

**Conference on anti-corruption and anti-fraud measures in relation
to the use of European Structural and Investment Funds
Brussels, 3. December 2013**

**Working Group C:
Why conflicts of interests in procurement matter
and how to tackle them**

**Actions to mitigate the impact
of conflict of interests**



Q5

Identifying conflicts of interests in public procurement procedures for structural actions - a practical guide for managers (COCOLAF fraud prevention workshop)

- ▶ Definition of conflict of interests
- ▶ Each person participating in a procurement procedure should be required to fill in a declaration of absence of conflict of interests.
- ▶ Tools for checking the declarations (Arachne, open sources, checklists, red flags, notifications from whistleblowers, media)
 - Referral to investigation or law enforcement bodies
- ▶ Red flags to help identifying conflict of interest situations
- ▶ Examples of real cases to help explaining the concept and to raise awareness among staff

Tools

A - The declaration of absence of conflict of interests

The person declares, for a specific procurement procedure,

- whether, to his/her knowledge, he/she is in an conflict of interests situation;
- whether there are circumstances that might place him/her in a conflict of interests in the near future;
- that he/she commits to declare immediately any conflict of interests in the event of any change of circumstances.

Tools

A - The declaration of absence of conflict of interests

Any person involved in public procurement procedures should sign a declaration and give it to the person in charge of the procurement procedure.

The obligation should apply at least to:

- the head of the contracting authority and anyone to whom he/she delegates his/her duties,
- members of the management board;
- staff contributing to preparing the tender documents,
- members of the evaluation committee and
- experts involved in the preparation of the tender documents and/or evaluation of the bids.

Tools

B - Code of conduct for avoiding conflict of interests and incompatibilities situations by the staff involved in the management of the EU funded programs – guideline

- ▶ **The Code** was approved by the Romanian Prime Minister. It was drafted in collaboration by all authorities managing EU funds.

- ▶ **The main objectives of the Code:**
 - **to clarify** how the principles and general rules regarding incompatibilities and conflict of interests situations apply to the staff involved in the management of EU funded programmes, at different stages of the implementation.
 - **to constitute a guide** for preventing and avoiding conflict of interests and incompatibilities situations that may concern the above mentioned staff.

Code of conduct – brief overview

- ▶ The Code presents a collection of provisions from the national and EU legislation regarding the conflict of interests and incompatibilities.
- ▶ Definitions of “conflict of interests” from national and EU legislation.
- ▶ Categories of staff concerned and situations that might generate a conflict of interests.
- ▶ Some practical examples of conducts likely to generate a conflict of interests.
- ▶ Each employee from the Management Authorities will have to sign a **declaration on the absence of conflict of interest situations** (annexed to the Code).

Tools

C - Questionnaire on conflict of interests

The questionnaire

- aims to assess the level of knowledge of the employees from public institutions towards the national legal provisions on the conflict of interest and incompatibilities,
- multiple choice questions,
- must be periodically completed by employees.

It is part of the measures set up by the **Romanian National Anticorruption Strategy 2012-2015**, to raise awareness on corruption phenomena in public institutions and to maximize the impact of anti-corruption measures.

Tools

D - Checklists on conflict of interests

The Romanian Managing Authorities drew up and incorporated into the internal procedures:

- ▶ an ex-ante checklist to be completed **when performing the initial verification** of the public procurement contract,
- ▶ an ex-post checklist to be completed **after signing the contract**, when certain modifications occur during the contract implementation.
- ▶ The checklists comprise a number of indicative, concrete situations.
- ▶ If a situation is confirmed, the information must be send immediately to the competent structures to investigate the conflict of interests.

Q6

Q7

Thank you !

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