

# The principles of cooperation with experts

## at the Foundation for Polish Science under Measure 4.4 of the Smart Growth Operational Programme

### § 1

#### Definitions

- 1) **Director** – the Director or Deputy Director of the Programme Division of the Foundation for Polish Science
- 2) **Expert** – an expert candidate with whom the FNP has concluded an agreement under Article 68a (6) of the Act.
- 3) **FNP** – the Foundation for Polish Science.
- 4) **IA** – the Implementing Authority.
- 5) **Expert candidate** – the person referred to in Article 68a of the Act.
- 6) **Assessment** – an expert opinion, or an opinion of a different kind, depending on the type of work specified in detail in the Order.
- 7) **SG OP** – the Smart Growth Operational Programme 2014-2020.
- 8) **Agreement** – an agreement concluded with an expert under Article 68a, Par. 6 of the Act (regarding framework cooperation).
- 9) **Act** – 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 2017, item 1460, as amended).
- 10) **List** – a list of expert candidates as part of SG OP, as referred to in Article 68a, Par. 11 in connection with 12 of the Act.
- 11) **Order** – a proposal concerning the Evaluation or any other task to be performed for the benefit of the FNP, as part of which at least the following elements are determined: task type, remuneration, detailed principles and dates of task performance, as well as expert's role in assessing grant applications or in performing other tasks connected with the

execution of the rights and obligations of the FNP, as arising from the project financing agreement or from the Board's decision regarding project financing.

12) **Principles** – these principles of cooperation with experts at the Foundation for Polish Science under Measure 4.4 of the Smart Growth Operational Programme 2014-2020.

13) **Board** – the Board of the Foundation for Polish Science.

## § 2

### Scope of application

- 1) These Principles shall be applied by the Foundation for Polish Science as part of Measure 4.4 of the Smart Growth Operational Programme 2014-2020, in the process of cooperating with experts, as referred to in Article 68a of the Act, for the purpose of:
  - a) assessing grant applications (including verification of any submitted objections),
  - b) implementing IA's activities resulting from the project financing agreements concluded under Measure 4.4. of SG OP (e.g. mid-term reviews, applications for project modifications, final reports and other kinds of opinions).

## § 3

### Types of tasks performed by experts

- 1) Experts shall prepare Assessments or perform other tasks for the benefit of the FNP, which shall include in particular:
  - a) participating in the grant application assessment process – in line with the project selection criteria, as adopted by the SG OP Monitoring Committee, i.e.
    - preparing the substantive evaluation of the project, as part of which they shall also participate in meetings of the project assessment committee;
    - drawing up written opinions in the course of substantive evaluation;
    - drawing up opinions as part of the appeals verification procedure, as part of which they shall also participate in the work of the appeals committee;
  - b) performing tasks related to the execution of the rights and obligations of the FNP arising from the project financing agreement, i.e.
    - drawing up project-related opinions in the course of implementation of the grant agreement;
    - drawing up opinions regarding requests for project changes;
    - drawing up opinions regarding specialised equipment requests;
    - conducting mid-term project reviews;
    - inspecting project implementation; and
    - verifying beneficiary's payment requests.

- 2) An expert who is a member of the expert team/project assessment committee shall perform tasks connected with participating in the team/committee's work, in line with the work regulations of that team/committee.

## § 4

### The principles of selecting experts

- 1) The Board shall appoint experts, or a project assessment committee, from among the expert candidates included in the List of expert candidates, as referred to in Article 68a, Par. 11 of the Act, based on candidate proposals made by the Programme Officer upon consultation with the Director.
- 2) The appeals committee experts shall be appointed by the Board, at the request of the Director, provided that they may not be the experts involved in grant application assessment.
- 3) Experts shall be appointed in line with the following principles:
  - a) expert candidates are selected from the List,
  - b) the following aspects shall be taken into consideration in the expert selection process: knowledge, skills, experience or required qualifications in the area covered by the operational programme, corresponding to the prospective expert's role as specified in the Order, including scientific achievements, as well as achievements made in the areas corresponding to the subject-matter of the grant application or project, economic or scientific activity (publications, patents, R&D project implementation, and participation in business ventures or implementation of the outcomes of R&D work), professional experience, and previous cooperation between the FNP and the prospective expert,
  - c) in the selection process, no expert may be discriminated for any reason, including especially his/her place of residence, disability, race, religion, nationality, political views, affiliation, ethnic origin, denomination, sexual orientation or gender.
  - d) the Order may be performed by a person declaring his/her willingness to work on specified dates, subject to submitting the relevant impartiality and confidentiality statement, based on the template provided by the FNP.
- 4) No expert candidates who have taken part in the project selection process may perform any tasks related to the execution of the rights and obligations of the FNP, as arising from the project financing agreement, or from the Board's decisions regarding project financing.

## § 5

### Agreements concluded with experts

- 1) Experts shall perform their tasks under the agreement concluded with the FNP, which forms Appendix 1 hereto, upon obtaining the specific Order from the FNP.

- 2) The agreement shall be provided to an expert by the organisational unit of the FNP in charge of agreements and payments.
- 3) The organisational unit of the FNP in charge of agreements and payments shall keep a register of the agreements concluded with experts, as referred to in Par. 1.
- 4) Experts are obliged to notify the FNP of the following circumstances within 14 days of their occurrence:
  - a) being deprived of full civil/public rights,
  - b) being deprived of full legal capacity,
  - c) being convicted by a legally binding sentence for an intentional offence or an intentional fiscal offence,
  - d) being found by a legally binding disciplinary commission decision in violation of the ethical principles in science.

## § 6

### Remuneration payable to experts

- 1) The remuneration payable to experts is specified in Appendix 2 hereto.
- 2) In justified cases, regarding in particular experts from outside Warsaw, the Foundation shall offer, in line with the *Principles of financing and reimbursing the costs of travel and accommodation incurred by persons not employed in the Foundation for Polish Science*, as binding in the Foundation, a hotel stay or increased remuneration for the expert, taking into account the costs of accommodation and travel to/from Warsaw, or the reimbursement of duly documented travel costs, or remuneration increased by the travel costs incurred by that expert.
- 3) The remuneration payable to experts, increased by accommodation costs or by travel costs, as referred to in Par. 2, is specified in Appendix 2 hereto.

## § 7

### Monitoring of experts' work

- 1) The FNP shall monitor and verify the quality of expert's work on an ongoing basis.
- 2) The quality of expert's work shall be evaluated each time upon completing the grant application assessment in the tender procedure during which a given expert has conducted Assessments. The quality of expert's work shall be evaluated on the basis of the evaluation sheet template forming Appendix 3 hereto, and shall be positive when at least 70% of points are obtained (otherwise, the evaluation outcome shall be negative). The template may also be used to evaluate experts' work in other programmes and projects, including the work performed by experts taking part in on-site inspections.

## § 8

### Agreement termination and removal from the List

- 1) The FNP shall terminate the Agreement with an expert with immediate effect, and shall remove the expert from the List under any of the following circumstances:
  - a) the expert no longer enjoys full public rights,
  - b) the expert no longer has full legal capacity,
  - c) the expert has been convicted by a legally binding sentence for an intentional offence or an intentional fiscal offence,
  - d) the expert has lost the required authorisations in the area covered by the operational programme, adequate for performing the role of an expert in the grant project selection process or any tasks related to the execution of the rights and obligations of the FNP, as arising from the project financing agreement, or from the Board's decisions regarding project financing,
  - e) the expert has made a false impartiality and confidentiality statement in respect of the applicant/project contractor, or a statement/declaration of any other type, which the expert has received in connection with the Order,
  - f) the expert has been hired by the Managing Authority, the Intermediary Authority or the Implementing Authority for the Smart Growth Operational Programme – as regards experts performing Orders as part of SG OP for the benefit of the FNP,
  - g) the expert has refused to perform the Order three times without any justified reason,
  - h) the expert has been found in violation of the ethical principles in science, by a legally binding disciplinary commission decision,
  - i) the Board has found, based on the FNP Ethical Commission, that the expert is in violation of the FNP ethical code,
  - j) the FNP has become aware of other circumstances, not listed under point (a), rendering the impartial and reliable performance of an expert function impossible,
  - k) the expert has submitted a written request to be removed from the List,
  - l) the expert has withdrawn his/her consent to his/her personal data being included in the List,
  - m) the expert has died.

## § 9

### Appendices to these Principles

- 1) Appendix 1 – A model framework cooperation agreement.
- 2) Appendix 2 – The amounts of remuneration payable to experts
- 3) Appendix 3 – The expert's work evaluation sheet template.