



Government of the Republic of Macedonia
Secretariat for European Affairs

Control System Governance within the fight against EU frauds in the Republic of Macedonia

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Secretariat for European Affairs,
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The Control and the fight against EU frauds starts in the early phase while the appointment of the key players in the system.

Segregation of Duties

Ensuring the specific segregation of duties when assigning tasks to the different officers involved in the phase of preparation, implementation and monitoring and evaluation of the projects funded by IPA. The SPO/ Head of Unit will ensure **at least that:**

- The staff involved in the preparation of tenders and in the technical implementation will not monitor the contracts;
- The staff involved in drafting the PF will not be involved in the technical implementation of the contracts;
- The person that will be nominated in the Evaluation Committee/ Selection Committee/Shortlist Panel should not be previously involved in the preparation of the tender documentation;
- The person verifying the contractor's reports and expenditures will not be involved in the preparation of the tender documentation.



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Table for Identification of Sensitive Posts for _____ (add the institution)

Posts	Participation in Decision Making Process	Participation in Programming (OIS, Selection Criteria, OP, etc)	Participation in preparation of Tender documentation	Participation in implementation of projects, monitoring, costs verification	Participation in Evaluation Committee	Participating in Internal Control Process (Irregularity and Risk reporting)	Overall Assessment (High/Medium/Low)
Senior Programme Officer							
Programming officer							
Technical Implementation officer							
Monitoring officer							

Prepared by:	Name and position of the officer	Date of report	
	Signature	Date of transmission	

Approved by:	SPO Name	Date of approval	
	Signature		

INTERNAL AUDIT: This area is dedicated to comments / notes / references / etc.... of internal auditors				
Ref	Date	Name	Comments	Signature

Irregularity Officers

- SPOs are appointed as Irregularity Officers in the respective Line Ministries/ Beneficiary Institutions. SPOs will follow the approved by PAO methodology and policy, which is compliant with the EU legislative provisions and the provisions of the Law on prevention of corruption (Official Gazette of RoM No. 28/2002, 46/2004, 126/2006, 10/2008, 161/2008, Constitutional Court Decision U. No. 160/2006-0-0 form 10.01.2007).
- CFCD also nominate Irregularity Officer.

The SPO is responsible

- to establish a system and methodology for prevention and correction (undertaking corrective measures) of irregularities in the course of the operations within the IPA Unit;
- to inform the IPA structure staff on the possibility to report directly to Irregularity Officer of CFCD on any knowledge/ suspicion of the involvement of SPO in irregularities;
- to gather all information and supporting documentation on the suspected irregularity, establish a single Irregularity file, fill in the Irregularity Register and record it in the Summary Register of Irregularities;
- to prepare Checklist and Immediate Irregularity Report and submit it to Irregularity Officer in CFCD, within 3 working days following the discovery of the irregularity;

- to prepare Checklist and Zero Irregularity Report and submit it to Irregularity Officer in CFCD, within 5 days after expiry of each quarter;
- to prepare Checklist and Quarterly Irregularity Report (A3-25) and submit it to Irregularity Officer in CFCD, within 5 days after expiry of each quarter;
- to provide Irregularity Officer in CFCD with all necessary information in respect to the suspected or detected irregularities, who will later on forward the information to NAO;
- to protect staff members that reported irregularities from any negative implications coming from the persons involved in the irregularity, in accordance to the Procedures, the Law on prevention of corruption and the Law on civil servants.

SUBMISSION LETTER TO PAO FROM SPO*Skopje*

To: Irregularity Officer in CFCD

Re: Submission of the Immediate Irregularity Report
Submission of the Zero Irregularity Report
Submission of Quarterly Irregularity Report

Dear Sir/Madam,

According to provisions of the Operational Agreement between the CFCD and the Ministry of _____, the undersigned, _____ as the SPO hereby submit you enclosed the

(Tick as relevant)

- Immediate Irregularity Report No..... of...../
- Quarterly Irregularity Report No..... of...../

The details relating to the irregularities incurred from (day/month/year) to (day/month/year) and the debts recovered in this period, are set out in the table annexed hereto and form an integral part of this report.

I hereby declare that the listing or irregularities, debts recovered or expected to be recovered is complete and accurate.

The listing and corresponding supporting documents are open to verification and will remain available in accordance with the provisions of the Implementing Agreement hereabove.

- "Zero" Irregularity Report No of

Yours sincerely,

<Name, signature>
SPO



SPO MANUAL OF PROCEDURES	A. MANAGEMENT AND CONTROL STRUCTURES, AUTHORITIES AND SYSTEMS		
	<i>Irregularity Register</i>		A3-21
	Version: 3	Date: December 2010	Page: 1/3

|
IRREGULARITY REGISTER

+		Item							
1		<i>Financing instrument (Component)</i>	:						
2		<i>Programme / sub-programme / project / sub-project / contract code / measure</i>	:						
3		<i>Programme / sub-programme / project / sub-project / contract title / measure</i>	:						
		NAO							
4		<i>NAO identity</i>	:						
5		<i>Address</i>	:						
6		<i>Contact information</i>	:						
7		<i>NAO Delegate identity</i>	:						
8		<i>Contact information</i>	:						
		SPO / Line Ministry /							
9		<i>Identity</i>	:						
10		<i>Address</i>	:						
11		<i>Contact information</i>	:						
		Reporting information							
16		<i>Report from SPO to CFCD on</i>	:						
17		<i>Report from the CFCD to NAO on</i>	:						
18		<i>Report from CFCD staff to HOS/PAO on</i>	:						
19		<i>Notification to NAO in the case of Irregularity discovered by CFCD staff</i>	:						
		Irregularity							
20		<i>Date of registration of the irregularity</i>	:						
21		<i>Date of the first information which led to suspecting the irregularity</i>	:						
22		<i>Period / date at which the irregularity was committed</i>	:						
23		<i>Date on which the irregularity was reported to the HOS/PAO</i>	:						
24		<i>Date on which the irregularity was reported to the NAO</i>	:						

NO Irregularity detected/suspected

Irregularity detected/suspected

EC

EC

OLAF

Zero Irregularity Report

Immediate Irregularity Report/
Quarterly Irregularity Report

Zero Irregularity Report

Immediate Irregularity Report/
Quarterly Irregularity Report

Zero Irregularity Report

Immediate Irregularity Report/
Quarterly Irregularity Report

NAO

**NF
CFCD**

SPO / IPA Coordinator

Contractors

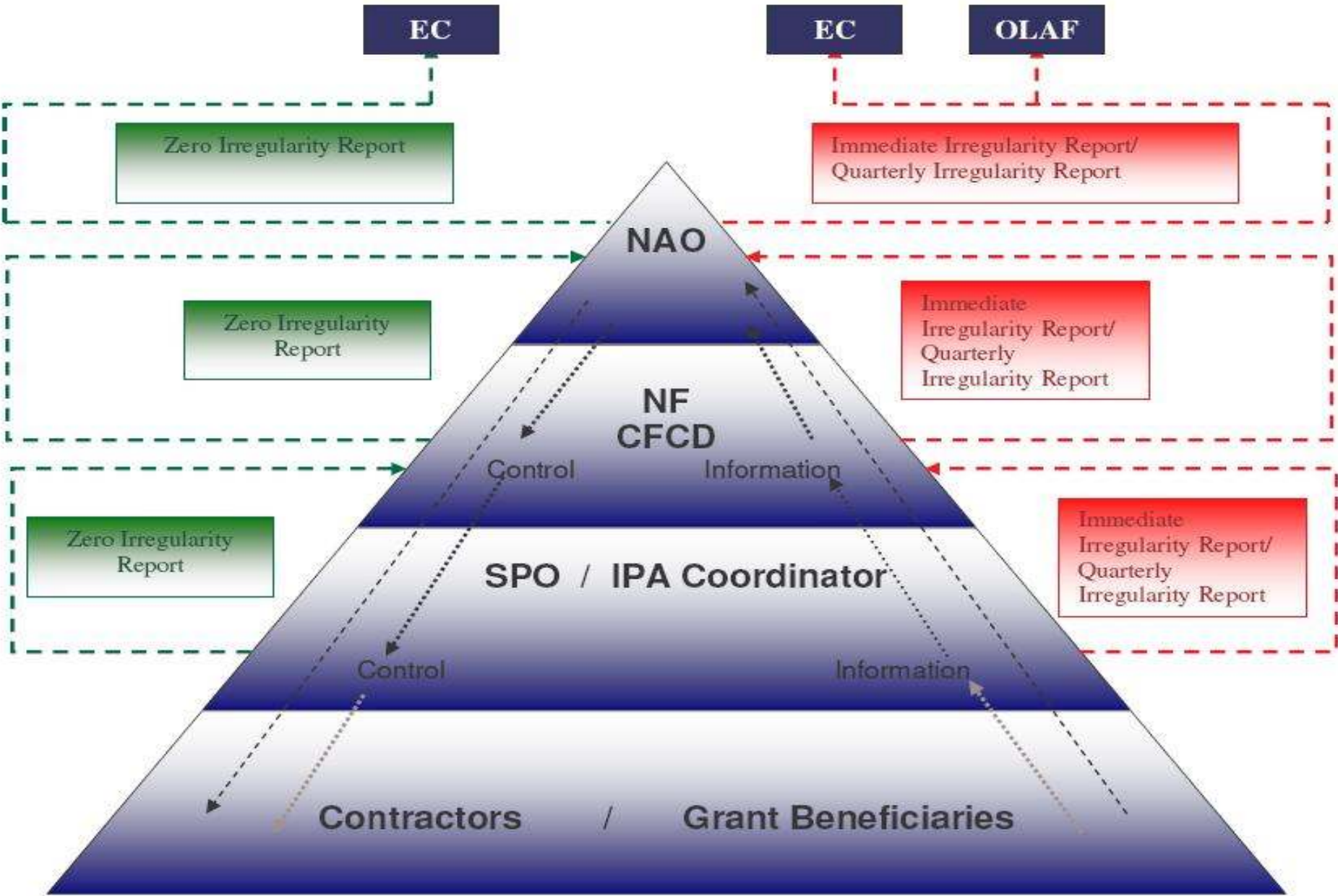
Grant Beneficiaries

Control

Information

Control

Information



Irregularities

Irregularity means any infringement of a provision of European Community and/or national laws, resulting from an act of omission by an economic operator (employees, natural or legal persons or other bodies), which has or would have the effect of prejudicing the general budget of the Communities or the Budget of the Republic of Macedonia by unjustified item of expenditure.

Fraud means any intentional act or omission to:

- 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 the Budget of the Republic of Macedonia;
- non-disclosure of information in violation of a specific obligation, with the same effect;
- the misapplication of such funds for purposes other than those for which they are originally granted.

There are procedures for raising concerns about fraud, corruption or other serious wrongdoing in all state institutions in the Republic of Macedonia. Usually the first to realize or to suspect the problem ("blow the whistle") will be those who work in or with the institution. Staff members who fulfill this obligation enjoy protection from adverse consequences of "blowing the whistle" by legal provisions within the Civil Servants Law, the Law on Preventing Corruption and the Code of Ethics for the Civil Servants.

The same protection is guaranteed to any other person alerting about irregularities from outside the concerned institution. Confidentiality is also guaranteed to these persons, but they will also be invited by the investigating institutions to help in the process.

You are strongly encouraged to report any detected/suspected irregularity regarding IPA funded projects to the following address: irregularities_ipa@finance.gov.mk

CFCD highly appreciates and will take into consideration your active participation in the process of preventing irregularities for effective and efficient utilisation of EU - IPA funds and the national funds of the Budget of the Republic of Macedonia.

Search

F.A.Q.

Frequently Asked Questions

[Get some basic information about the tenders, activities etc.](#)

Contact

[Click here to make a comment or to ask a question.](#)

IPA Key Documents

[Click here to view all relevant documents regarding the IPA initiative.](#)

[OPERATIONAL PROGRAMME FOR REGIONAL DEVELOPMENT \(2007-2009\)](#)

[OPERATIONAL PROGRAMME FOR HUMAN RESOURCES DEVELOPMENT \(2007-2013\)](#)

[PRAG IN 5 STEPS](#)



Irregularities procedure

- The National Authorising Officer is superior official in charge of the financial management of IPA assistance and effective functioning of the management and control systems.
- Concerning irregularities, NAO shall ensure investigation and satisfactory resolution of suspected and actual cases of fraud and irregularities.
- When preparing Irregularity Report, or when pondering if the case of detected or suspected irregularity is a matter for OLAF, NAO may consult the Irregularity Panel for an opinion. The Panel shall deliver an opinion evaluating whether irregularities have occurred, how serious they are and what their consequences might be.

- In the case of proven irregularity or fraud, detected at any time during the implementation of IPA funds or as a result of a performed audit, this shall entail reimbursement of funds to the EC by the Republic of Macedonia.
- NAO shall recover the community contribution to the EC from the respective beneficiary that conducted or benefited out of the irregularity, fraud or corruption, in accordance with the applicable national procedure for recovery of funds.
- NAO bears the final responsibility for recovering the Community contribution from the National Budget of the Republic of Macedonia.

Criminal Law - Article 249-a - Fraud of the European Community funds

- A person using or displaying false, inaccurate and incomplete statements or documents, or failure to provide data against the law, maintain or cause harm to the funds of the European Community, funds managed by the European Community or manage on their behalf, will be punished with six months to five years in jail.
- The punishment will be imposed if the funds are using against the approved purpose.
- he punishment will be imposed for unlawfully reduce of the Funds.
- If the fraud is made by legal entity the punishment will be material.

Case of Macedonia

- In 2010/2011 there was suspicion for fraud;
- Brussels stopped all funds in the institution and blocked all programmes;
- Several times inspection was on field and they did not detected fraud of funds but it was **Unintentional Irregularity** (arise from the actions of any operator of any involved institutions caused by negligence and resulting, in most cases, from infringement of approved procedures).



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Thank you for your attention

