

Introduction into Antifraud System of Interreg V-A Romania-Bulgaria Programme



21st of October, 2020

Content



- Our antifraud system
 - Why? - legal basis
 - How? - general overview
 - Common features

The anti-fraud system!



Clear statement:
Zero tolerance to fraud!



Built on Antifraud strategy!

- actors, responsibilities
- covers all fields (selection, implementation, FLC, monitoring, payments)

Goal



Which is our goal?

To minimize opportunities to commit fraud and corruption through the introduction of appropriate fraud response plans to protect the Programme resources:

- encourage prevention of fraud at the Programme level
- promote detection
- ensure effective communication with the national structures responsible with the investigation where suspected fraud or corruption has occurred, including reporting both nationally and to the European Anti-Fraud Office.
- recover the un-duly paid financial resources, according to the court decisions.

Why?



It's our duty to protect our financial interest!

We have the instruments

Legal basis: EU legal provisions (financial and IFS regulations). *E.g.*

Financial Regulation

Article 59(2) of the, MS shall take all necessary measures, including legislative, regulatory and administrative measures, to protect the EU's financial interests, namely by preventing, detecting and correcting irregularities and fraud.

CPR Regulation no. 1303/2013

Article 72(h) - states that the management and control systems shall provide for the prevention, detection and correction of irregularities, including fraud, and the recovery of amounts unduly paid, together with any interest.

Art. 125.4 (c), MA shall put in place effective and proportionate fraud measures taking into account the risks identified

How?



- Started as early as possible
- Desk research:
 - EU legislation, recommendations, guidelines,
 - national legislation



Keystone:

EU Guide Fraud Risk Assessment and Effective and Proportionate Anti-Fraud Measures

How?



- It become clear what we have to do and how to do it!
- 1st step:
 - identify the actors (structures within MA, JS, NA and FLC) → set the self-assessment team
 - self-assessment tool and the identified risks/main fields
 - projects evaluation and selection;
 - implementation of the projects by the beneficiaries, focusing on public procurement;
 - certification of expenditures by the MA and payments;
 - public procurements of the technical assistance beneficiaries
 - screen these fields and the draft procedures
 - screen the AA recommendations from the previous programme

How?



- **2nd step:**

- risks – match with controls/mitigation measures
- including the controls in the working procedures (at all levels: FLC, JS, MA and NA)



- follow the cycle of fraud: **prevention, detection and reporting, investigation** and recovery

- **3rd step:**

- implementation of the system



Fraud prevention



The key: Fraud prevention —→ adopting methods that decrease motive, restrict opportunity and limit ability for those committing fraud to be able to rationalise their actions



Translation

- Develop a set of rules for beneficiaries (ex. Annex C Ceiling for expenditure used during application phase and project implementation, guideline for applicants/beneficiaries with antifraud measures, PIM, etc.)
- Organize seminars and trainings for the staff, but also for the members of Monitoring Committee and beneficiaries.
- Drafting information material/supporting documents for preventing fraud at beneficiaries' level.



Our system in a nutshell

Common main features



Suspensions of fraud - can be detected during all levels of verifications:

1. FLC - dedicated checklist for antifraud
2. JS - during monitoring visits/check of reports and reimbursement claims
3. MA - during verifications of reimbursement claims (authorization process)/project monitoring

a suspicion?

AA verifications

3rd parties reporting a suspicion

RO: independent control structure of MA
BG: independent control structure of MA

verifications

DLAF/DNA or AFCOS



Investigation, criminal prosecution and recovery



Competent authority in the Romania and Bulgaria for investigation and sanctions and inform OLAF accordingly



investigations



Court decisions

decisions

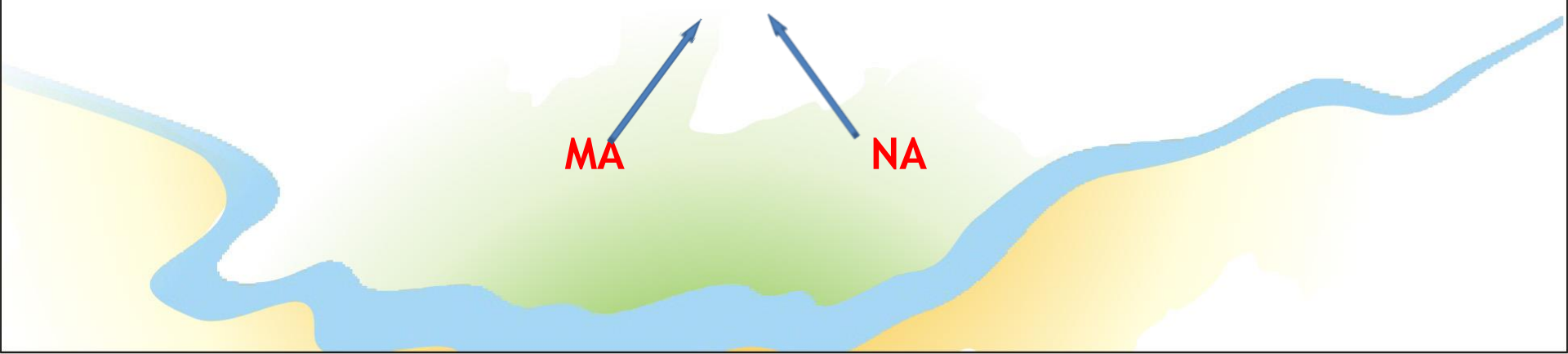


Recovery of the funds



MA

NA

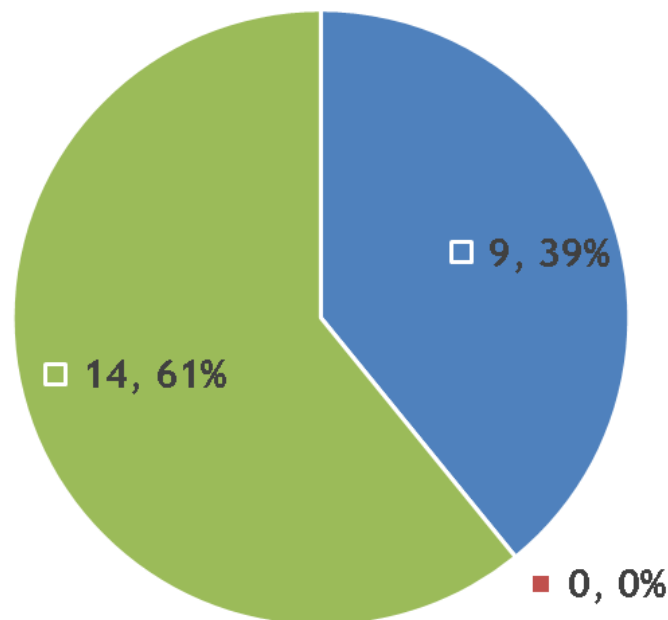




Fraud suspicions at Programme level



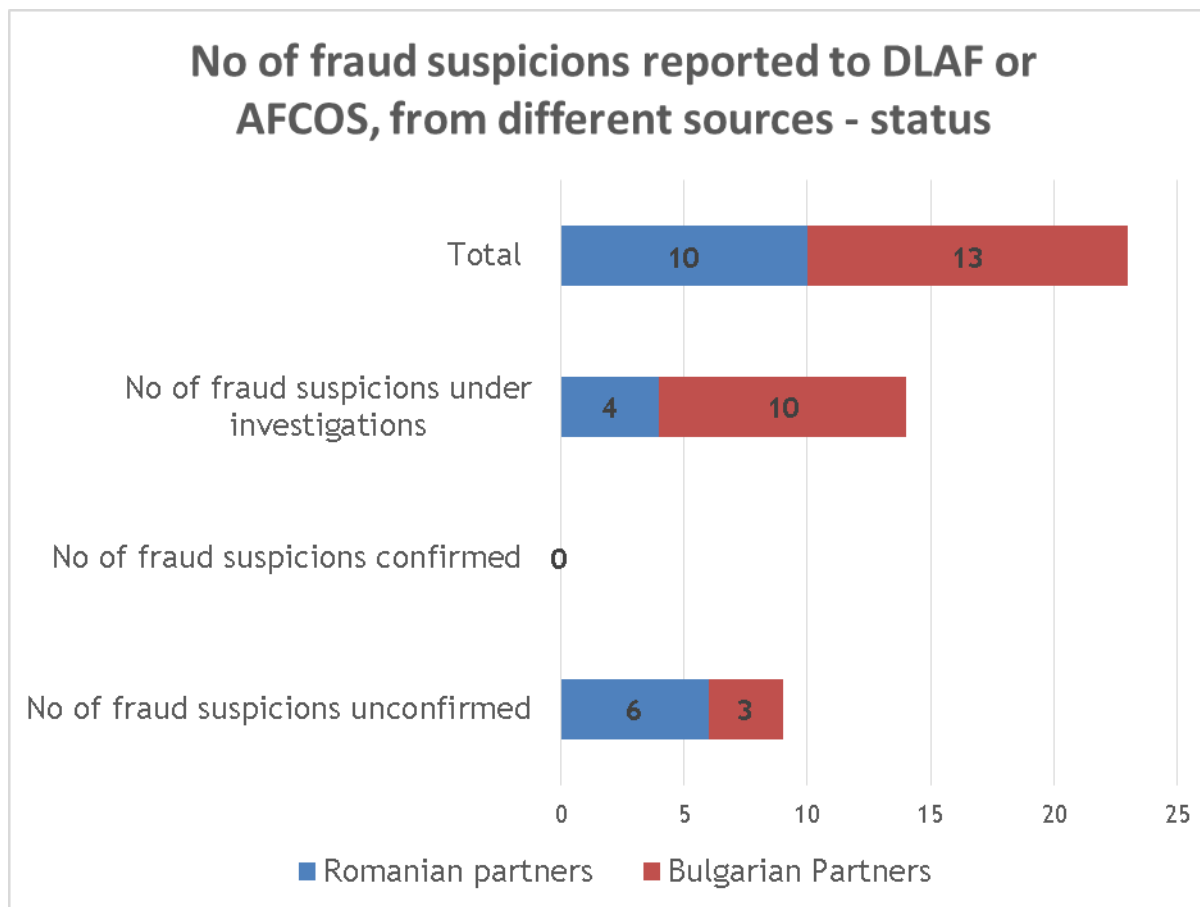
Programme level - No of fraud suspicions reported to DLAF or AFCOS, from different sources - status



- No of fraud suspicions unconfirmed
- No of fraud suspicions confirmed
- No of fraud suspicions under investigations



Fraud suspicions at AFCOS and DLAF



For the 10 cases under investigations at AFCOS, the prosecutors have terminated the proceedings due to the lack of the crime

*cut off date - October 2020

Thank you for your attention!

Questions?

Managing Authority for Interreg V-A Romania-Bulgaria
Marcela Glodeanu

marcela.glodeanu@mlpda.ro
robg@mlpda.ro