotional material; this is especially risky if the products are conflicting with nutrition goals.</p> <p>There is a high risk that the external actor uses engagement with the government to whitewash its image, especially if the products are conflicting with nutrition goals.</p> <p>There is also a risk of the government creating a competitive advantage with other brands promoting the same category of products.</p> <p>There is a high risk of perceived conflicts of interest which could damage the government reputation, integrity, and credibility. This perception is linked to the visibility given to the engagement.</p>	<p>The proposed engagement does not aim to promote the external actor, or its activities, products or services.</p> <p>The acknowledgment for and the disclosure of the engagement is the minimum requested for transparency and risk communication purposes.</p> <p>The proposed engagement does not entail any perceived conflicts of interest or risk of harm of government's integrity and credibility.</p>

Table 5: Examples of benefits (STEP 3- Task1)

Indicators	Examples of benefits
<u>Indicator 1</u> Alignment with public health nutrition goals	The external actor manufactures and markets products that lead to a healthy diet; promotes practices that are recommended for healthy and sustainable diets; adopts policies that reinforce the expansion of such products and practices (e.g. local farmers producing fruits and vegetables).
<u>Indicator 2</u> Commercial or/and other interests with the topic or field	The gaining of profit does not in itself represent a COI. Indeed, financial gain is both a driver and an enabler of scale.
<u>Indicator 3</u> Purpose of Engagement (Phase of the policy cycle + Activity performed by the external institution or individual)	No other actor could do or is in a better position for doing the activities than the external actor (e.g. academic institution developing educational material).
<u>Indicator 4</u> Forms of engagement	Multi-stakeholder dialogue between the government and non-State institutions to generate innovative ideas and together develop new approaches that create value for all.
<u>Indicator 5</u> Financial contribution	The external institution or individual is providing financial resources that can be beneficial for nutrition interventions
<u>Indicator 6</u> Endorsement of a product or brand	The endorsement of a healthy and sustainable product, without creating a competitive advantage may increase the government 's good reputation .

Table 6: Examples of mitigation measures (STEP 4-Task 1)

Type of activities	Examples of mitigation measures
Participation of non-State institutions in government meetings	<p>In meetings, inputs received from external institutions or individuals should be documented and rendered available and accessible to the general public, as appropriate, to ensure transparency and accountability.</p> <p>Consultations: When a private sector entity is consulted on a policy matter, the government should take appropriate measures to address the risk of competitive advantage. For instance, if the government decides to consult with private sector entities about product specification (e.g. food product fortification or reformulation), it should allow all industries with a relevant interest in the product to participate on equal footing.</p> <p>Although representation of different actors may not necessarily balance out COI, appropriate representation of different actors both from the private sector and not-for-profit sector should be ensured, to provide the government with a wider range of views. When consultations are to involve private sector entities, the government may consider giving preference to associations of companies.</p> <p>Public hearings: During public hearings, external actors may share their perspectives and comments about a given government's policy/legislation, but government's officials do not need to act upon such views, or to engage in a debate. All external actors with a given interest in the topic of the public hearing should be allowed to participate on an equal footing.</p> <p>Any other type of meeting: The same standards of transparency, accountability, appropriate representation and tackling of the risk of competitive advantage should apply to any other meeting carried out by the government.</p>
Participation of non-State individuals in government meetings	<p>When the external actor is an individual, the government may consider two options for participation in a meeting, which can be combined if it is deemed appropriate by the national authority :</p> <p>Conditional Participation. The individual may be allowed to participate to the meeting and/or in related work subject to appropriate disclosure requirements. This would include disclosing the COI before the meeting or/and related work to all persons taking part in it and making sure that the COI appears in the final written outcome of the meeting or/and related work (report, publications and any other dissemination document). Disclosure would be a sufficient measure only if the COI is minor.</p> <p>Partial exclusion. The individual may be only partially allowed to participate to the meeting and/or related work. The national authority may consider to either exclude the individual from the section of the meeting and/or related work where there is a COI, or to exclude the individual from the decision-making phase..</p> <p>Disclosure measures should also be adopted, including disclosing the COI before the meeting to all persons taking part in it and making sure that the COI also appears in the final written outcome of the meeting (report, publications and any other dissemination document). An example of a disclosure measure would be ensuring that members of advisory or expert panels complete and submit a Declaration of Interest (DoI) as part of the due diligence questionnaire.</p>
Acceptance of	<p>All received contributions should be documented and publicly acknowledged, to ensure transparency and accountability. When contribution is accepted, the government may consider</p>

contributions (cash or in-kind)	<p>setting out in writing the following conditions:</p> <ul style="list-style-type: none"> • The external actor will not use the results of the funded activity for commercial purposes, nor will it publicize the fact that it has contributed to such activity for promotion-related purposes; • The acceptance of the contribution does not grant in any way preferential treatment to the contributor. It does not entail any possibility for the external actor to influence or have a prominent role in the government activities. • The acceptance of the contribution is not to be equated with endorsement of the external actor's policies, practices or products. <p>As a general rule, the government is also advised not to:</p> <ul style="list-style-type: none"> • Over-rely on the financial contribution of one actor; • Accept contribution by external actors when it concerns the participation of specific individuals (e.g. offering the government to pay for the travel expenses of a given expert); • Accept contribution provided by external actors to cover travel expenses of government officials participating in external meetings.
Endorsement of brand or product	<p>It is important that the government retains exclusive authority over decisions related to the funded activity and related documents, including the time and form of their circulation. Regarding acknowledgment of the contribution, the government may consider setting out in writing the following:</p> <ul style="list-style-type: none"> • The external actor should not use the government name, acronym or any other symbol associated with it for commercial or promotion-related purposes. • The external actor may nevertheless be allowed to mention the fact of its contribution in its dissemination documents, including annual reports.
Engagement through the policy cycle	<p>Policy development: Private sector entities or not-for-profit entities not at arm's length from the latter can only be consulted at the policy development phase (agenda setting, policy formulation and decision-making) through formal, public or online consultation and the national authority may consider setting clear rules and procedures so as to avoid COI. See section "Participation of non-State institutions in government meetings" for further details.</p> <p>Policy implementation: Clear goals and process of engagement would need to be included in the TORs and work plan to mitigate COI.</p> <p>Policy monitoring and evaluation (M&E): The government may establish an independent process to collect, review, verify, monitor and evaluate meaningful data and evidence to establish benchmarks and analyse the achievement of established targets.</p>
	<p>Since the level of management of COI gets more complex from 1) charitable 2) transactional towards 3) transformational forms of engagement, one of the mitigation measures could be to select a less complex form (COI management related complexity).</p> <p>The government should keep in mind at all times that the purpose of engagement (relating to the underlying objective of the engagement) and the forms of engagement (related to the shape that the engagement takes) are two different things in the engagement process. Therefore, if the modality of engagement proposed is too challenging for the government in terms of COI management, the government may consider choosing another form of engagement (more appropriate) without changing its purpose of engagement.</p> <ul style="list-style-type: none"> • In general, a strong government leadership with good governance principles should be applied for all forms (principle of Government leadership in all settings, including multi-stakeholder initiatives from the introductory paper). • An independent process of M&E and accountability should be put in place for all forms.

Engagement through different forms of engagement	<ul style="list-style-type: none"> • Clear goals and process of engagement should be included in the TORs and work plan to mitigate COI. • The government should manage power imbalance when engaging with other stakeholders, stressing its leadership in all forms of engagement. For instance, this is especially relevant in the stage where the government choose which actors that should join. While it may be easy to let the most powerful actors participate (e.g. companies that the government relies on for job creation, or the most resourceful and vocal NGOs), the government may also consider to take care of letting smaller, less powerful actors, and marginalized groups, take part of the stakeholder engagement. By way of illustration, mechanisms may be in place to ensure a favourable balance of power for public interest representatives and the leadership of the government (e.g. ensuring that industry representatives are unable to outvote public ones or otherwise disrupt consensus). Another example could be to provide enough time to ensure that all actors can contribute or to ensure that everyone's views are listened equally to, despite the fact that more resourceful (and powerful) actors may have better language skills, be better at negotiating, expressing their interests in an effective way.
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Table 7: Example of entry into engagement with TORs and work plan (STEP 4 -Task 3)

Entry into engagement	The Terms of Reference (TORs) may reflect the forms and measures of the potential engagement between the government and the non-State institution or individual. The TORs require prior discussion between the parties.
Terms of reference (TORs)	<p>The TORs may include the following information:</p> <ul style="list-style-type: none"> • Rationale for engagement, including an indication of how the engagement would contribute to government's work and in what area/s; • Principles of engagement; • Brief description of the purpose and the activities that the external actor will perform (further details to be given in the work plan). • Form of engagement chosen (PPP, procurement, multi-stakeholder platforms or others); • Resources (financial and in-kind) that the external actor would provide throughout engagement; • Clauses on M&E and accountability of the engagement. The nature of funding for the M&E and accountability phase should also be specified at this stage. The national authority should consider that funding should not affect, or reasonably be perceived to affect, the independent nature of the process; • Provisions on possible modification, prolongation and/or termination of the engagement.
Work plan	The work plan specifies roles and responsibilities of all parties. All activities need to be meaningful for the government's nutrition goals.

Table 8 - Examples of practices that can enhance transparency in the process of engagement (STEP 6-Task 2)

External experts in advisory committees	A register could be set up for expert groups and or external institutions that advise the government in relation to a number of tasks, such as the preparation of policy initiatives or drafts and the implementation of legislation, programmes and policies. The register could include mission, tasks of the advisory committee and relevant documents which are produced and discussed by the committee, including meeting minutes, agendas and activity reports. A list of the external experts with their names, affiliations, CVs and declared COI should appear on the government website.
Consultations	Minutes of the consultations should report the list of the contributors, their COI and their inputs. These minutes should to be made publicly available and appear on the government's website.
Other meetings	The names and affiliations of the meeting participants should be published ahead of the meeting to allow the public to report any potential COI with regards to the topic that will be discussed. Secondly, all meetings between government officials and external actors can be recorded in transcripts.
Entry into engagement	<p>A Frequently Asked Questions section (FAQs) can be useful to present the COI identified and why the national authority considers that the engagement is worth pursuing in spite of these risks. The national authority may decide which material and questions in the FAQ are most relevant for its specific purposes and target audiences. As illustrative examples that may assist the national authority, a FAQs section may cover at least the following questions:</p> <ul style="list-style-type: none"> • What is the government– [external actor] engagement agreement? • Which areas do the government – [external actor] engagement cover? • Where are these projects going to be implemented and why? • Who will benefit from this engagement? • What is the duration of this engagement? • Why the government has selected [external actor] for this engagement? • For more information please contact...
Transparency database or register	A transparency database or register could be used by the government to provide information to the public on certain practices which are important for governmental authorities and yet need to be transparent. The national authority may consider ensuring that there is transparency about any engagement that the government may have with external actors, namely that all funding sources, relationships, governance and other activities are openly declared and publicly available.
Outcomes of M&E and accountability	As part of the monitoring and evaluation of the engagement, an independent process implemented by the national authority may communicate the results of the achievement of the agreed targets with the external actor. This information would need to be shared with all relevant actors or stakeholders through a deliberative and participatory engagement process. This step is important to encourage and ensure transparency and understanding among all actors as well as to ensure accountability.

ANNEX:

Example of “Questionnaire for non-State institutions and individuals for disclosure of information”

This questionnaire may assist the national authority in gathering information on a non-State institution or individual (external actor) so as to facilitate and document the due diligence process prior to a potential engagement. For the purpose of this document, the external actor is presented as “the Applicant”.

For non-State institutions

General Information

- Full legal name of the Applicant:
- Type of entity/legal status of the Applicant in place of registration (e.g., limited liability company, proprietary company, limited liability partnership, NGO, academic institution):
- Year of establishment:
- Countries or regions in which the Applicant is registered, owns property, or is qualified to conduct its activities (please attach full list including type of activities in each place, if available):
- Contact information for the Applicant’s headquarters and contact information for the Applicant’s focal person in contact with the national authority:
- Address: ☐ Telephone: ☐ Fax: ☐ Email: ☐ Website:

Engagement history

- Has the Applicant had any engagement with the national authority? If yes, list all previous and current engagements and the period when such engagement/s were active. In addition, describe the nature of the project/s and name the initiative/s.

Governance

- Does the Applicant have a general assembly of members or a similar body? If yes, provide the names of its members, composition and function.
- Does the Applicant have a decision making body such as a Board or a similar body? If yes, provide the names of its members, composition and function.
- List of industrial or trade and other associations of which the Applicant is a member or affiliated to.

Activities

- Provide the aims (objectives, goals and missions) of the Applicant as they appear in its constitution or by-laws or equivalent document.
- List the products/services provided by the Applicant (attach a copy of the portfolio).
- Additional information on the activities of the Applicant.

Financial information

In order to facilitate comparison, the Applicant is invited to provide as appropriate figures concerning financial information into US Dollars

- Provide the latest available annual income (Period of time, annual income USD-Latest available assets amount USD)
- Income sources (USD):
 - Sales of goods and services (including income from conferences);
 - Grants;
 - Donations (cash or in-kind);
 - Membership fees;
 - Investment income;
 - Others (specify).

Rationale for engagement

- Explain why the Applicant wants to engage with the national authority, including the objectives of the potential engagement and what benefits the Applicant may see from such engagement.
- Does the applicant have any pertinent experience with this type of activity? If yes, describe the previous experiences..
- Does the Applicant plan to rely on any other entities or individuals (including subsidiaries, affiliates, intermediaries, consultants or others) to perform the activities under the proposed engagement? If yes, identify their name, addresses and their relationship to you, and the activities they will perform.

Sustainability and ethical information

- Does the Applicant have a sustainability policy, ethics policy, and/or code of conduct/anti-corruption compliance policies in place? If yes, please attach copies of such policies and/or codes, or provide the links to such policies and/or codes located on the Applicant's website.
- Does the Applicant abide by, adhere to, participate in, support, or has the Applicant implemented or committed to, any other voluntary sustainability or ethical-related principles or guidelines? (e.g. Voluntary Principles on Security and Human Rights (<http://www.voluntaryprinciples.org/principles/introduction>)) ?If yes, please describe
- List and describe each pending or threatened litigation, claim, arbitration proceeding or investigation on an ethical issue relating to the Applicant, its affiliates or its respective officers, directors, employees or agents, including (a) litigation involving alleged violations of laws or regulations relating to abuse of human rights, corruption, discrimination, the protection of the environment or the health or safety of employees, violation of the International Code of Marketing of Breast Milk Substitutes; and (b) governmental or administrative proceedings.
- Do the Applicant's marketing and advertising practices abide by standards of ethical conduct (e.g., as set forth in the ICC International Code on Advertising Practices or the International Code of Marketing of Breast Milk Substitutes)?

Other disclosures

- Disclose any other information not otherwise requested above that, in the Applicant's judgment, could be material to an engagement with the national authority or that the Applicant believes should be considered and reviewed.

For non-State individuals

General Information

- Full name of the Applicant:
- Address: ☐ Telephone: ☐ Fax: ☐ Email: ☐ Website:
- Please attach CV.

Individual's employment

What is your current employment?

Indicate:

- a. name of employer
- b. title and function
- c. period of employment

Employment history related to the topic of engagement

Within the past X² years, have you received remuneration from a non-State institution or individual with an interest related to the subject of the meeting or work? YES/NO

If yes, indicate:

- a. name of contracting party
- b. period of work
- c. nature / subject of work
- d. amount of income earned per work

Research support (specific for academic institutions)

Within the past X years, have you or has your research unit received support from a non-State institution or individual with an interest related to the subject of the meeting or work? YES/NO

If yes, indicate:

- a. source of the support
- b. amount of support
- c. whether support was provided to you personally, or to your immediate family member or institutions to which you are affiliated
- d. subject matter of research supported
- e. your role in the conduct of the research supported (*e.g. head of research team, director of programme, scientist part of a larger team*)

² This period of time would vary from country to country. One possibility to define a significant period of time relevant to consider that the individual is at arm's length from its former employer would be to use the "cooling off" period for public officials post-employment rules established at the national level. As an example, WHO and FAO consider 4/5 years as an appropriate period of time for external expert's participation in guideline development meetings related to nutrition.

Investments

Do you have current investments (valued at more than US \$Y³ overall) in a non-State institution with an interest related to the subject of the meeting or work? YES/NO Please also include indirect investments such as a trust or holding company. You may exclude mutual funds, pension funds or similar investments that are broadly diversified and on which you exercise no control.

Indicate whether investment in any single company is valued at:

- a. the nature of the investment (e.g. stock, bonds, partial or total ownership interest etc.)
- b. more than Y \$
- c. provide the name of the non-State institution

Intellectual Property

Do you have any intellectual property (IP) rights that might be enhanced or diminished by the outcome of the meeting or work? YES/NO

If yes, describe:

- a. nature and object of the IP
- b. whether IP is still protected
- c. relevant licensing arrangements relating to the IP
- d. whether royalties are being paid

Public statements and positions

As part of a regulatory, legislative or judicial process, have you provided an expert opinion or testimony, related to the subject of the meeting or work, for a non-State institution? YES/NO –If yes, please describe.

Have you held an office or other position, paid or unpaid, where you represented interests or defended a position related to the subject of the meeting or work? YES/NO -If yes, please describe.

Through your articles, editorials or speeches, or any other document publicly released could you be perceived as having taken a prominent or well-known position related to the subject of the meeting or work? YES/NO- If yes, please describe.

Do you hold an office or other position, paid or unpaid, where you may be expected to represent interests or defend a position related to the subject of the meeting or work? YES/NO- If yes, please describe.

Have you served as a principal investigator, as lead expert in an expert committee or scientific or advisory group, and/or a member of a steering committee, an advisory board or equivalent body in relation to the same product or subject matter as the topic of the engagement? YES/NO

If yes, describe:

- a. the fora in which the public position was taken (e.g. court, parliamentary committee etc.)
- b. year concerned

³ This amount of money would vary from country to country. One possibility to define an amount of money that would reflect the lowest acceptable financial interest would be to use the monthly salary of a public official as a baseline (either the total or a percentage of it for a national level assessment). For instance, WHO and FAO consider 5000\$ (for a global level assessment) as the lowest acceptable personal financial investment for external expert's participating in guideline development meetings related to nutrition

- c. in brief, the position held
- d. the capacity in which the statement was made or position taken (e.g. Mr. Smith in his capacity as president of ABC society)
- e. for how long approximately the position taken has been held or defended, if applicable
- e. whether there is a public record of the position held.

Unfair or competitive advantage

State whether information obtained as a result of participation in the advisory body or activity could provide you with an unfair competitive advantage and/or a clear actual and direct financial or pecuniary benefit.

Additional information

If not already disclosed above, have you worked for the competitor of a product that is the subject of the meeting or work, or will your participation in the meeting or work enable you to obtain access to a competitor's confidential proprietary information, or create for you a personal, professional, financial or business competitive advantage? YES/NO- If yes, please describe.

To your knowledge, would the outcome of the meeting or work benefit or adversely affect interests of others with whom you have substantial common personal, professional, financial or business interests (such as your adult children or siblings, close professional colleagues, administrative unit or department)? YES/NO- If yes, please describe.

Have you received any payments (other than for travel costs) or honoraria for speaking publicly on the subject of this meeting or work? YES/NO- If yes, please describe.

Is there any other aspect of your background or present circumstances not addressed above that might be perceived as affecting your objectivity or independence? YES/NO- If yes, please describe.

Tobacco and arm's industry

Within the past – X years, have you had employment or received research support or other funding from, or had any other professional relationship with, an entity directly involved in the production, manufacture, distribution or sale of tobacco or arm's industry or representing the interests of any such entity? YES/NO- If yes, please describe.

(Answer without regard to relevance to the subject of the meeting or work)

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(B) Analysis of COI prevention and management guidance and tools from the following entities:

- (a) WHO (internal guidance at the institutional and individual level; technical guidance at country level on the tobacco and pharmaceutical sectors);
- (b) UN agencies members of the UN Standing Committee on Nutrition (UNSCN)⁴ and UN Development Programme (UNDP);
- (c) Governments (Organization for Economic Co-operation and Development (OECD) and World Bank (WB) databases and other documents).
- (d) WHO Collaborating Centres focusing on nutrition;
- (e) NGOs in official relations with WHO focusing on nutrition;
- (f) Health professional associations;
- (g) Multi-stakeholder initiatives focusing on nutrition and NCDs;

⁴ Members of UNSCN include: Food and Agriculture Organisation (FAO); International Atomic Energy Agency (IAEA); International Fund for Agricultural Development (IFAD); United Nations Special Rapporteur on the right to food; UN System Chief Executives Board for Coordination (CEB); UN Office for the Coordination of Humanitarian Affairs (OCHA); UN Environmental Programme (UNEP); United Nations Children's Fund (UNICEF); United Nations Department of Economic and Social Affairs (UN-DESA); United Nations High Commissioner for Refugees (UNHCR); UN Women; World Food Programme (WFP); World Health Organization (WHO). Biodiversity International is an associate member.