

**BE-C[CAC]-R[R-1] Monitoring and implementation of the plan - Management and control system****BE-C[CAC]-R[R-1]-M[251] : Prevention, detection and deterrence of conflict of interest****Date of completion: Q2 2024****1) Context: description of the measure and relevant context from the CID annex**

The coordinating bodies in the Belgian Recovery and Resilience Plan shall issue instructions to all implementing bodies with regard to ex ante verifications before the signature of the contract or the award of the grant of the risk for conflict of interest in the implementation of RRF measures. This shall include (i) mandatory declarations on the absence of conflict of interest from the persons involved at all stages of the selection procedures for both calls for tenders and calls for projects and (ii) on a risk basis, the use of an appropriate risk-scoring tool in view of performing the checks on conflict of interest outlined in the instructions. The instructions shall define conflict of interest in line with Article 61 of the Financial Regulation.

**2) Copy of the milestone/target wording**

Seq NO	Measure (reform or investment)	Milestone/Target	Name	Qualitative indicators (for milestones)	Quantitative indicators (for targets)			Indicative timetable for completion		Reporting and implementation responsibility	Description of each milestone and target
					Unit of measure	Base-line	Goal	Quarter	Year		
251	Monitoring and implementation of the plan	Milestone	Prevention, detection and deterrence of conflict of interest	Issued Instructions				Before the second payment request	Before the second payment request	FED : FPS Policy & Support   DG BMI VLA : DKBZUA, SPW BCR : , Brussels International, GC Ministry of the German-speaking community, FWB General Secretariat of the French-speaking community  WAL : SPW SG	The coordinating bodies in the Belgian Recovery and Resilience Plan shall issue instructions to all implementing bodies with regard to ex ante verifications before the signature of the contract or the award of the grant of the risk for conflict of interest in the implementation of RRF measures. This shall include (i) mandatory declarations on the absence of conflict of interest from the persons involved at all stages of the selection procedures for both calls for tenders and calls for projects and (ii) on a risk basis, the use of an appropriate risk-scoring tool in view of performing the checks on conflict of interest outlined in the instructions. The instructions shall define conflict of interest in line with Article 61 of the Financial Regulation.

**Verification mechanism:**

Summary document duly justifying how the milestone (including the relevant elements of the milestone, as listed in the description of the milestone and of the corresponding measure in the CID annex) was satisfactorily fulfilled. This document shall include as an annex the following documentary evidence:

- Copy of the instructions to all implementing bodies with regard to ex ante verifications before the signature of the contract or the award of the grant of the risk for conflict of interest in the implementation of RRF measures. These instructions shall include the elements described in the milestone.
- Proof that the issued instructions have been shared with the relevant implementing bodies.

Further specification: (if relevant)

### 3) List of key evidence provided in FENIX

	Identifier [same as in FENIX]	Name of the evidence. For legal acts please provide the full legal reference and date of entry into force	Short description	Link to the requirements below
1		RRF_M251_instructies_20240709	Instructions, validated by the Flanders RRF steering committee on 10/07/2024.	Requirements 1, 2, 3, 4 and 5.
2		mail to GOM	This email was sent by the coordinating body to the implementing bodies informing them of the new requirements and requesting them to reassure the implementation of the instructions in their respective management and control systems.	Requirement 1

### 4) Detailed justification

*[Explain clearly how the achievement of the milestone/target is demonstrated by the evidence provided, **covering ALL elements of the milestone/target and the elements of the measure description that are directly or indirectly linked to the milestone/target's requirements.** (e.g. the fact that (i) a certain institution had (ii) to accomplish something (iii) in a certain way in order (iv) to achieve a certain goal (v) by a certain date). Please provide **a clear link between all the below elements and the one or more evidence items listed above.***

Requirement 1: 'The coordinating bodies in the Belgian Recovery and Resilience Plan shall issue instructions to all implementing bodies [...]. The instructions shall define conflict of interest in line with Article 61 of the Financial Regulation.'

*Explanation of fulfilment:*

*The Flemish RRF coordinating body has prepared an instruction note, explaining the context and purpose, the practical and legal framework, the involved stakeholders and the processes necessary for the implementing bodies to adapt their respective management and control systems. The instruction note is enclosed as evidence no. 1.*

*After approval by the Flemish RRF Steering Committee, the instruction note was formally issued via email to the RRF-GOM (Group of Managers), which consists of the RRF managers in all policy domains implementing the RRP in Flanders. The instructions were issued on 10/07/2024. The email is enclosed as evidence no. 2.*

Requirement 2: '[...] with regard to ex ante verifications before the signature of the contract or the award of the grant, of the risk for conflict of interest in the implementation of RRF measures.' *Explanation of fulfilment:*

*The instruction note enclosed as evidence no. 1. handles the ex ante verifications (before the signature of the contract or the award of the grant) of the risk of conflict of interest for subsidies and contracts approved and/or assigned by the implementing bodies. For the verification of the risk of conflict of interest at a lower level, i.e. subsidy to a contracting authority, we refer to a set of actions implemented by the implementing bodies or at a central level as well as within*

*the contracting authority itself, to cover the risk of conflict of interest in public procurement. These actions are a combination of preventive measures, audit compliance with public procurement legislation and RRF-specific checks in the internal RRF-tool, namely the repository system resulting from M209.*

Requirement 3: 'This shall include (i) mandatory declarations on the absence of conflict of interest from the persons involved at all stages of the selection procedures for both calls for tenders and calls for projects and [...]'

*The instruction note enclosed as evidence no. 1. handles the mandatory DACIs from the persons involved in all stages of the selection procedure for both calls for tenders and calls for projects launched by the implementing bodies. These DACIs will be signed and the relevant data will be checked before the approval of the subsidy or the signature of the contract. At the lower level, i.e. subsidy to a contracting authority, we refer to a set of actions taken by the implementing bodies or at a central level to cover the risk of conflict of interest in public procurement. These actions are a combination of preventive measures, audits of compliance with public procurement legislation and RRF-specific checks in the internal RRF-tool, namely the repository system resulting from M209.*

Requirement 4: An ex ante check carried out on a risk basis, as formulated in the milestone description excerpt '[...] (ii) on a risk basis, the use of an appropriate risk-scoring tool in view of performing the checks on conflict of interest outlined in the instructions.'

*The ex ante verifications of the risk of conflict of interest in the selection procedure of subsidies and contracts to be approved and or/assigned, will be done for all calls for projects and calls for tenders launched by the implementing bodies. Therefore, at the level of the implementing bodies, all measures in scope of the instruction note, will undergo an ex ante verification. At the level of the contracting authority receiving subsidies, the instruction note refers to a set of actions taken by the implementing bodies or at a central level. The combination of and interaction between these actions result in the satisfactory fulfilment of this milestone requirement.*

Requirement 5: An ex ante check done using an appropriate risk assessment tool. as formulated in the milestone description excerpt '[...] (ii) on a risk basis, the use of an appropriate risk-scoring tool in view of performing the checks on conflict of interest outlined in the instructions.'

*The ex ante verifications of the risk of conflict of interest in the selection procedure of subsidies and contracts to be approved and or/assigned by the implementing bodies, will be done using Arachne. At the level of the contracting authority receiving subsidies, the instruction note refers to a set of actions taken by the implementing bodies or at a central level. The combination of and interaction between these actions result in appropriate risk assessment as required under this milestone requirement.*

Contribution to the achievement of other elements from the measure description: N/A