



Conflict of interest from Managing Authority for the Operational Programme Infrastructure and Environment perspective.

CONFLICT OF INTEREST AS A FRAUD RISK

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Presentation layout

1. Legal framework
2. MA best practices



Legal framework

In Polish internal law there is no **legal definition** of conflicts of interest but for Operational Programme Infrastructure and Environment we use definition from art. 57 regulation **996/2012** on the financial rules applicable to the general budget of the Union and repealing Council Regulation that is wider than in art. 24 of Directive 2014/24/EU of the European Parliament and of the Council



Elements to identify conflicts of interest

Situation in which impartial and objective exercise of professional responsibility

could be compromised

for reasons involving family, emotional life, political or national affinity, economic interest or **any other shared interest with a recipient**

Professional
duty



private
interest



Types of conflicts of interest

	Real	Potential	Apparent
Private interest	I have a private interest that could influence my professional judgment		I have no private interest that may influence my professional judgment
Professional judgement	I'm already in a situation where I have to give it Current risk	I am still not in a position where I have to give it, but it could occur in the future Future risk	I am already in a position to give it and someone different from me could reasonably conclude that I have an interest that could influence Reputational risk



Legal framework in specific fields

- Directive 2014/24/EU of the European Parliament and of the Council **on public procurement** is implemented into the Public Procurement Law
- Implementation Bill (Act on the implementation of cohesion policy programs)
 - Each member of the **Assessment of Project** Commission is obligated to sign a declaration of absence of conflict of interest (under criminal responsibility for false depositions)
- Administrative Code i.a. abstention/recusal
- Civil Service Bill (principle of impartiality)
- Act on restricting business activity of public officials



MA best practices

- Antifraud Strategy for OP I&E 2014-2020
 - ✓ contains guidelines for implementing bodies concerning four core stages: prevention measures; detection and reporting; investigation, correction and prosecution
 - ✓ implements Governmental Anti - Corruption Programme 2014 -2019 at OP level
 - ✓ points out how to counter conflict of interest
- declaration of intentions
 - highest ethical standards are our goal!
- Ethical advisor



MA best practices

- Links on website to guidances i.a. in the field of Col
 - ✓ issued by OLAF, Public Procurement Office and Central Anticorruption Bureau
- Guidance for beneficiaries concerning anti-fraud measures
 - ✓ chapter about Col,
- Zero tolerance for gifts
 - ✓ Allowable only in accordance with diplomatic protocol or materials from trainings or of informative-promotional nature,
- Policy of conflict of interest prevention.

MA policy of Col prevention

- consulted with the Central Anti-Corruption Bureau
- as a part of procedure book
- consists both compulsory statements about absence of conflict of interest and awareness raising actions
- all employees of MA is obliged to reveal any conflict of interest in the initial phase
- all Intermediate Bodies and Implementing Authorities are obliged by interinstitutional agreements to have it in written
- all Beneficiaries are obliged to have it



Beneficiaries obligations

- Prevent, report and taking remedies of conflicts of interest during project implementation and its durability time within the meaning of Article 57 of Financial Regulation
 - how beneficiary fulfils this obligation can be verified during control...

**Thank you very much
for your attention!**

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