



LOMBARDY GREEN CHEMISTRY ASSOCIATION
Selezione external controller



Apertura posizione: 10 gennaio 2020
Chiusura candidature: 31 gennaio 2020

Oggetto: Lettera di invito per servizi di assistenza finanziaria (First level control - FLC) nell'ambito del progetto ARDIA-Net (Project number 821) finanziato dal Programma Spazio Alpino 2014-2020

Premessa

LOMBARDY GREEN CHEMISTRY ASSOCIATION (LGCA) intende procedere alla selezione di un fornitore per l'affidamento di un servizio di assistenza finanziaria e audit.

Il servizio è richiesto nell'ambito del progetto ARDIA-Net (Project number 821) finanziato dal Programma Spazio Alpino 2014-2020, di cui LGCA è partner con responsabilità di sviluppo di una modello transregionale di governance dell'innovazione nei settori della bioeconomia e dell'health-economy nella regione Alpina.

In esecuzione di quanto previsto dal "*First level control manual*" (Factsheet 4.1) parte integrante del "*Project implementation handbook*" del Programma Spazio Alpino 2014-2020, qui in allegato, LGCA invita a presentare preventivo per la procedura di affidamento del servizio in oggetto da espletarsi ai sensi di quanto disposto dal "*Fist level control manual*" e in ottemperanza di quanto disposto degli 7.4. (Pre-selection of first level control bodies), 8.2.4 (Specific requirements) e 10 (First level control procedure) come meglio descritto nel documento allegato.

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La presente richiesta di preventivo non vincola LGCA all'affidamento del servizio oggetto della stessa. L'affidamento avverrà anche in presenza di almeno tre preventivi validi. LGCA procederà ad individuare il preventivo migliore privilegiando quello ritenuto congruo e conveniente (*best value for money criteria*).

Requisiti e criteri per la selezione

L'esecuzione delle verifiche previste dall' art. 23 del Reg. (UE) n. 1299/2013 e dall' art. 125 del Reg. (UE) 1303/2013 dovrà essere affidata a controllori designati tra soggetti qualificati, in possesso dei necessari requisiti di professionalità, onorabilità, indipendenza e conoscenza della lingua inglese.

I requisiti professionali richiesti sono elencati nell'Allegato A (Onorabilità, professionalità e indipendenza), in particolare il controllore incaricato deve essere iscritto, da non meno di tre anni, all'Albo dei Dottori Commercialisti e degli Esperti Contabili - Sezione A, o in alternativa, essere iscritto da non meno di tre anni al Registro dei Revisori Legali di cui al decreto legislativo n. 39/2010 e ss.mm.ii.

Tipologia di servizio richiesto

In accordo con le procedure previste dall'articolo 10 del "First level control manual" (Factsheet 4.1) l'external auditor anche attraverso electronic Monitoring System (eMS) è tenuto alla verifica:

- ✓ verificare con cadenza semestrale lo stato di avanzamento della spesa e la sua coerenza con i criteri di eleggibilità previsti dal Programma in accordo con la lista delle spese e i report intermedi prodotti dal beneficiario. Sono previsti almeno 5 periodi di rendicontazione a far tempo dalla data di avvio del progetto 02/10/2019 per i successivi 33 mesi.
- ✓ verificare la compilazione dei riepiloghi di spesa, budget, report, ecc, redatti dal Beneficiario a valere sul Progetto indicato in premessa
- ✓ verificare i costi diretti ed indiretti imputati al Progetto (giustificativi di spesa, quietanze di pagamento, ecc.)
- ✓ predisporre il First Level Control certificate secondo le direttive e le linee guida definite dal Programma Spazio Alpino attraverso electronic Monitoring System (eMS)
- ✓ predisporre lettere con eventuali rilievi riscontrati in fase di audit intermedi e finali
- ✓ le spese sono in linea con le regole nazionali ed europee di ammissibilità del Programma Spazio Alpino
- ✓ le spese sono state effettivamente pagate ad eccezione dei costi relativi agli ammortamenti, agli importi forfettari e tassi forfettari
- ✓ le spese sono state sostenute e sono state pagate (con le eccezioni di cui alla lettera "b") entro il termine stabilito
- ✓ coerenza delle spese rispetto al periodo del progetto

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- ✓ le spese basate su importi forfettari e tassi forfettari (se esistenti) sono calcolati correttamente e il calcolo il metodo utilizzato è appropriato;
- ✓ le spese rimborsate sulla base dei costi ammissibili effettivamente sostenuti sono registrate correttamente in un sistema contabile separato o ha un codice contabile adeguato assegnato
- ✓ i documenti di spesa sono disponibili per l'ispezione
- ✓ le spese in divise diverse dall'euro sono state convertite utilizzando il tasso di cambio corretto
- ✓ sono state osservate le pertinenti norme UE / nazionali / istituzionali e in materia di appalti pubblici
- ✓ sono state osservate le norme sulla pubblicità dell'UE e del programma
- ✓ le spese sono legate ad attività in linea con il modulo di domanda e il contratto di sovvenzione

Modalità di presentazione della proposta

Al fine di partecipare alla procedura di selezione, i fornitori dovranno inviare il proprio preventivo riportante nell'oggetto "ARDIA-Net (Project number 821)" esclusivamente all'indirizzo e-mail segreteria@chimicaverdelombardia.it riportando nell'oggetto della mail la dicitura: "External controller".

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FactSheet

No. 4.1

First level control manual



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1. Introduction

Aiming at a proper use of public funds financial control is an important but also complex part of the implementation of ERDF co-financed projects. In transnational programmes the complexity is further increased by the necessary interplay of rules and procedures on national and programme level.

With the aim to ensure that only eligible project and programme expenses are co-financed by EU-funds, several layers of financial controls are foreseen in Interreg programmes.

At the first level all programme and project expenses are controlled and the ones eligible for co-financing are certified, this is the so-called first level control (FLC). On a second level the programme's management and control system as well as projects (these on a sample basis) are audited. This is the so-called second level control. In the Alpine Space programme this task will be performed by a contracted company under supervision of the group of auditors. In addition, the European Commission can perform audits of the programme to verify the functioning of the system. This is the so-called third level control.

As regards the first level control (FLC) the present FLC Manual has been elaborated. It shall combine all relevant information on general programme and specific national requirements as regards the FLC in one single document. As the FLC Manual addresses first level controllers, first level control coordinators as well as project partners it guarantees that all relevant stakeholders have the same basis of information.



The result of the first level controls is documented in the FLC certificate. This document indicates the certified eligible amount and is issued by the FLC body. Only on the basis of FLC certificates and project reports, ERDF payments can be initialised to the projects.

4. First level control systems

In accordance with the regulations EU Member States participating in the programme have to set up national control systems, including FLC systems in order to fulfil the first level controls.

There are two ways to organise the national FLC systems.

In **decentralised systems** a number of FLC bodies are available for the controls. Aiming at proper and harmonised implementation of the first level controls the FLC bodies are coordinated by the national first level control coordinating body (FLCC body). As unambiguous assignments of FLC bodies to project participants are required, FLC bodies have to be officially authorised for each project participant separately by the FLCC body.

Centralised systems foresee only one FLC body on national level responsible for implementing the verifications for all project participants of the respective Member State.

Austria, France, Germany and Italy have decided to build up a decentralised first level control system whereas Slovenia has set up a centralised system.

5. First level control coordination

As already mentioned above FLCC bodies set up on national level shall contribute to the important target of duly, harmonised and standardised implementation of first level controls for all expenses declared by project participants and independent from the project participant's location. Considering the high relevance and responsibility connected with this task the following duties were defined for FLCC bodies:

- coordination of set up and maintenance of the description of the national control system ¹
- authorisation of national FLC bodies
- coordination of the national FLC bodies

¹ In Austria the partners of the Agreement between the Federal Level and the Länder pursuant to Art.15a of the Federal Constitutional Act on the Management and Control System in Austria for the Structural Funds in the period 2014-2020 are the responsible institutions for the setting up for the system



- contact point for managing authority (MA) and joint secretariat (JS) as regards the national control system
- distribution of programme relevant information, documents and forms to FLC bodies (MA as well as JS)
- contact point in case of (eligibility) questions for FLC and programme bodies (with the support of JS and MA if needed)
- organisation of seminars for FLC bodies (on demand)
- participation in FLCC meetings organised by MA and JS
- implementation of quality checks with regard to the national first level control system

For each EU Member State one FLCC body has been nominated. The list of FLCC bodies is set out in the chapter → contacts (chapter 15). Each FLCC body shall register in the eMS with a standardized username: [FLCC_COUNTRY-NAME].

6. Authorisation of first level controllers

Each FLC body has to be officially authorised by the FLCC body before checking and certifying any project related expenses. This usually happens within five months after the approval of the project. FLC bodies not authorised will not be granted a FLC role in the eMS and will therefore not have the possibility to issue FLC certificates.

FLC bodies have to be authorised for and assigned to each single project participant in a project. Hence it is the responsibility of each project participant to take care for the identification of its FLC body in due time². Authorisations and assignments are valid for one specific project only. That means that a project participant partaking in several projects needs a new FLC authorisation each time even if the FLC body remains the same in all projects.

FLC bodies have to fulfil specific requirements laid down on national level (→ chapter 8: Requirements for first level controllers). These should be considered by project participants when pre-selecting a FLC body (→ chapter 7: Pre-selection of first level control bodies). Project participants can ask FLCC bodies in their countries for support in case they face difficulties to find an appropriate FLC body².

² Not relevant for Slovenia – check chapter 7.5



After a FLC body has agreed to take over the FLC tasks either the project participant or the FLC body has to inform the FLCC body in its Member State accordingly and to ask for authorisation².

The FLCC body will verify if the pre-selected FLC body fulfils the requirements and keep the respective documentation at its premises.

Based on this verification the authorisation can exclusively be issued via the eMS. For the purpose of authorisation only the FLCC body will be granted access to the respective section of the eMS and it will be ensured that the FLCC bodies can authorise FLC bodies for project participants located in their Member States only.

Information on the FLC body (name, contact data), the name of the person(s) in charge and the user name(s) of the respective controllers (persons allowed to upload certificates) have to be disclosed by the FLCC via the eMS. The FLCC body is responsible to insert correct and all relevant information in order to activate the authorisation of the FLC body for the respective project participant. With the authorisation the FLCC body confirms that all requirements are met and that FLC certificates of the the respective FLC body can be accepted. With this authorisation and assignment of the role of a FLC body, the latter is granted access to the relevant sections in the eMS in order to fulfil its tasks and to issue FLC certificates.

It is the task and the responsibility of the FLCC bodies to keep the authorisations in the eMS up to date and to update the information immediately in case FLC bodies, persons in charge etc. change. Therefore, FLC bodies are obliged to inform the FLCC body on such changes without delay.

7. Pre-selection of first level control bodies

The pre-selection of FLC bodies is dependent from the national control system.

7.1. Austria

According to the Agreement between the Federal Level and the Länder pursuant to Art. 15a of the Federal Constitutional Act on the Management and Control System in Austria for the Structural Funds in the period of 2014-2020 ("Article 15a B-VG") the selection of a first level control body is dependent on the criteria set out below and limited to nominated first level controllers:

- a) The control tasks are carried out by an appropriate body of the responsible federal ministry, if the beneficiary is under its authority, acts on behalf of it or is predominantly co-financed by it. The



- control tasks are carried out by an appropriate body of the responsible Land, if the beneficiary is under its authority, acts on behalf of it or is predominantly co-financed by it.
- b) If the beneficiary receives co-financing from several federal ministries or Länder, the control tasks are carried out – unless another agreement in written form was formulated by the co-financing institutions – by the federal ministry or Land which provides the highest amount of the national co-financing.
 - c) If the beneficiary who participates in the programme is a city or a municipality or under its authority, acts on behalf of it or is predominantly co-financed by a city or a municipality, the control tasks are carried out by an appropriate body of the Land on which territory the city or municipality is located.
 - d) As regards all other beneficiaries the responsibility for the control lies with the relevant/competent federal ministry. If the appropriate ministry cannot be identified, the responsibility for the control lies with the Austrian Federal Chancellery.
 - e) The bodies mentioned under a) to d) can assign qualified external controllers to carry out control tasks (the operative implementation of the control as well as issuing the certificate). For this purpose a pool of qualified external controllers will be established on the basis of a public tender by the contracting parties.

7.2. France

The project participant is free to appoint its FLC body, but the latter needs to be authorised according to the procedure set out in → chapter 6. Additionally please see → chapter 8 on requirements for FLC bodies.

Depending on their status, project participants must comply with the following rules when selecting their controllers:

- Private project participants: expenditure is controlled by an independent controller who must be contractually bound to the project participants before the first records of expenditures are transmitted. It is not possible to use the accounting services of the organisation, but the services of the statutory auditor may be used.
- Public project participants that belong to a public organisation are not bound to sub-contract the service, provided that the organisation possesses the corresponding skills (e.g., public accountant, a functionally and hierarchically independent service) and honours the obligation to remain functionally independent.

Note: within a single project, each project participant can call on a different controller independently from its partners.



Each controller has to provide detailed information on its skills and experience using a specific document (see 17.2.2 technical annex for the supply) which is controlled by the project participant and counterchecked by the FLCC body.

7.3. Germany

The project participant is free to appoint its FLC body, but the latter needs to be authorised according to the procedure set out in → chapter 6. Additionally please see → chapter 8 on requirements.

7.4. Italy

The project participant is free to appoint its FLC body, but the latter needs to be authorised according to the procedure in → chapter 6. Additionally please see → chapter 8 on requirements.

When selecting an **external controller** the project participant must comply with public procurement rules. The following procedure is foreseen in this case:

a) The project participant collects the following documents:

- self-declaration by the controller, in the form foreseen by the national rules, attesting honourableness, independence, professionalism and knowledge of the English language;
- self-declaration in accordance with articles 46 and 47 of the Presidential Decree of 28 December 2000, n. 445 and subsequent amendments, vouching that the controller has been registered into the Register of Chartered Accountants and Accounting Experts, or the Register of Legal Auditors, for at least three years;
- photocopy of the identification card;
- clearance for the treatment of personal data.

b) Submission of documents to ad hoc Committee

Attached to a transmission letter and an informative report the project participant sends the full set of documents listed above to the Italian FLCC (=programme's representative within the ad hoc Committee).

c) Verification of documents and authorisation of the FLC

The FLCC body verifies the documentation's completeness, fills a check list with the result of the verification, sends the full set of documents with an official note to the other members of ad hoc Committee.

After an exhaustive verification, each member assents or denies to the President of the ad hoc Committee the proposed controller within at most ten working days, even by email. In case of no communication for assent or rejection by the member(s) after ten days, the acceptance of the controller is assumed as granted.



Having verified the members' responses, the president of the ad hoc Committee authorises the FLCC with an official note to subscribe the deed of confirmation of the controllers. This confirmation of the controller is then delivered to the project participant. Information on the authorised FLC body will be inserted into the eMS by the FLCC.

Only the public administration, as provided for in the art. 1.2 of Legislative Decree 165/2001 may have recourse to an **internal controller**. In this case the following procedure is foreseen:

- a) The project participant identifies the unit responsible for carrying out the first level control having regard to the independence from the unit responsible for project implementation and the unit in charge of making payments related the project implementation.
- b) The project participant sends to the programme's representative within the ad hoc Committee the following documents:
 - a. transmission letter, officially signed and registered;
 - b. informative report;
 - c. a declaration stating that the identified unit is independent, certified with an administrative deed and/or an organization chart, and has knowledge of English language.
- c) The FLCC-body verifies the documentation's completeness, fills a check list with the result of the verification, sends the full set of documents with an official note to the other members of ad hoc Committee.

After an exhaustive verification, each member assents or denies to the President of the ad hoc Committee the proposed controller within at most ten working days, even by email. In case of no communication for assent or rejection by the member(s) after ten days, the acceptance of the controller is assumed as granted.

Having verified the members' responses, the president of the ad hoc Committee authorises the FLCC with an official note to subscribe the deed of confirmation of the controllers. This confirmation of the controller is then delivered to the project partner. Information on the authorised FLC body will be inserted into the eMS by the FLCC body.

7.5. Slovenia

As Slovenia follows a centralised FLC system there is only one FLC body available to take over the FLC tasks for project participants in the Alpine Space programme. Thus, the requirement of pre-selecting its FLC body is not relevant for Slovene project participants.



Nonetheless the authorisation procedure as mentioned in → chapter 6 is applicable for Slovene project participants correspondingly.

According to the Article 74 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 responsible body for setting up the first level control system is the Government Office for Development and European Cohesion Policy.

Within the GODC the Control Division – ETC, IPA and IMF Programmes is appointed to carry out the first level controls in accordance with Article 23 Regulation (EC) No 1299/2013 for all Slovenian project participants.

8. Requirements for first level controllers

On programme level some general common requirements for first level controllers have been defined. Additional specific requirements are set on national level and specified in → chapter 7.

8.1. Common requirements

The programme language in the Interreg Alpine Space programme is English and all programme documents are written in English. Therefore it is essential that first level controllers are at least able to understand English documents, especially the programme's eligibility rules and fact sheets as well as project relevant documents like the approved application form, the subsidy contract or the partnership agreement. First level controllers have to register and work operatively in the eMS. It is strongly suggested to use a standardized username format [FLC_COUNTRY-NAME-ABBREVIATION_CONTROLLER-LAST-NAME], for example [FLC_DE_Mueller].

First level controllers must be aware of relevant EU and national regulations, among them in particular EU and national public procurement law.

First level controllers shall participate in FLC seminars organised by the FLCC body of their Member State in order to get sound knowledge of programme related as well as national rules and procedures.



8.2. Specific requirements

8.2.1. Austria

For controllers within the public administration in Austria the following specific requirements are necessary:

- Long standing experiences in controlling of public expenditures
- Knowledge of EU regulatory framework for Structural Funds
- Good understanding of English language
- Proven independence from the units that are implementing the project activities and are involved in the project management (included the financial management)
- Relevant references and confirmation that requirements are known

Moreover, the instructions for the public administration require personal and functional independency of the internal controllers from the project participant. These instructions have to be accepted in written form for each project assigned.

Qualified external controllers which were assigned by public administrations (private companies) have to fulfil the following requirements:

- Formal qualification (such as university degree)
- Work experiences in the field of financial control and audit (in particular certification of public expenditures)
- Registration in professional organisations
- Knowledge of EU regulatory framework for Structural Funds
- Good understanding of English language

The qualifications, supporting documents and references will be checked during the selection procedure (public tender). Before an external controller is assigned to a project, it will be asked to confirm the independency from the controlled beneficiary in written form.

8.2.2. France

France has provided detailed information in specific documents (see → 0 vademecum, → 17.2 package “public procurement” for those ones who want externalise the first level control). The public procurement package includes templates for:

- public procurement consultation,



- technical annex of the supply,
- financial annex of the supply,
- award document and
- consultation rules.

In the following a summary of these documents is depicted.

The project participant must select a controller in compliance with strict requirements specified in the vademecum provided by France. They have to send compulsory documents to the FLCC body (see details in the vademecum). The authorisation of the proposed FLC body will be done by a committee - which is composed of the FLCC body, the national coordinator, the national contact point and the French representative to the group of auditors - following a clear procedure (see → 0 vademecum).

According to the vademecum, the requirements as regards the qualification of the person acting as FLC body concern the skills and qualifications. That means that the first level controller must hold a degree in accounting, finance or other relevant fields. and must have adequate experience in the control of European projects; good knowledge and understanding of national and European financial circuits, national and European accountancy regulations, public contracts, publicity and state aid and good knowledge of English.

The qualification of the person acting as FLC body is checked before authorisation by the committee on the basis of the technical supply sent by the FLC (see → 17.2.2 technical annex for the supply).

Additionally, independence of the FLC body from the project participant must be guaranteed. In this context the committee counterchecks before the authorisation by checking each FLC application package as well as the organisation chart when the controller belongs to the same organisation.

- If control is externalised, the independence is ensured by the fact that the controller is either a sworn accountant or an auditor.
- If the control is internal, the independency is ensured by checking the independence of the structure: in the analysis grid six questions must be answered relating to independence.

The committee also checks if the financial supply is reasonable and fits with the market price (see 17.2.3 financial annex).



8.2.3. Germany

The first level controller must hold a degree in accounting, finance or other relevant fields. In case the FLC body is a private body, it has to be a certified public accountant or equivalent to the national regulations for accountants (WPO); this will be checked by the FLCC body in the course of the authorisation procedure.

Furthermore the FLCC body will check if the controller is external and independent from the controlled partner. If the FLC body is a public body, it has to be independent (in both terms, organisationally and operationally) from the units implementing the project and handling of financial projects (administrative officer or similar according to national regulations).

Hence, the FLCC body will verify if the declarations of the project participant and the FLC body are coherent with the organisational chart of the respective organisation. If needed, additional information will be requested.

Both (private and public bodies in their function of FLC bodies) have to assure in written form that they are adopting the obligations of the respective regulations (national and EU-related).

A FLC-handbook (see → [17.4](#) FLC-handbook) is available for all German FLC bodies. The FLC-handbook considers the audit trail required and put in place by programme authorities and comprises all necessary information and describes all relevant organisational procedures and documentation requirements for FLC bodies.

8.2.4. Italy

For Italian first level controllers there are specific requirements related to professionalism, independence and honourableness. A distinction is drawn between external (e.g. private company) and internal controllers (e.g. unit of a public administration different from the unit partaking in a project) as follows:

8.2.4.1. External controllers

Professionalism: The controller in charge must:

- a) be registered for at least three years in the Register of Chartered Accountants and Accounting Experts or in alternative in Register of Legal Auditors, established under Art. 2, paragraph 3, letter a) of the Legislative Decree 27 January 2010, n. 39.



- b) not have been removed for serious failures, in the last three years, from a certified public accountant/statutory auditor position, in public or private companies and bodies.

Independence: The controller in charge should not be in one of the following positions towards the contracting project participant:

- a) individual or relative's participation, by now or referred to the last three years, to the management or control board and to director general's office: 1) of the contracting project participant (company or its holding) 2) of the companies who possess, directly or indirectly, in the contracting beneficiary company or in its holding more of 20% of the voting rights;
- b) existence, by now or referred to the last three years, of other business relations or engagements to establish such business relations with the contracting beneficiary/company or with its holding;
- c) any other situation, different from those under a) and b) compromising or, however, affecting the controller's independence;
- d) the controller in charge cannot simultaneously assume the task of controller of the contracting beneficiary company or of its holding;
- e) be a relative of the contracting beneficiary;
- f) have business relations resulting from the belonging to the same established professional structure, however called, in which the activity control is carried out, for any reason, even for autonomous collaboration and employee job, or to any other economic nature activity establishing business interest or sharing of business interests.

The controller in charge, at the end of the task, cannot become a member of the administration bodies, control and directorate general of the contracting project participant before a period of three years passed.

Honourableness: The task of national controller cannot be assigned to someone who:

- a) has been subjected to measures of prevention ordered by the judicial authority as provided by art. 6 and art. 67 of the Legislative Decree no. 159/2011 and subsequent amendments except for the effects of rehabilitation;
- b) is in state of legal or temporary disqualification from holding directorate offices of legal persons or firms from holding public office in perpetual or for a period longer than three years, except after rehabilitation.
- c) has been sentenced by a judgment against which no appeal is possible, except after rehabilitation, or with irrevocable sentence of penalty determination under article 444, subparagraph 2, of the code of criminal procedure, except after rehabilitation:
 - to imprisonment sentence for one of the crimes provided for by law concerning insurance, banking, financial activities, as well as provided for, by law concerning payment instruments;



→ to imprisonment for a period not less than one year for a crime against public administration, against justice administration, against public faith, against property, against public safety, against public economy, against industrial and commercial sectors or for a crime in national fiscal legislation issues;

- d) has been declared bankrupt, except expiry of terms and effects of the bankruptcy, according to the Royal Decree 16th of March 1942, n. 267, or if they were appointed president or administrator, deputy administrator, managing director, statutory auditor of companies or bodies that were subject of bankruptcy proceedings, creditors arrangement or assets liquidation, for at least three financial years prior to the adoption of the relative restrictive measures, provided that the restrictive measures have to last five years since the adoption of the measures themselves.

8.2.4.2. Internal controllers

Professionalism and Honourableness: These two requirements are fully satisfied by the membership to the unit which is in charge of carrying out the control activities.

Independence: The independence is certified with an administrative act and an organisation chart by which it is possible to gather the functional independence of the controller.

8.2.5. Slovenia

The national controllers in Slovenia are civil servants working in and officially assigned by the GODC (contact data see → chapter 15.1.5) to perform the first level controls.

The Control Division – ETC, IPA and IMF programmes has 27 employees (the situation as it is on 01.04.2016). All employees perform national controls on Cross-border European Cooperation Programmes, Transnational European Territorial, Interregional Cooperation programmes and NOR&EEA grants (see → annex 17.5 organisational chart for the Government Office for Development and European Cohesion Policy http://www.svrk.gov.si/fileadmin/svrk.gov.si/pageuploads/Organigram/organigram_SVRK_160303-ang.pdf)

National controllers are financially and organisationally independent from project participants. As civil servant, they are liable to declare a conflict of interest in case they are connected with a project to be verified and are to be replaced by an unbiased controller. They have to respect the Public Sector Integrity Act (OG RS, No. 45/10).

The national controller must hold a degree in accounting, finance or relevant fields and must have working experience of minimum seven months either in accounting, finance or relevant fields. The national controllers



must comply with international auditing standards. Experience with EU programmes, especially the ETC/Interreg ones, and in auditing/controlling of European projects, again especially the ETC/Interreg ones, is preferred.

Additionally it is required that all controllers can speak English and are using all relevant programme documents and templates. National controllers (names see → chapter 14.1.5) have to be familiar with the EU and national regulations on Structural Funds and participate at transnational, interregional and cross border Working Group meetings organised by the: Central Europe, Alpine Space, Danube, Adrian, Mediterranean, SI-AT, SI-HU, SI-HR, SI-ITA, EUROPE and NOR&EEA Grants.

The training of the controllers is ensured systematically through dedicated training courses and other events organised by the GODC, especially when some novelties occur. These trainings are carried out by responsible national bodies (e.g. Ministry of Finance) or by external experts. The topics include: public procurement, eligibility of expenditure, accounting rules, state aid, staff costs calculations.

Reporting Framework:

All the employees are 100% employed for FLC verifications and have to cooperate also with the upbringing of FLC system. All documents which are prepared by a national controller are also co-signed by the head of division. Keeping the superior informed on the individual controller's work as well as the whole control unit is ensured through regular weekly meetings (board meetings) and weekly written reports. Regular weekly meetings (board meetings) are intended to open discussions on current issues and specific cases (situations) which arise through work of controllers. Each controller is supposed to regularly inform the superior on a weekly basis to be able to direct, coordinate and control controller's work. Reports are saved on a common virtual place and are available to the superior as well as other controllers. Such manner ensures that all work is traceable enabling control and continuity of individual controller's work and control unit as whole.

9. Eligibility rules

The Alpine Space programme has defined eligibility rules valid for all project participants (meaning lead partner and its project partners) coming from the EU Member States of the cooperation area (see → factsheet 1.4.). These eligibility rules do not apply to expenditure of project participants from Switzerland and Liechtenstein as they are not eligible for European Regional Development Fund (ERDF) co-financing.



The programme's eligibility rules specify and complement the eligibility rules laid down by the respective EU Regulations and Delegated Acts.

Project participants are strongly recommended to seek advice at the respective FLC body, the ACP or the JS if there is any issue related to the eligibility of expenditure that is not answered by the eligibility rules.

According to article 18 of Regulation (EU) No 1299/2013 eligibility rules on national level are only applicable for matters not covered by eligibility rules on EU or programme level. Nonetheless, applicable national law remains unaffected in case it is stricter than the EU or ASP eligibility rules.

The following Member States have drawn up national eligibility rules for matters not covered on a higher level applicable for Alpine Space project participants located in their country:

- Slovenia - Guidelines are in process of preparing (no later than 09/2016)

10. First level control procedure

In order to receive ERDF-funds the total expenditure of the single project participant has to be validated in the eMS. For the purpose of these administrative checks according to article 125(5a) of CPR the project participant will provide the designated FLC body with all the documents necessary in due time. Thus, project participants have to submit to the FLC body a project report (status or progress report) related to their project activities consisting of an activity part and a financial part. For this, the Programme has provided for the following forms which shall be used:

- listing of expenditure (embedded in eMS)
- partner report (embedded in eMS)

For staff costs calculated on a real costs basis:

- six-monthly tasks report for the documentation of activities and outputs achieved for each employee
- project assignment

To meet the requirements of a proper and standardised check of expenditure each FLC body has to apply the first level control report and checklist provided by the MA in the eMS. After carrying out the full check of documents the FLC body will issue the standardised and obligatory FLC certificate. In this electronic



document it confirms – based on the performed verifications – that it has gained a sufficient level of assurance that:

- a. expenditure is in line with European, programme and national eligibility rules and complies with conditions for support of the project and payment as outlined in the subsidy contract;
- b. expenditure was actually paid with the exception of costs related to depreciations, lump sums and flat rates;
- c. expenditure has incurred and been paid (with the exceptions above under “b”) within the eligible time period of the project (with the exceptions for the last regular report according to factsheet No. 1.4 “What can be co-financed”) and was not previously reported;
- d. expenditure based on lump-sums and flat rates (if any) is correctly calculated and the calculation method used is appropriate;
- e. expenditure reimbursed on the basis of eligible costs actually incurred is either properly recorded in a separate accounting system or has an adequate accounting code allocated. The necessary audit trail exists and all was available for inspection;
- f. expenditure in currency other than Euro was converted using the correct exchange rate;
- g. relevant EU/ national/ institutional and programme public procurement rules were observed;
- h. EU and programme publicity rules were observed;
- i. co-financed products, services and works were actually delivered;
- j. expenditure is related to activities in line with the application form and the subsidy contract;

Additionally the FLC body is responsible to perform on the spot checks of investments in due time and at least once during the project implementation. The on-the-spot checks should be performed at the location/premises of the equipment. The on-the-spot checks shall be undertaken when the project is well under way, both in terms of physical and financial progress, in order to guarantee that corrective actions can be effected in due time when problems are identified. In case of problems identified e.g. in the course of the administrative verifications or essential investments realised in later stages of the project implementation the FLC body is recommended to perform additional on the spot verifications.

The FLC certificate, FLC report and checklist to be used in the Alpine Space Programme are online-documents which are filled in directly in the eMS. For this purpose the FLC bodies will be granted restricted access to the eMS in order to complete the FLC documents for those projects and project partners for which the FLC body has been designated. Thus, it is ensured that only official programme FLC forms are used.



FLC bodies have to verify the compliance of the projects with the general principles and compliance with Union policies. For this purpose the control report and check list contain questions related to compliance with public procurement rules and with other EU rules such as:

- the horizontal objective of the promotion of the equality
- the horizontal objective of the protection of the environment and
- Community rules on state aid

Moreover, by signing the FLC certificate the FLC body confirms that it has not found any evidence of:

- infringements of rules concerning sustainable development, equal opportunities and non-discrimination, equality between men and women and state aid
- double-financing of expenditure through other financial source(s)
- generation of undisclosed project-related revenue
- fraud or corruption

11. Retention period

Projects (and managing authority, joint secretariat and Member States as regards the technical assistance) are obliged to retain for audit purposes all files, documents and data about the project for a period of three years from 31 December following the submission of the payment claim by the certifying authority to the European Commission including the expenditure of the completed project. For this purpose the managing authority will inform each project individually on the applicable retention period after which keeping of documents is no longer required for the project.

Other possibly longer statutory retention periods as might be stated by national law remain unaffected by this regulation.

Generally the archiving of the documents can be summarised as follows:

- original invoices, accounting documents and supporting documents (e.g. contracts with providers of services or goods, communication material, partnership agreements, employment contracts and assignments to the projects, etc.) at the respective beneficiary (project participants for funding priorities 1-4 of the programme, member states and MA for technical assistance budget);
- status and progress reports, listing of invoices, FLC check lists, FLC reports and FLC certificates will be stored in the eMS;



- it is recommended that FLC bodies keep copies of relevant checked documents;
- accounting documents (e.g. registering the incoming and outgoing ERDF funds) as well as the original subsidy contract and partnership agreement at the lead partner and a copy of the subsidy contract and original partnership agreement at the project partner level
- payment requests of the MA, accounting documents, supporting documents for the payment request, payment orders, applications for payment, payment forecasts at the certifying authority.

The documents can be kept either as originals or in versions to be in conformity with the original on commonly accepted data carriers. In case of retaining the documents electronically, internationally accepted security standards must be met.

Please note: as regulated in the subsidy contract (see article 11) the managing authority, joint secretariat, audit authority, group of auditors, national courts of auditors, the European Commission and the European court of auditors are entitled to examine the project, all relevant documentation and accounts of the project even after its closure.

12. Reporting of irregularities

It is the responsibility of all bodies involved in programme and project implementation, in particular also those on national level, to prevent from, to detect and to correct irregularities and fraud.

- An “irregularity” means “any infringement of a provision of Community law resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the Communities or budgets managed by them, either by reducing or losing revenue accruing from own resources collected directly on behalf of the Communities, or by an unjustified item of expenditure.”
- Fraud can be defined as “the use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of funds from the general budget of the European Communities or budgets managed by, or on behalf of the European Communities, non-disclosure of information in violation of a specific obligation, with the same effect and the misapplication of such funds for purposes other than those for which they were originally granted.”

In case irregularities or suspected or established fraud have been detected it is a national responsibility that these are immediately reported. Therefore the following shall apply:



Any irregularity has to be corrected immediately. For this purpose the FLC body is in charge of re-calculating the certified amount of expenditure according to the control or audit findings in the eMS. These corrections are reported either in the course of the next regular project report (status or progress report) in case of still running projects or in an additional status report in case the project is already closed via the lead partner to the JS. In the latter case a recovery procedure is launched by managing authority and certifying authority concurrently when the amount to be recovered is higher than EUR 250,- on project level.

In parallel - and regardless which body detected the irregularity - the FLC body is obliged to officially inform the first level control coordinator (in copy to managing authority, certifying authority and audit authority) on the irregularity including the following information:

- project and project participant concerned
- reporting periods/FLC certificates concerned
- infringed eligibility rule or law
- financial impact (ERDF amount to be recovered)
- measures taken for the correction and status of the correction procedure

In Member States where an official form has been made available for the reporting of irregularities this has to be used. In all other Member States the irregularities have to be reported via letter or email. FLC bodies shall clarify with the first level control coordinator if official forms are available in their country.

In this context it has to be considered that suspected or established fraud has to be reported in any case. Furthermore, irregularities have to be reported - regardless the amount affected. Only in the following cases irregularities do not have to be reported:

- cases where the irregularity consists solely of the failure to execute, in whole or in part, a project included in the co-financed programme owing to the bankruptcy of the beneficiary;
- cases brought to the attention of the managing authority or certifying authority by the beneficiary voluntarily and before detection by either authority, whether before or after the payment of the public contribution
- cases which are detected and corrected by the managing authority or certifying authority before inclusion of the expenditure concerned in a statement of expenditure submitted to the Commission. As a rule it can be said that:
 - Audits on the second level (performed by or on behalf of the audit authority) or on the third level (European Commission, court of auditors) are usually based on expenditure already included in a statement of expenditure submitted to the Commission. Therefore



any irregularity having financial impact requires to be reported. The same usually applies for MA sample checks.

- In case the joint secretariat, managing authority or certifying authority reject a project report or single FLC certificates included in the project report due to irregularities detected the latter ones need not to be reported.
- In all other cases and in cases where it is unclear if the concerned expenditure was already included in a statement of expenditure FLC bodies shall get in contact with the managing authority to clarify whether the irregularity has to be reported.

It is the task of the first level control coordinating body³ to collect all the reports from the first level controllers, to keep them available at its premises for further audits and to forward those ones including irregularities higher than EUR 10.000,- ERDF to the national body appointed to notify these to the European Commission/OLAF on a regular basis.

13. Quality Management

13.1. Quality Management by First Level Control Coordinators

Quality management by FLCC bodies starts already in the framework of the authorisation of FLC bodies as the programme and the Member States have defined clear minimum requirements to be fulfilled by controllers willing to take over FLC tasks. Through the rejection of FLC bodies not fulfilling the minimum requirements a certain level of FLC quality can be ensured.

In order to guarantee high quality FLC systems quality management must not end with the authorisation. It is of high importance to train and to instruct FLC bodies on the applicable rules and procedures:

- For FLC bodies authorised for the first time for an Alpine Space project, trainings will be offered by the FLCC body in due time (after the approval of the projects of the respective call for proposals) so that FLC bodies are able to attend such seminars before issuing the first FLC certificates. The trainings shall inform the FLC bodies especially on the programme's eligibility rules and on the certification procedure and forms to be used. As FLC bodies have to use the eMS for the certification process information on the application of eMS will be provided by the JS
- Although the trainings are dedicated to FLC bodies authorised the first time, FLCC bodies are recommended to invite all FLC bodies authorised for projects/project participants of the respective call

³ In Austria instead of the FLCC the audit authority collects the reports.



- Aiming at standardised and harmonised implementation of the FLC FLCC bodies will distribute programme relevant information, documents and forms to FLC bodies and be contact point in case of questions for FLC bodies (e.g. on eligibility issues)
- In order to avoid repetition of errors the information letter provided by the managing authority on findings and deficiencies detected in audits and controls carried out in the last year will be forwarded to all authorised FLC bodies. FLCC bodies might complement this letter with national information

Beside the above-mentioned efforts quality checks will be performed by FLCC bodies (notwithstanding the final responsibility of the FLC bodies).

The target of FLCC quality checks is to determine if the control systems set up in the Member States effectively function. Thus in particular it should be verified that the expenditure certified by FLC bodies actually complies with Community, programme (especially the eligibility rules defined – see factsheet 1.4) and national rules and that the documentation requirements are met.

For this purpose FLCC bodies are recommended to consider the following aspects when performing quality checks:

- compliance of certified costs with eligibility rules and application form (especially as regards equipment expenditure)
- correct allocation of costs to cost categories
- correctness of calculation of staff costs and availability of necessary documents (e.g. employment contract, project assignment etc.) depending from the staff costs calculation method chosen by the project participant
- check of the plausibility and proper documentation of public procurement procedures
- confirmation of performed necessary on-the-spot-checks on investments.

FLCC bodies can decide to either assess 100% of FLC bodies in their Member State or to perform checks on a sample basis. In the latter case it has to be documented how the sample was drawn.

The results of the FLCC quality checks shall be summarised in a report containing the following information:

- implementation date of quality check,
- FLC certificates selected for quality checks,
- description of checks performed,
- description of findings,
- documentation of check if there is any follow-up pending/needed especially for findings with financial impact,



As first level control is a national responsibility also quality management measures might vary from Member State to Member State.

13.2. Quality Management by the managing authority

A "Project implementation handbook" has been set up to provide the (potential) project participants with all the information needed to develop, implement and close a project within the Alpine Space programme. This handbook is a handy tool designed as a collection of factsheets with concise information and guidance on the different aspects to be observed during each phase of the project life cycle.

The MA performs verifications on the effectiveness of the FLC body on a sample basis. The sample is drawn on a pure random basis by the CA out of all projects foreseen to be included in the next application for interim payment. The MA might complement the sample on demand. The checks will be administrative ones and pursue the following objectives:

- retrace the FLC results on general plausibility
- check if programme rules for calculation of staff and office and administration costs were applied
- countercheck if costs are correctly allocated to budget lines
- plausibility check on tender procedures picked on a random basis
- check of correct use of programme forms

The above-described approach ensures that the sample of projects to be verified by the managing authority is independent and that the responsibilities of the MA according to article 125 (4) CPR and of the CA according to article 126 (e) CPR are fulfilled. The MA informs the lead partner of the project as well as the affected project partner about the result of the sample check and puts the CA, JS and the relevant FLCC body and ACP in copy. Any finding detected in the course of the sample checks will have to be corrected by the lead partner or project partner concerned. This will be monitored by the MA and the CA, JS and relevant FLCC and ACP will be kept informed. In case of severe financial findings the lead or project partner will be excluded from ERDF payments as long as the finding is not considered as lifted by the MA and CA. In this context also see the respective stipulations of the → subsidy contract.

Furthermore FLC certificates concerned by any financial finding will be taken out of applications for interim payments addressed to the European Commission as long as the finding is not solved.



14. Legal framework

Common provisions regulation (CPR): Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006

ERDF Regulation: Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006

ETC Regulation: Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal

Delegated Acts: http://ec.europa.eu/regional_policy/en/information/legislation/delegated-acts/

Implementing Acts: http://ec.europa.eu/regional_policy/en/information/legislation/implementing-acts/

15. Contacts

15.1. First Level Control Coordinating Bodies

15.1.1. Austria

- Name of the institution: Federal Chancellery Austria / Coordination
- Responsible unit: Department IV/4 – Spatial Planning and Regional Policy
- Responsible person: Director Georg Schadt / Contact person: Luise Fasching
- Address: Ballhausplatz 2, 1010 Wien
- Telephone: +43 1 53115-202915
- e-mail address: luise.fasching@bka.gv.at



15.1.2. France

- Name of the institution: Préfecture de la Région Rhône-Alpes
- Responsible person: Séverine Belleville-Zerathe
- Address: 106 rue Pierre Corneille, 69426 Lyon Cedex 3
- Telephone: +33 4 72 61 63 81 or + 33 4 26 73 64 03
- E-mail address: severine.belleville-zerathe@auvergnerhonealpes.eu

15.1.3. Germany

- Name of the institution: Bavarian State Ministry of Environment and Consumer Protection
- Responsible unit: Ref. 25 (Alpine Space Networks, European Macroregional Strategies and Funding)
- Responsible person: Ernst Polleter
- Address: Rosenkavalierplatz 2, 81925 München
- Telephone: +49 89 9214 2165
- E-mail address: ernst.polleter@stmuv.bayern.de

15.1.4. Italy

- Name of the institution: AD HOC COMMITTEE
- Responsible unit: Agenzia per la Coesione Territoriale
- Responsible person: Teresa Costa
- Address: Via Sicilia 162/C - 00187, Roma
- Telephone: +39 06 96517847
- E-mail address: teresa.costa@agenziacoesione.gov.it

15.1.5. Slovenia

- Name of the institution: Government Office for Development and European Cohesion Policy to be referred to as: GODC (en) or SVRK (si) (as of February 2014 – Official gazette of the RS 15/2014)
- Responsible unit: Control Division - ETC, IPA and IFM Programmes
- Responsible person: Ms. Špela Dragar, Head of Control Division - ETC, IPA and IFM Programmes
- Address: Kotnikova 5, SI-1000 Ljubljana



- Telephone: + 386 1 400 3427
- E-mail address: spela.dragar@gov.si

- Contact person :
- Ms. Nada Hozjan
- Telephone: +386 1 400 3492
- E-mail address: nada.hozjan@gov.si

16. Abbreviations

AA: Audit Authority

ACP: Alpine Space Contact Point

CA: Certifying Authority

CPR: Common Provisions Regulation

CV: Curriculum vitae

eMS: Electronic monitoring system. The eMS enables the monitoring of projects and programme implementation as well as electronic exchange of data between programmes and beneficiaries

ERDF: European Regional Development Fund

ETC: European Territorial Cooperation

EU: European Union

FLC: First level control

FLCC: First level control coordination

MA: Managing Authority

MS: Member State

PP: Project participant (lead partners and project partners)



17. Annexes

Annexes are available at the relevant national pages of the Interreg Alpine Space website (<http://www.alpine-space.eu/national-pages>). For Slovenia, a link is provided below.

- 17.1. France – Vademecum
- 17.2. France – Public procurement package
 - 17.2.1. Template for public procurement consultation
 - 17.2.2. Template for technical annex of the supply
 - 17.2.3. Template for financial annex of the supply
 - 17.2.4. Template for award document
 - 17.2.5. Consultation rules
- 17.3. Germany – FLC handbook
- 17.4. Slovenia – Organisational Chart of the Government Office for Development and European Cohesion Policy (http://www.svrk.gov.si/en/about_the_office)

ALLEGATO A “ REQUISITI DI ONORABILITA', PROFESSIONALITA' E INDIPENDENZA”

ONORABILITÀ

L'incarico di controllore di I livello non può essere affidato a coloro che:

a) siano stati sottoposti a misure di prevenzione disposte dall'Autorità giudiziaria previste dagli artt. 6 e 67 del D.lgs. 6 settembre 2011, n. 159 e successive modificazioni, fatti salvi gli effetti della riabilitazione;

b) versino in stato di interdizione legale o di interdizione temporanea dagli uffici direttivi delle persone giuridiche e delle imprese ovvero di interdizione dai pubblici uffici perpetua o di durata superiore a tre anni, salvi gli effetti della riabilitazione;

c) siano stati condannati, con sentenza irrevocabile, salvi gli effetti della riabilitazione, ovvero con sentenza irrevocabile di applicazione della pena di cui all'articolo 444, comma 2, del codice di procedura penale, salvi gli effetti della riabilitazione:

1. a pena detentiva per uno dei reati previsti dalle norme che disciplinano l'attività assicurativa, bancaria, finanziaria, nonché delle norme in materia di strumenti di pagamento;
2. alla reclusione per un tempo non inferiore a un anno per un delitto contro la pubblica amministrazione, contro l'amministrazione della giustizia, contro la fede pubblica, contro il patrimonio, contro l'ordine pubblico, contro l'economia pubblica, l'industria e il commercio ovvero per un delitto in materia tributaria;
3. alla reclusione per uno dei delitti previsti dal titolo XI, libro V del codice civile e nel regio decreto 16 marzo 1942, n. 267;
4. alla reclusione per un tempo non inferiore a due anni per un qualunque altro delitto non colposo;

d) siano stati dichiarati falliti, fatta salva la cessazione degli effetti del fallimento ai sensi del regio decreto 16 marzo 1942, n. 267, ovvero abbia ricoperto la carica di presidente, amministratore con delega di poteri, direttore generale, sindaco di società od enti che siano stati assoggettati a procedure di fallimento, concordato preventivo o liquidazione coatta amministrativa, almeno per i tre esercizi precedenti all'adozione dei relativi provvedimenti, fermo restando che l'impedimento ha durata fino ai cinque anni successivi all'adozione dei provvedimenti stessi.

Al fine di consentire l'accertamento del possesso di tali requisiti, all'atto di accettazione dell'incarico, il controllore deve presentare al Beneficiario che attribuisce l'incarico una dichiarazione sostitutiva di atto notorio, ai sensi della normativa nazionale, in base alla quale attesti di non trovarsi in una delle situazioni sopra elencate, oltre ovviamente a produrre la documentazione di rito richiesta a carico dei soggetti affidatari di lavori e servizi in base alla normativa vigente sugli appalti pubblici.

PROFESSIONALITÀ

Il controllore incaricato deve:

a) essere iscritto, da non meno di tre anni, all'Albo dei Dottori Commercialisti e degli Esperti Contabili - Sezione A, o in alternativa, essere iscritto da non meno di tre anni al Registro dei Revisori Legali di cui al decreto legislativo n. 39/2010 e ss.mm.ii;

b) non essere stato revocato per gravi inadempienze, negli ultimi tre anni, dall'incarico di revisore dei conti/sindaco di società ed Enti di diritto pubblico e/o privato.

INDIPENDENZA

Il controllore incaricato non deve trovarsi nei confronti del Beneficiario che conferisce l'incarico in alcuna delle seguenti situazioni:

- partecipazione diretta o dei suoi famigliari, attuale ovvero riferita al triennio precedente, agli organi di amministrazione, di controllo e di direzione generale: 1) del beneficiario/impresa che conferisce l'incarico o della sua controllante; 2) delle società che detengono, direttamente o indirettamente, nel beneficiario/impresa conferente o nella sua controllante più del 20% dei diritti di voto;
- sussistenza, attuale ovvero riferita al triennio precedente, di altre relazioni d'affari, o di impegni ad instaurare tali relazioni, con il beneficiario/impresa che conferisce l'incarico o con la sua società controllante, ad eccezione di attività di controllo; in particolare, avere svolto a favore del Beneficiario dell'operazione alcuna attività di esecuzione di opere o di fornitura di beni e servizi nel triennio precedente all'affidamento dell'attività di controllo di detta operazione né di essere stato cliente di tale Beneficiario nell'ambito di detto triennio;
- ricorrenza di ogni altra situazione, diversa da quelle rappresentate alle lettere a) e b) idonea a compromettere o comunque a condizionare l'indipendenza del controllore;
- assunzione contemporanea dell'incarico di controllo del beneficiario/impresa che conferisce l'incarico e della sua controllante;
- essere un familiare del beneficiario che conferisce l'incarico;
- avere relazioni d'affari derivanti dall'appartenenza alla medesima struttura professionale organizzata, comunque denominata, nel cui ambito di attività di controllo sia svolta, a qualsiasi titolo, ivi compresa la collaborazione autonoma ed il lavoro dipendente, ovvero ad altra realtà avente natura economica idonea ad instaurare interessenza o comunque condivisione di interessi.

Il controllore incaricato, cessato l'incarico, non può diventare membro degli organi di amministrazione e di direzione generale del beneficiario/impresa che conferisce l'incarico prima che siano trascorsi tre anni.

Ai fini dell'accertamento del possesso dei requisiti di indipendenza, all'atto di accettazione dell'incarico, il controllore deve presentare, al Beneficiario che attribuisce l'incarico, una dichiarazione sostitutiva di atto notorio, ai sensi della normativa nazionale, in base alla quale attesti di non avere partecipazioni dirette e/o indirette nell'impresa che conferisce l'incarico e/o in una sua controllante; non avere svolto a favore del Beneficiario dell'operazione (o, eventualmente, dei Beneficiari delle operazioni) alcuna attività di esecuzione di opere o di fornitura di beni e servizi nel triennio precedente all'affidamento dell'attività di controllo di detta operazione (o dette operazioni) né di essere stati clienti di tale Beneficiario (o, eventualmente, di tali Beneficiari) nell'ambito dello stesso triennio.

Infine, con la stessa dichiarazione il soggetto candidato a svolgere le attività di controllo citate (inteso come persona fisica o come titolare/i, amministratore/i e legale/i rappresentante/i di impresa o come amministratore/i, legale/i rappresentante/i e socio/i, nel caso di società) deve assicurare di non avere un rapporto di parentela fino al sesto grado, un rapporto di affinità fino al quarto grado un rapporto di coniugio con il Beneficiario dell'operazione (o i beneficiari delle operazioni) di cui svolgerà il controllo (inteso, anche in questo caso, come persona fisica o come titolare/i, amministratore/i, legale/i rappresentante/i e socio/i nel caso di società).

Con la stessa dichiarazione il soggetto che si candida a svolgere le attività di controllo citate deve impegnarsi a non intrattenere con il Beneficiario dell'operazione (o, eventualmente, con i Beneficiari delle operazioni) alcun rapporto negoziale (ad eccezione di quelli di controllo), a titolo oneroso o anche a titolo gratuito, nel triennio successivo allo svolgimento dell'attività di controllo di detta operazione (o dette operazioni).

CONOSCENZA DELLE LINGUE DI PROGRAMMA

La modulistica ed alcuni dei documenti probatori che il controllore è tenuto a verificare sono espressi nella lingua adottata dal programma quale lingua ufficiale.

In considerazione del fatto che l'inglese è la lingua di lavoro dei programmi di competenza della Commissione mista, a cui si aggiunge il francese per il solo programma MED, il controllore deve garantire la conoscenza della lingua inglese, nel caso del programma MED anche della lingua francese.

Ai fini dell'accertamento del possesso di tale requisito il controllore deve presentare al Beneficiario che attribuisce l'incarico una dichiarazione sostitutiva di atto notorio, ai sensi della normativa nazionale, accompagnata da eventuali attestati.