

Technical Review Panel (TRP)

Ethics and Conflict of Interest Procedures

Updated December 2022

1. Background

- 1.1. The Technical Review Panel (the 'TRP') consists of experts in HIV, tuberculosis, malaria, human rights and gender, health systems and sustainable financing. The TRP is headed by the Chair, who is also an ex-officio member of the Strategy Committee of the Global Fund Board. The Chair is supported by two Vice-Chairs.
- 1.2. The Technical Review Panel (the 'TRP') plays an important role in the development and implementation of the Global Fund strategy as it evaluates funding requests¹ submitted to the Global Fund. In accordance with the Global Fund Strategy and any subsequent guidance from the Board, the TRP is responsible for assessing the strategic focus, technical soundness, potential for impact of funding requests, and the extent to which programs are poised for sustainability. TRP assessments are based on country context. Through its reviews, the TRP is responsible for advising on how Global Fund investments can achieve the greatest impact and contribute to the goals and objectives set of in the Global Fund Strategy.
- 1.3. Beyond making recommendations for funding, the Technical Review Panel, with the agreement of the Strategy Committee, has an important role in the development and implementation of the Global Fund Strategy as an advisory body to the Global Fund Board. It may provide technical advice and guidance on strategic focus, technical soundness, the potential for impact, sustainability, and value for money (VfM) of new initiatives, innovative projects, and/or mechanisms undertaken by the Global Fund to complement the core programs at various points in the grant cycle.

2. Purpose

- 2.1. The Ethics and Conflict of Interest Procedures² for TRP Members ('COI Procedures') build upon the [Global Fund Policy on Conflict of Interest](#) ("COI Policy"), and have the objective of ensuring fairness and a high standard of ethical conduct in the Global Fund's decision-making to protect the reputation and integrity of the Fund and its interests, and to ensure broad public trust and confidence in the Global Fund activities.
- 2.2. These COI Procedures are also intended to ensure the integrity and consistency of open and transparent TRP work, in accordance with [TRP Terms of Reference](#) by defining conflicts of interest and outlining principles, responsibilities, and requirements, as well as providing guidance in identifying and addressing actual, potential or perceived conflicts of interest, within the specific context of the TRP and its mandate.

¹ For the purpose of this document, Global Fund funding requests include all applications of funding submitted to the Global Fund namely country funding requests, catalytic investments (Matching Funds, Multicountry approaches; Strategic Initiatives), COVID-19 Response Mechanism (C19RM) applications and other application mechanisms that support the Global Fund strategy.

² These Procedures have been issued by the Global Fund Ethics Office and the Technical Review Panel. It acts as the "Ethics and Conflict of Interest Procedures for Technical Review Members" referenced in the [TRP Terms of Reference](#) and it sets forth the additional requirements referenced in the Terms of Reference (see Paragraph 5 "Ethics and Conflict of Interest").

3. Scope

- 3.1. **Covered Parties.** These Procedures apply to the following parties (the “Covered Parties”):
- Serving TRP Members
 - Former TRP Members
- 3.2. **Serving TRP Members.** Once selected to serve on a review group, TRP members are known as “Serving TRP members”, and they are eligible to serve for a maximum of four years from the date of their first review in which they participate. Serving TRP members must abide by the requirements of the COI Policy and the requirements set out in these COI Procedures. TRP members that have not complied with such requirements, signed the confidentiality undertakings and/or completed the [Code of Conduct](#) certification shall not be eligible to participate in any TRP reviews until such requirements have been fulfilled.
- 3.3. **Non-Serving and Former TRP Members.** This COI Policy and these COI Procedures are not directly applicable to non-serving TRP members³. Certain provisions of these COI Procedures continue to apply to individuals after they have concluded service on the TRP (these people are known as ‘Former TRP Members’ and may, on occasion, be called on by the TRP Chair to serve on specific reviews).

4. Defining conflict of interest in the context of the mandate of the TRP

- 4.1. **Conflict of interest.** Generally, a conflict of interest is a situation in which a person has a competing personal, professional, or financial interest that could have an actual, potential or perceived effect on that person’s ability to fulfil his or her responsibilities in an objective and independent manner with the best interests of the Global Fund in mind.
- 4.2. A conflict of interest may be actual, potential or perceived, defined as follows:
- Actual conflicts of interest** occur when a “Covered Party” faces a *real and existing* conflict of interest.
 - Potential conflicts of interest** occur when a “Covered Party” is or could be in a situation that may result in a conflict of interest.
 - Perceived conflicts of interest** occur when a “Covered Party” is or could be in a situation that may appear, according to a reasonable neutral third-party observer, to be in a conflict of interest, even if it is not an actual or potential conflict.
- 4.3. In line with the COI Policy, a conflict of interest arises when a “Covered Party” participates personally and substantially⁴ in a Global Fund matter in which, to their knowledge, they or an Associated Person⁵ or Associated Institution⁶ has a private interest.

³ Defined as individuals who are in the TRP membership pool but who have not yet been called for active service (Serving Technical Review Panel Members).

⁴ To participate “substantially” means that the Technical Review Panel member’s involvement is of significance to the matter.

⁵ “Associated Persons” mean spouses, domestic partners, parents, children, brothers, sisters, grandparents, grandchildren, or other familial relationships of a Technical Review Panel member, as well as friends or business partners (Section 4.3 of the COI Policy).

⁶ An “Associated Institution” means (i) any organization, corporation or government in which the Technical Review Panel member is serving as an officer, director, trustee, partner or employee that receives or may receive funding from the Global Fund or with which

- 4.3.1. A **private interest** includes a financial or non-financial interest of a 'Covered Party', a Family Member or an Associated Institution, which could improperly influence the performance of "Covered Parties" roles and functions in relation with their activities.
- 4.3.2. In general, and without limitation, a "Covered Party" has a **financial interest** when the decision at stake may materially affect what they earn, owe or own.
- 4.3.3. In general, and without limitation, a **non-financial interest** includes any affiliation, non-financial advantage and personal or professional relationship. However, a Private Interest does not include an interest in a decision or matter that:
 - Is of general application (e.g., general health benefits in one's country); or
 - Affects a "Covered Party", Associated Person or Associated Institution as one of a broad class of individuals or entities (e.g., person advocating for gender equality).

5. TRP Eligibility

- 5.1. **TRP Eligibility.** As stated in the [TRP Terms of Reference](#), Board Members, Alternate Members, Constituency Focal Points, members of the Board's Standing Committees⁷, or individuals who participate in Board or Committee Meetings as part of the constituency delegations and/or members of Country Coordinating Mechanisms (CCMs)⁸, shall stand down from these roles to be eligible to serve on the TRP. Employees of the Global Fund Secretariat (including former employees before their cooling-off period ends) are ineligible to serve on the TRP⁹. In cases where the employment or other circumstances of an individual applying for TRP membership has a strong likelihood of actual, potential, or perceived conflicts of interest, which may significantly limit their ability to perform TRP functions effectively, the Global Fund Ethics Office may advise that the individual not be selected to serve on the TRP.
- 5.2. A TRP member shall stand down from their role at the TRP if they gain employment as a staff member of the World Health Organization (WHO)¹⁰. This provision excludes individuals performing consulting services for the WHO. The WHO staff member can resume their service at the TRP if their employment with WHO is concluded before the next TRP recruitment.
- 5.3. The TRP Leadership provides oversight and ultimate sign-off on all TRP decisions. Therefore, to ensure the TRP independence and the separation of roles between the TRP and technical partner organizations within the Global Fund Partnership, TRP members contracted, employed, or on the governing bodies of key Global Fund Technical Partner organizations (namely Roll Back Malaria Partnership; Stop TB Partnership; UNITAID; UNAIDS; the World Health

the Global Fund has an agreement, contract, grant or relationship; or (ii) any person, organization, corporation, government or similar institution with whom the Technical Review Panel member is negotiating or has arrangement concerning prospective employment (Section 4.4 of the COI Policy).

⁷ As defined by the Global Fund's By-laws, as amended from time to time.

⁸ CCM members are individuals nominated by the constituency they represent within a CCM. Guidelines are provided in the [Annex 1 of the Country Coordinating Mechanism Policy Including Principles and Requirements](#) and [Code of Ethical Conduct for Country Coordinating Mechanism Members](#).

⁹ Unless otherwise authorized by the Head of the HR Department of the Global Fund, a Global Fund employee who separates from the Global Fund shall not be permitted to work with, or perform work for, the Global Fund under any consulting or similar contracting agreement for a period of 6 months following the date of separation from service.

¹⁰ This limitation considers communication from WHO (September 5 2022, as part of the 2022 TRP Recruitment) that membership on the TRP would conflict with the availability of WHO staff to provide technical assistance support to countries including in funding request development. WHO's position is for WHO staff, including in regional and country offices, not to serve in personal capacity on the TRP.

Organization; and the World Bank) are not eligible to hold TRP Leadership or to serve as Focal Points for the expert groups.

- 5.4. TRP members holding TRP Leadership positions (TRP Chair and Vice-Chairs) are held to higher ethical standards given the visibility of their positions. Accordingly, TRP Chair and Vice-Chair(s) are subject to higher levels of due diligence and conflict of interest mitigation measures. For instance, TRP members are not eligible to hold TRP Chair or Vice-Chair(s) positions if they are currently contracted, employed, or serve on the governing body of a beneficiary or potential beneficiary of funding (e.g., nominated as Principal Recipient) during their serving time. This limitation is not extended to other funding recipients (e.g., nominated as Sub-Recipient, Local Fund Agent or listed as a technical assistance provider). Prior to the TRP Leadership election, the Ethics Office will conduct due diligence and integrity checks before nominated candidates are considered eligible to stand for election.
- 5.5. Once a TRP member's term of service has expired, Serving TRP Members are designated as "Former TRP Members" and cannot act as Serving TRP Members again until a cooling-off period of a minimum of three years has elapsed since their last participation¹¹, unless otherwise called upon by the TRP Chair if required to fill gaps.

6. Principles

6.1. Independence of all TRP members

- 6.1.1. The Technical Review Panel (the 'TRP') is an impartial and independent team of experts appointed by the Strategy Committee in accordance with the delegated authority from the Global Fund Board (Board) with the responsibility of providing rigorous, independent technical assessments of funding requests¹² made to the Global Fund.
- 6.1.2. The TRP ensures the integrity and consistency in its review process in line with the principles, mandate, and provisions of its terms of reference, or as otherwise requested by the Board or the Strategy Committee. In all aspects of its mandate, reviewing funding requests, providing lessons learned, and serving as an advisory¹³ body to the Global Fund, the TRP will maintain its independence by applying with the provisions of these COI Procedures.
- 6.1.3. As stipulated in the TRP Terms of Reference ([see paragraph 3.1](#)), TRP members do not represent their employer, government, or positions of Global Fund partners, and serve in their personal capacities only.

6.2. Confidentiality

TRP Members are bound by an obligation of confidentiality in the conduct of their duties and are required to sign confidentiality undertakings prior to commencing work as a TRP member as stated in the TRP Terms of Reference ([see paragraph 5.2](#)).

¹¹ This refers to any last involvement in any TRP matters (Working Group, Review Window, Consultative process, etc.)

¹² For the purpose of this document, Global Fund funding requests include all applications of funding submitted to the Global Fund namely country funding requests, catalytic investments (Matching Funds, Multicountry approaches; Strategic Initiatives), COVID-19 Response Mechanism (C19RM) applications and other application mechanisms that support the Global Fund strategy.

¹³ In addition to the TRP core business of reviewing funding requests, the TRP may provide technical advice and guidance on new initiatives, innovative projects and/or mechanisms undertaken by the Global Fund to complement the core programs.

6.3. Duty to disclose

6.3.1. **Declaration of Interest.** Under the COI Policy, each TRP member is required to submit a Declaration of Interest form before being confirmed for TRP membership by the Strategy Committee. Thereafter, each TRP member shall submit an updated Declaration of Interest form to the Ethics Office on an annual basis and whenever there is a material change¹⁴ in the information disclosed in the form.

6.3.2. **General disclosure.** Throughout the period of membership and during the cooling off period after end of service, all TRP Members are responsible for upholding the integrity of the TRP and its independence¹⁵. TRP members shall disclose all new actual, potential or perceived conflicts of interest that may arise to the TRP Chair.

6.3.3. **Specific disclosure.** In advance of each TRP review meeting or relevant TRP workstream TRP members shall re-affirm the principles of the COI Policy and these COI Procedures and declare, to the best of their knowledge, any actual, potential, or perceived conflict of interest not previously disclosed the following to the TRP Chair:

- a. A list of countries (and disease programs within those countries) where the TRP member or their employer has assisted in the development process for a funding request to the Global Fund;
- b. A list of countries (programs) where the TRP member or his or her or their employer has assisted in reviewing or providing other technical assistance in connection with a national HIV, tuberculosis, malaria, or overall health systems program review and the nature of such assistance, including partaking in any Joint Assessment of National Strategy ("JANS") or review and development of National Strategic Plans ("NSP") for the respective disease program in the past three years;
- c. A list of countries where the TRP member or his or her employer may be a potential beneficiary of funding (e.g., nominated as Principal Recipient, Sub-Recipient or listed as a technical assistance provider);
- d. A list of countries in which the TRP member has taken part in Global Fund Office of the Inspector General ("OIG") audits or investigations in the past three years;
- e. A list of countries where the TRP member is a citizen or resident¹⁶, currently lives or has lived for more than one year in the past three years; and
- f. A list of countries not captured above and for which the TRP member's objectivity and/or independence could be affected or appear to be affected.

6.4. Mitigation measures

6.4.1. Unless otherwise approved in writing by TRP Leadership in consultation with the TRP Secretariat, TRP members must recuse themselves from the review of any funding requests or other matters where they have an interest, affiliation or other factors that

¹⁴ Examples of material change include and are not limited to change of employment, change of role in your current organization, commencement of a consultancy assignment etc.

¹⁵ [TRP Terms of Reference \(Paragraph 5.1\)](#) "Technical Review Panel members shall demonstrate high standards of integrity and ethical behavior and uphold the independence and impartiality of the TRP".

¹⁶ For the purpose of these Procedures, a resident is an individual that lives or has lived in a country for more than one year.

may create an actual, potential, or perceived conflict of interest as further specified and qualified in these COI Procedures.

- 6.4.2. If there is any ambiguity as to whether an actual, potential, or perceived conflict exists, the TRP Chair will refer the matter to the Ethics Office¹⁷. If it is determined by the Chair and the Ethics Office that an actual, potential or perceived conflict of interest does exist, they will propose appropriate mitigation measures which may include recusal from a specific funding request review or other TRP related work, as needed.
- 6.4.3. If a TRP member takes on new activities or employment opportunities ('new activities') that may create an actual, potential or perceived conflict of interest with respect to their responsibilities on the TRP, they must disclose it to the Chair in writing prior to taking on such new activities. In response, the Chair may consult with the Ethics Office in reaching a decision to:
 - 6.4.3.1. allow the member to continue serving on the TRP, while undertaking these new activities, with risk mitigation measures in place; or
 - 6.4.3.2. request that the member stands down from engaging in new activities continuing to serve on the TRP.
 - 6.4.3.3. The TRP member may also choose to step down from serving on the TRP to pursue such new activities, as warranted by any actual, or significant potential or perceived conflict of interest.
- 6.4.4. In order to safeguard independence, impartiality and unbiased decisions, while also considering the need to leverage TRP members' country contextual knowledge and experience to support the work of the TRP, differentiated risk mitigation measures, including recusal requirements, have been developed for different contexts. These measures are further described below.
- 6.4.5. In cases where the employment or other circumstances of a proposed or current TRP member gives rise to a strong likelihood of actual, potential or perceived conflicts of interest arising on a regular basis which may significantly limit their ability to effectively perform TRP functions (such as due to the need for consistent recusal from a substantial number of reviews of funding requests), the TRP Chair in consultation with the Ethics Office, may determine that the individual (i) should not be selected to serve, or (ii) should not continue to serve, as a TRP member.
- 6.4.6. Poorly managed potential or perceived conflicts of interest may cause as much reputational damage as an actual conflict of interest. Reputational risk may arise from anything that may affect the objectivity or independence of TRP members in performing their duties for the Global Fund, or the perception of that independence and objectivity by others. Therefore, it is essential that members understand the provisions of the COI Policy and these COI Procedures and ensure they are appropriately meeting the requirements contained in both documents.

¹⁷ [TRP Terms of Reference Paragraph 5.3](#): "Throughout the period of membership, TRP members shall disclose all Actual, Potential or Perceived conflicts of interest to the TRP Chair. The TRP Leadership shall disclose all Actual, Potential or Perceived Conflicts of Interest they have in writing to the Ethics Office for a decision".

7. Ethics and Conflict of Interest Guidance: High-level Summary of Potential Contexts and Situations

- 7.1. Not all significant factors that may create an actual, potential, or perceived conflict of interest can be identified in these COI Procedures. The examples provided below are not exhaustive and each conflict of interest declaration will be handled on a case-by-case basis. Therefore, it is the responsibility of the relevant TRP member to bring to the attention of the TRP Chair any significant links that may give rise to an actual, potential or perceived conflict.
- 7.2. As noted earlier in these procedures, there may be cases where the employment or other circumstances of a proposed or current TRP member gives rise to a strong likelihood of actual, potential or perceived conflicts of interest arising on a regular basis, which may significantly limit his or her ability to effectively perform TRP functions. In these situations, including the following examples, the TRP Chair in consultation with the Ethics Office, may determine that the individual should not be selected to serve, or should not continue to serve, as a TRP member:
- a. The TRP member's (or proposed member's) professional responsibilities are directly linked to the development of funding requests to the Global Fund; and
 - b. The TRP member (or proposed member) is employed by an organization that provides direct technical assistance to Global Fund applicants or implementers or is otherwise a potential beneficiary of Global Fund funding, across multiple regions or countries.
- 7.3. **Full recusal**¹⁸. A conflict of interest requiring a TRP member's full recusal from participating in the review of a specific funding request, including in the plenary session, may be required if, for example:
- a. The TRP member has been involved in the development process of that funding request;
 - b. The TRP member is employed by a government, corporation or organization that has assisted in the development process of that funding request (including providing technical assistance funding);
 - c. The TRP member may be a potential beneficiary or is employed by an organization that may be a beneficiary of funding from the Global Fund in connection with that funding request. This applies equally to a single applicant at the country level or as a multi-country application at the regional level (e.g., as a Principal Recipient, Sub-Recipient, Local Fund Agent, or technical assistance provider); or
 - d. The TRP member is a citizen of the country(s) that has applied for funding either as single or multi-country applicant or as a Strategic Initiative.

¹⁸ A full recusal prevents a serving TRP member from participating in funding request review, decision making and plenary discussions.

- 7.4. **Partial recusal**¹⁹. A conflict of interest requiring a TRP member's recusal from participating in the decision-making for the relevant funding request (i.e., participation in a small group review of funding requests) but allows them to engage in the plenary discussions and sub-plenary deliberations to provide contextual information to leverage their in-country and regional knowledge, may be required if, for example:
- a. The TRP member is a resident of a country that has applied for funding as a single applicant;
 - b. The TRP member is conflicted in 50 percent or more of the countries in a multicountry or Strategic Initiative application;
 - c. The TRP member took part in any Global Fund audits or investigations of Global Fund grants or implementers, including the Global Fund Office of the Inspector General (OIG) or the Independent Evaluation Panel (IEP), during the past three years in a country that has applied for funding as either a single or multi-country applicant; or
 - d. The TRP member participated in a country's Joint Assessment of National Strategy (JANS), National Strategic Plan (NSP) for the respective disease program or assisted in connection with a review of the national program for the country's disease program under review in the last three years.
- 7.5. The TRP Chair and Vice-Chairs are responsible for overseeing the TRP plenary discussions to ensure that any actual, potential or perceived conflicts of interest do not compromise the independence of the decision-making process. In the management of a conflict of interest for multi-country or strategic initiative applications, the TRP Chair may, on exceptional circumstances where the TRP member can provide specific technical or contextual information, authorize the participation of a TRP member even if the member is conflicted based on the 50 percent rule in stated in paragraph 7.4b.
- 7.6. If the circumstances described above arise, the TRP Chair may consult with the Ethics Office in order to provide guidance to the TRP member regarding whether the member should recuse themselves from the review and decision-making of the relevant funding request, or whether they, under the oversight of the TRP Chair, can provide contextual information to leverage their in-country and regional knowledge in the plenary and sub-plenary deliberations without participating in the decision making for the relevant funding request.

8. Consequence Management

- 8.1. If a TRP member does not comply with the requirements contained in the COI Policy or these COI Procedures, including the specific restrictions set forth in Section 9 below, the non-compliance will be reviewed and addressed by the TRP Chair and Vice-Chairs, with the assistance of the Ethics Office. Remedial actions will be determined on a case-by-case basis, but such actions may include a TRP member being asked to step down from the TRP.

¹⁹ May participate in plenary and sub-plenary deliberations to provide contextual information in plenary and sub-plenary sessions, but with no decision or voting rights.

9. Specific Restrictions for Serving and Former TRP Members

- 9.1. **Development of funding requests.** Serving TRP members must abstain from assisting countries to develop funding requests to the Global Fund, including participation in any proposal development workshops or “mock-Technical Review Panel” reviews. To ensure independence and avoid actual, potential or perceived conflicts of interest, this restriction on assisting countries to develop funding requests shall also apply to former TRP members during a one year ‘cooling off’ period after they have completed their service to the TRP²⁰.
- 9.2. **Other technical assistance.** A TRP member may participate in national or sub-national program reviews, in a country’s Joint Assessment of National Strategy (JANS), reviews of National Strategic Plans (NSPs) for the respective disease program and make recommendations to the program as a whole on a maximum of two countries per calendar year, if the relevant member wishes to engage in TRP related assignments in the same year.²¹ TRP members may be asked to abstain from participating in providing technical assistance in connection with national HIV, tuberculosis, or malaria programs in the event that it is likely that their work will be substantially and directly used in the development of the funding request to the Global Fund. TRP members having participated in a program or national strategy review will recuse themselves from the review of the funding request for that component but may be asked to share relevant country contextual information to the TRP plenary discussions without participating in the final decision.
- 9.3. **Investigations and audits.** A TRP member may participate in the Office of the Inspector General’s investigations and audits in a maximum of two countries per calendar year if the relevant member wishes to engage in TRP related assignments in the same year. The TRP member must disclose this information to the Chair and recuse themselves from the review of funding requests for the relevant country/countries where they have provided country-specific consultancy for the Office of the Inspector General in the past three years.
- 9.4. **Global Fund consulting services.** The [TRP Terms of Reference](#) do not expressly preclude members from performing consulting services for the Global Fund, including the Secretariat, the Office of the Inspector General and the Independent Evaluation Panel (IEP) in their personal capacities. However, prior to performing any such services for the Global Fund, members are required to inform the TRP Chair of their intention to do so. The TRP Chair will then consider whether the performance of such services would have an actual or perceived implications for the independence of the TRP and whether any measures should be put in place to safeguard the actual or perceived independence of the TRP. The TRP Chair may refer the matter to the Ethics Office and/or the Ethics and Governance Committee for guidance.
- 9.5. **Grant negotiation and implementation.** TRP members who are involved in a particular funding request review process (in the small review groups), must refrain from participating in the grant negotiation or program implementation for these funding applications, while serving on the TRP and after the end of their term of service, for the lifecycle of the resulting grant.

²⁰ Completion commences from finalization of all Technical Review Panel clarifications for the last funding channel upon which the Technical Review Panel member served as a proposal reviewer.

10. Conflict of Interest Procedures for TRP members supporting the TRP Recruitment Process

- 10.1. A member of the TRP Recruitment Working Group has access to confidential or non-public information with respect to the TRP Recruitment Process, including personal information regarding the candidates and the assessments or evaluation of such candidates. To ensure the independence and impartiality of the TRP throughout this process and to maintain the integrity of the recruitment and selection process for TRP members and assess each candidate on his or her merits, TRP members must abide by the 'Conflict of Interest Procedures for Individuals Supporting the TRP Recruitment Process'; this document is provided to members of the WG.

²¹ Technical Review Panel member is required to seek preliminary approval from the Technical Review Panel Chair prior to engaging in activities with potential risk of conflict of interest, for example, national or sub-national program assessments or reviews which are, in many countries, undertaken to inform their ensuing Global Fund funding application.