

REGULATIONS FOR THE EXPERT CALL

at the Foundation for Polish Science as part of the European Funds for a Smart Economy Programme (FENG)

I. PURPOSE AND SCOPE OF THE REGULATIONS

- 1) The purpose of the Regulations is to ensure a uniform and transparent system of recruitment of experts to carry out tasks under the European Funds for a Smart Economy Programme (FENG) 2021-2027 implemented by the Foundation for Polish Science (FNP), which acts as an Intermediate Body (IB) in this respect.
- 2) The scope of the Regulations includes the procedure for the recruitment of Experts from the European Funds for Modern Economy Programme (FENG) 2021-2027 for the purpose of performing IB tasks:
 - a) related to the selection of projects for co-financing (including the assessment of meeting the project selection criteria, project evaluation after it has been re-submitted for evaluation by the competent institution pursuant to Article 61(8) of the Act),
 - b) resulting from concluded project co-financing agreements (e.g. Control of Project Implementation, including verification of the Beneficiary's payment applications, monitoring of progress in project implementation, including mid-term evaluation of the Project, giving opinions on changes to implemented projects, project evaluation at the end of implementation, control and monitoring of project sustainability, other types of expertise),
 - c) related to the appeal procedure (verification of the assessment of compliance with the Project Selection Criteria, with which the applicant disagrees, and verification of the applicant's procedural allegations regarding the project evaluation performed).

II. DEFINITIONS

- 1) **Director (Director PD)** – Director of the Programme Division of the Foundation for Polish Science or Deputy Director,
- 2) **FENG Expert** – *a person referred to in Chapter 17 of the Act, who is included in the List of FENG Experts and with whom the FNP has concluded a Framework Cooperation Agreement with an Expert.*
- 3) **FENG** – European Funds Programme for a Smart Economy 2021-2027,
- 4) **FNP** – Foundation for Polish Science,
- 5) **IB** – Intermediate Body,
- 6) **MA** – Managing Authority,
- 7) **NSS** – National Smart Specialisation(s) or National Smart Specialisation (names used interchangeably), defining the field in which the Expert has knowledge, skills, experience or required permissions,
- 8) **Selection Committee** – a committee appointed by the Director PD to verify that a person applying for the status of a FENG Expert meets the criteria for selecting FENG Experts,

- 9) **Non-resident** – a person who is a resident of a country other than Poland and makes an annual tax return in a country other than Poland,
- 10) **Portal** – the European Funds Portal referred to in Article 46(b) of the General Regulations, available at www.funduszeuropejskie.gov.pl,
- 11) **Regulations** – the Regulations for Cooperation with Experts at the Foundation for Polish Science under the FENG Programme,
- 12) **Resident** – a person who is a resident of Poland and makes an annual tax settlement in Poland,
- 13) **SA NSS** – Specific Areas of NSS
- 14) **Framework Agreement on Cooperation with an Expert (Agreement)** – an agreement referred to in Article 83(1) of the Implementation Act, concluded between an Expert and the FNP, regulating the rights and obligations of the parties to execute Orders under the FENG programme,
- 15) **Act (Implementation Act)** – the Act of 28 April 2022 on the principles of implementing tasks financed from European funds in the financial perspective 2021-2027 (Journal of Laws 2022, Item 1079),
- 16) **Application** – an application/application form for inclusion in the List of Experts submitted via the FNP's IT system,
- 17) **List of Experts** – List of FENG Experts referred to in Article 81(2) of the Act, kept by the FNP as part of the European Funds for a Smart Economy Programme 2021-2027,
- 18) **Assignment** – a proposal for the implementation of the tasks referred to in Article 80 of the Act and in the Regulations, which will at least specify: the type of task, the amount of remuneration for its performance, detailed rules, the date of its completion and the role of an expert in performing these tasks.

III. GENERAL

- 1) The call for FENG Experts at the FNP is continuous, with the recruitment rounds being set by the FNP and lasting from the date indicated in the announcement until the call for proposals indicated in the announcement is closed but no longer than until the end of the implementation of projects co-financed under the FENG programme.
- 2) The recruitment round may be terminated earlier due to the urgent need to recruit additional Experts resulting from the implementation of IB tasks by the FNP within the FENG programme.
- 3) Subsequent rounds of calls for Experts are announced every time the number of Experts in a given field is insufficient in relation to the needs arising from the implementation of IP tasks by the FNP within the FENG programme.
- 4) The recruitment is open to people from Poland (Residents) and from abroad (Non-residents).
- 5) A person applying for the status of FENG Expert submits an Application for inclusion in the List of Experts. To do this, he or she must take the following steps:
 - a) Register in the electronic system provided by the FNP on www.wnioski.fnp.org.pl
 - b) Complete the electronic Application form for Inclusion in the List of Experts, involving accepting all required statements that form an integral part of the Application for Inclusion in the List of Experts; the electronic system enables the user to make changes to the electronic application form until the editing of the application data is closed.
- 6) A person applying for the status of FENG Expert specifies the particular field or fields (NSS) in which he has knowledge, skills, experience or required qualifications and specialization of the field (SA NSS (Specific Areas of NSS)). A person applying for the status of an EEG Expert,

depending on their knowledge, skills, experience or authorisations, may apply for the status of an Expert in the field of **science**, in **business** or both these areas at the same time.

- 7) **An expert in the field of science** shall perform the relevant tasks, particularly those involving:
 - a) Preparing merit-based evaluations for meeting the Project Selection Criteria (at the stage of selecting projects for co-financing),
 - b) Preparing opinions on projects at the implementation stage (including mid-term evaluation, applications for changes to Projects, final reports, etc. in terms of the degree of novelty and originality of the conducted and/or planned research and development works of the Project, development of R+D staff, etc.),
 - c) Implementing tasks related to the appeal procedure.

- 8) **An expert in business** shall perform the relevant tasks, particularly those involving:
 - a) Preparing merit-based evaluations for meeting the Project Selection Criteria (at the stage of selecting projects for co-financing),
 - b) Preparing opinions on projects at the implementation stage (including mid-term evaluation, applications for changes to projects, final reports, etc. in terms of project management, novelties of project results, profitability of implementation, market demand for project effects, analysis of the effectiveness of the selected path of knowledge transfer, etc.),
 - c) Implementing tasks related to the appeal procedure.

- 9) The Expert may be involved in activities, particularly those involving:
 - a) In the case of IP tasks related to the selection of projects for co-financing: preparing a substantive assessment of the Project, including participation in meetings of the Project Evaluation Committee on the principles set out in the RPEC;
 - b) In the case of IP tasks resulting from the Project Co-financing Agreement, including:
 - Preparing opinions on the Project during the implementation of the Co-financing Agreement and at the end of the Project;
 - Preparing opinions on applications for changes to the Project;
 - Preparing opinions and recommendations in the mid-term evaluation of the Project;
 - Checking Project Implementation;
 - Monitoring the progress of the Project at the stage of verification of the Beneficiary's payment claims and the sustainability of the Project;
 - Other commissioned tasks requiring the involvement of an Expert.
 - c) in the case of tasks related to the appeal procedure – particularly preparing opinions and participation in the Protest Committee.

- 10) The IB may appoint an Expert entered in the List of Experts to perform the tasks specified in Paragraph 10.

- 11) The role of experts in performing the FNP's tasks:
 - a) in the case of implementing IP tasks referred to in Point I(2)(a) - is specified in the RKOP and the Order – the IB treats the Expert's position as a decision, which means that it is binding for the IB, which must take it into account when making its final decision of the assessment stage,
 - b) in the case of the tasks referred to in Point I(2)lit. c), the IB it treats the expert's position as an opinion, which means that it is not binding on the IP and does not necessarily have to be taken into account when making a final decision.

- c) in the case of the tasks referred to in point I(2)(c), IP treats the Expert's position as an opinion, which means that it is not binding on IP and does not have to be taken into account when making a final decision (in accordance with the Rules of Work of the Protest Committee).
- 12) The FNP monitors and verifies the quality of the work performed by an expert who performs tasks for IP on an ongoing basis. Each time an Expert completes a task for the FNP, the Expert's work is evaluated on the basis of the Criteria for Expert Appraisal, as specified in the Rules of Cooperation with Experts at the Foundation for Polish Science within the framework of the FENG Programme or in an agreement concluded with the Expert.
- 13) Correspondence with a person applying for the status of FENG Expert is considered sufficient correspondence via e-mail.

IV. REQUIREMENTS FOR FENG EXPERTS

- 1) A FENG Expert can be a person who meets all of the following requirements:
- He or she enjoys full public rights,
 - He or she has full legal capacity,
 - He or she has not been convicted by a final judgment for an intentional crime or for an intentional fiscal offence,
 - He or she does not have an employment relationship with the Intermediate Bodies and the FENG MA (Managing Authority),
 - He or she consents to his or her personal data being included in the List of Experts and to the processing of personal data disclosed in the process of creating and maintaining the List of Experts, for the purpose of participation in the process of assessing applications for co-financing as well as performing IP obligations under the Implementation Act,
 - has the knowledge, skills, experience or required qualifications in a selected field covered by the programme, i.e.:
 - In the case of a candidate for the status of Expert in the field of science: at least a doctoral degree (or a higher academic degree/title) and at least three years of proven professional experience in the field of scientific research management or management of scientific units during the last five years,
 - In the case of a candidate for the status of Expert in business: at least higher education and a professional title (at least MSc, MSc or equivalent) and at least three years of proven professional experience in the field of conducting R+D work or knowledge transfer in the enterprise sector or enterprise management during the last 5 years.
- 2) The Applicant for Expert status shall submit a declaration on the fulfilment of the conditions referred to in points (a) to (f) of Paragraph 1. This statement shall form part of the Application Form for Inclusion in the List of Experts. The statement is made on pain of criminal liability for making false statements.
- 3) In order to confirm that the condition referred to in Point 1(f) in terms of educational or professional experience is met, the FNP may ask for documents confirming the content of the declarations at any stage of cooperation with an expert, particularly when assessing an application for inclusion in the List of Experts or before signing an Agreement with an Expert.
- 4) The FNP may also waive its requirement to confirm compliance with the condition referred to in Point 1(f) with the appropriate documents in a situation where such confirmation can be obtained in a different way, e.g. on the basis of information contained in publicly available

sources of information: the People of Science database; in recognised databases of scientific publications, e.g. Scopus or Web of Science; in business and company registers, etc.

- 5) The FENG Expert shall immediately inform the FNP of any circumstances that result in the cessation of compliance with the conditions referred to in Paragraph 1.

V. VERIFICATION OF APPLICATIONS FOR INCLUSION IN THE FENG LIST OF EXPERT

- 1) Submitting an application for inclusion in the List of Experts is not tantamount to obtaining the status of FENG Expert. The status of Expert is only granted to a person whose application has been approved.
- 2) Verification of applications for inclusion in the List of experts is performed by the Selection Committee. The verification process may be performed in the FNP's IT system.
- 3) The Selection Committee is appointed by the Director of the DP before the verification of applications for inclusion in the List of Experts received by the FNP as part of the recruitment process begins. The Committee consists of at least two IP employees.
- 4) It is envisaged that it is possible to supplement the submitted applications for inclusion in the List of Experts, on the basis of a notification submitted electronically by an employee of the IB.
- 5) Candidacy for Expert status is positively evaluated by the Qualification Committee in the case of positive formal verification of the submitted application and fulfillment of all mandatory criteria by the candidate according to the selected type of expert.
- 6) During the verification process, there shall be no discrimination against any person applying for Expert status on any grounds, particularly residence, disability, race, religion, nationality, political opinions, trade union membership, ethnic origin, religion, sexual orientation or gender.
- 7) Based on the verification, the Qualification Committee prepares a list of Experts who meet all mandatory criteria. The list is accepted by the Director PD and then forwarded for approval by the Board of the Foundation.
- 8) Applicants for the status of FENG Expert will be informed about the manner of examining the application electronically by an IB employee and, in the event of the Application being rejected, the Applicant will be informed of the reasons for not including them in the List of Experts.
- 9) Applicants for the status of ENG Expert whose applications for inclusion in the List of Experts are rejected may not appeal against the result of the verification of the application. However, they may resubmit their application for inclusion in the List of Experts if they are able to remedy the reasons that led to the rejection of a previous application.

VI. KEEPING THE LIST OF EXPERTS

- 1) The FNP maintains the List of Experts referred to in Article 81 of the Act.
- 2) The list of experts is publicly available and can be found on the FNP's website at www.fnp.org.pl and on the Portal.
- 3) An Expert may be entered on the List of Experts if he or she:
 - a) has declared that he or she has read the Regulations and accepts their provisions and undertakes to apply them,
 - b) has made the required declarations,
 - c) meets the relevant Selection Criteria,
 - d) has been positively assessed by the Selection Committee,

- e) meets the conditions set out in Article 81(3) of the Act and has made the declarations referred to in Article 81(4) of the Act.
- 4) Statements regarding compliance with the requirements referred to in Paragraph 3, Point e) are submitted by the Expert on pain of criminal liability for making false statements.
- 5) The expert is obliged to immediately inform the FNP of any circumstances that cause failure to meet the requirements referred to in Article 81(3) of the Act.
- 6) The List of Experts shall include:
 - a) The Expert's **forename and surname**,
 - b) The expert's **e-mail address**,
 - c) **An indication of the field(s)** covered by FENG in which the expert has the knowledge, skills, experience or required authorisations.
- 7) Obtaining the status of FENG Expert and entering it on the List of Experts does not oblige the FNP to submit Orders for execution to the FENG Expert. The FENG expert is not entitled to any claims in this respect.
- 8) Verification of applications received in the call for proposals is carried out at least once every 45 days, counting from the date of announcement of the call on a continuous basis, or more frequently, as the FNP needs and as applications for inclusion in the List of Experts are received.
- 9) Every time the List of Experts is updated, the IB provides information about the update to the MA FENG.

VII. UPDATING FENG EXPERT DATA

- 1) FENG experts are obliged to update their data and notify the FNP electronically of this. On this basis, the FNP shall update the data of the Experts, including information on their knowledge, skills, experience and required authorisations in (a) given field(s), as well as employment and contact details, on the basis of information provided by the Experts concerned.
- 2) Moreover, before submitting the Order to the expert, the FNP verifies the compliance of the indicated NSS and SA NSS expert with the current list of KIS and SO KIS (if the NTIS or SO KIS has been updated).

VIII. DELETION OF FENG EXPERT DATA FROM THE LIST OF EXPERTS

- 1) A FENG Expert shall be removed from the List of Experts if at least one of the following circumstances arises:
 - a) He or she has lost all public rights,
 - b) He or she has lost full legal capacity,
 - c) He or she has been convicted by a final judgment for an intentional crime or for an intentional fiscal offence,
 - d) He or she has lost the required rights in the field covered by FENG, according to the role referred to in Article 81(3)(4) of the Implementation Act,
 - e) He or she has submitted a written or electronic request to be removed from the List of Experts,
 - f) There were grounds for removal from the List of Experts, specified in the Regulations for cooperation with Experts at the Foundation for Polish Science under the FENG Programme or in the FENG Agreement concluded with the Expert.

- 2) The FNP shall notify a person who has been removed from the List of Experts electronically of his or her removal from the List of Experts.
- 3) A person removed from the List of Experts may re-apply for entry in the List of Experts no earlier than one year after the date of deletion.

VIII. FINAL PROVISIONS

- 1) These Regulations have been developed in accordance with the provisions of the Act of 28 April 2022 on the principles of implementation of tasks financed from European funds in the financial perspective for 2021-2027 (Journal of Laws, item 1079).
- 2) The Regulations are prepared by the FNP's Programme Department and are adopted by the FNP Executive Board.
- 3) These Rules of Call for Experts come into force on the date of approval of the content by the FNP Management Board. Similarly, any amendment to this document requires the approval of the FNP Management Board.

IX. APPENDICES

- 1) Application Form for Registration on the List of Experts,
- 2) Criteria and Procedure for Evaluation of the Applications from Candidates for FENG Expert Status,
- 3) List of National Smart Specialisations.