

# Towards **contracting**

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Interreg Knowledge Fair/ 23.05.2023

**Interact**



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# Welcome to the Interreg Knowledge Fair

This is a **pilot activity** for Interact, testing a new approach to our service delivery – and **whether it works for you!**

While you are here, you will be asked to **rate individual sessions** (in Whova) and to respond to a **4-question survey** at the end of each day.

Please share your feedback with us!



# Outline

01

**Conflict of interest – what is it, examples and suggestions**

**Q&A**

02

**Before the contracting: conditions and recommendations stage**

03

**Complaints: procedures and practices**

04

**Wrap up**



“What is **conflict of interest** during assessment and selection for you”



# Towards contracting – conflict of interest



Iona Mantog, Miriam Fernandez, EC, DAC Unit



# Towards contracting. Conflict of interest.

DAC

# Legal background (I)



*a conflict of interests exists where the impartial and objective exercise of the functions of a financial actor or other person, ..., is compromised for reasons involving family, emotional life, political or national affinity, **economic interest** or any other **direct or indirect personal interest**.*



*...shall not take any action which may bring their own interests into conflict with those of the Union. They shall also take appropriate measures to prevent a conflict of interests from arising in the functions under their responsibility and to address situations **which may objectively be perceived** as a conflict of interests.*

# Legal background (II)

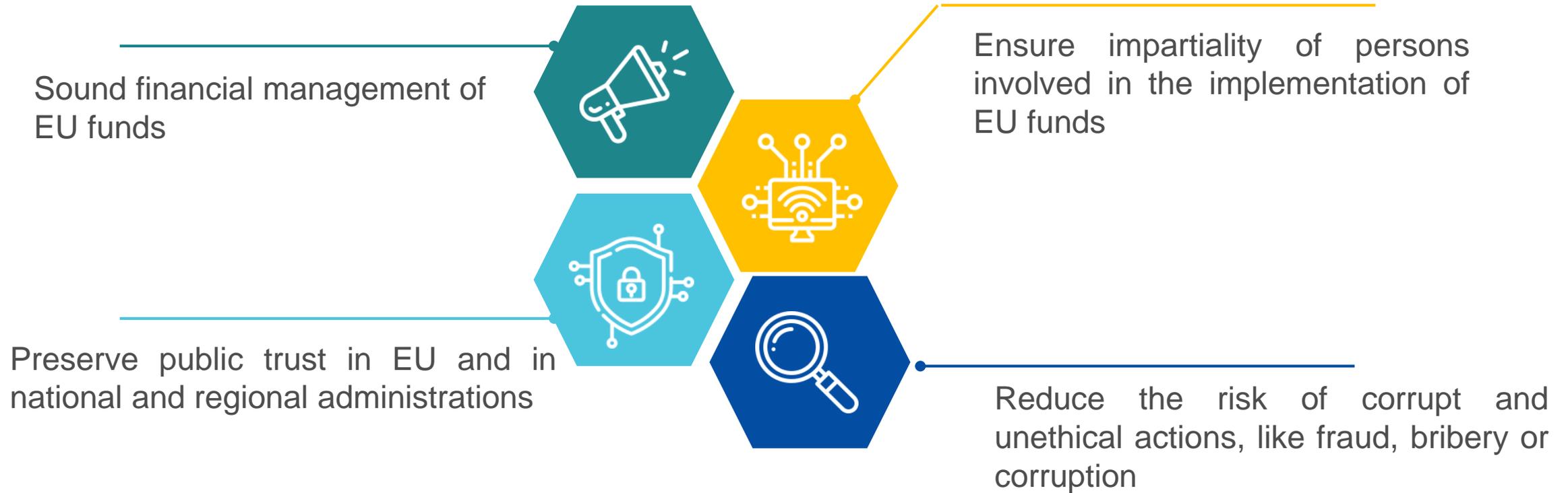


*Each MC shall adopt its rules of procedure. The rules of procedure of the MC and, where applicable, of the steering committee shall prevent any situation of conflict of interest when selecting Interreg operations and shall include provisions regarding voting rights and rules for attending the meetings”.*

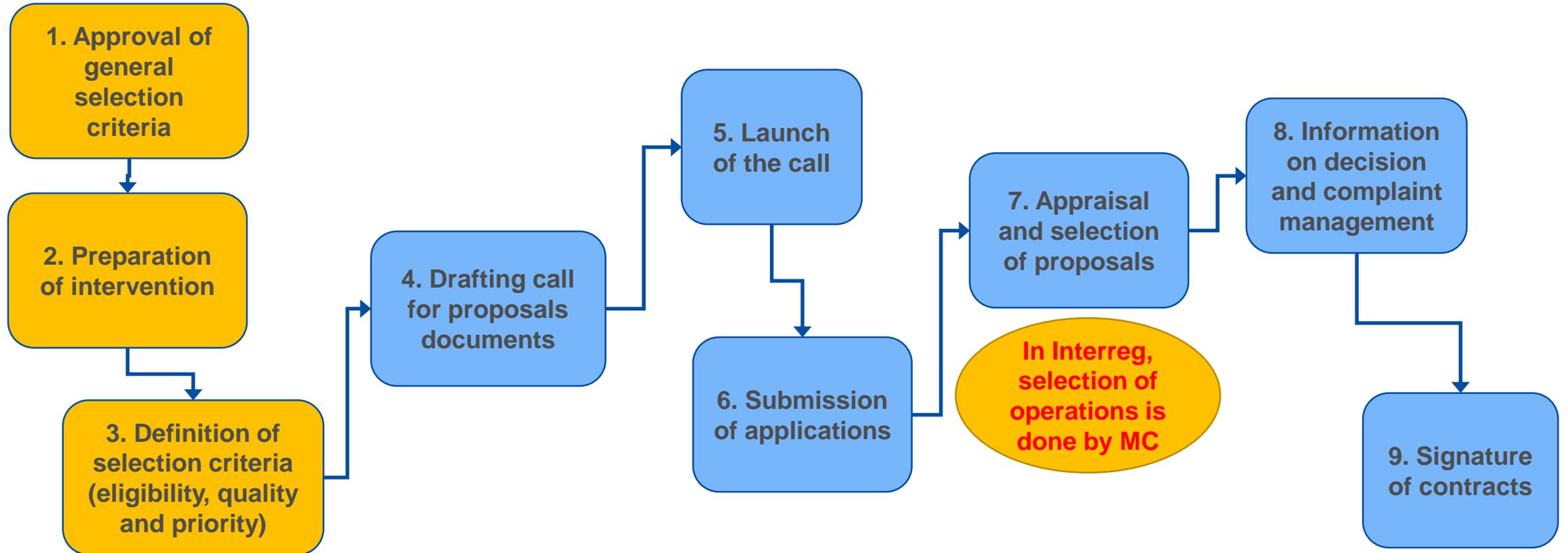


*The rules of procedure of the monitoring committee and the data and information shared with the monitoring committee shall be published on the website ...*

# Why is it important to avoid conflict of interest?



# Towards contracting



# When are we in conflict of interest?

*A conflict of interest can arise even if the person does not actually benefit from the situation*



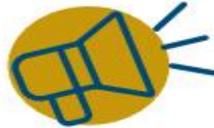
Image by [Azmi Talib](#) from [Pixabay](#)

*A mere link with beliefs, views, opinions or preferences of the person does not usually or automatically constitute a personal interest (but each case may be different from the other).*

# Example (source: OECD report)

A beneficiary, contractor and public officials colluded to obtain contracts and set up a kickback scheme for road construction projects under the European Regional Development Fund (ERDF).

## TACTICS



**LEAKING BID  
INFORMATION**



**INFLUENCE  
PEDDLING**



**MANIPULATING  
DOCUMENTS**

Three public officials within the Managing Authority and local council provided the contractor, a private company, with commercially sensitive tender information that was not otherwise publicly available. Under the same project, these public officials influenced the tendering process and ensured that certain individuals were appointed to the Evaluation Committee within the Certifying Authority. By leaking confidential information and modifying submitted project data, public officials obtained an unfair advantage for the contractor. The criminal group, consisting of public officials and business representatives, benefited from over EUR 2 million in kickbacks.

## ACTIONS TAKEN

OLAF undertook two investigations and recommended that EUR 21 million be recovered. Judicial proceedings were initiated in the Member State in 2017.

# What to do? Programme level.

- ✓ *Raise awareness. Explain. Set the tone.*
- ✓ *Set in place policies, rules and procedures.*
- ✓ *Declarations of interest, asset disclosure and exclusive functions*
- ✓ *Other measures*



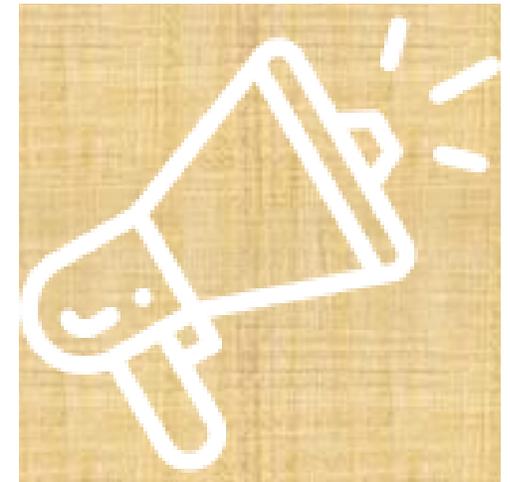
# Examples of measures in MS

- ✓ *Declaration of interest*
- ✓ *Declaration of assets*
- ✓ *Abstention from voting*
- ✓ *Refrain from participation in debate, expression of opinion*
- ✓ *Guidance to avoid conflict of interest*
- ✓ *Ethics referent within the Managing Authority*
- ✓ *Whistleblowing system*
- ✓ *Warning to be exposed to sanctions*
- ✓ *Code of conduct for Programme staff*



# What to do? Individual level.

- ✓ *Declare it.*
- ✓ *Refrain from taking any action that concerns their personal interests.*
- ✓ *Take appropriate measures to address any situations which may objectively be perceived as a conflict of interest.*



# Thank you for your attention



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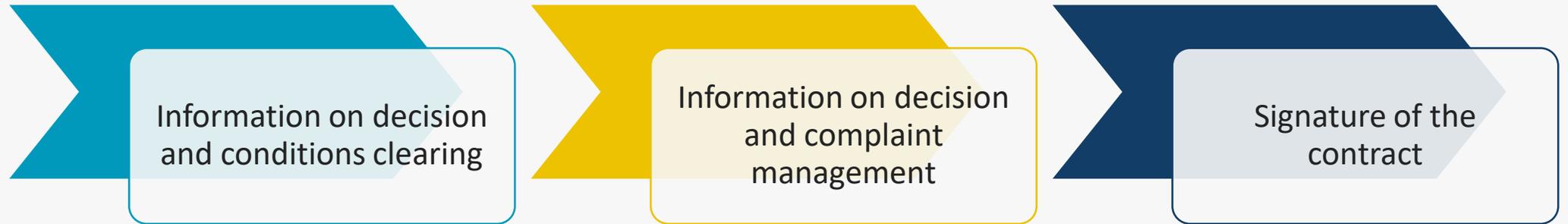
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# Floor is open for Q&A and discussion



# Towards contracting



# Programme testimonial



**Simona Lullo, Interreg Italy – Croatia programme**

**Interreg**

**Italy – Croatia**



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# Small scale projects call



## **TYPE OF CONDITIONS:**

- *Technical* (concerning the work plan proposed for the project and possible adjustments etc.)
- *Legal* (concerning special contractual clauses or conditions required for the project etc.)
- *Financial* (concerning the budget and the Programme contribution, timing of reporting etc.)
- *Conditions* related the compliance with State Aid regulations





### **CHECK THE RESPECT OF:**

- ART 22.4(i) of Interreg Regulation (EU) 2021/1059 related to infringement decisions
- Principle «Do not significant Harm» (DNSH)





## **NOVELTIES RESPECT THE PROGRAMMING PERIOD 14-20**

- General conditions applicable to all projects
- Check of indicators made by one PM in order to ensure the same assessment
- Check of the principle «do not significant harm»



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# Floor is open for discussion

## Recommodation clearing phase

What are the practices?

Any encountered challenges?

Any improvements introduced  
in the practices?

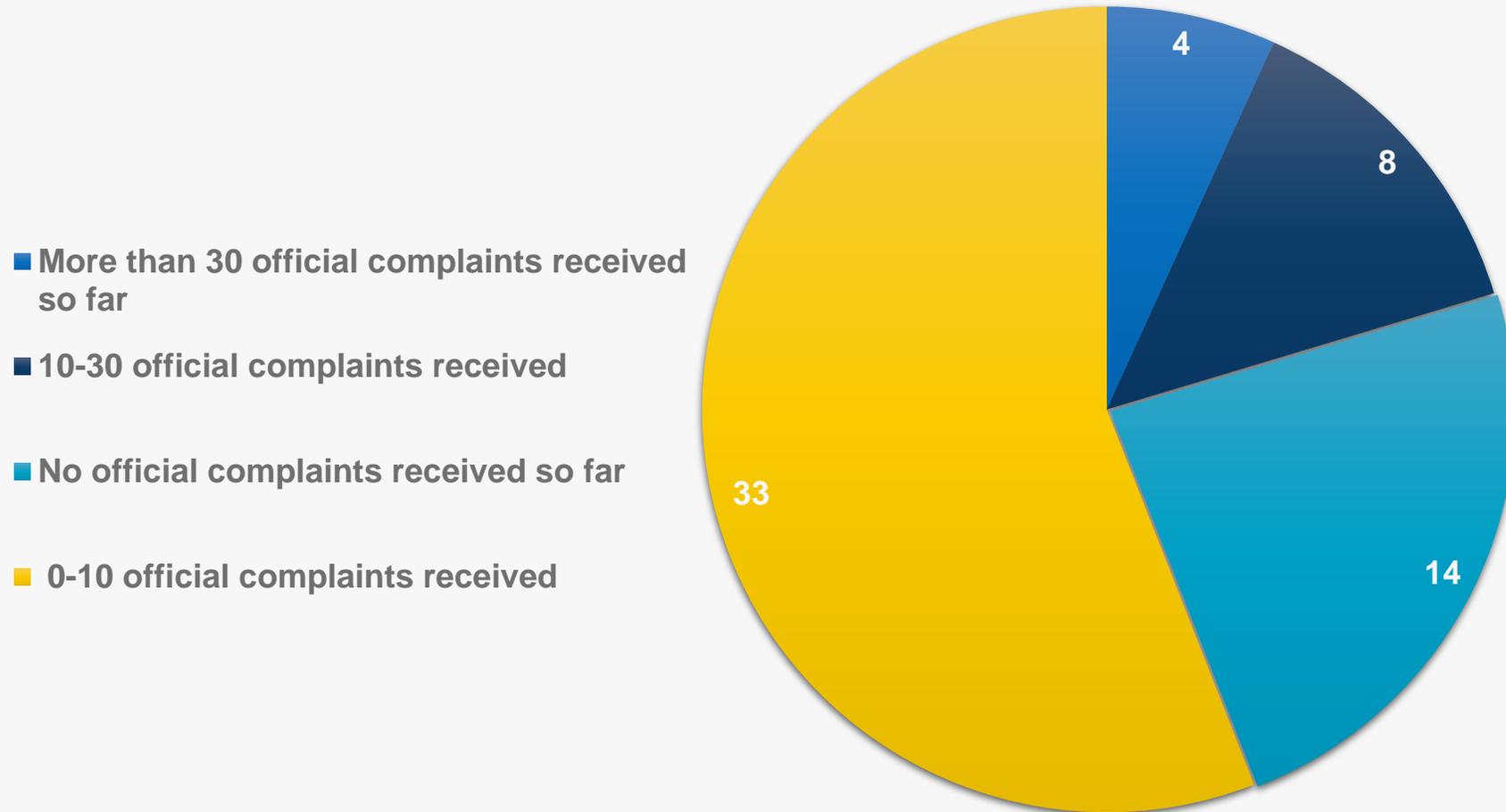


## For which type of complaints have you set up programme procedures for applicants? Multiple choice



**Source:** Interact Repository of Interreg programme management practice. 2018  
Response rate: 59 Interreg programmes

In this programming period (2014-2020), until this point how many official complaints from applicants has your programme received?



**Source:** Interact Repository of Interreg programme management practice. 2018  
Response rate: 59 Interreg programmes

# Programme testimonial



**Jörgen Örnling, Interreg Sweden - Denmark - Norway (Oresund - Kattegat - Skagerrak) programme**

# Floor is open for discussion

## Complainants

What are the practices?

Any encountered challenges?

Any improvements introduced  
in the practices?

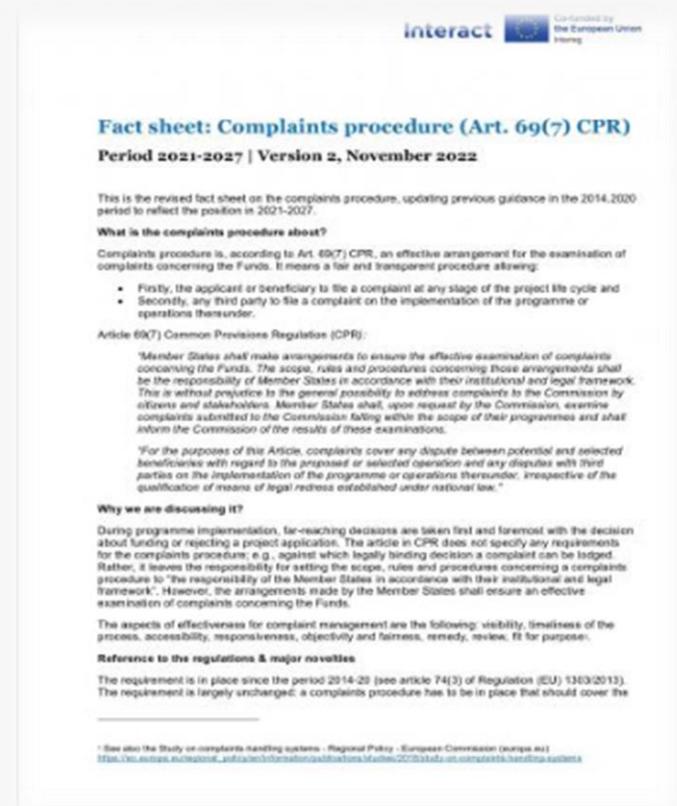
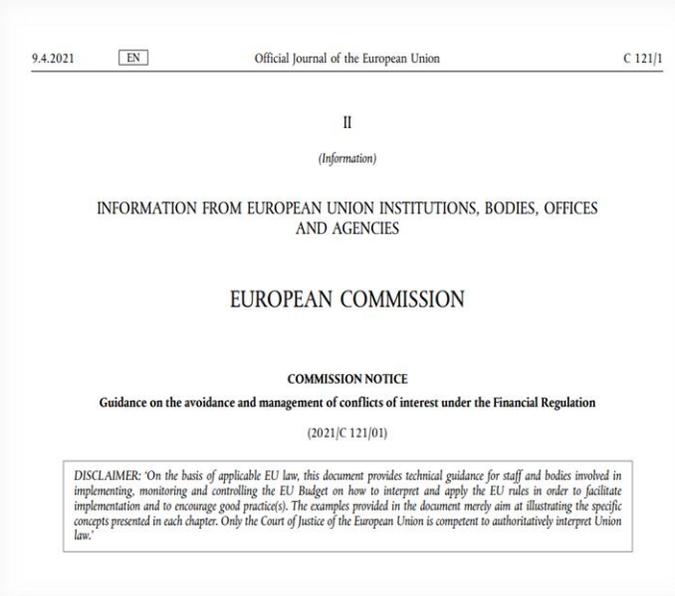


# Complaints procedure – we recommend considering:

*The MC decision is based on European legislation and applicants - in accordance with **Article 69.7 (CPR)** on responsibility of Member States - have a chance to file a complaint against the decision as part of a **fair and transparent procedure**.*

*It is evident that – depending on the Member States – the exact legal status of such procedures may differ but in essence, **a transparent and fair procedure needs to be developed, set out in the manuals allowing for fair and equal treatment of any applicant regardless of its country of origin.***

# Useful materials 1/2



# Useful materials 2/2



## Briefing note on project selection – Interreg 2021-27

Version 1, August 9, 2022

**Disclaimer:**  
*The document has been prepared by Interact following discussions with services of DG Regio. It is, thus, not an official document of the European Commission nor an official position of the European Commission.*  
*This document is a guideline to help programmes. It does not impose a 'one-size-fits-all' as programmes have different practices. It highlights some elements against which the Commission may review the admissibility/eligibility / quality criteria.*

This note has been prepared as a follow-up to the two webinars on the selection we had in May 2022 (May 12 and 19, 2022). With this note, we want to illustrate the requirements, perspectives and considerations for the selection process. The document consists of two parts:

- Part A: Principles, legal requirements, procedures, and roles,
- Part B: Requirements for assessment and selection criteria.

When taking a closer look at the assessment and selection criteria the Commission will be particularly vigilant on the following five aspects:

- (1) Cross-border impact as eligibility criteria;
- (2) Economic and social durability;
- (3) Horizontal principles (gender equality, accessibility, human rights);
- (4) Eco-conditionality to ensure environmental sustainability (linked with the Don-No-Significant-Harm (DNSH) principle and the role of the Strategic Environmental Assessment (SEA)), and
- (5) Scoring and ranking.

Please note that this document covers the legal requirements for the selection of standard and small-scale projects.<sup>1</sup> Provisions for the selection procedures for small projects in the Small Project Fund (SPF) are covered in Article 25 of the Interreg Regulation and have been presented and discussed in an ongoing series of webinars on SPF.<sup>2</sup>

<sup>1</sup> We use the term 'small-scale projects' for the second option to meet the requirements according to Article 24 of the Interreg Regulation. Cross-border programmes have to go either for small projects in the SPF or for other projects of limited financial volume. We use the term small-scale projects for the second option.

<sup>2</sup> Further information: e.g., [Publication on the small project fund: presentations from the SPF workshop](#) (December 2021). Another information offer is our online community for small-scale projects and SPF: in case you are interested to join, please send an email to [small.projects@interact.eu.net](mailto:small.projects@interact.eu.net).





## Towards simplification Analysis of selection of operations

Taking stock of practices in the EU Member States



by Andrea Cifolliti, Georgia Proulx, Andrija Nalini (Interact), Alessia Luogot, Fabian Landes (RAMBOLL) and Maja Frankovic (Ecorys)  
February 2023

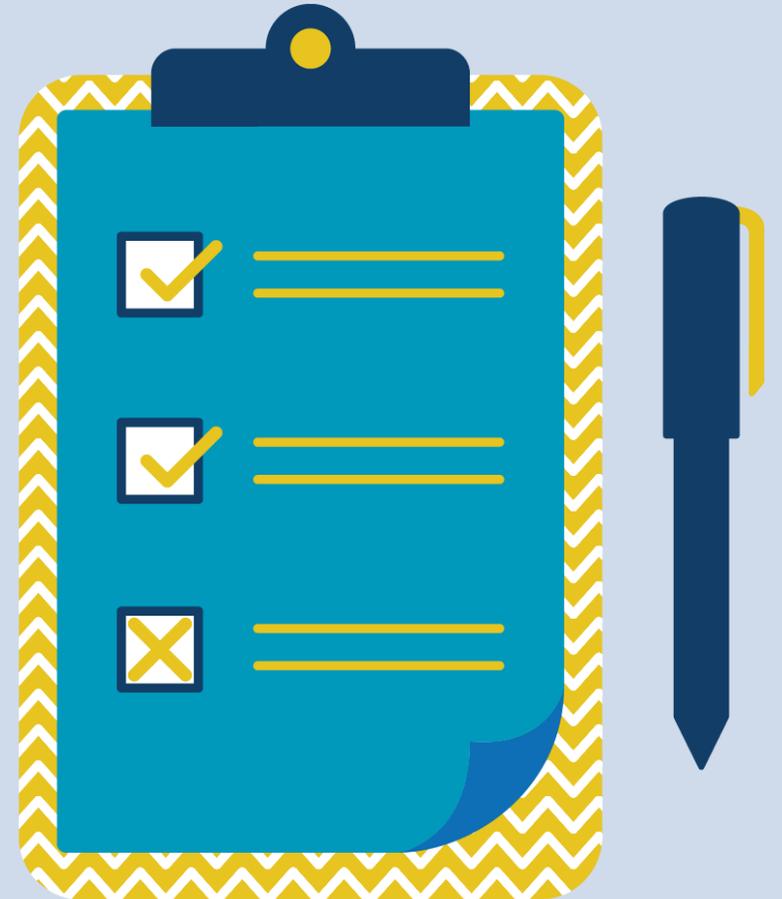
# Thank you for being here!

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Log into the **Whova app**, go to the **relevant session**, and tell us what you think in the **session Q&A**.

You can also talk to us at the Conference Support stand in the networking area.



# Cooperation works

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[Interact / Events / Interreg Knowledge Fair \(23-25 May 2023\)](#)