

APPENDIX 2A¹

Template Expert's statement on impartiality and no conflict of interest, on confidentiality and on satisfying the premises referred to in Article 68a of the Act, for the purpose of grant application assessment

EXPERT'S STATEMENT

- I. ON IMPARTIALITY AND NO CONFLICT OF INTEREST**
- II. ON CONFIDENTIALITY**
- III. ON MEETING THE REQUIREMENTS REFERRED TO IN ARTICLE 68a (3) OF THE ACT OF 11 JULY 2014 ON THE PRINCIPLES OF IMPLEMENTATION OF THE COHESION POLICY PROGRAMMES FINANCED UNDER THE 2014-2020 FINANCIAL PERSPECTIVE**

REVIEWER:

APPLICATION/PROJECT No.:

APPLICATION/PROJECT TITLE*:.....

APPLICANT/BENEFICIARY *:.....

CONSORTIUM MEMBERS/PARTNERS (where applicable)

SUBCONTRACTORS (where applicable)

This statement applies to grant applications filed as part of the Smart Growth Operational Programme 2014-2020, measure/sub-measure, competition/round No., year: (as specified in the attached list)².

* Delete as appropriate

- I. Pursuant to Article 68a(9) of the Act of 11 July 2014 on the principles of implementation of the cohesion policy programmes financed under the 2014-2020 Financial Perspective (Journal of Laws of 2018, item 1431, as amended) **I hereby represent that** there are no circumstances defined in Article 24 § 1 and 2 of the Act of 14 June 1960 – the Code of Administrative Procedure (Journal of Laws of 2018, item 2096) which would exclude me from participation in the selection of projects for co-financing. In particular, I represent that
 - 1) I am not an applicant³, and/or I have no legal relationship with the applicant under which the assessment result would impact on my rights and obligations;
 - a) a partner, shareholder or stockholder of the applicant or applicants,
 - b) a member of management and supervisory bodies of the applicant or the applicants,
 - c) bound by an employment relationship or any civil-law relationship with the applicant or the applicants,

¹ Refers to experts involved in the assessment of grant applications (including experts involved in verifying lodged appeals) - fill in if applicable,

² The Statement made in Part II Point 2 refers only to the grant application which is subject to a given expert's review.

³ Applicant is understood as an entity which submits a grant application, consortium member (where applicable) and subcontractors (where applicable) responsible for performing project tasks.

- a) If the expert is employed with a higher education institution referred to in the Act on higher education and science of 20 July 2018, such expert will be excluded from the grant application assessment if the applicant taking part in the aforementioned call lists as the place of project delivery a university faculty where the expert is employed.
- b) If the expert is employed with a research institute referred to in the Act on research institutes of 30 April 2010, such expert will be excluded from the grant application assessment if the applicant in the aforementioned call is a department or other organisational unit of a research institute listed in the statutes of the research institute.
- c) If the expert is employed with the Polish Academy of Sciences referred to in the Act on the Polish Academy of Sciences of 30 April 2010, such expert will be excluded from the grant application assessment if the applicant in the aforementioned call is an institute of the Polish Academy of Sciences where the expert is employed.

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- 2) I have not been in matrimony, or in consanguinity or affinity up to the second degree, with the applicant or any members of the management bodies of the applicant or the applicants;
- 3) I have not been related due to adoption, custody or guardianship to the applicant or any member of the management bodies of the applicant or the applicants;
- 4) I have not acted as representative of the applicant or the applicants, I have not been in matrimony, or in consanguinity or affinity up to the second degree, with any representative of the applicant or the applicants, or related due to adoption, custody or guardianships to such representative of the applicant or the applicants;
- 5) I am not a superior of the applicant or the applicants;
- 6) no company inquiry, disciplinary proceedings or penal proceedings have been instituted against me in the matter of selecting projects for funding.

I understand that the premises listed in Points 2-4 also refer to situations where the matrimony, guardianship, adoption or custody have ceased.

INSTRUCTION: The statement is made under the pain of penal liability for giving false evidence, pursuant to Article 68a (9) of the Act of 11 July 2014 on the principles of implementation of the cohesion policy programmes financed under the 2014-2020 Financial Perspective⁴ (Journal of Laws of 2018, item 1431, as amended), in conjunction with Article 233 § 6 of the Act of 6 June 1997 – the Penal Code⁵ (Journal of Laws of 2018, item 1600, as amended).

Date:

Signature:

*** Article 233 of the Penal Code**

§ 1. Whoever, in giving testimony which is to serve as evidence in court proceedings or other proceedings conducted on the basis of a law, gives false testimony or conceals the truth shall be subject to the penalty of imprisonment for a term between 6 months and 8 years.

§ 1a. If the perpetrator of the prohibited act referred to in § 1 gives false testimony or conceals the truth because of fear of penal liability threatening himself/herself or his/her next of kin, he/she shall be subject to the penalty of imprisonment for a term between 3 months and 5 years.

§ 2. The prerequisite to this liability is that the person obtaining the testimony, acting within his/her competence, shall have warned the person testifying of the penal liability for false testimony or obtained a relevant pledge from the latter.

§ 3. Whoever, being unaware of the right to refuse testimony or answer questions, gives false testimony shall not be liable to the penalty.

§ 5. The court may apply an extraordinary mitigation of the penalty, or even waive its imposition if:

- 1) the false testimony, opinion or translation concerns circumstances which cannot affect the outcome of the case,
- 2) the perpetrator voluntarily corrects the false testimony, opinion or translation before a decision, whether or not final and valid, has been rendered in the case.

§ 6. The provisions of § 1-3 and 5 shall be applied accordingly to a person providing a false statement if a provision of a law provides for the possibility of obtaining a statement under the threat of penal liability.

II. I represent that

- 1) I have not been personally involved in the preparation of any of the grant applications filed as part of

⁴ **The Act of 11 July 2014 on the principles of implementation of the cohesion policy programmes financed under the 2014-2020 Financial Perspective (Journal of Laws of 2018, item 1431, as amended):**

Article 68a(8) The provisions of Article 24 § 1 & 2 of the Act of 14 June 1960 Code of Administrative Procedure shall apply to the expert accordingly.

Par. 9 The expert submits to the competent institution a statement to the effect that none of the circumstances excluding the possibility of implementing the actions provided for in Par. 1 specified on the basis of Pars. 7 and 8 is applicable. The statement is submitted under the penalties of perjury, of which the submitting person should be informed before submitting the statement.

Par. 1(1) The competent institution may assign experts to take part in the selection of projects for financing.

the competition;

- 2) I have not provided any information services for the purpose of the application submitted for assessment as part of the STEP instrument (checking your experimental project idea)
- 3) I have not been in matrimony, or in consanguinity or affinity up to the second degree, with any members of the supervisory bodies of the applicant or the applicants,
- 4) I have not been related due to adoption, custody or guardianship to any member of the supervisory bodies of the applicant or the applicants;
- 5) in the period of three years preceding this statement:
 - a) I have not been a partner, shareholder or stockholder of the applicant or applicants,
 - b) I have not been bound by an employment relationship or any civil-law relationship with the applicant or the applicants,
 - c) I have not been a member of management or supervisory bodies of the applicant or the applicants or of any other entity taking part in the preparation of grant applications;
- 6) I am not bound, and I have not been bound for three years preceding this statement, by any other relationships with the applicant or the applicants which would raise justified doubts as to my impartiality in the process of selecting grant applications;

I understand that the premises listed in Points 3-4 also refer to situations where the matrimony, guardianship, adoption or custody have ceased.

Date:

Signature:

III. I represent that

- 1) there are no circumstances that would lead to the above-mentioned conflict of interest, or compromise my impartiality, including in particular the fact that:
 - a) I have not been in matrimony, or in consanguinity or affinity up to the second degree with, and I have not been related due to adoption, custody or guardianship to:
 - persons preparing the grant application,
 - persons directly involved in project implementation by the Beneficiary, Consortium Members or Sub-contractors of project tasks⁶;
 - b) I have not been personally involved in the preparation of any **grant application** competing⁷ for co-financing with the application under assessment;
 - c) I have not been involved in the preparation of any appeal against a negative assessment of the application (where applicable);
 - d) I have not been personally involved in the implementation of project tasks⁸,
 - e) I have not taken part in project implementation as a contractor or sub-contractor⁹;
 - f) I do not have, and I have not had at any time in the project implementation period, an employment relationship with the Beneficiary, Consortium Members or Sub-contractors of project tasks¹⁰,

⁶ Refers to experts assessing project changes;

⁷ The term “*application competing for co-financing with the grant application under assessment*,” as used in this statement, applies to all the applications submitted for evaluation as part of a given competition, and the applications which, upon verifying formal requirements, have been sent for supplementation and/or adjustment and may be submitted for evaluation as part of the same competition.

⁸ Refers to experts assessing project changes;

⁹ Refers to experts assessing project changes;

¹⁰ Refers to experts assessing project changes;

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- g) I do not have, and I have not had at any time in the project implementation period, a civil-law relationship with the Beneficiary, Consortium Members or Sub-contractors of project tasks¹¹;
 - h) I do not act, and I have not acted, at any time in the project implementation period, as
 - a member of management and supervisory bodies, or other bodies of the Beneficiary, Consortium Members or Sub-contractors of project tasks, as defined under legal regulations,
 - a representative or commercial proxy of the Beneficiary, Consortium Partners or Sub-contractors of project tasks,
 - Partner, shareholder or stockholder of the Beneficiary, Consortium Members or Subcontractors of project tasks.¹²
 - i) I undertake not to contact the applicant/subcontractors of the project tasks whose application forms the subject-matter of my assessment, except for the situations envisaged under the Rules and Regulations of the Competition, and the Rules and Regulations regarding the Project Assessment Committee's work;
 - j) I undertake to immediately notify FNP of any attempts to influence my application assessment methods made by the applicant/representatives of the applicant or by any other persons and entities that are not taking part in the assessment process.
- 2) I am not involved, and I have not been involved in the period of one year preceding the statement date, in the preparation of grant applications on a commercial basis as part of the Smart Growth Operational Programme 2014-2020;
 - 3) I am not, and I have not been, in the period of one year preceding the statement date, a member of management or supervisory bodies of any entity involved in the preparation of grant applications on a commercial basis as part of the Smart Growth Operational Programme 2014-2020;
 - 4) I am not, and I have not been, in the period of one year preceding the statement date, a partner in any entity involved in the preparation of grant applications on a commercial basis as part of the Smart Growth Operational Programme 2014-2020;
 - 5) I do not own, and I have not owned, in the period of one year preceding the statement date, at least 10% of shares of stock in any entity involved in the preparation of grant applications on a commercial basis as part of the Smart Growth Operational Programme 2014-2020;
 - 6) I am not bound, and I have not been bound, in the period of one year preceding the statement date, by employment relationship with any entity involved in the preparation of grant applications on a commercial basis as part of the Smart Growth Operational Programme 2014-2020;
 - 7) I am not bound, and I have not been bound, in the period of one year preceding the statement date, by civil-law relationship with any entity involved in the preparation of grant applications on a commercial basis as part of the Smart Growth Operational Programme 2014-2020;
 - 8) I have not been in matrimony, or in consanguinity or affinity up to the second degree, with any person who is involved in, or, in the period of one year preceding the statement date, has been involved in the preparation of grant applications on a commercial basis as part of the Smart Growth Operational Programme 2014-2020;
 - 9) I have not been related due to adoption, custody or guardianship to any person who is involved in, or in the period of one year preceding the statement date, has been involved in the preparation of grant applications on a commercial basis as part of the Smart Growth Operational Programme 2014-2020;
 - 10) I undertake not to carry out any gainful activities in connection with the delivery of any project assessed by me within 12 months of the date of publishing the list of applications for which funding has been obtained as part of the competition on the website;
 - 11) I have not been involved in the assessment of a grant application which is the subject of an appeal under evaluation.

¹¹ Refers to experts assessing project changes;

¹² Refers to experts assessing project changes;

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I understand that the premises listed in Points 7-8 also refer to situations where the matrimony, guardianship, adoption or custody have ceased.

I undertake to promptly notify¹³ of any circumstances which can result in the situation where the aforementioned requirements are no longer met. I understand that in the event of certifying a false statement,¹⁴ will remove me from the List of candidate experts, and where a framework agreement is made, I will be subject to sanctions defined in such framework agreement.

In the event of being informed about the occurrence of any circumstances which can raise reasonable doubts as to my impartiality, I undertake to notify¹⁵ of the fact in writing.

.....
(Place, date)

.....
(signature)

The Penal Code

Article 271 [Certification of false statement] § 1 A public official or other person authorised to issue a document who certifies a false statement therein with regard to a circumstance having a legal significance shall be subject to the penalty of imprisonment for a term of between 3 months and 5 years.

§ 2. In the event that the act is of a lesser significance, the perpetrator shall be subject to a fine or a non-custodial sentence.

§ 3. If the perpetrator commits the act specified in § 1 in order to gain material or personal benefit, he/she shall be subject to the penalty of imprisonment for a term of between 6 months and 8 years.

IV. CONFIDENTIALITY STATEMENT

I represent that

- 1) I shall not retain copies of any written or electronic information, or documents, related to the assessment of the project,
- 2) I undertake to treat as confidential any information and documents disclosed to me, or created or developed by me in the course or as a result of the assessment process. I further undertake that any such information shall only be used for assessment purposes, and it shall not be revealed to any third parties or entities.

Date:

Signature:

Furthermore, aware of the penal liability for giving false testimony, arising under Article 233 § 1, in connection with Article 233 § 6 of the Penal Code, I hereby state that:

- 1) I enjoy full civil rights;
- 2) I have full legal capacity;
- 3) I have not been convicted of an intentional crime or an intentional fiscal offence by a legally binding sentence;
- 4) I have the necessary knowledge, skills, experience or authorisation required in the area covered by the operational programme, in accordance with the function I have assumed which entails the selection of projects for funding.

INSTRUCTION: The statement is made under the pain of penal liability for giving false evidence, pursuant to Article 68a (9) of the Act of 11 July 2014 on the principles of implementation of the cohesion policy programmes financed under the 2014-2020 Financial Perspective (Journal of Laws of 2018, item 1431, as

¹³ Please enter the name of relevant Competition Organiser

¹⁴ Ditto

¹⁵ Ditto

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amended), in conjunction with Article 233 § 6 of the Act of 6 June 1997 – the Penal Code (Journal of Laws of 2018, item 1600, as amended)*.

Date:

Signature:

*** Article 233 of the Penal Code**

§ 1. Whoever, in giving testimony which is to serve as evidence in court proceedings or other proceedings conducted on the basis of a law, gives false testimony or conceals the truth shall be subject to the penalty of imprisonment for a term between 6 months and 8 years.

§ 1a. If the perpetrator of the prohibited act referred to in § 1 gives false testimony or conceals the truth because of fear of penal liability threatening himself/herself or his/her next of kin, he/she shall be subject to the penalty of imprisonment for a term between 3 months and 5 years.

§ 2. The prerequisite to this liability is that the person obtaining the testimony, acting within his/her competence, shall have warned the person testifying of the penal liability for false testimony or obtained a relevant pledge from the latter.

§ 3. Whoever, being unaware of the right to refuse testimony or answer questions, gives false testimony shall not be liable to the penalty.

§ 5. The court may apply an extraordinary mitigation of the penalty, or even waive its imposition if:

- 3) the false testimony, opinion or translation concerns circumstances which cannot affect the outcome of the case,
- 4) the perpetrator voluntarily corrects the false testimony, opinion or translation before a decision, whether or not final and valid, has been rendered in the case.

§ 6. The provisions of § 1-3 and 5 shall be applied accordingly to a person providing a false statement if a provision of a law provides for the possibility of obtaining a statement under the threat of penal liability.

VI. I further state that:

- 1) I have familiarised myself with the content of the *Smart Growth Operational Programme 2014-2020* and with the *Detailed Description of the Priority Axes of the Smart Growth Operational Programme 2014-2020*;
- 2) I have familiarised myself with the project assessment criteria defined in the *Guide of criteria for the selection of operations financed under SGOP 2014-2020*;
- 3) I have familiarised myself with the *Rules and Regulations regarding the Project Assessment Committee's work/Rules and Regulations regarding the Appeals Committee work*;
- 4) I do not render, and I will not have rendered by the time of completing the assessment of grant applications submitted as part of the competition in which the application under assessment has been submitted, any paid consultancy services for the applicants submitting applications to the institution organising the competition;
- 5) there are no circumstances in the scientific relations towards the applicant, under which the expert (a) has presented opinions or a letter of recommendation for the applicant, knowing that he/she is taking part in that particular competition; (b) has acted as a promoter/supervisor of the applicant at an earlier stage of his/her scientific career, or a leader of the scientific team in which the applicant has worked (for the last 5 years); (c) is/has acted as an implementing body of a common research project during the last 3 years; (d) releases or has released publications jointly with the applicant for the last 3 years; or (e) is in direct scientific competition with the applicant.
- 6) I am not subject to any disciplinary proceedings.

Date:

Signature: