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Implementation of Article 325 TFEU by the Member States in 2015

Accompanying the document

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**Protection of the European Union's financial interests - Fight against Fraud
2015 Annual Report**

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LIST OF ABBREVIATIONS

COCOLAF	Advisory Committee for the Coordination of Fraud Prevention
AFCOS	Anti-Fraud Coordination Service
CAP	Common Agricultural Policy
CF	Cohesion Fund
CP	Cohesion Policy
CCIP	Community Customs Code Implementing Provisions
CRMS	Community Customs Risk Management system
DG	Directorate General
EAFRD	European Agricultural Fund for Rural Development
EAGF	European Agricultural Guarantee Fund
EFF	European Fishery Fund
EU	European Union
EUR	Euro
ERDF	European Regional Development Fund
ESF	European Social Fund
ESIF	European Structural and Investment Funds
FEAGA (EAGF)	European Agricultural Guarantee Fund
FEADER (EAFRD)	European Agricultural Fund for Rural Development
NAFS	National Anti-Fraud Strategy
NSRF	National Strategic Reference Frameworks
MCS	Management Control System
MS	Member State
OLAF	European Anti Fraud Office
TFEU	Treaty on the Functioning of the European Union
TOR	Traditional Own Resource

1. IMPLEMENTATION OF ARTICLE 325 TFEU BY MEMBER STATES

Article 325(5) of the TFEU requires the Commission, in cooperation with the Member States, to submit a report each year to the European Parliament and the Council on the measures taken to implement that article. The Commission bases the part of the report relating to the Member States on the answers to the 'Article 325' questionnaire, as agreed upon with them within the Advisory Committee for the Coordination of Fraud Prevention (COCOLAF), and adapted each year in the light of past experience, so as to facilitate the monitoring of anti-fraud measures. Consequently, each year the Commission draws up a report in cooperation with the Member States on the measures taken to implement this obligation, according to Article 325 of the Treaty on the Functioning of the European Union (TFEU). This report is addressed to the European Parliament and the Council and it is published.

This questionnaire covers the period from 1 January to 31 December 2015. Up and until the 2014 report, information for this section of the Report was collected by the Commission through a questionnaire composed of a general part, where Member States listed the three most important measures (legislative, administrative, organisational or operational) taken, and of a part dealing with a specific subject agreed with Member States' COCOLAF representatives each year. Over time the report had become more and more voluminous. Both the Council and the European Parliament were concerned that its size was increasing and the fact that the document is annual, horizontal and multisectoral hampered a detailed assessment of all the aspects of the protection of the EU's financial interests by the Member States. To address this and reduce the administrative burden on the Member States, the Commission decided to omit the specific part of the questionnaire. As in previous years, the general questionnaire asks the Member States to present the main measures that give effect to Article 325, i.e. measures to combat fraud and all illegal activities affecting the financial interests of the EU. Member States are invited to describe a maximum of five 'key' measures taken in 2015, in order to implement Article 325 of the Treaty.

The questionnaire was structured around questions offering multiple 'closed' answers (with, when required, some sub-questions providing further limited choices) and limiting the possibility to submit free text (fixed at 600 characters maximum). In 2015, the Member States were given the possibility to report up to 5 most important measures and additional measures, concerning mainly federal countries and countries with devolved administration in the field of anti-fraud strategy. As has been the case since 2013, the questionnaire was managed through the 'EU survey' platform.

2. MOST IMPORTANT ANTI-FRAUD MEASURES ADOPTED BY MEMBER STATES IN 2015 UNDER THE ARTICLE 325 TFEU

2.1. Results of the measures reported in the Questionnaire

Member States reported one hundred and nineteen measures adopted in 2015 in total, referring to various areas concerning the protection of the EU's financial interests and the fight against fraud. Eighteen Member States¹ used the opportunity to report the maximum five 'most important' measures adopted to protect the financial interests of the EU.

Most measures adopted by the Member States targeted public procurement. The majority of the measures adopted concerned the fraud prevention phase of the anti-fraud cycle for both programming periods 2007-2013 and 2014-2020.

Six Member States² have so far adopted a National Anti-Fraud Strategy (NAFS) for the programming period 2015-2020. The Czech Republic has reported that it plans to adopt a revision of its NAFS and Italy reported that its AFCOS has drawn up and developed a NAFS which was included in the 2012 Annual Report to the Italian Parliament (Strategic anti-fraud orientations). An additional five Member States³ reported that the adoption of their NAFS is on-going. Seven Member States⁴ have an on-going procedure for the adoption of a National Anti-Fraud Strategy.

Examples of national anti-fraud measures include:

- Bulgaria adopted a 2015-2016 Action Plan for the implementation of the NAFS.
- Denmark adopted a National Anti-Fraud policy which was launched in 2015 on the Danish Business Authority's website to foster a culture that is not conducive to fraud and to promote fraud prevention and detection.
- Germany adopted an anti-fraud and anti-corruption strategy and performed a fraud risk assessment of all European Regional Development Fund measures.
- Ireland reported that it has adopted an Anti-Fraud Policy and Fraud Response Plan (Information and Guidelines for Staff dealing with rural development).

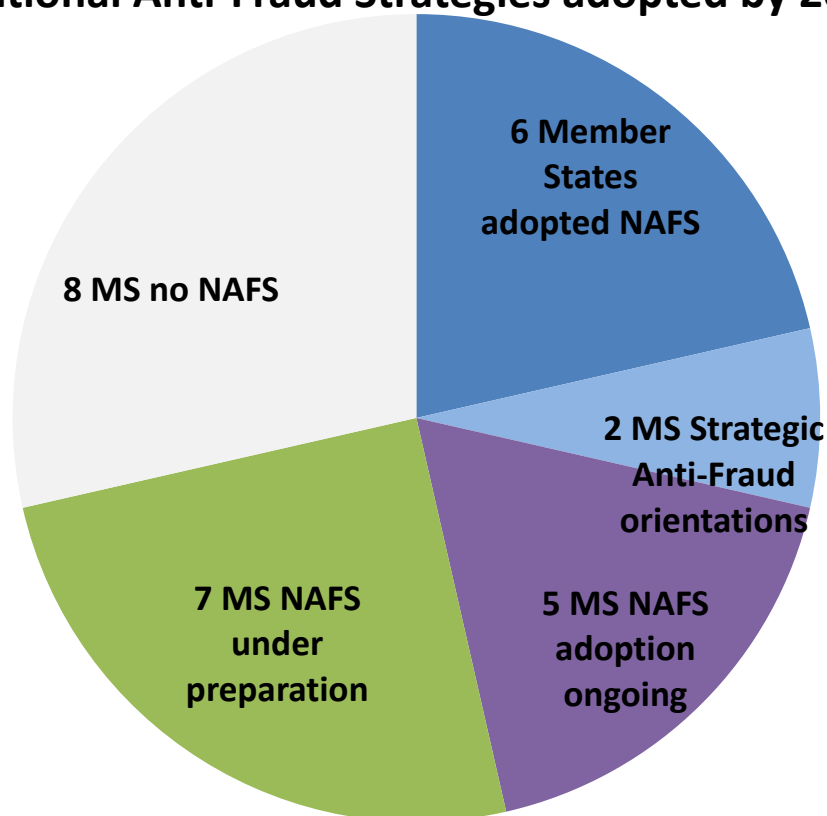
¹ Belgium, Bulgaria, Czech Republic, Denmark, Germany, Greece, Spain, Italy, Latvia, Lithuania, Luxembourg, Hungary, Netherlands, Portugal, Romania, Slovenia; Slovakia and Finland.

² Bulgaria, Greece, Croatia, Malta, Slovakia, Hungary.

³ Spain, Latvia, Luxembourg, Romania, Slovenia.

⁴ Belgium, France, Netherlands, Austria, Poland, Portugal, and the United Kingdom.

National Anti-Fraud Strategies adopted by 2015



The chart above illustrates the analysis of information provided by Member States in the documents: "Follow-up recommendations to the Commission report on the protection of the EU's financial interests – fight against fraud, 2014" and "Questionnaire on the protection of the EU's Financial Interests 2015".

Table 1: Measures reported by Member States

Member State	No of Measures	Public procurement		Financial Crime (+ Money Laundering)		Organised Crime		Corruption		Conflict of Interest		Fraud Definition		AFCOS		Whistleblower		Other	
		Single	Package	Single	Package	Single	Package	Single	Package	Single	Package	Single	Package	Single	Package	Single	Package	Single	Package
BE	5		3		1			1			3		1					1	1
BG	5		1	3	1	1	1				1			1		1		2	1
CZ	5		2	2	1		1	1	2	1	2					1	1	2	
DK	5			1		1		1										3	
DE	5	1							3		2	1	1					2	2
EE	4		1	1				1		2	1	1		1		1			3
IE	3	1		3															
GR	5	2	1		2		2	1	1	1	1	1		1	1		1	2	1
ES	5	1		1		1		3						1				1	
FR	4																	3	1
HR	3													3					
IT	5	2	1	1		1		1			1							3	
CY	1		1																
LV	5		2	1	1	1		1	1		1		1		1		3		2
LT	5											1				1		3	1
LU	5	2				1				1		2				1		1	
HU	5		1	1			1				2								1
MT	1													1					
NL	5									1								4	
AT	3			1						1	1							1	1
PL	4																	4	
PT	5		1	1		1				1	1	1	1		1		1	1	1
RO	5	1	3		1		1		3	1	3			1	1		1		
SI	5	1	1	2		1		2	1		1		1	1				1	
SK	5	1	3	1	1				1	1	3		1		2		1	1	2
FI	5		1		2		2		2										2
SE	4	2		1										2				2	
UK	2				1														1
Total	119	14	22	20	11	8	8	10	15	7	24	7	7	9	8	4	10	38	20

The table shows the number of measures reported by the Member States (118), and the nine areas in which they are reported (public procurement, Financial Crime (and money laundering), Organised crime, Corruption, Conflict of Interest, Fraud Definition, AFCOS, Whistleblowers and 'Other'. Measures may be reported as a single measure or as a package of measures covering more than one area.

2.2. Actions taken by Member States in the anti-fraud cycle

In the questionnaire Member States were asked to indicate which stage or stages of the anti-fraud cycle (see graphic below) are targeted by each measure reported.

Stages of the anti-fraud cycle



Prevention should be treated as a priority by managing, certifying and audit authorities, in order to mitigate the fraud risks. It shall be made more effective through closer cooperation between all stakeholders and an overall enhanced co-ordination of actions.

Detection is a critical stage that should be handled with due diligence and proactively by all stakeholders, management and control authorities, including audit authorities as well as law enforcement services.

Investigations and prosecution are closely interlinked. Their efficiency requires appropriately qualified staff, full cooperation of the management and control authorities and smooth collaboration among the authorities. Cooperation with other relevant actors at EU and national level is also of high importance.

Recovery and sanctions should be effective and rigorously followed up by the relevant administrative and law enforcement authorities.

Table 2 below demonstrates that while the majority of measures focused on prevention, Member States pay attention to all stages of the anti-fraud cycle, resulting in a holistic approach to fraud prevention across the European Union.

Table 2: Areas addressed by anti-fraud measures reported and the stages of the anti-fraud cycle targeted (prevention, detection, investigation and prosecution, recovery and sanction). Note: a measure is counted each time it addresses one or more of the four stages of the anti-fraud cycle, in one or more areas.

	Prevention	Detection	Investigation and prosecution	Recovery and sanction
Public procurement	34	24	14	9
Financial Crime (+ Money Laundering)	26	25	19	16
Organised Crime	12	12	9	7
Corruption	19	12	8	6
Conflict of Interest	33	25	12	12
Fraud Definition	13	14	9	7
AFCOS	13	11	6	6
Whistleblower	11	10	5	4
Other	45	31	17	17
Total	206	164	99	84

2.3. Measures reported by area

In areas pre-selected in the questionnaire⁵, the largest number of measures reported by the Member States were in relation to public procurement (thirty-six), followed by financial crime and money laundering (thirty-one), conflict of interest (thirty one), corruption (twenty five), AFCOS (seventeen), organised crime (sixteen), fraud definition (fourteen), whistle-blowers (fourteen)⁶.

The 'other' field was selected by the Member States fifty-eight times, separately or in combination with the above mentioned areas, in order to clarify a measure, or to introduce another area (for example co-ordination of fraud prevention, customs-related fraud, etc.), or a strategy in the programming period 2007-2013 and 2014-2020 to counter fraud affecting the financial interests of the Union.

The amount of replies reported as 'other' for the year 2015 increased (from twenty-six in 2013 to forty-one in 2014 to fifty eight in 2015), which can be explained by the adoption of a bulk of provisions concerning the new programming period 2014-2020 and dealing with remaining issues regarding the old programming period 2007-2013.

⁵ The questionnaire outlined eight areas of specific PIF sectors to which the measures taken by the Member States applied; the 'other' field was used to report miscellaneous areas or horizontal strategies. Federal countries and countries with devolved administration in the field of anti-fraud strategy had the possibility to list 'additional measures' in a special field.

⁶ Reference to 'area' is, therefore, not equal to a single measure adopted.

All of the answers were analysed according to the anti-fraud cycle: prevention, detection, prosecution and sanctions.

2.3.1. The 'Other' category

The Member States referred, in fifty eight cases, to the category 'other' to clarify the area (preselected in the questionnaire as public procurement, financial crime, organised crime etc.) or in order to introduce a reference to 'another' area. A comprehensive list of measures classified as 'other' are detailed in table 3.

Table 3: Details on measures reported as 'other'

Member State	No MEASURE	Other Area reported for each measure
BE	1	Program Act of 10 August 2015.
	3	1) Customs: Inspection of goods with a view to improving measures to combat fiscal and non-fiscal crime and improving the collection of EU own resources. 2) ERDF Brussels-Capital Region: Analysis of State and issues under the new grants for the 2014-2020 programming period. 3) ERDF Flanders: Overall compliance with the regulations and eligibility. State aid.
BG	1	Management and control of EU funds. Administration of irregularities and electronic reporting. Strengthening of administrative capacity. Access to information. Databases and information exchange systems. Cooperation with OLAF and the competent authorities of the MS. Administrative checks and criminal investigations.
	2	Management and control of European Structural and Investment Funds.
	3	Unpaid public state receivables established by the customs authorities. Penalties for the smuggling of goods. Forfeiture to the State. Customs investigation activities. Operative-search and convoying activities.
CZ	2	The CSA covers a large scale of activity of the public sector, including stability and efficiency of public service.
	3	Customs and tax administration.
DK	1	Management of funds/Anti-fraud or anti-corruption strategy.
	2	Increased knowledge of the fraud risk.
	3	Management of funds.
DE	1	Coordination of fraud prevention in the agriculture and fisheries sectors.

	3	Management of funds.
	4	Anti-fraud and anti-corruption strategy, guidelines for intermediate bodies combating fraud and corruption, fraud risk assessment.
	5	Management of funds.
EE	1	Management of funds. Integrity and transparency measures.
	2	Integrity and transparency measure.
	3	Management of funds.
GR	1	The General Secretariat of Anti-Corruption, in cooperation with European institutions, international organizations and all involved national authorities, draws up and coordinates implementation of the National Strategic Plan to combat corruption and fraud. The National Plan in general: (a) is modular and consists of aims, measures and specific actions (b) covers the public sector and includes initiatives that also involve the private sector, (c) includes legislative, administrative, organizational and operational measures and actions, (d) covers inter alia: funding of political parties, ethics and integrity, public procurement, high risk sectors, whistleblowing, foreign bribery, etc. (e) enhances and facilitates cooperation of the involved administrative, inspectorate, law enforcement and judiciary authorities.
	2	The measure of Management and Control System adoption targets Structural Actions for the Programming Period 2014-2020.
	5	Update of the Rural Development Programme with new Project Selection Procedures.
ES	3	Improving information exchange between the various actors with access to relevant information with the aim of detecting irregularities and instances of fraud.
FR	1	Action to combat the illicit trade in tobacco products. This measure is intended to authorise the ratification by France of the WHO Protocol to Eliminate the Illicit Trade in Tobacco Products.
	2	Traditional Own Resources (TOR).
	3	Community mutual administrative assistance in customs matters, as provided for under Regulation (EC) No 515/97 of 13 March, as amended.
	4	Spontaneous exchange of information relating to customs controls and risks between EU Member States' customs offices in accordance with the Community Customs Code Implementing Provisions (CCIP - Article 4g of Regulation (EC) No 1875/2006 of 18 December 2006). These exchanges take place via DG TAXUD's CRMS

		system (Community Customs Risk Management).
IT	1	Anti-fraud and anti-corruption strategy.
	2	The measure lays down control procedures for agricultural payments under the CAP (2013 single payment scheme), for checking potentially fraudulent declarations of land occupancy made by beneficiaries in order to obtain access to applicants for or payment of premiums.
	4	Combating fraud against local, regional, national and EU budgets.
LV	1	Public officials, human resource management in the public sector, internal control standards, construction, squandering, state aid, judiciary, abolition of administrative immunity, investment, education (corruption and ethical topics in the education system), codes of ethics, illicit enrichment, proceeds of crime, financing of political parties, lobbying, management of funds, health system, asset declarations, transparency of public institutions, private sector, sport organizations, awareness raising activities and informative materials.
	2	Management of funds.
LT	1	Anti-corruption strategy.
	2	Collaboration with law-enforcement authorities for the purposes of expeditiously obtaining information relating to their pre-trial investigations, investigating infringements and recovering unlawfully used funds.
	4	Detection and prevention of artificially created conditions for obtaining aid.
	5	Prevention of irregularities and fraud, protection of European Union and Lithuanian financial interests.
LU	3	Management of Structural Investment Funds.
HU	3	Fraud prevention and detection at the paying agencies for the period 2014-2020, definition of irregularities and fraud, fraud typology.
	4	Adoption of an anti-fraud strategy for the 2014-2020 programming period for the European Structural and Investment Funds (ESIF). Fraud risk assessment,

		management, and relevant procedures. Training in fraud prevention, with a view to knowledge-sharing. Themes: Introduction to the ESIF system (fraud and corruption prevention module), irregularity management, presentation of ARACHNE (IT tool for risk analysis in shared management), professional ethics, integrity, prevention of corruption. Introduction to ARACHNE, development of risk scoring function in own IT system. Organisational restructuring, increase of the number of on-the-spot checks.
NL	1	Evasion of own resources (anti-dumping duty).
	2	Modernisation/automation of import declarations (AGS).
	3	The payment of own resources (including anti-dumping duty) and excise is an explicit administrative priority.
	5	Address the problem of double declarations.
AT	1	Anti-fraud measures (also includes avoiding conflicts of interest).
	3	Organisation update of the paying agency. Uniform Application and Central payment of EMFF funds. Improved reporting on irregularities according to Reg. 908/2014 annex II and annex III.
PL	1	Management of EU funds.
	2	Anti-corruption strategy.
	3	Trade in tobacco products.
	4	Combating fraud in projects co-financed by EU funds.
PT	1	European funds - EAGF and EAFRD, as well as other support payments through the IFAP, in particular under the EFF/EMFF.
	2	Management of EAFRD Agricultural Funds.
RO	2	Management of EU regional development funds.
	3	Measure on fraud prevention and detection.
SI	3	Administrative measure – more efficient recovery of unduly spent European cohesion policy funds: Obligatory elements of the 2014-2020 co-financing contract agreed with the State Attorney's Office and the Ministry of Finance.
SK	1	Financial control and audit – fraud detection.
	2	Anti-fraud strategy.

	5	Common Agricultural Policy.
FI	1	Fraud prevention action plan in the area of agriculture. Tasks relating to the misuse of aid and grants.
	3	Tax fraud.
SE	1	On-the-spot checks and competent authorities: <i>The proposals from the inquiry cover on-the-spot checks and the role of competent authorities and the AFCOS. However, the proposals are still subject to referral.</i>
	3	Seminar dealing with public procurement and state aid.
UK	1	Management of funds in the case of ESIF.

2.3.2. Public Procurement

Member States reported thirty-six references concerning public procurement (legislative, administrative, organisational and operational measures). Similar to previous years, these were adopted either as a single measure (14) or in combination with provisions in other areas (22), such as corruption, organised crime, conflict of interest, fraud definition, whistle-blowers and 'other'. The references to public procurement were reported by a majority of Member States⁷. Examples of measures in this area include:

- Greece introduced procedures for the prevention and fight against fraud in the Management and Control System (MCS) of the NSRF 2014-2020. In addition it adopted administrative measures in the framework of the Rural Development Programme National Action Plan with the objective of lowering the error rate, favouring the use of comparative assessment and programmed cyclical restricted invitations.
- Spain strengthened the ex-ante checks carried out by audit bodies to physically verify the effective completion of works, services and acquisitions financed by public funds and to check whether they match the content of the corresponding contract or order.
- Italy adopted Law No 69 of 27 May 2015 (Italian Official Gazette No 124 of 30 May 2015) on 'Provisions on criminal offences against the public administration, and involving mafia-like organisations and false accounting'. This measure, the aim of which is to lay down harsher penalties for corruption, bribery and embezzlement, provides for a number of simultaneous amendments to the Civil Code to increase the penalties for false accounting for publicly listed and other companies.
- Hungary adopted Act CXLIII of 2015 on public procurement, the objective of which is to transpose the new public procurement directives adopted by the EU legislature into Hungarian law.

⁷ The 19 Member States reporting measures on public procurement were: Belgium, Bulgaria, Czech Republic, Germany, Estonia, Ireland, Greece, Spain, Italy, Cyprus, Latvia, Luxembourg, Hungary, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden.

- In Romania the public procurement arrangements will be reformed by transposing the new European Directive on this matter; adopting the national public procurement strategy; ensuring the global coherence and efficiency of institutional arrangements by setting up a National Public Procurement Agency; and strengthening national cooperation between the institutions involved in the management and monitoring of European funds in order to identify risks arising from public procurement.
- Slovenia introduced changes to public procurement and the remit of the Commission for the Prevention of Corruption (KPK): 1. The IT tools have been upgraded in the interest of the public authorities, the general public and the media, now allowing access to data on spending by public institutions (through contracts for work and material or copyright contracts) on goods and services provided by public sector employees; 2. Local authorities have produced integrity plans and identified risks (KPK presented its findings at a round-table entitled Municipal assets – a focal point for corruption risk).
- Finland introduced a comprehensive reform of public procurement legislation on the basis of EU Directives 2014/23/EU, 2014/24/EU and 2014/25/EU on public procurement.
- The Czech Republic amended Public Procurement Act No. 40/2015 in compliance with Directive 2014/24/EU. It will come into effect in June 2016 and the first contract will be published in 2017.
- Ireland introduced a National Law, namely Statutory Instrument No. 93 of 2015, European Union (Direct Support Rural Development Schemes) Offences and Control Regulations 2015. The Statutory Instrument sets out the powers of authorised officers and details offences and penalty provisions in relation to measures funded by the EAFRD co-funded Rural Development Programme.
- Cyprus introduced a change in legislation regarding modifications on public contracts.
- In Latvia the amendments to Public Procurement Law and training entered into force. Since 1 August 2015 inspection rules of exclusion only allow suppliers that have passed the tax liability to participate in public procurement.

2.3.3. *Financial Crime (and money laundering)*

Nineteen Member States⁸ reported thirty-one references to financial crime and money laundering. Examples of measures include:

- Belgium organised a series of training courses on anti-money-laundering measures for tax officers and magistrates in the public prosecutor's office and at headquarters.
- Bulgaria adopted an Act amending and supplementing the Tax and Social Security Procedure Code and Act amending and supplementing the Customs Act.
- Estonia implemented the VATSUM system (VAT returns, automatic comparison of transactions over EUR 1 000 and the person's background) to facilitate the work of inspectors.

⁸ Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Ireland, Greece, Spain, Italy, Latvia, Hungary, Austria, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, United Kingdom.

- Italy adopted Law No 69 of 27 May 2015 (Italian Official Gazette No 124 of 30 May 2015) on 'Provisions on criminal offences against the public administration, and involving mafia-like organisations and false accounting'. This measure, the aim of which is to lay down harsher penalties for corruption, bribery and embezzlement, provides for a number of simultaneous amendments to the Civil Code to increase the penalties for false accounting for publicly listed and other companies.
- Approval of the 2015-2017 Strategic Plan to combat tax and customs fraud and evasion by Portugal.
- Financial Administration of Slovenia (FURS): The Rules on the exercise of public powers by FURS officials was adopted. The 2014 Financial Administration Act redefines the powers of officials of the joint customs and tax authority.
- Finland organised a campaign against the hidden economy.
- The Swedish Council for the protection of the European Union's financial interests (the SEFI Council) worked on its tri-annual report to the Government for the years 2013-2015. The report sets out which measures have been undertaken during this period to promote efficient and correct management of EU-related funds. It also contains a description of the coordination of the relevant authorities' work to combat fraud, abuse and other improper use of EU funds.
- In the Czech Republic an Act (86/2015) came into effect stipulating new measures concerning confiscation of offenders' property in connection with causing financial damage to the EU.

2.3.4. *Conflict of Interest*

Sixteen Member States⁹ referred to thirty one measures taken in order to eliminate conflict of interest.

The following are examples of legislative and/or organisational provisions taken:

- Denmark introduced rules in January 2015 stipulating that all officials working on case handling and payment of aid requests under the Common Agricultural Policy will have to sign declarations of no conflict of interest. The official's line manager reviews rules on conflict of interest when officials are appointed and during annual assessments. Officials consequently undertake not to handle cases with which they have any personal or economic connection.
- In Hungary the Presidential Directive No 18/2015 of 21 May 2015 entered into force laying down the detailed rules governing the acceptance and examination/investigation of reports on abuses, irregularities and integrity and corruption risks within the organisation, integrity consultancy activities and the procedure for dealing with lobbyists.
- The Netherlands started the testing of ARACHNE and plans to bring ARACHNE into operation for the 2014-2020 programming period.
- In 2015 the Agency of the Republic of Slovenia for Agricultural Markets and Rural Development (ARSKTRP) organised courses for all staff on combating fraud.

⁹ Belgium, Bulgaria, Czech Republic, Germany, Estonia, Greece, Italy, Latvia, Luxembourg, Hungary, Netherlands, Austria, Portugal, Romania, Slovenia, Slovakia.

- Luxembourg introduced a measure on declaration of conflicts of interests and whistleblowing in the agricultural sector (EAGF and EAFRD).

2.3.5. *Corruption*

Thirteen Member States¹⁰ referred to single or packages of measures taken in order to eliminate corruption in the framework of other measures or national strategies (corruption, transparency measures, auditing procedures) and introduced specific measures to fight corruption in public procurement.

- Germany introduced several anti-corruption measures including the entering into force of the Prevention of Corruption Law on 26 November 2015, an anti-fraud and anti-corruption strategy, including fraud risk assessment of all European Regional Development Fund measures, and guidelines for intermediate bodies combating fraud and corruption.
- Estonia introduced a measure to raise awareness about corruption, including training for officials and a hotline for reporting suspicions anonymously.
- Spain introduced a reform of the Penal Code to strengthen penalties for offences of corruption in public administration.
- In May 2015 the Hungarian Government adopted the National Anti-Corruption Programme, which constitutes its anti-corruption strategy for a four-year period.
- In Romania a strategy for integrity 2015-2020 was adopted by the Ministry of Regional Development and Public Administration (MDRAP). This document introduces measures which aim to tackle certain problems and vulnerabilities that are specific to MDRAP's areas of activity and competences, and offer solutions that provide a real and effective response.
- The Civil Service Act (CSA) came into force on 1 January 2015 in the Czech Republic, including measures to prevent corruption in the public service. The Czech Republic also adopted a Government Resolution (418/2014) on Basic Anti-Corruption Directions to guide the government's fight against corruption.
- Latvia approved on 16 July 2015 the Corruption Prevention and Combating Guidelines for 2015-2020. This mid-term planning document describes the current situation of Latvia's anticorruption policy, defines problems and stipulates tasks to be executed by various state institutions, sets out the implementation time frame for individual assignments, and justifies the assignment and overall policy results to be expected within a certain period of time.

2.3.6. *Measures Reported Concerning Anti-Fraud Coordination Service (AFCOS)*

Twelve Member States¹¹ reported measures concerning their Anti-Fraud Coordination Service (AFCOS). Some examples include:

¹⁰ Belgium, Czech Republic, Denmark, Germany, Estonia, Greece, Spain, Italy, Latvia, Romania, Slovenia, Slovakia, Finland.

¹¹ Bulgaria, Estonia, Greece, Spain, Croatia, Latvia, Malta, Portugal, Romania, Slovenia, Slovakia, Sweden.

- Estonia reported a measure covering all stages of the anti-fraud cycle aimed at improving the cooperation between implementers of support and the investigating authorities - regular joint seminars, which provide a place for sharing experiences, case studies.
- The Greek General Secretariat against Corruption was designated as AFCOS. The Greek AFCOS a) cooperates with OLAF and all International and European Institutions and Organizations as well as the national competent authorities in the field of European Financial Interests and the fight against fraud b) coordinates administrative, inspectorate, law enforcement and judiciary authorities in the cases of suspected fraud, c) develops prevention policies and initiatives d) receives complaints for the EU (co) financed actions.
- Bulgaria adopted a 2015-2016 Action Plan for the implementation of the National Strategy for the prevention of and fight against irregularities and fraud affecting the financial interests of the European Union, adopted by the Council of Ministers on 27 May 2015. The Plan sets out measures for achieving the following objectives contained in the Strategy: improvement of prevention; increasing the efficiency of the detection and counteraction of irregularities and fraud; strengthening cooperation with OLAF and the MS; increasing the efficiency of activities related to investigation, recovery and imposing of penalties. A deadline, responsible authority and implementation indicator is given for each activity.
- Spain granted legal status to the National Anti-Fraud Coordination Service (Servicio Nacional de Coordinación Antifraude - AFCOS).
- In March 2015, the Swedish Ministry of Finance initiated an inquiry tasked with reviewing the legal situation regarding OLAF's on-the-spot checks in Sweden, inter alia in order to bring it up-to-date with the present Multiannual Financial Perspective 2014-2020.
- The Republic of Croatia adopted several AFCOS measures, namely: guidelines on management of irregularities for the period 2007-2013 and 2014-2020, a protocol on cooperation and information exchange between the ministry of finance and the ministry of the interior, and a protocol on cooperation between the ministry of finance and the state attorney in the context of protecting EU financial interests.
- The Latvian AFCOS organized a seminar with the participation of OLAF to improve cooperation for on-the-spot checks.

2.3.7. *Measures to prevent organised crime*

Thirteen Member States¹² reported sixteen measures to prevent organised crime.

- Spain established an Office of Asset Recovery and Management. This is a new body, integrated into the General State Administration to assist the Judiciary, which is responsible for (1) locating, (2) recovering, (3) preserving, (4)

¹² Bulgaria, Czech Republic, Denmark, Greece, Spain, Italy, Latvia, Luxembourg, Hungary, Portugal, Romania, Slovenia, Finland.

administering and (5) realising/disposing of effects, assets, instruments and profits from criminal activities committed as part of organised crime.

- Romania adopted Law No 318/2015 on the establishment, organisation and functioning of the National Agency for the administration of seized goods, which under the authority of the Ministry of Justice.
- The Slovenian Ministry of the Interior (Police and the Police and Security Directorate) adopted annual guidelines for police work including identifying and investigating economic crime and organised forms of corruption.
- The 2015-2019 Greek Crime Policy Programme sets the strategic guidelines for the fight against Financial Crime and Organized Crime. The Programme includes specified objectives in the respective fields and constitutes a major priority of the Hellenic Police.

2.3.8. *Fraud definition*

Ten Member States¹³ reported fourteen measures concerning the definition of fraud. Examples include:

- In Germany, the Anti-fraud and anti-corruption strategy, including fraud risk assessment of all European Regional Development Fund measures, and guidelines for intermediate bodies combating fraud and corruption, included some clarifications on definitions.
- Estonia clarified definitions during an AFCOS activity which involved improving the cooperation between implementers of support and the investigating authorities.
- In Lithuania, The internal procedures of the National Paying Agency under the Ministry of Agriculture were updated (the description of the procedure for transmitting information and receiving information from law-enforcement authorities), taking into account the Guidance Note of 26 February 2014 on Anti-fraud Measures as foreseen in the context of Accreditation Criteria.
- In Latvia, Cabinet regulations adopted regarding financial control of ETC 2014-2020 programmes and projects. The Ministry of Welfare of the Republic of Latvia approved Guidelines for fraud prevention in FEAD and Guidelines for financial corrections in FEAD.
- Luxembourg introduced a reporting procedure in case of suspected fraud (FEDER).
- Portugal's 2015-2017 Strategic Plan to combat tax and customs fraud and evasion included clarifications of definitions.
- Slovakia's National Strategy for the Protection of the European Union's Financial Interests included definitions

¹³ Belgium, Germany, Estonia, Greece, Latvia, Lithuania, Luxembourg, Portugal, Slovenia and Slovakia.

2.3.9. *Measures on the Protection of Whistle-blowers*

The ‘whistle-blowers’ area was marked in the responses of ten Member States¹⁴. Examples of the fourteen measures reported include:

- In the Czech Republic, the Civil Service Act of 6/11/2014 included procedures to anonymise and protect whistle-blowers, as well as rules to process their reports.
- In Lithuania the EU structural funds website, www.esinvesticijos.lt, which publishes all information relating to the administration and use of EU structural funds of interest to project promoters, potential applicants, EU structural fund administration authorities and the public, offers visitors the possibility of providing information anonymously on suspected cases
- Romania applied procedures to report irregularities and protect whistle-blowers who report or notify irregularities at the Ministry of European Funds.

¹⁴ Bulgaria, Czech Republic, Estonia, Greece, Latvia, Lithuania, Luxembourg, Portugal, Romania, Slovakia.

2.4. Structured answers of 28 Member States – measures taken concerning the EXPENDITURE areas of the EU budget

BELGIUM (BE)

MEASURES

	SPF Finances: Cayman Tax. The Cayman tax is a tax charge on certain income from certain legal constructions, in the hands of Belgian individuals (and Belgian entities subject to legal entities income tax.	1) Training of tax officers in anti-money-laundering measures. 2) Training given by an official in the Commission's DG AGRI to officers handling EAGF, EAFRD and ERDF cases in Wallonia on the prevention and detection of fraud in January 2015 and similar training in Flanders in October 2014. 3) L'Institut de formation judiciaire (the Judicial Training Institute) organised courses on 23.10.15 (in Dutch) and 18.11.15 (in French) on economic and financial criminal law, specifically on the subject of laundering, aimed at magistrates in the public prosecutor's office and at headquarters.	Strengthening frontline controls: 1) Customs: Modernisation of goods inspections through the use of advanced technologies and the computerisation of certain parts of the control process, e.g. reporting and internal communication. 2) ERDF Brussels-Capital Region: Recruitment of staff to strengthen checks on public procurement and the appropriate use of grants. 3) ERDF Flanders: Strengthening of double-checks. 4) ESF German-speaking community: Guide for ESF project promoters on the application of the procurement rules.	1) Establishment of Datamining Service within Customs Administration. In the Benelux, VAT carousel fraud has been a big fraud scheme since the 70s. Hereafter, this fraud scheme is extended to Europe because of the Maastricht Treaty in 1993. This scheme is successfully combatted in Belgium by means of Social Network Analysis. This know how is transferred to Greece as a project of the Belgian Special Tax Inspectorate. 2) Analysis in preparation for the use of the ARACHNE IT programme for the 2014-2020 ERDF programming period in Wallonia.	Circular No 11/2015 of 1.10.15 of the Collège des procureurs généraux (Board of Prosecutors-General) - public corruption, private corruption, embezzlement, unlawful taking of interest and misappropriation by a person holding public office: criminal policy, processing of cases and legal framework. Public corruption cases should be treated as a matter of priority. The level of priority is assessed particularly in the light of the involvement of EU or international officials. Cases of corruption involving foreign public officials must be given special attention.
Anti-fraud cycle	Recovery and Sanction	Prevention; Detection; Investigation and Prosecution	Prevention; Detection; Investigation and Prosecution	Prevention; Detection	Investigation and prosecution
Measures	New	New	New Administrative & Updated Operational	New	New
Scope of administrative measure	Recovery	General trainings and Fraud awareness trainings	Eligibility criteria and Management of funds	Reorganisation of existing bodies; Competence and Fraud awareness trainings	Reorganisation of existing bodies; Competence and Streamlining procedures
Scope of operational measure			IT tools, Web reporting/Hotline, increased number of checks, other.	IT tools; Risk indicators	
Type of act within administrative measure	Program act		Decision/Resolution		
Reasons for administrative measure	Prevent Belgian tax payers from hiding assets in foreign construction		To clarify or consolidate existing rules, to enhance existing measure		
Organisational measure - expected results in terms of resources		Increased resources			
Date of organisational measure		01/01/2015		01/01/2015	01/01/2015
Expected result of operational measure			Enhanced information flow; Targeting of checks and Enhanced ex-ante controls	Enhanced coordination; Enhanced information flow; Targeting of checks, Enhanced information flow and Enhanced ex-ante controls	
Operational measure - date			01/01/2015	01/01/2015	
Sectoral or Horizontal	Sectoral	Sectoral		Sectoral	
Sectors concerned	Revenue - Tax Fraud	Revenue - Tax Fraud; Expenditure - Agriculture; Expenditure - Fisheries; Expenditure - Cohesion policy	Expenditure - Cohesion policy	Revenue - Customs; Revenue - Tax Fraud; Expenditure - Cohesion policy.	
Sectors addressed by measure against corruption in public procurement				Public and Private sector	Public and Private sector
Other measures preventing corruption in public procurement					Measures to improve the effectiveness of prosecution - The circular sets out the criminal policy and gives practical guidelines for public prosecutors in order to promote efficient handling of cases involving public corruption, private corruption, embezzlement, unlawful taking of interest and misappropriation by a person holding public office.

BULGARIA (BG)
MEASURES

	2015-2016 Action plan for the implementation of the National strategy for the prevention of and fight against irregularities and fraud affecting the financial interests of the European Union, adopted by the Council of Ministers on 27 May 2015. The Plan sets out measures for achieving the following objectives contained in the Strategy: improvement of prevention; increasing the efficiency of the detection and counteraction of irregularities and fraud; strengthening cooperation with OLAF and the MS; increasing the efficiency of activities related to investigation, recovery and imposing of penalties. A deadline, responsible authority and implementation indicator is given for each activity.	Act on the management of European Structural and Investment Funds	The Act amending and supplementing the Customs Act	The Hercule III project 'Increasing the administrative capacity of the National Revenue Agency for the prevention and investigation of fraud affecting the EU's own resources system'. Four international seminars were held with the participation of 160 representatives of the tax and customs authorities of Bulgaria, Romania and Greece, along with OLAF and AFCOS, to exchange experience and discuss case studies from the fight against fraud. Steps have been taken to improve the interaction between administrations of MS in the Balkan region for the prevention and detection of fraud affecting the EU budget and national budgets.	The Hercule III project 'Increasing the administrative capacity of the National Revenue Agency for the prevention and investigation of fraud affecting the EU's own resources system'. Four international seminars were held with the participation of 160 representatives of the tax and customs authorities of Bulgaria, Romania and Greece, along with OLAF and AFCOS, to exchange experience and discuss case studies from the fight against fraud. Steps have been taken to improve the interaction between administrations of MS in the Balkan region for the prevention and detection of fraud affecting the EU budget and national budgets.
Anti-fraud cycle	Prevention; Detection; Investigation and prosecution; Recovery and sanction	Prevention; Detection; Recovery and sanction	Prevention; Detection; Investigation and prosecution; Recovery and sanction	Prevention; Detection and Recovery and sanction	Prevention; Detection; Investigation and prosecution; Recovery and sanction
Measures	New	New	Amendment	Amendment	New
Package of measures	Organisational and Operational	Legislative	Legislative	Legislative	Organisational
Scope of legislative measure		Competences; Powers; Financial penalties; Other administrative penalties and Criminal sanctions *Criminal sanctions: more (they have been increased)	Competences; Powers; Recovery; Financial penalties; Other administrative penalties and Criminal sanctions *Criminal sanctions: more (they have been increased)	Competences; Powers and Recovery	
Scope of organisational measure	Reorganisation of existing bodies; Competence; Inter-agency cooperation; General trainings; Fraud awareness trainings and Simplification of procedures OTHER: The plan provides for the organisation of the preparation by the competent national authorities of new regulations to enhance efficiency in the fight against fraud affecting the financial interests of the EU, and a number of other activities implementing the objectives of the National Strategy				Inter-agency cooperation; General trainings and Fraud awareness trainings
Scope of operational measure	IT tools (IT data feeding, other IT); Web reporting/Hotline; Flagging practice; Risk indicators; Increased number of checks; Structured cooperation with law enforcement and with judicial authorities				
Reasons for legislative measure		To clarify or consolidate existing rules and To enforce the rules in line with developments in EU law	To clarify or consolidate existing rules; To remedy flaws and To enforce the rules in line with developments in EU law	To clarify or consolidate existing rules; To remedy flaws and To enforce the rules in line with developments in EU law	
Expected result of operational measure	Enhanced coordination; Enhanced cooperation; Enhanced information flow; Targeting of checks; Targeting of investigations; Enhanced ex-ante controls and Enhanced ex-post controls				
Expected result of organisational measure: resources	Increased resources				Neutral on resources
Brief description of the legislative measure		The Act on the management of European Structural and Investment Funds (ESIF) lays down the national institutional framework for the management and control of ESIF funding, consolidates the legislation basis for their management, and provides for administrative liability for infringements. The Act regulates the provision of a grant under an administrative contract and the interrelation of the various authorities and beneficiaries in the implementation of projects, the verification and certification of expenditure, the execution of payments, the administration of irregularities and financial corrections	The Act amending the Customs Act was drawn up with a view to aligning national legislation with EU customs legislation and fine-tuning the practical application of the provisions of the Act. The Act provides for the exchange of information between the Customs Agency and the Ministry of the Interior, strengthens penalties for cigarette smuggling, and increases the powers of customs officials to prevent, detect and tackle crime in respect of VAT obligations on imports and excise duties. Controls were extended that aim at the prevention and detection of infringements of customs and excise legislation	The ZID DOPK increases the number of bodies with the right of access to tax and social security information: OLAF, in connection with administrative investigations; the customs authorities, in exercise of their powers; the Finance Minister, in the course of legal or arbitration proceedings. The Act speeds up the process of collecting public and private State receivables in connection with requests from bodies managing EU funds, in the context of activities of the National Revenue Agency aimed at preventing and countering irregularities and fraud affecting the EU budget and the national budget	
Legislative Act - number		The Act on the management of European Structural and Investment Funds has been adopted by the National Assembly and was published in State Gazette No 101 of 22.12.2015	The Act amending the Customs Act has been adopted by the National Assembly and was published in State Gazette No 60 of 7.8.2015	ZID DOPK has been adopted by the National Assembly and was published in State Gazette No 94 of 04.12.2015	
Legislative Act - date		22/12/2015	07/08/2015	04/12/2015	26/10/2015
Date	27/05/2015				
Legislation - type of Act		Law/Act	Law/Act	Law/Act	
Nature of the measure	Horizontal	Sectoral	Sectoral	Sectoral	Sectoral
Sectors concerned		Expenditure-Agriculture; Expenditure-Fisheries and Expenditure-Cohesion policy	Revenue-Customs; Revenue-Tax fraud	Revenue-Tax fraud; Expenditure-Agriculture; Expenditure-Fisheries and Expenditure-Cohesion policy	Revenue-Customs; Revenue-Tax fraud

Czech Republic (CZ)
MEASURES

	Amendment of Public Procurement Act No. 40./2015 Coll. and the amendment Act No. 375/2015 Coll. This Act was amended in compliance with the Directive No.2014/24/EU. Act No. 340/2015 Coll. on Contract Register (adopted 14.12.2015), which place the duty on public bodies to publish every contract exceeding a value of 50 000CZK. It will come into effect in June 2016 and the first contract will be published in 2017, from then concerned contracts will be valid after being published.	Civil Service Act (CSA) -The CSA is the first law of this type in the Czech Republic. It was adopted in 2014, but it came into effect on 1st of January 2015. It covers whole agenda of public service, including corruption in public service and connected topics. It is a single legislative measure, but as a result of its implementation, different measures have been taken. By adopting this Act the Czech Republic has fulfilled the obligation to professionalise the public service placed on it by the EU.	Adoption of the Joint Declaration of the Customs Administration of the Visegrad Group (V4) countries on 18th September 2015 on introduction risk profiles concerning textile and footwear products from Asian countries (Trenčín Declaration). The Declaration was signed after negotiations during the years 2014 and 2015 to respond the need of common solution between V4 countries. Stipulated measures of the Joint Declaration came into effect on 1st January 2016. Customs Administration of the Czech Republic created necessary risk profiles and adjusted its internal rules.	Government Resolution No. 418/2014 on Basic Anti-Corruption Directions on the Governmental Level sets-up the main direction of the government in the fight against corruption. Government Resolution No. 1057/2014 on The Government Anti-Corruption Conception for the Years 2015 to 2017 and the Anti-Corruption Action Plan for 2015 is strongly connected to them. There is also the Action plan for 2016 adopted by Government Resolution No. 1033/2015 on 14th December 2015.	The Act No. 86/2015 Coll., that came into effect on 1.6.2015, stipulated new measures concerning confiscation of the offenders' property in connection with causing financial damage to the EU. More specifically, when the offenders are not using the EU money for the specified purposes that were stipulated in the legal agreement. The Section 70 of the Act was amended, which introduced in case of gained illegal profit by perpetrators, the obligatory confiscation of the property in each case.
Anti-fraud cycle	Prevention	Prevention and Detection	Prevention and Detection	Prevention	Prevention; Recovery and sanction
Measures	New and Updated/Amendment	New	New	Updated/Amendment	New and Updated/Amendment
Scope of legislative measure	Competences and Definition of a specific topic	Competences; Powers and Definition of a specific topic OTHER: The CSA covers large scale of activity of public sector, including stability and professionalism of public service		Definition of a specific topic	Recovery
Scope of operational measure			IT tools ('IT date feeding', Other IT) and Risk indicators		
Reasons for legislative measure	To clarify or consolidate existing rules; remedy flaws and to enforce the rules in line with developments in EU law	To clarify or consolidate existing rules and enforce the rules in line with developments in EU law		To clarify or consolidate existing rules; remedy flaws and enforce the rules in line with developments in EU law	To clarify or consolidate existing rules and to remedy flaws
Expected result of operational measure			Enhanced coordination; Cooperation and Information Flow; Targeting of checks and Targeting of investigations		
Brief description of the legislative measure	New Act will replace the current Public Procurement Act 137/2006 Coll., by April 2016.	To implement Section 205 d) of the Civil Service Act, which impose the duty on government to clarify the topic of protection of whistleblowers working under the CSA, the following was adopted: Government Regulation No. 145/2015 Coll., on the measures related to reporting suspicion of committing the offense in the service office. It deals with the possibilities of anonymizing whistleblowers, their protection and setting up rules on how to process their reports		1) The Conception describes in detail the propositions embedded in the Basic Directions and aims to define governmental anti-corruption policy limits, in particular specify effective instruments, formulate basic content of one-year anti-corruption action plans and define its institutional framework. 2) The Action Plans present a coherent and particular expression of the Government anti-corruption policy. It stipulates key measures of both legislative and non-legislative nature, which will be implemented by the Government in upcoming year	The Act No. 86/2015 Coll., amended the Act No. 141/1961 Coll., Code of Criminal Procedure. There is a wider possibility to use the judicial seizure (securing) of the offender's property as to safeguard the rights of the injured party stipulated in Section 47 (Securing a victim's claim) of the Code of Criminal Procedure (this can include claims of managing authorities and similar bodies distributing the resources from the EU funds
Legislative Act - number	Act No. 40/2015 Coll. and Act No. 375/2015 Coll. (amendment of Act No. 137/2006 Coll. (Public Procurement Act), Act No. 340/2015 Coll., (on Contract	Act. No. 234/2014 Coll.		Government Resolution No. 418/2014 and Government Resolution No. 1057/2014 and Government Resolution No. 1033/2015	Act No. 86/2015 Coll.
Legislative Act - Date	06/03/2015	06/11/2014		04/06/2014	01/06/2015
Operational - date			18/09/2015		
Legislation - Type of Act	Law/Act	Law/Act		Decision	Law/Act
Nature of the measure	Horizontal	Horizontal	Sectoral	Horizontal	Horizontal
Sectors concerned by the operational measure			Revenue - Customs and Tax Fraud		
Corruption within public procurement	Public sector (including political sphere) and private sector	Public sector (including political sphere)		Public sector (including political sphere)	
Measures taken in the fight against corruption in public procurement	Addressing transparency in public procurement	To prevent corruption amongst personnel, including management and it is not directly connected to corruption in public procurement		Addressing transparency in public procurement and to improve the effectiveness of management of public procurement and to prevent corruption amongst personnel, including management	

DENMARK (DK)
MEASURES

	Denmark adopted an anti-fraud policy for the European Regional Development Fund and the European Social Fund which was launched in 2015 on the Danish Business Authority's website to foster a culture that is not conducive to fraud and to promote fraud prevention and detection. The policy is issued to all aid recipients when they are granted an EU cofinancing contract.	Draft for case handlers in the managing authority and certifying authority to create increased awareness of fraud indicators	Internal coordination of cases where there is a suspicion of fraud – uniform decision process for cases where there is a suspicion of fraud, and gathering of experience and knowledge at the central unit.	Fight against fraud by setting up the Anti-fraud Office for all areas dealt with by SKAT. The Office's main objective is to analyse trends and new areas of fraud with a view to uncovering and fighting fraud.	All officials working on case handling and payment of aid requests under the Common Agricultural Policy will have to sign declarations of no conflict of interest. The official's line manager reviews rules on conflict of interest when officials are appointed and during annual assessments. Officials consequently undertake not to handle cases with which they have any personal or economic connection.
Anti-fraud cycle	Fraud prevention	Detection	Detection	Prevention; Detection	Prevention
Measures	New	New	New	New	New
Scope of administrative measure	Management of funds; Irregularities reporting				Monitoring/desk checks
Scope of organisational measure		Competence		Reorganisation of existing bodies	
Scope of operational measure			Internal coordination of cases where there is a suspicion of fraud – uniform decision process for cases where there is a suspicion of fraud, and gathering of experience and knowledge at the central unit.		
Type of act within administrative measure	Circular; Instructions; Guidelines; Manuals				Circular, Instructions, Guidelines, Manuals.
Reasons for administrative measure	To clarify or consolidate existing rules				To clarify or consolidate existing rules
Organisational measure - expected results in terms of resources		Neutral		Increased resources	
Date of organisational measure		16/12/2015		25/09/2015	
Expected result of operational measure			Enhanced coordination and Enhanced ex post controls		
Operational measure - date			07/05/2015		
Sectoral or Horizontal	Sectoral	Sectoral	Sectoral	Sectoral	Sectoral
Sectors concerned	Expenditure - Cohesion policy	Expenditure - Cohesion policy	Expenditure - Cohesion policy	Revenue - Tax Fraud	Expenditure - Agriculture
Sectors addressed by measure against corruption in public procurement					Public sector (including political sphere)
Other measures preventing corruption in public procurement					The arrangement prevents corruption in relation to applications for payment of aid and does not concern public procurement.

GERMANY (DE)
MEASURES

	Working group for the federal government and federal state paying agents for fraud prevention in the agricultural sector. Preparation of guidance for the federal government and federal state paying agents for implementing fraud guidelines in the agricultural sector. In many countries, this guidance will also be applied within the context of fraud prevention in the fisheries sector (European Maritime and Fisheries Fund, EMFF).	On 26 November 2015, the Prevention of Corruption Law (Gesetz zur Bekämpfung der Korruption) entered into force in Germany (see BGBl. I [Federal Law Gazette] No 46, page 2025 et seq.). This resulted in changes to the German Criminal Code (Strafgesetzbuch, StGB) in the area of corruption offences inter alia.	Conducting a self-assessment and developing a strategy for proportionate anti-fraud measures in accordance with Article 125(4), (c) of Regulation (EU) No 1303/2013.	Anti-fraud and anti-corruption strategy, including fraud risk assessment of all European Regional Development Fund measures, and guidelines for intermediate bodies combating fraud and corruption.	Self-assessment of the risks of fraud and corruption in the ERDF Saarland 2014 - 2020 operational programme.
Anti-fraud cycle	Prevention and Detection	Investigation and prosecution	Prevention	Prevention; Detection; Investigation and prosecution and Recovery and sanction	Prevention
Measures	New Administrative	Amendment Legislative Criminal sanctions	Update Administrative	New Administrative and Update Operational	New and Up-date (Administrative and Operational)
Scope of legislative measure		*Criminal sanctions: new (indicates that no sanctions were foreseen before)			
Scope of administrative measure	Monitoring/desk checks & On the spot checks & Investigation OTHER: Coordination of measures in the area of fraud prevention.		Management of funds	Monitoring/desk checks & On the spot checks & Audit checklist and Recovery	
Scope of organisational measure					Competence; Inter-agency cooperation OTHER: Risk assessment in the areas of: selection by the managing authority, implementation of the programme and auditing of activities, certificates and payments as well as direct procurement by the managing authorities
Scope of operational measure				IT tools ('IT data feeding', Other IT); Web reporting/Hotline and Risk indicators	Risk indicators
Reasons for legislative measure		OTHER: In order to implement Articles 5, 9 and 11 of the Council of Europe's Criminal Law Convention on Corruption (ETS No 173), a more comprehensive treatment than before was given to the sanctioning of the taking and giving of bribes involving foreign and international officials, as well as other employees, judges and soldiers. In this context, the criminal offences of taking and giving bribes were also extended to cover European officials, which went beyond the existing German legal requirements (Sections 331 and 333 StGB).			
Reasons of administrative measure	To clarify or consolidate existing rules OTHER: Coordination of a uniform application of measures in the area of fraud Prevention		Cross-cutting measure, multi-agency measure/measure with impact on *Cross-cutting measure: Taking into account all the authorities and bodies involved in the shared management of federal government-ESF funds, a self-assessment for investigating the	To clarify or consolidate existing rules and To enhance existing measure	
Expected result of operational measure				Enhanced coordination; Enhanced information flow and Targeting of checks	Enhanced information flow; Targeting of checks; Targeting of investigations and Enhanced ex-post controls
Expected result of organisational measure: resources					Neutral on resources
Type of act within administrative measure	Circulaire/Circular, Instructions, Guidelines, Manuals		Recommendation	Circulaire/Circular, Instructions, Guidelines, Manuals	
Expected result of legislative measure		The term 'European official' was introduced into German criminal law. Both taking bribes and accepting advantages from and giving bribes and advantages to European officials			
Legislative Act - number		Prevention of Corruption Law (see BGBI. I No 46, page 2025 et seq.)			
Legislative Act - date		26/11/2015		30/11/2015	14/08/2015
Date					
Legislation - type of Act		Law/Act			
Nature of the measure	Sectoral	Horizontal	Sectoral	Horizontal	Sectoral
Sectors concerned	Expenditure- Agriculture and Expenditure- Fisheries		Expenditure-Cohesion policy		Expenditure-Cohesion policy
Corruption within PP		Public sector (including political sphere)		Public sector (including political sphere) and Private sector	Public sector (including political sphere) and Private sector
Measures taken in the fight against corruption in PP		OTHER: Prevention by extending the Criminal Code to cover such cases.		Measures to prevent corruption amongst personnel, including management and Measures to improve the effectiveness of control and audit	Measures to improve the effectiveness of management of the PP; Measures to prevent corruption amongst personnel, including management and Measures to improve the effectiveness of control and audit

ESTONIA (EE)

MEASURES

	AFCOS activity: improving the cooperation between implementers of support and the investigating authorities - regular joint seminars, which provide a place for sharing experiences, case studies.	Raising awareness of corruption: 1) training undertakings, local government officials and the public; 2) opening a hotline, so that public procurement and other problems can be passed on anonymously.	Fraud risk assessment - developing the risk management systems in the implementing bodies and managing authority.	Tax area: implementing the VATSUM system (VAT returns, automatic comparison of transactions over EUR 1 000 and the person's background) to facilitate the work of the inspectors.
Anti-fraud cycle	Fraud prevention; Fraud detection; Fraud investigation and prosecution; Recovery and Sanction	fraud prevention	Fraud prevention; Fraud detection; Fraud investigation and prosecution; Recovery and Sanction	Detection; Investigation and prosecution; Recovery and sanction
Measures	Up-date	Update	Update	New
Scope of organisational measure	Competence; Inter-agency cooperation; General trainings; Fraud awareness trainings; Simplification of procedures; Improvement of cooperation	Competence	Competence; Inter-agency cooperation; General trainings; Fraud awareness trainings, Simplification of procedures	
Scope of operational measure		Web reporting/Hotline; Risk indicators; Integrity and transparency measure	IT tools; Flagging practice; Risk indicators; Structured cooperation with law enforcement	IT tools; Flagging practice; Risk indicators
Type of act within administrative measure				
Reasons for administrative measure				
Organisational measure - expected results in terms of resources	Neutral	Neutral	Neutral	
Date of organisational measure	15/11/2015	30/11/2015	15/10/2015	
Expected result of operational measure		Enhanced information flow	Targeting of checks; Enhanced ex-ante controls	Enhanced information flow; Targeting of checks and Targeting of investigations
Operational measure - date			15/10/2015	01/04/2014
Sectoral or Horizontal	Horizontal	Horizontal	Sectoral	Sectoral
Sectors concerned			Expenditure - Agriculture; Expenditure - Cohesion policy	Revenue - Customs; Revenue - Tax Fraud;
Sectors addressed by measure against corruption in public procurement		Public and Private sector		
Other measures preventing corruption in public procurement		Measures addressing transparency in public procurement; Measures to prevent corruption amongst personnel, including management; Measures addressing transparency of companies participating in public procurement		

IRELAND (IE)

MEASURES

	The introduction of National Law, namely Statutory Instrument No. 93 of 2015, European Union (Direct Support Rural Development Schemes) Offences and Control Regulations 2015. The Statutory Instrument sets out the powers of authorised officers and details offences and penalty provisions in relation to measures funded by the EAFRD co-funded Rural Development Programme.	Taxation - VAT reverse charge for supplies of electricity and gas and electricity and gas certificates. The reverse charge makes the recipient rather than the supplier liable to account for the VAT on supplies. This ensures that the opportunity to generate significant false repayment claims in the sector is eliminated.	VAT - Publication of cancellation of VAT number and notification to suppliers of cancellation of a VAT number. Where it is necessary for the protection of the revenue the Revenue Commissioners may publish the fact that a persons VAT number has been cancelled and may advise that person's supplier of the fact.
Anti-fraud cycle	Fraud prevention; Fraud detection; Fraud investigation and prosecution; Recovery and Sanction	Prevention	Prevention
Measures	New legislation	New legislation	New legislation
Scope of legislation	Powers; Financial penalties; (new) Criminal sanctions	Alternative VAT accounting	Powers
Reasons for legislative measure	To clarify or consolidate existing rules; To enforce the rules in line with developments in EU law	To bring optional anti-fraud measures in the VAT Directive into domestic legislation.	To prevent the fraudulent use of VAT numbers to acquire goods VAT free.
Brief description of the legislative measure	The legislative measure takes the form of a Statutory Instrument (SI) which was signed into Irish Law on 3rd March 2015. The SI sets out the powers of authorised officers engaged in carrying out inspections on projects and beneficiaries funded under the European Agricultural Fund for Rural Development Programme, Axis 3 and Axis 4	Taxation - VAT reverse charge for supplies of electricity and gas and electricity and gas certificates. The reverse charge makes the recipient rather than the supplier liable to account for the VAT on supplies. This ensures that the opportunity to generate significant false repayment claims in the sector is eliminated.	Where a VAT number has been cancelled, the Revenue Commissioners may, for the protection of the Exchequer, notify the person's suppliers of the cancellation of the person's VAT number and may also publish the fact that the number has been cancelled.
Legislation - Type of Act	Law/Act	Law/Act	Law/Act
Legislative Act - number	S. I. No. 93 of 2015	Finance Bill 2015	Finance Bill 2015
Legislative Act - date	03/03/2015	22/10/2015	22/10/2015
Sectoral or Horizontal	Sectoral	Sectoral	Sectoral
Sectors concerned	Expenditure - Agriculture	Revenue - Tax Fraud	Revenue - Tax Fraud

GREECE (GR)

MEASURES

	ESTABLISHMENT OF THE GENERAL SECRETARIAT AGAINST CORRUPTION/DESIGNATION OF THE GREEK AFCOS The responsibilities of the General Secretariat Against Corruption (Γ.Γ.Κ.Α.Δ.) involve ensuring the effectiveness of the national anti-corruption strategy, focusing on the coordination of the control bodies and the effectiveness of their actions, and providing relevant guidelines and recommendations. It has been designated as the competent authority for the coordination of the fight against fraud (AFCOS). It develops coordinated action programmes and monitors their implementation through the audit and enforcement mechanisms and the administrative bodies.	PROCEDURES FOR THE PREVENTION AND FIGHT AGAINST FRAUD IN THE MANAGEMENT AND CONTROL SYSTEM (MCS) OF THE NSRF 2014-2020. Provision is made for the following procedures under the MCS: i) 'fraud risk assessment', based on the EU fraud risk assessment tool, ii) the examination of indications of fraud and a report of suspicions of fraud, where an irregularity involving dolus eventualis is detected, iii) preventive controls and checks to prevent and detect irregularities, including those which show evidence of fraud, and iv) complaints.	CRIME POLICY PROGRAMME (Hellenic Policy) In the 2015-2019 Crime Policy Programme (a text that establishes the strategic guidelines), the fight against financial crime is one of the main priorities of the Hellenic Police, for which special objectives are set	CREATION OF MOBILE CONTROL UNITS by Decision of the Secretariat-General for Public Revenue (SGDE) (A.O.P. A. 1094448 E2015/10-7-15, Government Gazette B 1574/27 July 2015)	ADOPTION OF ADMINISTRATIVE MEASURES IN THE FRAMEWORK OF THE RDA NATIONAL ACTION PLAN The measure aims to lower the error rate in the Rural Development Programme, in accordance with which an improvement in the project selection procedures in the public works measures of the RDP has been introduced, involving the use of comparative assessment and of programmed cyclical restricted invitations, instead of the direct assessment applied in the 2007-2013 programming period. It should be noted that the above-mentioned improved procedure has been included in the relevant measures of the approved 2014-2020 RDP
Anti-fraud cycle	Prevention and Detection	Prevention; Detection; Investigation and prosecution and Recovery and sanction	Prevention; Detection and Investigation and prosecution	Prevention; Detection and Investigation and prosecution	Prevention
Measures	New and Amendment Legislation; New Organisational and New Operational	New and Update	Update Administrative and Update Organisational	New Organisational and New Operational	New and Update
Package of measures	Legislative; Organisational and Operational	Administrative	Administrative and Organisational	Organisational and Operational	Administrative
Scope of legislative measure	Competences and Powers				
Scope of administrative measure		Eligibility criteria; Monitoring/desk checks; On the spot checks; Investigation; Irregularities reporting; Recovery OTHER: Since the measure concerns all the procedures of the Management and Control System, in addition to the above fields, it also covers the assessment of fraud risks (composition of assessment teams and internal cooperation network), preventive checks on procurement approvals and allocation approvals and amendment of the legal obligation, all the checks by the Managing Authorities of the Programmes and inspection by the Certifying Authority, and also investigating any evidence of fraud and complaints	Monitoring/desk checks; On the spot checks; Investigation OTHER: Specific objectives: to combat the illegal subsidies taken from national and European resources, fraud with regard to tax evasion, international fraud, the smuggling of petroleum and tobacco products and the illegal handling of counterfeit goods and copyright products. In order to achieve these objectives, individual actions are taken: cooperation with the Ministry of Economic Affairs in the field of the collection and analysis of data on financial fraud and fraud associated with tax evasion, cooperation and joint action with the Financial and Economic Crime Unit (SDOE) and informing the Commission on money laundering (FIU) where applicable		OTHER: Project selection procedures
Scope of organisational measure	Reorganisation of existing bodies; Competence; Inter-agency cooperation; Fraud awareness trainings; Simplification of procedures		Inter-agency cooperation; General trainings	Reorganisation of existing bodies and Competence	
Scope of operational measure	Web reporting/Hotline; Increased number of checks; Structured cooperation with law enforcement; Structured cooperation with judicial authorities			Web reporting/Hotline; Increased number of checks	
Reasons for legislative measure	To clarify or consolidate existing rules; To remedy flaws and To enforce the rules in line with developments in EU law				
Reasons of administrative measure		OTHER: The need to introduce the above procedures for the prevention and fight against fraud in the MCS of the new 2014-2020 programming period results from both the European institutional framework, which raises the issue of fraud as an obligation on the Member States and the Managing Authorities, and from the National Strategy Against Fraud in the structural actions and the related action plan implemented. The MCS is addressed to the Managing Authorities and the Certifying Authority and constitutes the regulatory framework governing the implementation of the operational programmes for 2014-2020.	To clarify or consolidate existing rules and To enhance existing measure		To clarify or consolidate existing rules; To enhance existing measure
Expected result of operational measure	Enhanced coordination; Enhanced cooperation; Enhanced information flow; Targeting of checks; Targeting of investigations; Enhanced ex-ante controls; Enhanced ex-post controls OTHER: Removal of legislative overlaps.			Enhanced coordination; Targeting of checks; Targeting of investigations; Enhanced ex-ante controls; Enhanced ex-post controls	
Expected result of organisational measure	Increased resources		Neutral on resources	Increased resources	
Type of act within administrative measure		Circulaire/circular, Instructions; Guidelines; Manuals	Circulaire/circular, Instructions; Guidelines; Manuals		Action plan

GREECE (GR) (continue)
MEASURES

	ESTABLISHMENT OF THE GENERAL SECRETARIAT AGAINST CORRUPTION/DESIGNATION OF THE GREEK AFCOS The responsibilities of the General Secretariat Against Corruption (Γ.Γ.Κ.Α.Δ.) involve ensuring the effectiveness of the national anti-corruption strategy, focusing on the coordination of the control bodies and the effectiveness of their actions, and providing relevant guidelines and recommendations. It has been designated as the competent authority for the coordination of the fight against fraud (AFCOS). It develops coordinated action programmes and monitors their implementation through the audit and enforcement mechanisms and the administrative bodies.	PROCEDURES FOR THE PREVENTION AND FIGHT AGAINST FRAUD IN THE MANAGEMENT AND CONTROL SYSTEM (MCS) of the NSRF 2014-2020. Provision is made for the following procedures under the MCS: i) 'fraud risk assessment', based on the EU fraud risk assessment tool, ii) the examination of indications of fraud and a report of suspicions of fraud, where an irregularity involving dolus eventualis is detected, iii) preventive controls and checks to prevent and detect irregularities, including those which show evidence of fraud, and iv) complaints.	CRIME POLICY PROGRAMME (Hellenic Policy) In the 2015-2019 Crime Policy Programme (a text that establishes the strategic guidelines), the fight against financial crime is one of the main priorities of the Hellenic Police, for which special objectives are set	CREATION OF MOBILE CONTROL UNITS by Decision of the Secretariat-General for Public Revenue (GGDE) (Δ.ΟΠ.Α. 1094448 ΕΕ2015/10-7-15, Government Gazette Β 1574/27 July 2015)	ADOPTION OF ADMINISTRATIVE MEASURES IN THE FRAMEWORK OF THE RDA NATIONAL ACTION PLAN The measure aims to lower the error rate in the Rural Development Programme, in accordance with which an improvement in the project selection procedures in the public works measures of the RDP has been introduced, involving the use of comparative assessment and of programmed cyclical restricted invitations, instead of the direct assessment applied in the 2007-2013 programming period. It should be noted that the above-mentioned improved procedure has been included in the relevant measures of the approved 2014-2020 RDP
Brief description of the legislative measure	The General Secretariat Against Corruption was established pursuant to Article 6 of Law 4320/2015 (Government Gazette Α 29/19 March 2015) and is a public service under the competent Deputy Minister for Justice, Transparency and Human Rights, in accordance with Presidential Decrees 71 and 73/15. It is defined as the competent authority for coordinating the fight against fraud (AFCOS), in accordance with Article 325 of the Treaty on European Union and within the meaning of Article 3(4) of Regulation (EU, EURATOM) No 883/2013 of the European Parliament and of the Council of 11 September 2013.				
Legislative Act - number	Law 4320/2015 (Government Gazette Α 29/19 March 2015) Law 4325/2015 (Government Gazette Α 47/11 May 2015)				
Legislative Act - date	19/03/2015				
Date	Organisational: 19/03/2015 Operational: 19/03/2015		Organisational: 12/12/2014		Organisational and Operational: 01/10/2015
Legislation - type of Act	Law/Act				
Nature of the measure	Horizontal		Sectoral		Sectoral
Sectors concerned	Expenditure - Cohesion policy		Horizontal		Revenue -Customs and Revenue- Tax fraud
Corruption within PP	Public sector (including political sphere)				
Measures taken in the fight against corruption in PP	Measures to improve the effectiveness of control and audit OTHER: Since its inception, the General Secretariat Against Corruption has worked in close cooperation with the Single Public Procurement Authority on matters concerning corruption and fraud. This authority processes legislation for public procurement, transposing the relevant EU Directives				
Comments	ADDITIONAL MEASURES: Within its area of competence, the General Secretariat Against Corruption carries out the operational control of the Financial Police, the Financial and Economic Crime Unit, the internal control departments of the Ministries, and the Health and Welfare Services Inspectorate, and coordinates and supervises their activity, setting the priorities for their control activities and entrusting to them the performance of coordinated or individual checks and, together with the jointly responsible Ministers, appointing the SDOE Special Secretary and the Heads of the Services referred to in this Article. In the above context, mixed audit teams have been created with the participation of the Financial Police, the SDOE, the Coast Guard, the customs authorities and the Directorate for Internal Affairs of the Secretariat-General for Public Revenue under the coordination of the General Secretariat Against Corruption.				

Spain (ES)
MEASURES

	Establishment of the Office of Asset Recovery and Management. This is a new body, integrated into the General State Administration to assist the Judiciary, which is responsible for (1) locating, (2) recovering, (3) preserving, (4) administering and (5) realising/disposing of effects, assets, instruments and profits from criminal activities committed as part of organised crime.	Reform of the Penal Code to strengthen penalties for offences of corruption in public administration.	Conclusion of the Cooperation Agreement between the General State Audit Body (Intervención General de la Administración del Estado - IGAE) and the General Council of Notaries (Consejo General del Notariado - CGN). The Agreement aims to allow the IGAE access to the CGN's database, which contains information regarding all transactions recorded by notarial deed in Spain. This information may be used by the IGAE to perform its duties of inspecting and fighting against fraud, at both national level and with respect to the financial interests of the EU.	Granting of legal status to the National Anti-Fraud Coordination Service (Servicio Nacional de Coordinación Antifraude - AFCOS).	Strengthening of the ex ante checks carried out by IGAE bodies to physically verify the effective completion of works, services and acquisitions financed by public funds and to check whether they match the content of the corresponding contract or order.
Anti-fraud cycle	Recovery and Sanction	Recovery and Sanction	Investigation and Prosecution	Prevention; Detection	Fraud detection
Measures	New legislation	Amendment	New	New legislation	Amendment
Scope of legislation	Recovery	(more) Criminal sanctions, Time barring (more)		Competences	Control mechanisms
Reasons for legislative measure	To remedy flaws	To remedy flaws		To clarify or consolidate existing rules; To remedy flaws	To clarify or consolidate existing rules; To remedy flaws
Brief description of the legislative measure	The main aim of this measure is (1) to combine into one single body the duties of locating criminal assets (performed up to now by the Ministry of the Interior) and administering and realising/disposing of these assets (performed up to now by a number of judicial bodies in an uncoordinated way), and (2) to ensure that these duties are assigned to a specialised technical body focusing solely on the performance of these duties and staffed by qualified technical personnel, to guarantee that these duties are carried out efficiently and effectively	Essentially, (1) it provides for a general increase in penalties specifically disqualifying offenders from holding public employment or office, (2) for the most serious offences it adds a penalty specifically disqualifying offenders from exercising their right to stand as a candidate (as an additional penalty, not an alternative one), (3) it includes the possibility of denying parole if the offender has avoided discharging financial liabilities or repairing the financial damage caused to the government, and (4) it extends the limitation period for certain offences in the most serious cases.		Legal status has been granted to the National Anti-Fraud Coordination Service and its basic duties have been regulated, two issues which have so far been included in a regulatory instrument (Royal Decree 802/2014). As well as regulating the Service, it sets out certain aspects necessary for it to perform its duties (providing for an Advisory Board, establishing a legal obligation to cooperate with the Service and giving the Service the same access to information on cases under investigation as OLAF).	Numerous issues are clarified in order to make the ex ante physical checks more efficient. Specifically: (1) activities in preparation for the physical checks, (2) assistance from technical advisers, (3) content and scope of the activities to be performed during the physical checks, (4) demarcation of the responsibilities of individuals involved in the checks, (5) results of the checks and their impact on the processing of payment files, (6) follow-up of deficiencies detected and the corrective measures proposed.
Legislation - Type of Act	Decree	Law/Act		Law/Act	Decision
Legislative Act - number	Royal Decree 948/2015 of 23 October 2015 regulating the Office of Asset Recovery and Management.	Organic Law 1/2015 of 30 March 2015 amending Organic Law 10/1995 of 23 November 1995 on the Criminal Code.		Twenty-fifth additional provision of the General Subsidies Act 38/2003 of 17 November 2003, introduced by paragraph four of the seventh final provision of Law 40/2015 of 1 October 2015 on the legal system for the public sector.	The above measures are set out in two additional pieces of legislation: (1) Royal Decree 109/2015 of 20 February 2015 amending Royal Decree 2188/1995 of 28 December 1995 implementing the IGAE's internal control scheme, and (2) the Resolution of 14 July 2015 of the
Legislative Act - date	23/10/2015	30/03/2015		02/10/2015	14/07/2015
Scope of operational measure			IT tools; Structured cooperation with other public and private entities that may have access to information		
Expected result of operational measure			Enhanced cooperation; Enhanced information flow; Targeting of checks; Enhanced ex-post controls		
Operational measure - date			29/07/2015		
Sectoral or Horizontal	Sectoral	Sectoral	Sectoral	Horizontal	
Sectors concerned		Expenditure - Agriculture; Expenditure - Fisheries; Expenditure - Cohesion policy; Expenditure - Centralised direct management; expenditure - Migration and asylum	Expenditure - Agriculture; Expenditure - Fisheries; Expenditure - Cohesion policy; Expenditure - Centralised direct management; expenditure - Migration and asylum		Expenditure - Agriculture; Expenditure - Fisheries; Expenditure - Cohesion policy; Expenditure - Migration and asylum
Sectors addressed by measure against corruption in public procurement	Public and Private sector	Public sector (including political sphere)			Public sector (including political sphere)
Other measures preventing corruption in public procurement	Measures aimed at recovering assets derived from illegal activities, including but not limited to those concerned by public procurement.	Measures to strengthen penalties against corruption. This measure is not confined to public procurement, but extends to any sector of public administration in which it is possible to commit corruption offences.			Measures to improve the effectiveness of control and audit

FRANCE (FR)
MEASURES

	Action to combat the illicit trade in tobacco products + legislative measure: Act authorising the ratification of the World Health Organisation (WHO) Protocol to Eliminate the Illicit Trade in Tobacco Products, signed in Geneva on 10 January 2013.	Traditional own resources + package of measures: instruction on notifying the European Commission of cases of fraud or irregularity involving an amount of traditional own resources compromised or evaded in excess of €10 000 (OWNRES-Web).	Customs mutual assistance + administrative measure: framework instruction on the management, handling and follow-up of mutual assistance cases (MA cases).	Exchanges of information on customs inspections and risks + administrative measure: framework instruction on the management, handling and follow-up of RIF (Risk Information Form) messages.
Anti-fraud cycle	Prevention	recovery and sanction	Prevention ; Detection ; Investigation and prosecution	Prevention and Detection
Measures	New	Update Administrative; New Organisational and Operational	Update	New
Package of measures	Legislative	Administrative; Organisational and Operational	Administrative	Administrative
Scope of legislative measure	Definition of a specific topic			
Scope of administrative measure		Recovery OTHER: The OWNRES framework instruction allows more rigorous input and follow-up of OWNRES reports. It should also ensure that the data entered is reliable and thus give a more complete, faithful and accurate picture of the facts in cases of fraud and irregularity. As a result, both the follow-up of OWNRES reports and studies and analyses based on information contained in the database should be more reliable	Monitoring/desk checks; On the spot checks; Investigation; Irregularities reporting OTHER: The instruction on mutual assistance cases contributes to improving the effectiveness of measures to combat fraud, especially cross-border fraud, and, following potential enhancement, to boosting the exchange of intelligence between Member States and with the Commission, thus helping to strengthen the Community anti-fraud mechanism.	OTHER: The instruction contributes to organising exchanges of information relating to customs controls and risks between EU Member States' customs offices in order to ensure consistency in the handling of RIF messages within the EU.
Scope of organisational measure		OTHER: Appointment of four OWNRES correspondents in each Regional Directorate of Customs and Indirect Taxes to be responsible for the entry and follow-up of OWNRES reports: one post-holder and one deputy in each department to deal with litigation, and one post-holder and one deputy in each accounts department		
Scope of operational measure		IT tools ('IT data feeding', Other IT) OTHER: Creation and sharing of OWNRES report follow-up logs. Creation of an OWNRES dedicated computer support chain within the DGDDI to identify potential malfunctions and handle 'job' queries.		
Reasons for legislative measure	OTHER: At the beginning of May 2015, the draft Act authorising the ratification of the Protocol was submitted to the National Assembly, following adoption by the Council of Ministers on 29 April 2015. The text was unanimously adopted by the National Assembly on 17 September 2015 and by the Senate on 14 October 2015			
Reasons of administrative measure		To clarify or consolidate existing rules; To enhance existing measure and Cross-cutting measure, multi-agency measure/measure with impact on various bodies Cross-cutting: On 21 April 2015 the DGDDI (Directorate-General of Customs and Indirect Taxes) circulated an instruction to its departments clarifying their role in recording in OWNRES cases of fraud or irregularity involving amounts of TOR compromised or evaded in excess of €10 000. The instruction set up a network of correspondents in each department concerned, assigned roles in the creation and updating of reports, reiterated the statutory deadlines and organised oversight of the arrangements by the DG (annual survey of correspondents, audit of reports and comparison with the information in the legal and accounting databases).	To clarify or consolidate existing rules; To enhance existing measure and Cross-cutting measure, multi-agency measure/measure with impact on various bodies Cross-cutting: On 8.1.2015, the DGDDI drew up and distributed to its departments an instruction on the management, handling and follow-up of mutual assistance cases. The instruction sets out the roles of the different customs departments concerned in conducting risk analyses, distributing inspection instructions, preparing master-lists, carrying out inspections and investigations, establishing and implementing profiles for the selection of customs declarations, and providing feedback in the form of data and results to OLAF. It indicates the MA case instruction deadlines.	To clarify or consolidate existing rules; To enhance existing measure and Cross-cutting measure, multi-agency measure/measure with impact on various bodies Cross-cutting: On 7.5.2015, the DGDDI drew up and distributed to its departments an instruction on the management, handling and follow-up of RIF messages. This instruction sets out the policy on authorisation of customs officers, the rules on creating RIF messages and handling messages issued by the other Member States, and the roles of the various customs departments.

FRANCE (FR) (continued)
MEASURES

	Action to combat the illicit trade in tobacco products + legislative measure: Act authorising the ratification of the World Health Organisation (WHO) Protocol to Eliminate the Illicit Trade in Tobacco Products, signed in Geneva on 10 January 2013.	Traditional own resources + package of measures: instruction on notifying the European Commission of cases of fraud or irregularity involving an amount of traditional own resources compromised or evaded in excess of €10 000 (OWNRES-Web).	Customs mutual assistance + administrative measure: framework instruction on the management, handling and follow-up of mutual assistance cases (MA cases).	Exchanges of information on customs inspections and risks + administrative measure: framework instruction on the management, handling and follow-up of RIF (Risk Information Form) messages.	
Expected result of operational measure		Enhanced coordination; Enhanced information flow			
Expected result of organisational measure: resources		OTHER: Better follow-up and better updating of OWNRES reports through a clear and precise division of responsibilities.			
Type of act within administrative measure		Circulaire/circular, Instructions, Guidelines, Manuals	Circulaire/circular, Instructions, Guidelines, Manuals	Circulaire/circular, Instructions, Guidelines, Manuals	
Brief description of the legislative measure					
Legislative Act - number					Act No 2015-1350
Legislative Act - date					26/10/2015
Date			21/04/2015	08/01/2015	07/05/2015
Legislation - type of Act	Law/Act				
Nature of the measure	Sectoral	Sectoral	Sectoral	Sectoral	
Sectors concerned	Revenue - Customs	Revenue - Customs	Revenue - Customs	Revenue - Customs	

**CROATIA (HR)
MEASURES**

	Guidelines on management of Irregularities for the period 2007-2013 and 2014- 2020	Protocol on cooperation and information exchange between the ministry of finance of the Republic of Croatia and the Ministry of Interior of the Republic of Croatia	Protocol on cooperation between the ministry of finance of the Republic of Croatia and state attorney office of the Republic of Croatia in the context of protecting EU financial interests.
Anti-fraud cycle	Prevention & Detection	Prevention	Prevention
Measures	Update Administrative	New Operational	New Operational
Scope of administrative measure	Irregularities reporting		
Scope of operational measure		Structured cooperation with law enforcement	Structured cooperation with judicial authorities
Reasons of administrative measure	To enhance existing measure		
Expected result of operational measure		Enhanced coordination; Enhanced cooperation and Enhanced information flow	Enhanced coordination; Enhanced cooperation and Enhanced information flow
Expected result of organisational measure: resources			
Type of act within administrative measure	Circulaire/Circular, Instructions, Guidelines, Manuals		
Date		24/03/2015	16/06/2015
Nature of the measure	Sectoral	Sectoral	Sectoral
Sectors concerned	Expenditure-Cohesion policy	Expenditure -Agriculture; Expenditure-Fisheries and Expenditure-Cohesion policy	Expenditure -Agriculture; Expenditure-Fisheries; Expenditure-Cohesion policy and Expenditure - Centralised direct management

ITALY (IT)
MEASURES

	Law No 69 of 27 May 2015 (Italian Official Gazette No 124 of 30 May 2015) on 'Provisions on criminal offences against the public administration, and involving mafia-like organisations and false accounting'. This measure, the aim of which is to lay down harsher penalties for corruption, bribery and embezzlement, provides for a number of simultaneous amendments to the Civil Code to increase the penalties for false accounting for publicly listed and other companies.	Ministry of Agricultural, Food and Forestry Policy Decree of 20 March 2015. (Official Gazette of the Italian Republic No 112 of 16 May 2015). Further measures on the simplification of CAP management 2014-2020. In particular Article 9 (Transitional measures on checking agricultural payments).	Expenditure – Cohesion policy	In 2015 an instruction was issued to Guardia di Finanza divisions on regulations resulting from the extension - within the meaning of Article 29(1)(a) of Law No 161 of 30 October 2014, amending Article 25 of Legislative Decree No 83 of 22 June 2012- of anti-money laundering powers, under Article 8 c. 4 (a and b) of Legislative Decree No 231/2007, to the Special Unit for Public Spending and Combating EU Fraud for the purposes of checking payments from the EU budget	The Department of National and Community Planning for operational units was set up by Decree of the Director General No 8133 of 8 July 2014, with the relevant assignment of activities. This decree instituted a new operational unit entitled 'Management of Irregularities and Recovery', to which a team of experts was assigned to perform support activities for the prevention of irregularities unit for operations concerning the Calabria ROP, ERDF 2007/2013
Anti-fraud cycle	Prevention; Investigation and prosecution; Recovery and sanction	Detection; Investigation and prosecution	Prevention; Detection	Prevention; Detection; Investigation and prosecution	Prevention & Detection
Measures	Amendment	New	Update	New	Update Administrative, Update Organisational, Update Operational
Package of measures	Legislation	Administrative	Administrative and Operational	Administrative	Administrative; Organisational and Operational
Scope of legislative measure	Recovery; Financial penalties; Criminal sanctions and Time barring *Criminal sanctions: more (indicates that they have been increased) *Time barring: more ((indicates that they have been increased)				
Scope of administrative measure		Eligibility criteria; Monitoring/desk checks; Investigation and Irregularities reporting	Monitoring/desk checks; On the spot checks OTHER:Manual of checks on action plans eligible for funding Edition: March 2015 - Edilizia Scolastica	Monitoring/desk checks and Investigation	Eligibility criteria; Management of funds; Monitoring/desk checks; On the spot checks; Audit checklist; Irregularities reporting; Recovery
Scope of organisational measure					Reorganisation of existing bodies; Competence; General trainings; Fraud awareness trainings; Simplification of procedures
Scope of operational measure			IT tools ("IT data feeding", "Other IT"); Flagging practice		IT tools ("IT data feeding", "Other IT"); Increased number of checks and Structured cooperation with law enforcement
Reasons for legislative measure	To clarify or consolidate existing rules; To remedy flaws OTHER:To guarantee the implementation of recommendations addressed to Italy by international fraud prevention organisations on both preventive and repressive action on corruption. To increase the suitability and deterrent effect of the custodial and financial criminal sanctions already in place for financial offences and organised crime, and make it easier to bring prosecutions for false accounting. To tackle time-barring of corruption offences.				

ITALY (11)(continued)
MEASURES

	Law No 69 of 27 May 2015 (Italian Official Gazette No 124 of 30 May 2015) on 'Provisions on criminal offences against the public administration, and involving mafia-like organisations and false accounting'. This measure , the aim of which is to lay down harsher penalties for corruption, bribery and embezzlement, provides for a number of simultaneous amendments to the Civil Code to increase the penalties for false accounting for publicly listed and other companies.	Ministry of Agricultural, Food and Forestry Policy Decree of 20 March 2015. (Official Gazette of the Italian Republic No 112 of 16 May 2015). Further measures on the simplification of CAP management 2014-2020. In particular Article 9 (Transitional measures on checking agricultural payments).	Expenditure – Cohesion policy	In 2015 an instruction was issued to Guardia di Finanza divisions on regulations resulting from the extension - within the meaning of Article 29(1)(a) of Law No 161 of 30 October 2014, amending Article 25 of Legislative Decree No 83 of 22 June 2012- of anti-money laundering powers, under Article 8 c. 4 (a and b) of Legislative Decree No 231/2007, to the Special Unit for Public Spending and Combating EU Fraud for the purposes of checking payments from the EU budget	The Department of National and Community Planning for operational units was set up by Decree of the Director General No 8133 of 8 July 2014, with the relevant assignment of activities. This decree instituted a new operational unit entitled 'Management of Irregularities and Recovery', to which a team of experts was assigned to perform support activities for the prevention of irregularities unit for operations concerning the Calabria ROP, ERDF 2007/2013
Reasons of administrative measure		To clarify or consolidate existing rules	To clarify or consolidate existing rules	To clarify or consolidate existing rules	To clarify or consolidate existing rules and To enhance existing measure
Expected result of operational measure			Enhanced coordination; Enhanced information flow; Enhanced ex-ante controls; Enhanced ex-post controls		Enhanced coordination; Enhanced cooperation; Enhanced information flow; Targeting of checks; Enhanced ex-ante controls; Enhanced ex-post controls
Expected result of organisational measure: resources					Neutral on resources
Type of act within administrative measure		Decision, Resolution	Circulaire/circular, Instructions, Guidelines, Manuals	Circulaire/circular, Instructions, Guidelines, Manuals	Circulaire/circular, Instructions, Guidelines, Manuals
Brief description of the legislative measure	To guarantee the implementation of recommendations addressed to Italy by international fraud prevention organisations on both preventive and repressive action on corruption. To increase the suitability and deterrent effect of the custodial and financial criminal sanctions already in place for financial criminal offences and organised crime, and make it easier to bring prosecutions for false accounting. To tackle time-barring of corruption offences.				
Legislative Act - number	Law NO 69				
Legislative Act - date	27/05/2015				
Date					01/01/2015
Legislation - type of Act	Law/Act				
Nature of the measure	Horizontal	Sectoral	Sectoral	Horizontal	Sectoral
Sectors concerned		Expenditure -Agriculture	Expenditure - Cohesion policy		Expenditure - Cohesion policy
Corruption within PP	Public sector (including political sphere)				
Measures taken in the fight against corruption in PP	* Other measures preventing corruption in PP:The Public Prosecutor informs the national anti-corruption authority when a prosecution is brought on corruption charges, including in public tendering procedures. Oversight granted to the national anti-corruption authority of contracts not covered under the Public Procurement Code (contracts under Article 17 et seq. of Legislative Decree No 163/2006).				

CYPRUS (CY) MEASURES

	In 2015, the Council of Ministers has decided : 1)for public contracts of estimated value not less than €500.000 for services, €1.000.000 for supplies and €3.000.000 for works, qualitative control of the tender documents 2)change of legislation regarding modifications on public contracts. Furthermore Public Proc.Dept selected to enact the provision for horizontal exclusion of ec.operators centrally for better mgt.
Anti-fraud cycle	Prevention
Measures	New
Package of measures	Legislative
Scope of legislative measure	OTHER:For qualitative control of the tender documents for public contracts of estimated value not less than €500K,€1.000K for supplies and €3.000K for Works. For Modification on public contracts for all authorities which until now was only to the central government authorities. Horizontal exclusion of ec.operators for better mgt.
Reasons for legislative measure	To clarify or consolidate existing rules and To enforce the rules in line with developments in EU law
Legislative Act - number	Council of Ministers Decisions -2015
Legislative Act - date	31/12/2015
Legislation - type of Act	Decision
Nature of the measure	Horizontal

LATVIA (LV)
MEASURES

	On 16 July 2015 the Government (Cabinet of Ministers) approved a new mid-term policy planning document the Corruption Prevention and Combating Guidelines for 2015-2020 describing the current situation of Latvia's anticorruption policy, defining problems and stipulating tasks to be executed by various state institutions, implementation time frame for individual assignments, justification of the assignment and overall policy results to be expected in certain period of time.	Cabinet regulations adopted regarding financial control of ETC 2014-2020 programmes and projects. Ministry of Welfare of Republic of Latvia has approved Guidelines for the fraud prevention in FEAD and Guidelines for financial corrections in FEAD.	Legislative Measure / Increase in fines	The Amendments to the Public Procurement Law and training: 1) entered into force on 4 June 2015, transposing the requirements of the Directive 2014/24/EU regarding amendments to the public procurement contract; 2) entered into force 16 October 2014. According to these amendments since 1 August 2015 inspection rules of exclusion of tenders restricts a supplier to participate in public procurement, that have not passed the tax liability. The Procurement Monitoring Bureau provides training	Fraud prevention, detection and investigation: updated information on the website of the Ministry of Finance about the AFCOS and other institutions involved in protection of EU's financial interests and information for whistle-blowing; exchange of best practices in IT tools with IT, DK, BG and EL representatives, seminar organized by the AFCOS with the participation of OLAF to improve cooperation for on-the-spot checks
Anti-fraud cycle	Prevention; Detection; Investigation and prosecution and Recovery and sanction	Prevention; Detection and Recovery and sanction	Recovery and sanction	Prevention	Prevention; Detection and Investigation and prosecution
Measures	New & Amendment Legislation; New & Amendment Administrative; New & Amendment Organisational	New Legislation and New Administration	Amendment	Amendment Legislation and Update Organizational	New and update Organisational and New Operational
Package of measures	Legislative; Administrative and Organisational	Legislative and Administrative	Legislative	Legislative and Organisational	Organisational and Operational
Scope of legislative measure	Comptences; Powers; Definition of a specific topic; Other administratives penalties OTHER: Legislation measures shall be applied also to following issues: public officials, human resource management in public sector, internal control standards, construction, squandering, state aid, judiciary, abolition of administrative immunity, investment, education (corruption and ethic topics in the state's education system), codes of ethic, illicit enrichment, proceeds of crime, financing of political parties, lobbying, management of funds	Comptences and Power	Criminal sanctions *Criminal sanctions: more (indicates that they have been increased)	OTHER: Amendments to the public procurement contract; Clarification of exclusion rule for the tax debts	
Scope of administrative measure	Management of funds OTHER: Administrative measures shall be applied also to following issues: human resource management in public sector, conflict of interests, public procurement, health system, awareness raising activities, asset declarations, transparency of public institutions, private sector, sport organizations, informative materials, embezzlement, political parties	Management of funds OTHER: Fraud prevention, Financial corrections			
Scope of organisational measure	Competence; General trainings OTHER: Training and awareness raising activities for human resource managers in public sector, public officials, public procurement experts, employees of health sector, judges, prosecutors, State Revenue Service inspectors, entrepreneurs, students, teachers. Special training for employees of EU funds controlling institutions. Guidelines 2015-2020 foresee to draw up a review regarding the extension of the competence of KNAB and allocating the right to			OTHER: The Procurement Monitoring Bureau (PMB) regularly organizes training on public procurement issues and on the amendments to the Public Procurement Law, raising the competence of institutions involved in EU funds management and the beneficiaries (In 2015 PMB participated in 34 training seminars trained together 1.820 participants).	Competence; Inter-agency cooperation and General trainings
Scope of operational measure					Structured cooperation with law enforcement OTHER: Strengthened cooperation with OLAF
Reasons for legislative measure	To clarify or consolidate existing rules; To remedy flaws OTHER: One of the objectives included in the Guidelines 2015-2020 is to create and improve an independent internal control system to limit cases of corruption or defrauding of financial resources, including the EU and other foreign financial resources, in the public, municipal or private sector.	OTHER: To determine appropriate actions for the institutions responsible for the ETC program in the new programming period	OTHER: For the implementation of the recommendation in relation to the level of fines to be increased which has been expressed in the conducted assessment of Latvian Phase 1 of OECD's Working Group on Bribery in International Business Transactions	To remedy flaws and To enforce the rules in line with developments in EU law	
Reasons of administrative measure	To clarify or consolidate existing rules; To enhance existing measure and Cross-cutting measure, multi-agency measure/ measure with impact on various bodies *Cross-cutting: In the Guidelines particular tasks are assigned to all public institutions, e.g. State institutions and municipalities shall adopt and/or update their Anti-Corruption Action Plans, including risk based anti-fraud and anti-corruption measures to prevent and detect fraud in the EU funds and other foreign financial assistance instruments, if applicable. Mostly tasks are assigned for a single institution, but there are tasks assigned to several institutions. OTHER: National anti-fraud measures pursuant to Regulation (EU, EURATOM) No 966/2012; Article 125(4)(c) of the CPR; Article 58(1) b) of Regulation (EU) No 1306/2013; Article 32 (4) c) of Regulation (EU) No 223/2014; Article 5 (4) of Regulation 514/2014. In 2015 analysis of a risk assessment was carried out and action (control) plan drawn up for reducing the fraud and corruption risks for the 2014-2020 ESIF and FEAD	To clarify or consolidate existing rules			

LATVIA (LV) (continue)
MEASURES

	On 16 July 2015 the Government (Cabinet of Ministers) approved a new mid-term policy planning document the Corruption Prevention and Combating Guidelines for 2015-2020 describing the current situation of Latvia's anticorruption policy, defining problems and stipulating tasks to be executed by various state institutions, implementation time frame for individual assignments, justification of the assignment and overall policy results to be expected in certain period of time.	Cabinet regulations adopted regarding financial control of ETC 2014-2020 programmes and projects. Ministry of Welfare of Republic of Latvia has approved Guidelines for the fraud prevention in FEAD and Guidelines for financial corrections in FEAD.	Legislative Measure / Increase in fines	The Amendments to the Public Procurement Law and training: 1) entered into force on 4 June 2015, transposing the requirements of the Directive 2014/24/EU regarding amendments to the public procurement contract; 2) entered into force 16 October 2014. According to these amendments since 1 August 2015 inspection rules of exclusion of tenders restricts a supplier to participate in public procurement, that have not passed the tax liability. The Procurement Monitoring Bureau provides training	Fraud prevention, detection and investigation: updated information on the website of the Ministry of Finance about the AFCOS and other institutions involved in protection of EU's financial interests and information for whistle-blowing; exchange of best practices in IT tools with IT, DK, BG and EL representatives, seminar organized by the AFCOS with the participation of OLAF to improve cooperation for on-the-spot checks
Expected result of operational measure					Enhanced coordination; Enhanced cooperation and Enhanced information flow
Expected result of organisational measure: resources	OTHER: Results of training and awareness raising activities have indirect impact on resources. Currently there is no calculation regarding the expected result in terms of resources if the competence of KNAB is extended.			Neutral on resources	Neutral on resources
Type of act within administrative measure	OTHER: Tasks assigned to particular institutions shall be executed by elaboration of guidelines, regulations, reviews, analysis, as well as legislative initiatives. LV has taken over and approved an instrument of fraud risk assessment for ERDF, ESF, CF (approval of specific guidance for assessment of fraud and corruption risk and a template of risk register), for the EMFF, EAFRD, EAGF - risk management strategy and instructions for filling risk register and for the Asylum, Migration and Integration Fund - Guidelines for application of effective and proportionate measures to prevent risk of fraud and corruption.	Circulaire/circular, Instructions, Guidelines, Manuals			
Brief description of the legislative measure	The Guidelines define precise tasks to be executed by public institutions. Those tasks requiring to use legislative measure will be carried out as amendments of existing laws or regulations (Regulations of Cabinet of Ministers) or elaboration of new laws, regulations as well as recommendations or methodology for particular issues	Regulations prescribes the procedures for ensuring of the financial control of the projects financed by programmes of "European Territorial Co-operation" for 2014-2020 and the procedures by which reports shall be submitted regarding irregularities detected in the implementation of the projects financed by the 2014-2020 programme for "European Territorial Co-operation" and the irregular expenditure recovered	On 29 October 2015 Parliament adopted the Amendments to the Criminal Law, which entered into force on 3 December 2015, where the Criminal Law Article 41 provides to set higher maximum applicable fine sanctions: 1) for less serious crimes up to 1000 minimum monthly wages, 2) for a serious crime up to 2000 minimum monthly wages, 3) for the most serious crimes from 300 to 10000 minimum monthly wages		
Legislative Act - number	Approved by the Cabinet Order No. 393 of 16 July 2015, publication ref. LV, 138 (5456), 17.07.2015., OP 2015/138.7	Regulation of the Cabinet of Ministers No 124 adopted on 10.03.2015., publication reference LV, 60 (5378), 25.03.2015., OP 2015/60.7.; Regulation of the Cabinet of Ministers No 526 adopted on 15.09.2015, publication reference LV, 184 (5502), 21.09.2015., OP 2015/184.4	The Amendments to the Criminal Law, publication reference LV, 227 (5545), 19.11.2015., OP: 2015/227.4	The Amendments to the Public Procurement Law, publication ref. LV, 107 (5425), 03.06.2015., OP: 2015/107.7.; The Amendments to the Public Procurement Law, 02.10.2014, publication ref. LV, 204 (5264), 15.10.2014., OP: 2014/204.7	
Legislative Act - date	16/07/2015	10/03/2015	29/10/2015	14/05/2015	
Date				04/12/2015	organisational: 11/06/2015 operational: 16/12/2016
Legislation - type of Act	Law/Act	Decree	Law/Act	Law/Act	
Nature of the measure	Horizontal	Sectoral	Horizontal	Horizontal	Horizontal
Sectors concerned		Expenditure - Cohesion policy			
Corruption within PP	Public sector (including political sphere) and Private sector		Public sector (including political sphere) and Private sector		
Measures taken in the fight against corruption in PP	Addressing transparency in public procurement; To improve the effectiveness of management of the public procurement; To prevent corruption amongst personnel, including management; To addressing transparency of companies participating in public procurement OTHER: The Guidelines 2015-2020 foresee also following tasks: provide training for procurement professionals developing their capacity to identify potential illegal activities of the bidders such as formation of cartels. Analyse problems and prepare recommendations regarding the monitoring of procurement contracts related to the law „On Procurement for the Needs of Public Service Providers“. Analyse risks of squandering and corruption risks in „sub-threshold“ procurements. Evaluate effectiveness of the measures taken to mitigate the risk of corruption.		OTHER: Measures preventing corruption in public procurement by increasing the maximum amount of the monetary fines for criminal offenses, effective, proportionate and dissuasive criminal penalties are established to deter persons from committing the offence, including corruption in public procurement		
Comments	KNAB - Corruption Prevention and Combating Bureau is an independent anti-corruption institution with comprehensive mandates: prevention of corruption, countering corruption, monitoring the financing of political parties and education of public officials and the society about corruption, ethics and respect of law.				

LITHUANIA (LT)
MEASURES

	Resolution No XII-1537 of 10 March 2015 of the Seimas [Parliament] of the Republic of Lithuania approving the 2015–2025 Lithuanian National Anti-Corruption Programme. This Resolution approved the 2015–2025 Lithuanian National Anti-Corruption Programme, which provides for measures and activities to prevent corruption and fraud in the use of EU funds (paragraph 29.2.3 of the Programme). The 2015–2019 inter-institutional action plan for the implementation of the Programme was approved by Lithuanian Government Resolution No 648 of 17 June 2015.	The procedure for the provision of information to the Lithuanian Ministry of Finance on pre-trial investigations relating to European Union structural fund projects by the Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania and the Special Investigation Service of the Republic of Lithuania. These law-enforcement authorities inform the Ministry of Finance when a pre-trial investigation is launched (where this does not prejudice the course of the investigation), of procedural decisions relating to the investigation (e.g. where the case is referred for judicial proceedings), and of its conclusion.	The EU structural funds website, www.esinvesticijos.lt, which publishes all information relating to the administration and use of EU structural funds of interest to project promoters, potential applicants, EU structural fund administration authorities and the public, offers visitors the possibility of providing information anonymously on suspected cases of misuse of EU structural fund finances.	Orders of the Minister for Agriculture amending Order No 3D-889 of 27 November 2014 of the Minister for Agriculture approving the methodology for detecting artificially created conditions for obtaining aid. Two orders were adopted in 2015 amending the methodology for detecting artificially created conditions for obtaining aid in line with Article 60 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 (circumvention clause).	The internal procedures of the National Paying Agency under the Ministry of Agriculture were updated (the description of the procedure for transmitting information and receiving information from law-enforcement authorities), taking into account the Guidance Note of 26 February 2014 on Anti-fraud Measures as foreseen in the context of Accreditation Criteria.
Anti-fraud cycle	Prevention	Investigation and prosecution	Detection	Prevention; Detection	Prevention; Detection; Fraud investigation and prosecution
Measures	New legislation	Update	New	Amendment	Amendment
Scope of legislation	Powers			Definition of a specific topic; Prevention of irregularities and fraud; Protection of European Union and Lithuanian financial interests	Definition of a specific topic; Prevention of irregularities and fraud, protection of European Union and Lithuanian financial interests
Reasons for legislative measure	To enforce the rules in line with developments in EU law			To clarify or consolidate existing rules; To remedy flaws; To enforce the rules in line with developments in EU law; Prevention of irregularities and fraud, Protection of European Union and Lithuanian Financial interests	To clarify or consolidate existing rules; To remedy flaws; To enforce the rules in line with developments in EU law
Brief description of the legislative measure	anti-corruption strategy			The methodology for detecting artificially created conditions for obtaining aid lays down criteria for identifying applicants or aid recipients who have artificially created conditions for obtaining aid under 2014–2020 Lithuanian rural development programme measures, with the aim of protecting the financial interests of the European Union and the Republic of Lithuania and preventing potential irregularities and cases of fraud.	The description of the procedure for transmitting information and receiving information from law-enforcement authorities includes fraud prevention guidelines, indicating the action to be taken by staff at the National Paying Agency under the Ministry of Agriculture who are responsible for the administration of aid recipients' projects and who suspect instances of fraud in these projects. The guidelines also set out potential signs of fraud or a suspected criminal offence on the basis of the European Commission's Guidance Note of 26 February 2014 on Anti-fraud Measures as foreseen in the
Legislation - Type of Act	Law/Act			Regional law/deGREE/order	Regional law/deGREE/order
Legislative Act - number	No XII - 1537			Order No 3D-198 of 20 March 2015 and Order No 3D-330 of 24 April 2015 of the Lithuanian Minister for Agriculture.	Order No BR1-297 of the Director of the National Paying Agency under the Ministry of Agriculture
Legislative Act - date	10/03/2015			24/04/2015	30/09/2015
Scope of operational measure				Structured cooperation with law enforcement	Web reporting/Hotline
Expected result of operational			Enhanced information flow; Targeting of checks		
Operational measure - date			30/11/2015		
Sectoral or Horizontal	Sectoral	Sectoral	Sectoral	Sectoral	Sectoral
Sectors concerned	Expenditure - Agriculture; Expenditure - Fisheries; Expenditure - Cohesion policy; Expenditure - Migration and asylum	Expenditure - Cohesion policy	Expenditure - Cohesion policy	Expenditure - Fisheries; Expenditure - Agriculture	Expenditure - Agriculture; Expenditure Fisheries

LUXEMBOURG (LU)

MEASURES

	FEDER - Reporting procedure in case of suspected fraud	FEDER - Improving control checklists	FEDER - Manual management and control (point 1.8)	FEAGA + FEADER - Declaration of conflicts of interests in the agricultural sector, Whistleblowing	FEAGA + FEADER - Anti fraud training
Anti-fraud cycle	Fraud investigation and prosecution	Detection	Prevention	Prevention, Detection	Prevention; Detection
Measures	New	Update	New	New	Update
Scope of administrative measure				Eligibility criteria; On the spot checks; Penalty; Recovery; On the organisational side: clarifying existing rules and enhancing existing measures	Reorganisation of existing bodies; Competence and Streamlining procedures
Scope of operational measure	Structured cooperation with judicial authorities	Increased number of checks	Flagging practice; Increased number of checks		Flagging practice, Risk indicators; Increased number of checks
Type of act within administrative measure				Circular, Instructions, Guidelines, Manuals	
Reasons for administrative measure				To clarify or consolidate existing rules; to respect the principle of transparency	
Expected result of operational measure	Enhanced cooperation; Enhanced ex-post controls	Targeting of checks; Enhanced ex-post controls	Enhanced information flow; Targeting of checks; Enhanced ex-ante controls; Enhanced ex-post controls	Enhanced coordination; Enhanced information flow; Targeting of checks and Enhanced ex-ante controls	Targeting of checks; Enhanced ex-ante controls
Operational measure - date	30/09/2016	31/01/2015	31/10/2015		31/01/2015
Sectoral or Horizontal	Sectoral	Sectoral	Sectoral	Sectoral	Sectoral
Sectors concerned	Expenditure - Cohesion policy	Expenditure - Cohesion policy	Expenditure - Cohesion policy	Expenditure - Agriculture	Expenditure - Agriculture

HUNGARY (HU)

MEASURES

	Liaison and information exchange with a view to more effective cooperation with bodies and authorities involved in auditing EU support, and improvement of "operational" cooperation (in individual cases). Liaison and information.	In May 2015 the Hungarian Government adopted the National Anti-Corruption Programme, which constitutes its anti-corruption strategy for a four-year period. The anti-corruption strategy was drawn up by the National Protective Service, the Hungarian police department dealing with crime prevention and detection, and submitted to Hungary's Minister for the Interior for approval. The specific measures implementing the programme are set out in Government Decision No 1336/2015 published on 27 May 2015.	Measures by the Agricultural and Rural Development Agency: Entry into force of Presidential Directive No 18/2015 of 21 May 2015 laying down the detailed rules governing the acceptance and examination/investigation of reports on abuses, irregularities and integrity and corruption risks within the organisation, integrity consultancy activities and the procedure for dealing with lobbyists; Follow-up training to DG AGRI's seminar on "Fraud in the Common Agricultural Policy" to be held at the Agency. The training material is to be made available to all Agency staff. Measures by the Agricultural and Rural Development Agency: Entry into force of Presidential Directive No 18/2015 of 21 May 2015 laying down the detailed rules governing the acceptance and examination/investigation of reports on abuses, irregularities and integrity and corruption risks within the organisation, integrity consultancy activities and the procedure for dealing with lobbyists; Follow-up training to DG AGRI's seminar on "Fraud in the Common Agricultural Policy" to be held at the Agency. The training material is to be made available to all Agency staff.	Adoption of an anti-fraud strategy for the 2014-2020 programming period for the European Structural and Investment Funds (ESIF). Fraud risk assessment, management, and relevant procedures. Training in fraud prevention, with a view to knowledge-sharing. Themes: Introduction to the ESIF system (fraud and corruption prevention module), irregularity management, presentation of ARACHNE, professional ethics, integrity, prevention of corruption. Introduction to ARACHNE, development of risk scoring function in own IT system. Organisational restructuring, increase of the number of on-the-spot checks.	Drafting of Act CXLIII of 2015 on public procurement. The purpose of the new Act is to transpose the new public procurement directives adopted by the EU legislature into Hungarian law.
Anti-fraud cycle	Fraud investigation and prosecution	Prevention	Prevention; Detection	Prevention; Detection	Prevention
Measures	Update	New legislation and amendment; update of administrative measure; up-dated organisational measure	New	New	New
Scope of legislation		Increasing the transparency of public procurement procedures and public access to data concerning those procedures.			Act CXLIII of 2015 on public procurement is a framework law containing the basic rules on public procurement procedures and legal remedies.
Reasons for legislative measure		To clarify or consolidate existing rules; To remedy flaws			To enforce the rules in line with developments in EU law; On 26 February 2014, the EU legislature adopted the new directives on public procurement, which the Member States are, in principle, to transpose into their national legislation by 18 April 2016.
Brief description of the legislative measure		Act CXLIII of 2015 on public procurement seeks to achieve the greatest possible transparency, fairness of competition and regularity of procurement procedures by ensuring more public visibility and greater transparency in the performance of contracts and traceability of payments. This is also in line with the objectives of the National Anti-Corruption Programme.			The new directives on public procurement provide for considerably more flexible arrangements for public procurement procedures than the previous EU legislation. Therefore, rather than making comprehensive amendments to the existing legislation, the Hungarian legislature decided to enact a new Public Procurement Act.
Legislation - Type of Act		Law/Act			Law/Act
Legislative Act - number		Act of 2015 on public procurement			Act CXLIII of 2015 on public procurement (hereinafter: Public Procurement Act), effective from 1 November 2015.
Legislative Act - date		02/11/2015			01/11/2015
Scope of administrative measure		Management of funds; Monitoring/desk checks; Irregularities reporting		Action plan for the ESIF anti-fraud strategy for the 2014-2020 programming period, fraud risk analysis and management	
Scope of operational measure	Structured cooperation with law enforcement			IT tools; Risk indicators; Increased number of checks	
Type of act within administrative measure		Action plan		Action plan	

HUNGARY(HU) (continue)

MEASURES

	Liaison and information exchange with a view to more effective cooperation with bodies and authorities involved in auditing EU support, and improvement of "operational" cooperation (in individual cases)Liaison and information.	In May 2015 the Hungarian Government adopted the National Anti-Corruption Programme, which constitutes its anti-corruption strategy for a four-year period. The anti-corruption strategy was drawn up by the National Protective Service, the Hungarian police department dealing with crime prevention and detection, and submitted to Hungary's Minister for the Interior for approval. The specific measures implementing the programme are set out in Government Decision No 1336/2015 published on 27 May 2015.	Measures by the Agricultural and Rural Development Agency: Entry into force of Presidential Directive No 18/2015 of 21 May 2015 laying down the detailed rules governing the acceptance and examination/investigation of reports on abuses, irregularities and integrity and corruption risks within the organisation, integrity consultancy activities and the procedure for dealing with lobbyists; Follow-up training to DG AGRI's seminar on "Fraud in the Common Agricultural Policy" to be held at the Agency. The training material is to be made available to all Agency staff. Measures by the Agricultural and Rural Development Agency: Entry into force of Presidential Directive No 18/2015 of 21 May 2015 laying down the detailed rules governing the acceptance and examination/investigation of reports on abuses, irregularities and integrity and corruption risks within the organisation, integrity consultancy activities and the procedure for dealing with lobbyists; Follow-up training to DG AGRI's seminar on "Fraud in the Common Agricultural	Adoption of an anti-fraud strategy for the 2014-2020 programming period for the European Structural and Investment Funds (ESIF). Fraud risk assessment, management, and relevant procedures. Training in fraud prevention, with a view to knowledge-sharing. Themes: Introduction to the ESIF system (fraud and corruption prevention module); irregularity management, presentation of ARACHNE, professional ethics, integrity, prevention of corruption. Introduction to ARACHNE, development of risk scoring function in own IT system. Organisational restructuring, increase of the number of on-the-spot checks.	Drafting of Act CXLIII of 2015 on public procurement. The purpose of the new Act is to transpose the new public procurement directives adopted by the EU legislature into Hungarian law.
Reasons for administrative measure		To clarify or consolidate existing rules; To enhance existing measures; Cross cutting measure, multi-agency measure/measure with impact on various bodies: (The National Anti-Corruption Programme states that in order to raise awareness of proper conduct as regards corruption, citizens need to be given a greater sense of ownership. Appropriate information of the target groups concerned by the measure is essential to shaping attitudes and ensuring that all measures implemented under the programme are effective in practice.)		To enhance existing measures	
Scope of organisational measure		Scope of organisational measure: Inter- agency cooperation; Fraud awareness trainings; Other: 'Under the National Anti-Corruption Programme, the bodies with special responsibilities in combating corruption are to be given more human and material resources.'	Fraud awareness trainings; Internal procedures for the acceptance and examination/investigation of reports on abuses, irregularities and integrity and corruption risks in connection with the operation of the Agency, and for dealing with lobbyists.	Reorganisation of existing bodies; General trainings; Fraud awareness trainings	
Organisational measure - expected results in terms of resources		increased resources	Neutral on resources	The purpose of training on combating fraud, professional ethics, integrity and prevention of corruption is to guard against and increase awareness of fraud and corruption. The organisational restructuring will make for more effective action to counter irregularities and fraud.	
Date of organisational measure		31/12/2015	21/05/2015	15/06/2015	
Expected result of operational measure	Enhanced cooperation			Targeting of checks; Targeting of investigations; Enhanced ex-ante controls	
Operational measure - date	01/01/2015				
Sectoral or Horizontal	Horizontal	Sectoral operational; horizontal organisation	Sectoral	Sectoral	Horizontal
Sectors concerned		Revenue - Tax Fraud; Expenditure - Agriculture; Expenditure - Fisheries; Expenditure - Cohesion policy	Expenditure - Agriculture; Expenditure - Fisheries	Expenditure - Agriculture; Expenditure - Cohesion policy, Expenditure - Fisheries	
Sectors addressed by measure against corruption in public procurement		Public and Private sector			Public sector (including political sphere)
Other measures preventing corruption in public procurement		measures addressing transparency in public procurement; Measures to improve the effectiveness of management of public procurement; measures addressing transparency of companies participating in public procurement			Measures addressing transparency in public procurement; Measures to improve the effectiveness of management of public procurement; measures addressing transparency of companies participating in public procurement; The Public Procurement Act gives the Minister with responsibility for public procurement the possibility of notifying the Competition Authority of any infringements of competition law detected during the Minister's legal scrutiny of public procurement procedures, and sending the Competition Authority data arising from such scrutiny (with the exception of classified information).
Comment					In order to promote the widest possible competition and ensure non-discrimination in procurement procedures, the Public Procurement Act contains strict rules on the definition of eligibility criteria and references, and introduces technical equivalence requirements for reference certificates. As well as extending the grounds for exclusion, the Act seeks to achieve the greatest possible transparency, fairness of competition and regularity of procurement procedures by ensuring more public visibility and greater transparency in the performance of contracts and traceability of payments.

MALTA (MT)

Measure

	To raise Anti-Fraud and Corruption awareness amongst students in Maltese schools
Anti-fraud cycle	Prevention
Measures	New
Scope of operational measure	AFCOS Malta with the cooperation of the Ministry for Education and Employment (MEDE) launched an Anti-Fraud Awareness Quiz in all Schools in Malta, targeting students aged between 14 and 16 years studying Accounts and Business Studies. The competition consisted of 12 multiple choice questions and MEDE sponsored the prizes of the three winners.
Date of operational measure	22/10/2015
Expected result of operational measure	Enhanced information flow; To Raise Anti-Fraud and Corruption awareness amongst students in Maltese schools. This campaign formed an integral part of the Communication Strategy which is part of Malta's National Anti-Fraud and Corruption Strategy, adopted in November 2008. Overall, the number of participants was encouraging.
Horizontal or Sectoral	Horizontal

NETHERLANDS(NL)
MEASURES

	Creation of a coordinating group on anti-dumping duty on solar panels, charged with preventing and investigating fraud involving anti-dumping duty	Introduction of a new declaration system (AGS). The introduction of this system will enable more automated checks to be carried out and more combined profiles will be created	Management priority relating to Payment of duties	Testing of ARACHNE has started. A test set has been sent to the ARACHNE administrator. The first test results were discussed with the MAs from all over the country on 25 November 2015. The aim is to follow this up in 2016. The NL also plans to bring ARACHNE into operation for the 2014-2020 programming period	Additional checks on incidence of double declaration of costs by the same and different applicants
Anti-fraud cycle	Prevention and Recovery and sanction	Prevention	Prevention	Prevention	Prevention
Measures	Update	Update	New	New	New
Package of measures	Operational	Operational	Organisational	Operational	Operational
Scope of organisational measure			OTHER: As a result of a readjustment of priorities, the allocation of FTEs has changed and the declaration and monitoring process relating to payment has been reinforced.		
Scope of operational measure	Risk indicators and Increased number of checks	IT tools ("IT data feeding", "Other IT") OTHER:With the new import declaration system there are more built-in system checks and more checks are carried out automatically. This is related to the IT tools, but also has implications for the organisation of the declaration process		IT tools ("IT data feeding", "Other IT")	IT tools ("IT data feeding", "Other IT") and Increased number of checks
Expected result of organisational measure: resources			OTHER: More FTEs have been assigned to the process, resulting in a noticeable increase in the number of checks on goods imported. The checks are focused on the accuracy of the declarations for the payment of duties		
Expected result of operational measure	Enhanced information flow; Targeting of checks; Targeting of investigations; Enhanced ex-post controls	Enhanced coordination;Enhanced ex-ante controls and Enhanced ex-post controls		Targeting of checks and Enhanced ex-ante controls	Enhanced ex-ante controls
Date	01/01/2015	01/01/2015	01/01/2015	25/11/2015	01/07/2015
Nature of the measure	Sectoral	Sectoral	Sectoral	Sectoral	Sectoral
Sectors concerned	Revenue- Customs	Revenue- Customs	Revenue- Customs	Expenditure - Cohesion policy	Expenditure - Agriculture and Expenditure - Cohesion Policy

MEASURES

	Administrative measures/procedures: A high density of verifications pursuant to Article 13 of Regulation 1828/2006 for the 2007-2013 programming period and pursuant to Article 125(4) of Regulation 1303/2013 for the 2014-2020 programming period serves to prevent irregularities. The verification procedure allows the administrative bodies to check all the expenditure submitted by the beneficiary. A delegated act supplementing Regulation 1303/2013 was adopted by the Commission on 8 July 2015 with regard to the procedure for the notification of irregularities.	Legislative measure: Art. 99 para. 5 Fiscal Penal Act, as of 1 Jan 2016 Customs authorities are allowed to fingerprint suspected persons (under certain conditions).	Organisational amendments and improvements in the EAGF/EAFRD paying Agency AT01
Anti-fraud cycle	Prevention; Detection and Recovery and sanction	Detection, investigation and prosecution	Prevention; Recovery and sanction
Measures	Update	Amendment	New and Update Organisational
Package of measures	Administrative	Legislative	Organisational
Scope of legislative measure		Powers	
Scope of administrative measure	Management of funds; On the spot checks; Irregularities reporting and Recovery		
Scope of organisational measure			Reorganisation of existing bodies and Competence
Reasons for legislative measure		To enforce the rules in line with developments in EU law	
Reasons of administrative measure	Cross-cutting measure, multi-agency measure/ measure with impact on various bodies OTHER: Monitoring and ensuring the proper use of funds and the notification of irregularities identified *Cross-cutting measure: Formal requirements in the national rules on eligibility and in the management and control system should increase efficiency. Standardised forms (check-lists) improve the quality of the accounts submitted. Standardised forms have also been developed for the calculation of personnel costs in order to increase transparency and clarity		
Expected result of organisational measure: resources			Neutral on resources
Type of act within administrative measure	Decision, Resolution		
Brief description of the legislative measure		In case of a Customs offence involving a damage of more than EUR 15,000, the Customs office as Fiscal Penal Authority is allowed to fingerprint suspected persons, if due to certain facts there is reason to assume that they have left marks. This investigative measure may only be enforced with coercive means if proportionate and the integrity of the person(s) concerned is not unduly violated	
Legislative Act - number		Steuerreformgesetz (Tax Reform Act) 2015/2016 - StRefG, BGBl I 118/2015, Art. 9 11c	
Legislative Act - date		14/08/2015	
Date			
Legislation - type of Act		Law/Act	
Nature of the measure	Sectoral	Sectoral	Sectoral
Sectors concerned	Expenditure - Cohesion policy	Revenue - Customs	Expenditure - Agriculture; Expenditure - Fisheries

POLAND (PL)
MEASURES

	The creation of information points within the Managing Authorities (MAs), the police and the public prosecutor's office, specifically the appointment of 'contact officers' in order to improve the exchange of information between the MAs and law enforcement agencies (the Regional and Appellate Prosecutor's Offices, the Provincial Police Headquarters, the Warsaw Police Headquarters and the National Police Headquarters)	Order on anti-corruption policies in the Agency for Restructuring and Modernisation of Agriculture (No 26/2015). This measure was introduced to make the prevention and elimination of corrupt behaviour more effective.	Act of 24 July 2015 amending the Excise Duty Act and certain other Acts - Journal of Laws 2015, item 1479	The decision of the Chair of the Interdepartmental Group on Combating Financial Irregularities against the Republic of Poland or the European Union dated 16 September 2015 on the appointment of the Warmińsko-Mazurskie working group for combating irregularities and offences against the financial interests of the European Union.
Anti-fraud cycle	Prevention; Detection and Investigation and prosecution	Prevention	Prevention	Prevention; Detection and Investigation and prosecution
Measures	New	New	New	New
Package of measures	Operational	Operational	Legislative	Administrative
Scope of legislative measure			Definition of a specific topic	
Scope of administrative measure				Management of funds and Investigation
Scope of operational measure	Structured cooperation with law enforcement; Structured cooperation with judicial authorities OTHER: Exchange of information regarding projects implemented using EU funds, and beneficiaries: the detection by law-enforcement agencies of infringements that involve irregularities or fraud is a source of information for the MAs, but on the other hand, information from the MAs may be used by law enforcement agencies for the purpose of proceedings. Exchange of knowledge and experience in relation to the detection of irregularities and fraud in the use of EU funds	OTHER: Operational activities of Agency staff in the area of anti-corruption		
Reasons for legislative measure			To remedy flaws OTHER: Limiting irregularities in the activities of tobacco intermediaries	

POLAND (PL) (continued)
MEASURES

	The creation of information points within the Managing Authorities (MAs), the police and the public prosecutor's office, specifically the appointment of 'contact officers' in order to improve the exchange of information between the MAs and law enforcement agencies (the Regional and Appellate Prosecutor's Offices, the Provincial Police Headquarters, the Warsaw Police Headquarters and the National Police Headquarters)	Order on anti-corruption policies in the Agency for Restructuring and Modernisation of Agriculture (No 26/2015). This measure was introduced to make the prevention and elimination of corrupt behaviour more effective.	Act of 24 July 2015 amending the Excise Duty Act and certain other Acts - Journal of Laws 2015, item 1479	The decision of the Chair of the Interdepartmental Group on Combating Financial Irregularities against the Republic of Poland or the European Union dated 16 September 2015 on the appointment of the Warmińsko-Mazurskie working group for combating irregularities and offences against the financial interests of the European Union.
Reasons of administrative measure				<p>To enhance existing measure; Cross-cutting measure, multi-agency measure/ measure with impact on various bodies</p> <p>OTHER:The objective of the group is to exchange information and experience regarding irregularities and offences committed against the financial interests of the European Union in Warmińsko-Mazurskie province. The members of the group will aim to have rules drawn up for the efficient exchange of information between the institutions implementing EU funds and the investigative bodies on suspected fraud, as well as rules for mutual cooperation in case of fraud and rules for consultation on fraud prevention mechanisms</p> <p>*Cross-cutting:Action taken to enhance co-operation between the institutions implementing EU funds and the investigative authorities. The extent of the group's action is limited to the area of the provincial (i.e. regional scope)</p>
Expected result of operational measure	Enhanced coordination; Enhanced cooperation; Enhanced information flow; Targeting of checks and Targeting of investigations	OTHER:Making the prevention and elimination of corrupt behaviour more effective		
Expected result of organisational measure: resources				
Type of act within administrative measure				Decision, Resolution
Brief description of the legislative measure				The introduction of rules regulating the registration and conducting of economic activities by tobacco intermediaries
Legislative Act - number				Journal of Laws 2015, item 1479.
Legislative Act - date				24/07/2015
Date	16/10/2015	14/04/2015		
Legislation - type of Act				Law/Act
Nature of the measure	Sectoral	Sectoral	Sectoral	Sectoral
Sectors concerned	Expenditure -Cohesion policy	Expenditure - Agriculture	Revenue - Customs	Expenditure -Agriculture and Expenditure - Cohesion policy

PORTUGAL(PT)
MEASURES

	Measure to enhance coordination between the Agriculture and Fisheries Financing Institute (IFAP) and the Central Department for Criminal Investigation and Prosecution (DCIAP)	Penalty framework as set out in the specific rules for the Programme for Rural Development on the Portuguese Mainland (PDR 2020).	Approval of the 2015-2017 Strategic Plan to combat tax and customs fraud and evasion.	Further to the publication of Standard 04/ADC - Anti-fraud strategy and risk assessment - 23 April 2015 by the Agency for Development and Cohesion (ADC), anti-fraud strategies were approved by the Managing Authorities and Intermediate Bodies of Operational Programmes in the 2020 Cohesion Policy programming period. The objective is to enhance execution of the tasks assigned to these bodies in relation to fraud prevention, detection and correction, with a view to ensuring that anti-fraud measures are put in place for the management and use of ESIF funds.	Approval by the ADC of the suitability, reliability and debt information system, as part of the ESIF information system, which identifies entities that present an increased risk and therefore require specific monitoring. The entities were categorised using four suitability and reliability codes (suitable, under investigation, subject to conditions, banned) and two debt codes (eligible and non-eligible) using information gathered either during the current programming period or in previous programming periods, so as to maintain the records from previous programming periods.
Anti-fraud cycle	Detection; Investigation and prosecution	Prevention	Prevention; Detection	Prevention;Detection and Recovery and sanction	Prevention;Detection and Recovery and sanction
Measures	Updated	New	Updated	New	New
Package of measures	Operational	Legislative	Operational	Operational	Operational
Scope of legislative measure		Financial Penalties and Other administrative penalties			
Scope of operational measure	Structured cooperation with judicial authorities		Flagging practice; Risk indicators and Increased number of checks	Flagging practice; Risk indicators and Increased number of checks; Structured cooperation with judicial authorities OTHER:An anti-fraud strategy is defined for every management and control system with the aim of ensuring that effective and proportionate anti-fraud measures are put in place, taking into account the risks identified in the course of its work. The procedures to be followed in relation to fraud prevention, detection and correction are set out, as are the procedures for reporting any situations identified to the relevant authorities, namely to either the AFCOS service or to the authorities responsible for conducting a criminal investigation.	Flagging practice and Risk indicators

PORTUGAL(PT) (continued)

MEASURES

	Measure to enhance coordination between the Agriculture and Fisheries Financing Institute (IFAP) and the Central Department for Criminal Investigation and Prosecution (DCIAP)	Penalty framework as set out in the specific rules for the Programme for Rural Development on the Portuguese Mainland (PDR 2020).	Approval of the 2015-2017 Strategic Plan to combat tax and customs fraud and evasion.	Further to the publication of Standard 04/ADC - Anti-fraud strategy and risk assessment - 23 April 2015 by the Agency for Development and Cohesion (ADC), anti-fraud strategies were approved by the Managing Authorities and Intermediate Bodies of Operational Programmes in the 2020 Cohesion Policy programming period. The objective is to enhance execution of the tasks assigned to these bodies in relation to fraud prevention, detection and correction, with a view to ensuring that anti-fraud measures are put in place for the management and use of ESIF funds.	Approval by the ADC of the suitability, reliability and debt information system, as part of the ESIF information system, which identifies entities that present an increased risk and therefore require specific monitoring. The entities were categorised using four suitability and reliability codes (suitable, under investigation, subject to conditions, banned) and two debt codes (eligible and non-eligible) using information gathered either during the current programming period or in previous programming periods, so as to maintain the records from previous programming periods.
Reasons for legislative measure		To enforce the rules in line with developments in EU law			
Expected result of operational measure	Enhanced cooperation and Enhanced information flow		Enhanced coordination; Enhanced information flow; Targeting of checks and Targeting of investigations	Enhanced cooperation; Enhanced information flow; Targeting of checks and Enhanced ex-ante controls	Enhanced cooperation; Enhanced information flow; Targeting of checks and Enhanced ex-ante controls
Brief description of the legislative measure		This is a package of Implementing Orders for the PDR 2020 laying down the rules for applying the measures in the PDR, specifying which situations constitute non-compliance and establishing the corresponding penalties. Penalties have been defined and tightened so as to deter any irregular or fraudulent behaviour			
Legislative Act - number		Please refer, for example, to Implementing Order No 31/2015, bearing in mind that this is a legislative package comprising a number of measures.			
Legislative Act - date		12/02/2015			
Date	30/06/2015		30/01/2015	30/06/2015	16/10/2015
Legislation - type of Act		Decreee			
Nature of the measure	Sectoral	Sectoral	Sectoral	Sectoral	Sectoral
Sectors concerned	Expenditure - Agriculture	Expenditure - Agriculture	Revenue -Customs and Revenue Tax fraud	Expenditure- Cohesion policy	Expenditure- Cohesion policy

ROMANIA (RO)

MEASURES					
	Public procurement: the public procurement arrangements will be reformed by transposing the new European Directive on this matter; adopting the national public procurement strategy; ensuring the global coherence and efficiency of institutional arrangements by setting up a National Public Procurement Agency; and strengthening national cooperation between the institutions involved in the management and monitoring of European funds in order to identify risks arising from public procurement.	A strategy for integrity 2015-2020 was adopted by the Ministry of Regional Development and Public Administration (MDRAP). This document introduces measures which aim to tackle certain problems and vulnerabilities that are specific to MDRAP's areas of activity and competences, and offer solutions that provide a real and effective response. This strategy supports and supplements the National Anti-Corruption Strategy 2012-2015, promotes the same values and principles and aims to reduce and prevent corruption through three lines of action: prevention, education and combating corruption.	Checks on direct procurement and conflicts of interest in the case of private beneficiaries, in accordance with Instructions No 126/2015 of the Ministry of Regional Development and Public Administration.	Checks on direct procurement and conflicts of interest in the case of private beneficiaries, in accordance with Instructions No 126/2015 of the Ministry of Regional Development and Public Administration.	Organised crime: adoption of Law No 318/2015 on the establishment, organisation and functioning of the National Agency for the administration of seized goods, which under the authority of the Ministry of Justice.
Anti-fraud cycle	Prevention; Detection	Prevention; Detection	Prevention; Detection	Prevention	Recovery and sanction
Measures	New legislation; New organisational measure; new administrative ; New operational	New legislation; new administrative, new organisational, new operational	New operational	New legislation and amendment; new operational measure	New legislation; New organisational measure; new operational measure
Scope of legislation	Competences; Powers	Ethics, integrity and prevention of corruption.		Competences, Powers; In the event that a potential conflict of interest regarding a public procurement contract is identified during ex-ante checks, the National Integrity Agency (Agenția Națională de Integritate - ANI) issues an integrity warning which is forwarded to the head of the entity concerned in order to remedy the situation.	Competences, Powers; Financial penalties; Other administrative penalties
Reasons for legislative measure	To clarify or consolidate existing rules; to enforce rules in line with developments in EU law	To clarify or consolidate existing rules		The legislative package initiated by the Ministry of Justice in consultation with the National Integrity Agency (the Agency cannot initiate legislation) will play a role in supporting the objective of preventing conflicts of interest in public procurement. The legislative proposal was launched following the Government Memorandum of 30 January 2013. It is currently being debated in the Romanian Senate.	To remedy flaws; To enforce the rules in line with developments in EU law
Brief description of the legislative measure	Bringing national legislation into line with the new European Directive. The drawing up of the strategy is a crucial stage in reforming the Romanian public procurement arrangements because it outlines a shared vision at a key moment in which the new directives in this area are proposing that Member States move towards a new paradigm, in a context in which public procurement is becoming the main instrument for unlocking economic growth at European level. Efforts to promote legislation which will contain provisions to combat favouritism, conflicts of interest and corruption.	The strategy is geared to preventing corruption at the Ministry of Regional Development and Public Administration (MDRAP), increasing anti-corruption awareness, consolidating auditing mechanisms and inter-institutional cooperation on auditing and checks. It is also intended to increase the implementation and monitoring of action plans relating to the strategy, and develop communication and cooperation to ensure integrity at intra- and inter-institutional level and with civil society, the media and citizens, supporting local public authorities with a view to capacity-building in order to prevent corruption.		The purpose of this law is to prevent conflicts of interest in the procedures for the granting of European funds and awarding of public procurement contracts, public works concessions and services contracts through the introduction of a process to investigate potential conflicts of interest shortly after the launching of the above procedures in order to avoid such conflicts without affecting the procedures.	The Law supplements the institutional and legislative framework in the area of combating organised crime, serious crimes such as human trafficking and money-laundering. The Law transposes fully Article 10 of the EU Directive on confiscation, providing for the possibility of use of confiscated goods for social purposes.
Legislation - Type of Act	Decision	Regional law/decreet/order		Law/Act	Law/Act
Legislative Act - number	Government Decision No 901/2015	Order No 728/2015 approving the Integrity Strategy adopted by the Ministry for Regional Development and Public Administration 2015-2020 and action plans for implementing this Strategy adopted by the same Ministry for 2015-2020.		ongoing procedure	Law No 318/2015 on the establishment, organisation and operation of the National Agency for the administration of seized goods.
Legislative Act - date	25/11/2015	08/04/2015		30/01/2013	
Scope of administrative measure	Having regard to the Romanian Government's obligation to comply with ex-ante horizontal conditions relating to the reform of public procurement under Romania's partnership agreement for the 2014-2020 programming period, approved by Commission Decision No C (2014) 5515 of 6 August 2014, the National Public Procurement Agency (ANAP) was set up to act as the main institution responsible for managing public investment and ensuring quality of public spending.	Management of funds; Penalty; The action plan for implementing the Integrity Strategy adopted by the Ministry for Regional Development and Public Administration 2015-2020 sets out measures aimed at reducing risks and vulnerability to corruption, particularly in the following areas: public procurement, public works, human resources management and management of European funds.		Reorganisation of existing bodies; Inter-agency cooperation; General trainings	Inter-agency cooperation
Scope of operational measure	IT tools; Flagging practice; Risk indicators; Increased number of checks; Structured cooperation with law enforcement; structured cooperation with judicial authorities	IT tools, Risk indicators, Increased number of checks, Structured cooperation with law enforcement	IT tools; Web reporting/Hotline; Risk indicators; Increased number of checks	IT tools; Structural cooperation with law enforcement	

MEASURES

	Public procurement: the public procurement arrangements will be reformed by transposing the new European Directive on this matter; adopting the national public procurement strategy; ensuring the global coherence and efficiency of institutional arrangements by setting up a National Public Procurement Agency; and strengthening national cooperation between the institutions involved in the management and monitoring of European funds in order to identify risks arising from public procurement.	A strategy for integrity 2015-2020 was adopted by the Ministry of Regional Development and Public Administration (MDRAP). This document introduces measures which aim to tackle certain problems and vulnerabilities that are specific to MDRAP's areas of activity and competences, and offer solutions that provide a real and effective response. This strategy supports and supplements the National Anti-Corruption Strategy 2012-2015, promotes the same values and principles and aims to reduce and prevent corruption through three lines of action: prevention, education and combating corruption.	Checks on direct procurement and conflicts of interest in the case of private beneficiaries, in accordance with Instructions No 126/2015 of the Ministry of Regional Development and Public Administration.	Checks on direct procurement and conflicts of interest in the case of private beneficiaries, in accordance with Instructions No 126/2015 of the Ministry of Regional Development and Public Administration.	Organised crime: adoption of Law No 318/2015 on the establishment, organisation and functioning of the National Agency for the administration of seized goods, which under the authority of the Ministry of Justice.
Type of act within administrative measure	Emergency Order No 13/2015 concerning the establishment, organisation and operation of the National Public Procurement Agency and Decision No 634/2015 on the organisation and operation of the National Public Procurement Agency.	Action plan			
Reasons for administrative measure	To enhance existing measure; Cross-cutting measure, multi-agency measure/measure with impact on various bodies The National Public Procurement Agency has been set up as a public institution with legal personality under the authority of the Ministry of Public Finance. It has taken on the duties, activities, posts and staff of the National Authority for Public Procurement Regulation and Monitoring (ANRMAP), the Ministry of Public Finance's Unit for coordination and verification of public procurement (UCVAP) and public procurement verification departments within the regional directorates-general for public finance.	To clarify or consolidate existing rules; To enhance existing measure			
Scope of organisational measure	Reorganisation of existing bodies; Competence: Inter-agency cooperation; General trainings; Simplification of procedures	Checks on direct procurement and conflicts of interest in the case of private beneficiaries, in accordance with Instructions No 126/2015 of the Ministry of Regional Development and Public Administration.			
Scope of operational measure					Structured cooperation with law enforcement; Structured cooperation with judicial authorities; The tasks of the Agency: to facilitate the prosecution and identification of goods acquired through criminal activities and other goods associated with crime; ensure basic administration of movable goods seized in the context of criminal proceedings; manage the integrated national IT system recording proceeds of crime; support the judicial bodies, in accordance with the law; coordinate, assess and monitor application of and compliance with the law at national level.
Organisational measure - expected results in terms of resources	Increased resources	Neutral on resources		Neutral	Increased resources
Date of organisational measure	28/07/2015	03/02/2015		30/01/2013	24/12/2015
Expected result of operational measure	Enhanced coordination; Enhanced cooperation; Enhanced information flow; Enhanced ex-ante controls; enhanced ex-post controls	Enhanced coordination; Enhanced cooperation, Enhanced information flow, Enhanced ex-post controls	Targeting of checks, targeting of investigations, Enhanced ex-ante controls, Enhanced ex-post controls	Enhanced coordination; Enhanced cooperation; Enhanced ex-ante controls	Enhanced cooperation; Enhanced coordination
Operational measure - date	25/11/2015	03/02/2015	01/07/2015	30/01/2013	24/12/2015
Sectoral or Horizontal	Horizontal	Sectoral	Horizontal	Horizontal	Horizontal
Sectors concerned		Expenditure - Cohesion policy			
Sectors addressed by measure against corruption in public procurement	Public sector (including political sphere)	Public sector (including political sphere)		Public sector (including political sphere)	
Other measures preventing corruption in public procurement	Measures addressing transparency in public procurement, measures to improve the effectiveness of management of the public procurement, measures to prevent corruption amongst personnel, including management; Measures to improve the effectiveness of control and audit.	Measures to improve the effectiveness or management of public procurement; measures to prevent corruption amongst personnel, including management; measures to improve the effectiveness of control and audit.		measures to prevent corruption amongst personnel, including management; measures to improve the effectiveness of control and audit.	

SLOVENIA (3) (CONTINUED)

MEASURES

	ARSKTRP – administrative and organisational measures: In 2015 the Agency of the Republic of Slovenia for Agricultural Markets and Rural Development (ARSKTRP) organised courses for all its staff on combating fraud. Agency representatives also attended a training event as part of the Hercules project in Padua, Italy. On the basis of training courses and past experience, a manual on fraud indicators was produced, which forms the cornerstone of a more effective and systematic fight against fraud related to disbursements from the agricultural funds.	Ministry of the Interior (Police and the Police and Security Directorate): Annual guidelines for police work: The Minister for the Interior has issued the guidelines and instructions for drawing up the Police work plan for 2015. Point 1.1 of the guidelines says that the Police is to continue to identify and investigate economic crime and organised forms of corruption – with particular emphasis on cases that hurt the budget and those that result in large-scale material gain – and strengthen cooperation between specialised investigation task forces. The THEMIS project on investigation of corruption and fraud against the EU was carried out in 2015.	The Government Office for Development and European Cohesion Policy (SVRK) is drawing up a new strategy for fighting fraud against the EU, which will lay down the scope of work and make provisions for the use of EU funds. The procedure is under way. Title/description of the measure reported by SVRK: Obligatory elements of the 2014-2020 co-financing contract facilitating recovery. We add the reply from the Ministry of Finance - Department for Management of EU Funds/CA under the 3rd Measure. (1) 1.a Certifying Authority (MF-CA): In cases where EU assets have been used unjustly, a claim is immediately opened against the Intermediate Body (IB).	Public procurement and the remit of the Commission for the Prevention of Corruption (KPK): 1. The IT tools have been upgraded in the interest of the public authorities, the general public and the media, now allowing access to data on spending by public institutions (through contracts for work and material or copyright contracts) on goods and services provided by public sector employees; 2. Local authorities have produced integrity plans and identified risks (KPK presented its findings at a round-table entitled Municipal assets – a focal point for corruption risk.	Financial Administration of Slovenia (FURS): The Rules on the exercise of public powers by FURS officials adopted. The 2014 Financial Administration Act redefines the powers of officials of the joint customs and tax authority. The manner in which public officials may exercise their powers had to be laid down.
Date of organisational measure	09/12/2015				
Expected result of operational measure	Targeting of investigations, Enhanced ex-ante controls	Enhanced coordination; Enhanced cooperation; Enhanced information flow; Targeting of checks; Targeting of investigations			
Operational measure - date	12/10/2015	29/09/2014			
Sectoral or Horizontal		Horizontal	Sectoral	Horizontal	Sectoral
Sectors concerned	Expenditure - Agriculture		Expenditure - Cohesion policy		Revenues - Customs; Revenue - Tax fraud
Sectors addressed by measure against corruption in public procurement	Public sector (including political sphere)	Public and Private sector		Public sector (including political sphere)	
Other measures preventing corruption in public procurement		Measures addressing transparency in public procurement		Measures addressing transparency in public procurement; Measures to improve the effectiveness of management of public procurement; Measures to prevent corruption amongst personnel, including management, Measures to improve the effectiveness of control and audit	
Comment				Concerning the remit of KPK: (3.a) Single measure adopted, (d) OPERATIONAL, 7.b Update; (7.1) Scope of operational measure: Points selected: (a), (c), (d), (e) = IT tools (IT data feeding, Other IT), Flagging practice, Risk indicators, Increased number of checks; (7.2) Points selected: (b), (d), (e), (f), (g) = Enhanced cooperation, Targeting of checks, Targeting of investigations, Enhanced ex-ante controls, Enhanced ex-post controls. (7.3) Operational measure adopted on 1 March 2015.	

SLOVENIA (3) (CONTINUED)

MEASURES

	ARSKTRP – administrative and organisational measures: In 2015 the Agency of the Republic of Slovenia for Agricultural Markets and Rural Development (ARSKTRP) organised courses for all its staff on combating fraud. Agency representatives also attended a training event as part of the Hercules project in Padua, Italy. On the basis of training courses and past experience, a manual on fraud indicators was produced, which forms the cornerstone of a more effective and systematic fight against fraud related to disbursements from the agricultural funds.	Ministry of the Interior (Police and the Police and Security Directorate): Annual guidelines for police work: The Minister for the Interior has issued the guidelines and instructions for drawing up the Police work plan for 2015. Point 1.1 of the guidelines says that the Police is to continue to identify and investigate economic crime and organised forms of corruption – with particular emphasis on cases that hurt the budget and those that result in large-scale material gain – and strengthen cooperation between specialised investigation task forces. The THEMIS project on investigation of corruption and fraud against the EU was carried out in 2015.	The Government Office for Development and European Cohesion Policy (SVRK) is drawing up a new strategy for fighting fraud against the EU, which will lay down the scope of work and make provisions for the use of EU funds. The procedure is under way. Title/description of the measure reported by SVRK: Obligatory elements of the 2014-2020 co-financing contract facilitating recovery. We add the reply from the Ministry of Finance - Department for Management of EU Funds/CA under the 3rd Measure. (1) 1.a Certifying Authority (MF-CA): In cases where EU assets have been used unjustly, a claim is immediately opened against the Intermediate Body (IB).	Public procurement and the remit of the Commission for the Prevention of Corruption (KPK): 1. The IT tools have been upgraded in the interest of the public authorities, the general public and the media, now allowing access to data on spending by public institutions (through contracts for work and material or copyright contracts) on goods and services provided by public sector employees; 2. Local authorities have produced integrity plans and identified risks (KPK presented its findings at a round-table entitled Municipal assets – a focal point for corruption risk.	Financial Administration of Slovenia (FURS): The Rules on the exercise of public powers by FURS officials adopted. The 2014 Financial Administration Act redefines the powers of officials of the joint customs and tax authority. The manner in which public officials may exercise their powers had to be laid down.
Date of organisational measure	09/12/2015				
Expected result of operational measure	Targeting of investigations, Enhanced ex-ante controls	Enhanced coordination; Enhanced cooperation; Enhanced information flow; Targeting of checks; Targeting of investigations			
Operational measure - date	12/10/2015	29/09/2014			
Sectoral or Horizontal		Horizontal	Sectoral	Horizontal	Sectoral
Sectors concerned	Expenditure - Agriculture		Expenditure - Cohesion policy		Revenues - Customs; Revenue - Tax fraud
Sectors addressed by measure against corruption in public procurement	Public sector (including political sphere)	Public and Private sector		Public sector (including political sphere)	
Other measures preventing corruption in public procurement		Measures addressing transparency in public procurement		Measures addressing transparency in public procurement; Measures to improve the effectiveness of management of public procurement; Measures to prevent corruption amongst personnel, including management, Measures to improve the effectiveness of control and audit	
Comment				Concerning the remit of KPK: (3.a) Single measure adopted, (d) OPERATIONAL, 7.b Update; (7.1) Scope of operational measure: Points selected: (a), (c), (d), (e) = IT tools (IT data feeding, Other IT), Flagging practice, Risk indicators, Increased number of checks; (7.2) Points selected: (b), (d), (e), (f), (g) = Enhanced cooperation, Targeting of checks, Targeting of investigations, Enhanced ex-ante controls, Enhanced ex-post controls. (7.3) Operational measure adopted on 1 March 2015.	

SLOVAKIA(SK)
MEASURES

	Act No 357/2015 Coll on financial control and audit and on the amendments of certain acts. The system of the public internal control will be streamlined and more efficient by this act, with the special emphasis on the verification and evaluation of the management processes and all activities of the public authorities. This Act puts emphasis not only on the implementation of the programmes co-financed from the EU budget in 2014-2020, but also on fulfilling of the goals of ESO programme and of the Government	National Strategy for the Protection of the European Union's Financial Interests in the Slovak Republic	Central Coordination Authority's Guidelines no. 13 for the assessment of the conflict of interest in the public procurement procedure. The goal of the guidance is to define the term "conflict of interests" in the course of the public procurement and to set basic rules binding for the MAs, responsible for the implementation of OP in PP 2014-2020, by the identification and assessment of the conflict of interest during PP. Central Coordination Authority's Guidelines no. 5 for determining financial corrections, to be made by MA for non-compliance with the rules on public procurement	Act No 343/2015 Coll on public procurement and on the amendments of certain acts Interpretative Opinion of the Office for Public Procurement no 3/2015 of 06.05.2015 on the assessment of potential conflict of interests between the public contracting authority, the contracting authority, entity pursuant to Article 7 of the Act on public procurement and the bidder Form for the assessment of conflict of interest during a control conducted by the Office, which shall be part of each control file from 01. 09. 2015	The development phase of the implementation of IS AGIS (Module Financial Management)
Anti-fraud cycle	Prevention; Detection and Recovery and sanction	Prevention; Detection and Recovery and sanction	Prevention; Detection; Investigation and prosecution and Recovery and sanction	Prevention and Detection	Recovery and sanction
Measures	New	New and Update Administrative, New and Updated Operational	New Administrative, New Organisational and New Operational	New Legislation and New Administrative	New Administrative, New Organisational, New Operational
Package of measures	Legislative	Administrative and Operational	Administrative, Organisational and Operational	Legislative and Administrative	Administrative, Organisational and Operational
Scope of legislative measure	Comptences; Powers; Definition of a specific topic; Recovery and Financial penalties			Definition of a specific topic and Other administrative penalties	
Scope of administrative measure		OTHER:Anti-fraud strategy	Management of funds; Investigation; Penalty	OTHER:Interpretative Opinion of the Office for Public Procurement No 3/2015 of 06.05.2015 on the assessment of potential conflict of interests between the public contracting authority, the contracting authority, entity pursuant to Article 7 of the Act on public procurement and the bidder, published on web side of the Office. A form for the assessment of conflict of interest during a control conducted by the office, which shall be part of each control file from 01. 09. 2015	Recovery OTHER:Development of the IS for the new processes of irregularities recovery
Scope of organisational measure			Competence and Inter-agency cooperation		
Scope of operational measure		Risk indicators and Structured cooperation with law enforcement	Flagging practice; Risk indicators and Structured cooperation with law enforcement		IT tools ("IT data feeding", "Other IT")
Reasons for legislative measure	To clarify or consolidate existing rules and To remedy flaws			To enforce the rules in line with developments in EU law	
Reasons of administrative measure		To clarify or consolidate existing rules; To enhanced existing measure; Cross-cutting measure, multi-agency measure/measure with impact on various bodies	OTHER: The absence of rules for assessing conflicts of interest in the procurement procedures at the national level, the absence of definition of an official body assessing the existence of a conflict of interest in the procurement processes	To clarify or consolidate existing rules and To enhance existing measure	To clarify or consolidate existing rules and To enhance existing measure

SLOVAKIA(SK) (CONTINUED)
MEASURES

	Act No 357/2015 Coll on financial control and audit and on the amendments of certain acts. The system of the public internal control will be streamlined and more efficient by this act, with the special emphasis on the verification and evaluation of the management processes and all activities of the public authorities. This Act puts emphasis not only on the implementation of the programmes co-financed from the EU budget in 2014-2020, but also on fulfilling of the goals of ESO programme and of the Government Manifesto.	National Strategy for the Protection of the European Union's Financial Interests in the Slovak Republic	Central Coordination Authority's Guidelines no. 13 for the assessment of the conflict of interest in the public procurement procedure. The goal of the guidance is to define the term "conflict of interests" in the course of the public procurement and to set basic rules binding for the MAs, responsible for the implementation of OP in PP 2014-2020, by the identification and assessment of the conflict of interest during PP. Central Coordination Authority's Guidelines no. 5 for determining financial corrections, to be made by MA for non-compliance with the rules on public procurement	Act No 343/2015 Coll on public procurement and on the amendments of certain acts Interpretative Opinion of the Office for Public Procurement no 3/2015 of 06.05.2015 on the assessment of potential conflict of interests between the public contracting authority, the contracting authority, entity pursuant to Article 7 of the Act on public procurement and the bidder Form for the assessment of conflict of interest during a control conducted by the Office, which shall be part of each control file from 01. 09. 2015	The development phase of the implementation of IS AGIS (Module Financial Management)	
Expected result of operational measure		Enhanced coordination; Enhanced cooperation and Enhanced information flow	Enhanced cooperation; Targeting of checks; Enhanced ex-ante controls and Enhanced ex-post controls		Enhanced information flow OTHER: strengthening of the comprehensive solution for irregularities area at all levels	
Expected result of organisational measure: resources			Neutral on resources		Neutral on resources	
Type of act within administrative measure		Decision, Resolution	Circulaire/circular, Instructions, Guidelines, Manuals		Circulaire/circular, Instructions, Guidelines, Manuals	OTHER: Development of the IS for the new processes of irregularities recovery.
Brief description of the legislative measure	The new Act on financial control and audit creates such an environment of the public internal control and audit that will provide the assurance of effectiveness, efficiency and sound management of public expenses. Proper and effective setting of the public internal control and audit system is one of the important tools of the Government to detect hidden system risk and the prevention of fraud and other criminal offences			Act No 343/2015 Coll on public procurement and on the amendments of certain acts. This Act shall enter into force on 18.04.2016 and it transposes the relevant public procurement directives into the Slovak legal system		
Legislative Act - number				Act No 357/2015 Coll		Act No 343/2015 Coll
Legislative Act - date				10/11/2015		18/11/2015
Date		07/01/2016	18/03/2015		04/08/2015	
Legislation - type of Act	Law/Act			Law/Act		
Nature of the measure	Horizontal	Horizontal	Horizontal	Horizontal	Sectoral	
Sectors concerned					Expenditure - Agriculture	
Corruption within PP					Public sector (including political sphere)	
Measures taken in the fight against corruption in PP					Measures addressing transparency in public procurement; Measures to improve the effectiveness of management of the public procurement; Measures addressing transparency of companies participating in public	

FINLAND (FI)

MEASURES

	Drawing up a Fraud Prevention Action Plan and organising anti-fraud training for entities carrying out paying agency tasks.	A comprehensive reform of public procurement legislation on the basis of EU Directives 2014/23/EU, 2014/24/EU and 2014/25/EU on public procurement.	Data system link from the Structural Fund's data system to the Finnish Tax Administration for use in checking applicants' tax liabilities.	A campaign against the hidden economy. The previous campaign against the hidden economy, which ended in 2015, involved the reform of the Procurement Act, the tax number register for the construction sector, the reform of the Contractor's Liability Act, streamlining the international exchange of tax data and stepping up the penalties for financial crime.	A campaign against financial crime and aiming to reduce the size of the hidden economy has operated continuously since 1996. Includes coordination of a wide range of duties relating to various administrative areas, ministries and agencies, and deciding on actions to take and resources.
Anti-fraud cycle	Detection	Prevention; Detection; Investigation and prosecution; Recovery and Sanction	Prevention	Prevention; Detection; Investigations and prosecution; Recovery and sanction	Prevention; Detection; Investigations and prosecution; Recovery and sanction
Measures	Administrative update; Operational update	New legislation	New	New legislation and amendment; Operational update	New legislation, Amendment and Update Operational
Scope of legislation		Other administrative penalties OTHER:Regulation of general government procurement procedures.		Competences; Powers; Definition of a specific topic; Financial penalties; Other administrative penalties;Criminal sanctions	Competences; Powers; definition of a specific topic; Financial penalties; Other administrative penalties; (more) Criminal sanctions
Reasons for legislative measure		To enforce the rules in line with developments in EU law		To remedy flaws	To remedy flaws
Brief description of the legislative measure		Review of all national legislation concerning public procurement on the basis of the EU Directives on procurement. The provisions of the Directive that will be implemented include several anti-corruption measures.		Reform of the Contractor's Liability Act to extend its scope of application and the reporting obligation. In the construction sector, tax numbers will be on picture ID. Tax Administration register of tax numbers.	
Legislation - Type of Act		Law/Act		Law/Act	Law/Act
Legislative Act - number		The legislation has not yet been submitted to Parliament. The aim is that the new provisions will enter into force in 2016. The deadline laid down in the EU Directives on procurement for national implementation of the provisions is April 2016. The exact date of entry into force is not known.		For example, the reform of legislation, such as Act 22.12.2006/1233. -> 22.5.2015/678 Act on the Contractor's Obligations and Liability when Work is Contracted Out	For example, the reform of legislation, such as Act 22.12.2006/1233. -> 22.5.2015/678 Act on the Contractor's Obligations and Liability when Work is Contracted Out
Legislative Act - date		18/04/2016		22/05/2015	22/05/2015
Scope of administrative measure	Eligibility criteria; Monitoring/desk checks;On the spot checks; Audit checklist and Irregularities reporting				

FINLAND (FI) (continued)

MEASURES

	Drawing up a Fraud Prevention Action Plan and organising anti-fraud training for entities carrying out paying agency tasks.	A comprehensive reform of public procurement legislation on the basis of EU Directives 2014/23/EU, 2014/24/EU and 2014/25/EU on public procurement.	Data system link from the Structural Fund's data system to the Finnish Tax Administration for use in checking applicants' tax liabilities.	A campaign against the hidden economy. The previous campaign against the hidden economy, which ended in 2015, involved the reform of the Procurement Act, the tax number register for the construction sector, the reform of the Contractor's Liability Act, streamlining the international exchange of tax data and stepping up the penalties for financial crime.	A campaign against financial crime and aiming to reduce the size of the hidden economy has operated continuously since 1996. Includes coordination of a wide range of duties relating to various administrative areas, ministries and agencies, and deciding on actions to take and resources.
Scope of operational measure	Risk indicators		IT tools	Structured cooperation with law enforcement	Structured cooperation with law enforcement
Type of act within administrative measure	Action plan				
Reasons for administrative measure	To enhance existing measure				
Date of organisational measure			01/01/2015		
Expected result of operational measure	Enhanced ex-post controls; Enhanced ex-ante controls		Enhanced information flow	Enhanced coordination; Enhanced cooperation; Enhanced information flow; Targeting of checks; Targeting of investigations	Enhanced coordination; Enhanced cooperation; Enhanced information flow; Targeting of checks; Targeting of investigations
Operational measure - date	31/12/2015		01/01/2015	22/05/2015	22/05/2015
Sectoral or Horizontal	Sectoral		Sectoral	Sectoral	Sectoral
Sectors concerned	Expenditure - Agriculture	Horizontal	Expenditure - Cohesion policy	Revenue - Customs; Revenue - Tax Fraud	Revenue - Customs; Revenue - Tax fraud
Sectors addressed by measure against corruption in public procurement				Public sector (including political sphere)	Public sector (including political sphere)
Other measures preventing corruption in public procurement				Measures addressing transparency in public procurement; Measures to improve the effectiveness of management of public procurement	Measures addressing transparency in public procurement; Measures to improve the effectiveness of management of public procurement
Comment				By international standards, Finland has taken few anti-corruption measures, and it may be that most corruption offences go undetected, particularly corruption involving public procurement. According to the memorandum of the working group, the reform of the national Procurement Act, based on the EU Procurement Directive, does not focus enough on anti-corruption measures. More attention should be paid to fighting corruption in municipal public procurement; municipalities account for most of the public procurement in Finland.	In 2015, the police administration introduced guidelines on the prevention, detection and investigation of bribes and other corruption offences. The guidelines are intended to increase police expertise in tackling corruption. The primary aim of the guidelines is to increase police officers' capacity to detect bribery and other corruption offences, particularly in sectors, such as public procurement, where there is a special risk of corruption. The anti-corruption cooperation network set up a working group in 2015 to draw up Finland's first national anti-corruption strategy.

SWEDEN (SE)
MEASURES

	In March 2015, the Swedish Ministry of Finance initiated an inquiry tasked with reviewing the legal situation regarding OLAF's on-the-spot checks in Sweden, inter alia in order to bring it up-to-date with the present Multiannual Financial Perspective 2014-2020. The inquiry proposes some legal changes that would enter into force in January 2017. These proposals are currently subject to referral to authorities and other actors concerned in Sweden until April 2016.	The Swedish Council for the protection of the European Union's financial interests (the SEFI Council) has been working on its triannual report to the Government for the years 2013-2015. The report sets out which measures have been undertaken during this period to promote efficient and correct management of EU-related funds. It also contains a description of the coordination of the relevant authorities' work to combat fraud, other irregularities and inefficient management concerning EU funds. (The Council was created by the Government to promote the efficient and correct use of EU-related funds in Sweden.)	On 6 March, the Financial Management Authority arranged a seminar for officials from MAs and AAs for the EU funds. Its aim was to boost knowledge of the risks of error in the new programme period. One session was spent on procurement and state aid, which are specific risks for fraud and error. The aim of that session was to help the authorities become better at checking compliance with the rules and at informing beneficiaries of the public procurement rules.	In 2015, as one of the first two MS, Sweden had a model for standard scales of unit costs within the Social Fund approved (Commission Delegated Regulation (EU) 2015/2195). The model covers most of the expenditure in the national Social Fund programme for 2014–2020 and entails major simplification for project managers and a reduction of the risk of irregularities.
Anti-fraud cycle	Detection	fraud prevention	fraud prevention	Prevention; Detection
Measures	New legislation and amendment	Update	New Administrative	New
Scope of legislation	Competences; Powers			
Reasons for legislative measure	To clarify or consolidate existing rules; To remedy flaws; To enforce the rules in line with developments in EU law			
Brief description of the legislative measure	The proposals from the inquiry cover on-the-spot checks and the role of competent authorities and the AFCOS. However, the proposals are still subject to referral.			
Legislation - Type of Act	Decree			
Legislative Act - number	The inquiry covers both laws/acts and decrees. A tentative date of entry into force is indicated below.			
Legislative Act - date	01/01/2017			

SWEDEN (SE) (continued)
MEASURES

	In March 2015, the Swedish Ministry of Finance initiated an inquiry tasked with reviewing the legal situation regarding OLAF's on-the-spot checks in Sweden, inter alia in order to bring it up-to-date with the present Multiannual Financial Perspective 2014-2020. The inquiry proposes some legal changes that would enter into force in January 2017. These proposals are currently subject to referral to authorities and other actors concerned in Sweden until April 2016.	The Swedish Council for the protection of the European Union's financial interests (the SEFI Council) has been working on its triannual report to the Government for the years 2013-2015. The report sets out which measures have been undertaken during this period to promote efficient and correct management of EU-related funds. It also contains a description of the coordination of the relevant authorities' work to combat fraud, other irregularities and inefficient management concerning EU funds. (The Council was created by the Government to promote the efficient and correct use of EU-related funds in Sweden.)	On 6 March, the Financial Management Authority arranged a seminar for officials from MAs and AAs for the EU funds. Its aim was to boost knowledge of the risks of error in the new programme period. One session was spent on procurement and state aid, which are specific risks for fraud and error. The aim of that session was to help the authorities become better at checking compliance with the rules and at informing beneficiaries of the public procurement rules.	In 2015, as one of the first two MS, Sweden had a model for standard scales of unit costs within the Social Fund approved (Commission Delegated Regulation (EU) 2015/2195). The model covers most of the expenditure in the national Social Fund programme for 2014-2020 and entails major simplification for project managers and a reduction of the risk of irregularities.
Scope of administrative measure		The report sets out which measures have been undertaken during this period to promote efficient and correct management of EU-related funds. It also contains a description of the coordination of the relevant authorities' work to combat fraud, abuse and other improper use of EU funds. A description of how the Council's work has developed, and its plans for how it will operate in the next three years, are also included.	Management of funds	Eligibility criteria; Monitoring of funds; Monitoring/desk checks; On the spot checks; Irregularities reporting
Type of act within administrative measure		Action plan	The seminar did not result in a legal act.	Decision, Resolution
Reasons for administrative measure		To enhance existing measure; Cross-cutting measure: The SEFI Council consists of the National Economic Crime Authority, the Board of Agriculture, the Västerbotten County Council, the Migration Agency, the Police Authority, the EFS Council, the Agency for Economic and Regional Growth and the Financial Management Authority. The Council is as a forum for cooperation in which exchanges of experience can take place between authorities which, in various ways, are involved in the management and protection of the EU's financial interests in Sweden. During this period the Council has held three meetings a year, which were followed by thematic afternoon sessions with various speakers.	To clarify or consolidate existing rules	To make use of the possibilities of simplification afforded by the EU rules, thus achieving simplification and reduced risk of error and irregularities.
Sectoral or Horizontal	Horizontal	Horizontal	Sectoral	Sectoral
Sectors concerned			Expenditure - Agriculture; Expenditure - Fisheries; Expenditure - Cohesion policy; Expenditure - Migration and asylum	Expenditure - Cohesion policy

UNITED KINGDOM (UK)
MEASURES

	Anti-fraud strategy. Given that UK authorities managing EU funds have differing governance arrangements, it is not the case nor would it be suitable to have a single national anti fraud strategy. However, entities such as HMRC and the Scottish Government authorities have in place or are developing anti-fraud strategies in relations to customs duty under-evaluation and ESIF administration respectively. All UK Managing Authorities for the 2014-20 operational programmes are developing appropriate anti-fraud measures as required by Article 125.4 c) of the Common Provisions Regulation, CPR.	Adoption of Arachne (data based IT mining Tool for ESIF funds in Wales)
Anti-fraud cycle	Fraud prevention; Fraud detection; Fraud investigation and prosecution; Recovery and Sanction	Prevention; Detection; Investigation and prosecution
Measures	New and update	New
Scope of administrative measure	Eligibility criteria; Management of funds; Monitoring/desk checks; On the spot checks; Audit checklist; Investigation; Irregularities reporting; Penalty; Recovery	
Scope of operational measure		IT tools; Flagging practice; Increased number of checks
Type of act within administrative measure	Action plan	
Reasons for administrative measure	To clarify or consolidate existing rules and To enhance existing measure	
Expected result of operational measure		Enhanced co-ordination; Enhanced cooperation; Enhanced information flow; Targeting of checks; Enhanced ex-ante controls; Enhanced ex-post controls
Sectoral or Horizontal	Sectoral	Sectoral
Sectors concerned	Revenue - Customs; Expenditure - Cohesion policy	Expenditure - Cohesion policy
Sectors addressed by measure against corruption in public procurement		Public and Private sector

UNITED KINGDOM (UK) (continued)

MEASURES

	<p>Anti-fraud strategy. Given that UK authorities managing EU funds have differing governance arrangements, it is not the case nor would it be suitable to have a single national anti fraud strategy. However, entities such as HMRC and the Scottish Government authorities have in place or are developing anti-fraud strategies in relations to customs duty under-evaluation and ESIF administration respectively. All UK Managing Authorities for the 2014-20 operational programmes are developing appropriate anti-fraud measures as required by Article 125.4 c) of the Common Provisions Regulation, CPR.</p>	<p>Adoption of Arachne (data based IT mining Tool for ESIF funds in Wales)</p>
<p>Further details on HMRC's new strategy on customs under-evaluation</p>	<p>The strategy is specific to HM Revenue & Customs, the Home Office, Trading Standards and other delivery partners. It has been approved and signed off at Director for all participating lines of business. The strategy was created in June 2015 and approved/signed off in September. It has been shared with the Home Office and Trading Standards and has been more widely publicised through the UK Fulfilment House Working Group (led by Business Innovation & Skills (BIS), and communicated to the EU Anti-Fraud Office (OLAF) who have an interest in customs duty undervaluation. 2015 after which it has been under perpetual review as the nature of the fraud activity has been better understood.</p>	<p>Measures addressing transparency in public procurement; Measures to prevent corruption among personnel; Measures addressing transparency of companies participating in public procurement; Measures to improve control and audit.</p>
<p>Additional measures</p>	<p>Further details of HMRC's new strategy on customs under-evaluation: 1. Anti-fraud strategy: (a) Does your organisation have an anti-fraud strategy to safeguard EU funds/revenue? Yes (b) Is the strategy specific to your organisation or is it a general strategy for HM Government and the devolved administrations covering all EU funding/revenues? Please specify the level at which the strategy is signed off e.g. Director level? The strategy is specific to HM Revenue & Customs, the Home Office, Trading Standards and other delivery partners. It has been approved and signed off at Director for all participating lines of business. (c) When was the anti-fraud strategy last reviewed and updated? How often is it reviewed? The strategy was created in June 2015 and approved/signed off in September 2015 after which it has been under perpetual review as the nature of the fraud activity has been better understood. (d) Has the anti-fraud strategy been communicated outside your organisation (is it shared with other government bodies and/or in the public domain)? It has been shared with the Home Office and Trading Standards and has been more widely publicised through the UK Fulfilment House Working Group (led by Business Innovation & Skills (BIS) and communicated to the EU Anti-Fraud Office (OLAF) who have an interest in customs duty undervaluation.</p>	

3. CASE STUDIES AND BEST PRACTICES BY MEMBER STATES

In the framework of the preparation of the Annual Report for the Protection of the EU financial interests and the fight against fraud – 2015, Member States were also requested to submit case studies and best practices which would help to contextualise the information and analysis provided in the Report and its accompanying documents.

The present section presents the summaries of the contributions provided by the Member States. The cases are presented per budget sector.

3.1. Revenue

3.1.1. Tobacco

For several years, OLAF investigated suspicious activities that led to the discovery of a major cross-Europe cigarette smuggling network. Due to OLAF's cooperation with the **Bulgarian** authorities, there was successful fraud prevention, detection and recovery of national and European budget in a case relating to an organized trafficking ring involving persons from other countries as well as government officials supporting the offenders. In March 2015, seven offenders were arrested at a warehouse in Bulgaria while unloading significant amounts of cigarettes bearing no excise labels. A total of 28.7 million pieces of cigarettes without excise labels were seized totalling to 8 million Euros. Charges were brought against 32 people.

There is a high-level of communication between European countries and an eagerness to be involved in the process of protecting the EU budget. Both **Bulgaria** and **Italy** have cooperated with other countries to combat the smuggling of tobacco products. In 2015, in relation to investigations led by the Bulgarian Directorate General for 'Combating Organized Crime' and the law enforcement authorities in the **United Kingdom, Spain, Romania** and **Moldova**, an enhanced exchange of information on the channels of Europol was performed aimed at investigating an organized crime group involved with illegal production of cigarettes on the territory of different countries. This resulted in a coordination meeting held at the Hague between the police authorities from the countries concerned including police officers from Romania, Moldova and Lithuania. The joint investigative activities on the case resulted in the disclosure of four illegal factories producing cigarettes –one in Hungary, one in Belgium and two in Poland. Similarly, in 2015, the Guardia di Finanza (Financial Police) in cooperation with the corresponding **German, French, Polish, Hungarian** and **Greek** bodies, managed to identify an extensive organisation importing large shipments of smuggled cigarettes of Eastern European origin into Italy. 16.5 tonnes of smuggled cigarettes were seized, together with the 60 vehicles used by the traffickers totalling to 21 million Euros.

Furthermore, significant efforts were made by both **France** and **Greece** to tackle the smuggling of tobacco. On two occasions in 2015, the Hellenic Coast Guard identified vessels which were in the process of unloading smuggled cigarettes when acting on information regarding the tackling of organised forms of crime and countering the

smuggling of tobacco products. With regards to the first case (Rosetta), a total of 11 799 420 packages were discovered amounting to 2 359 624.014 Euro of duties evaded and, in relation to second case (Zahra), a total of 33 260 000 cigarettes were found which evaded duties amounting to 6 086 007.87 Euro. The French customs authorities intercepted two containers at the port of Le Havre and identified 1 400 boxes of 50 cartons of smuggled cigarettes which were not authorised to be sold in the EU and were clearly intended to exclusively supply the parallel and illegal market.



Greece : Rosetta Case



Greece : Rosetta Case



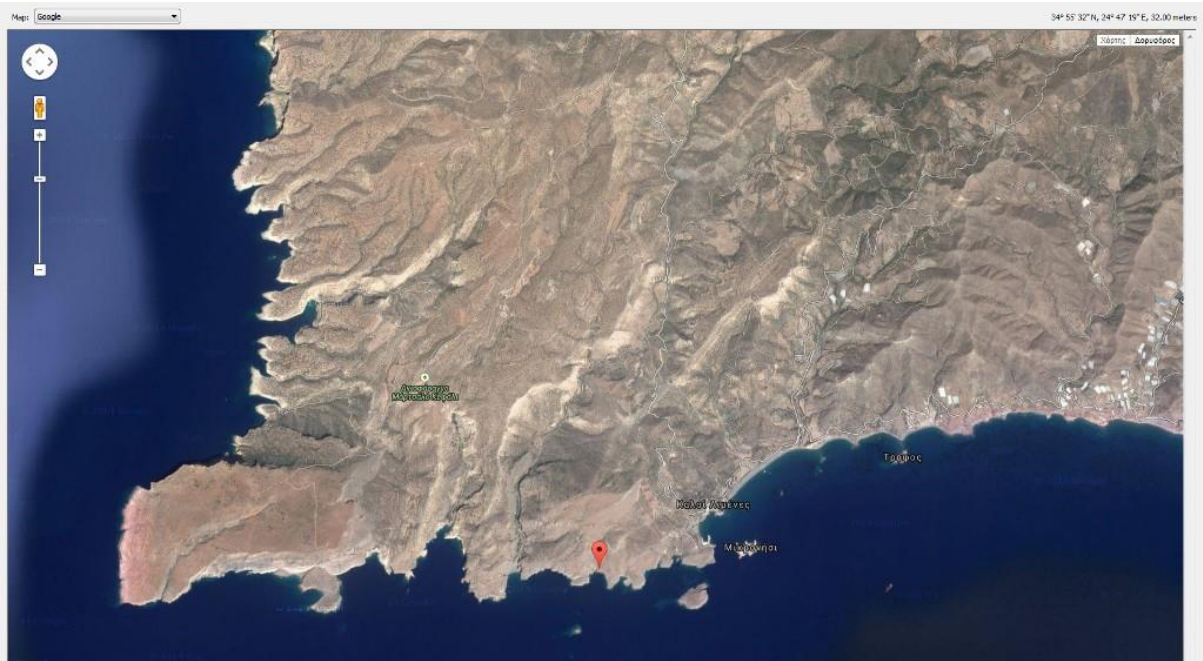
Greece : Rosetta Case



Greece : Rosetta Case



Greece : Rosetta Case



Greece: Zahra Case



Greece: Zahra Case



Greece: Zahra Case



Greece: Zahra Case

3.1.2. Customs

During 2015, the **Bulgarian** customs authorities detected and took measures against fraudulent and criminal methods and practices of some traders who violate of national and supranational law by declaring a very low value of the goods in their importation and customs clearance, thereby causing enormous damage to the national and European budget. Thanks to close cooperation with OLAF and the customs administrations of other Member States, including through participation in joint customs operation "SNAKE", appointed experts from the Bulgarian National Customs Agency have developed a 'Guide on prevention and detection and clearance of low prices' using relevant methodologies developed by OLAF and different Member states customs authorities. The result of operation "SNAKE" was to decrease the circle of economic operators representing textiles and shoes from China at low prices from 51 to just 16 operators.

In relation to **Greece**, in 2015, the Attica branch of the ELYT (Customs Auditing Department) carried out 11 investigations relating to the protection of the financial interests of the EU against fraud, and more specifically, the evasion of import duties and anti-dumping duties by means of false declarations of origin or misdescription of the tariff classification. Of the above investigations, one has been completed, while the others are still on-going. In the same year, 13 investigations were also completed from the previous year (2014), resulting in 12 infringements (simple customs infringements and smuggling).

More specifically, one of these **Greek** cases mentioned above involved a company under investigation which started importing photovoltaics into Greece from the People's Republic of China (PRC) in July 2012. From June 2013 to April 2014 the company

imported photovoltaics from Malaysia and from May 2014 to January 2015 from Taiwan. It should be noted that imports of photovoltaics into the EU from these countries are not liable to import duties. An investigation was carried out by OLAF representatives, who in cooperation with the customs authorities in Taiwan, found out that the goods in question (photovoltaics) arrived in containers from the PRC in the Free Trade Zone of Taiwan (FTZ) and were then transferred directly (usually the same day or the following day) to other containers destined for the EU. Therefore, the company devised a way of providing the Greek customs authorities with documents accompanying the customs clearance of goods, such as invoices, certificates of origin, bills of lading, etc., issued by companies in Taiwan to make it appear that the imported photovoltaics originated in that country (Taiwan), thereby avoiding liability for paying the duties. The evaded duties, establishing duties and taxes of the Elefsina Customs Office and the Fifth Customs Office of Piraeus, amount to EUR 2 582 720.28. This amount comprises: anti-dumping duties: EUR 2 114 718.75, countervailing duties: EUR 455 416.98 and VAT: EUR 12 584.55.

3.2. Expenditure

3.2.1. Structural funds

In **Estonia**, an undertaking used aid to purchase a unique technological solution for recycling plastic waste into building materials at a cost of EUR 475 000. In the course of the investigation it was found that the actual purchase price of the equipment was EUR 55 000 and that the second-level implementing body had been shown bogus (fake) transactions with a higher value for the purpose of obtaining more aid. In order to avoid similar occurrences in future, clearer provisions will be drawn up on verification of the procurement process and the equal treatment of tenderers, including on the transparency of the procurement process, and the provision of detailed information on equipment in tenders will be made obligatory.

Furthermore, another **Estonian** case involved the use of aid by an undertaking to acquire a plastic waste cleaning line at a cost of EUR 959 952. An investigation revealed that the components of the equipment were already in the possession of the beneficiary or its associated undertaking prior to acquisition. The documents presented to the second-level intermediate body were fictitious, as the transactions had been performed with an undertaking not engaged in supply of the equipment concerned. In actual fact, the undertaking had bought the equipment from itself at a price several times higher, with the aim of obtaining more aid funding. The aid was not paid out, so the case was one of attempted fraud. In order to avoid similar occurrences in the future, clear provisions on verification of the procurement process, the equal treatment of tenderers, and the transparency of the procurement process will be drawn up, and the provision of detailed information on the equipment in the tenders will be made obligatory.

There have been several operations on behalf of **Italy** to combat fraud in connection with payments made from the EU Budget. The first example concerns Structural Funds, and

in particular, the European Regional Development Fund (ERDF). The operation carried out by the Guardia di Finanza (Financial Police) in Trapani was prompted by tax inspections of a group of businesses operating in the tourism and hotel sector, all connected to a single family. Further inquiries into the tax aspects shed light on a string of false invoices used by the hotel businesses, to both unduly reduce their tax burden and to support applications for funding from the Structural Funds for a project to upgrade and expand hotel accommodation. Among other things, the investigations established a range of fraudulent behaviour on the part of the leading partner in the criminal organisation. This behaviour was intended to divert from the assets of the companies corporate assets that might be subject to seizure in order to satisfy claims brought by the tax authorities. The operation identified income of around EUR 40 million on which tax had not been paid, invoices for non-existent transactions of EUR 20.6 million, and VAT infringements worth a further EUR 16 million. Overall, 14 individuals were reported to the ordinary judicial authority for tax offences, serious fraud and misappropriation at the expense of the state, and four legal persons were reported for their administrative liability in the matter. On another occasion, an investigation identified that a criminal organisation was, producing and using various forged documents, in order to enable a group of companies to collude and unduly benefit from EUR 1 million from the European Social Fund. The investigation resulted in 26 natural persons being reported to the judicial authority for conspiracy and serious fraud with intent to obtain public funds, together with nine legal persons for their administrative liability in the matter.

Again, in **Italy**, the Guardia di Finanza in Ancona carried out a criminal investigation into the awarding of an international works contract in Côte d'Ivoire, directly funded by the European Commission through the European Development Fund. In-depth investigation revealed a complex fraud mechanism put in place by an Italian company in which false documentation was submitted to the contracting authority when the contract was being awarded, attesting to the fulfilment of the technical and professional requirements needed to participate in the tender procedure. Subsequently, once the contract had been awarded, suppliers' invoices were submitted for amounts that had been inflated, or were made out in the name of unsuspecting suppliers, in order to document the progress of the works. The investigation resulted in five individuals being reported to the judicial authority for tax offences and serious fraud against the State and the European Commission, in relation to the improper request and receipt of Community resources of EUR 4.8 million, of which 15 % (EUR 800 000) was blocked before payment. In order to recover the amounts unduly received, a preventative seizure was carried out of goods, resources and securities of EUR 3.2 million.

Latvia reported a case where a legal person sent the Investment and Development Agency of Latvia (LIAA) a letter with an attached notice from the GE Money Bank stating that the enterprise has received a 310 000 euro loan from the bank. Through the communication with the bank's employees it was confirmed that the bank never issued such notice to the legal person. In August 2011 LIAA sent a request to the Latvian State Police to start a criminal investigation. In May 2015 the City of Riga Vidzeme District

Court found that the five defendants involved were guilty. Furthermore, on a second occasion and regarding another case, during the evaluation of a legal person's submitted final payment request, LIAA found contradicting information relating to the costs of the purchased equipment. LIAA and the State Revenue Service's crosschecks provided no way of establishing the purchased equipment's origins, since it was in the possession of at least four different owners after the manufacturer initially sold it. The legal person purchased the equipment through several intermediaries after arranging three procurements. In December 2011 LIAA sent a request to the Latvian State Police to start a criminal investigation. In May 2015 the Court found a natural person guilty and sentenced to 3 years prison time, while two natural persons were found guilty and were both sentenced to 2 years in prison.

Moreover, in the third case reported by **Latvia**, a legal person, following a procurement procedure, claimed that some corrections were necessary in the technical specification for the equipment they were willing to purchase. Because of that another procurement procedure had to be held. In both procurements the contract was awarded to the same supplier, but the price of the equipment in the offer in the second procurement exceeded the price that was offered during the first one by 442 000 euro. The Investment and Development Agency of Latvia (LIAA) suspected that the legal person had mistakenly set the price in euro instead of lats in the initial procurement and decided to arrange a new procedure to fix the mistake. LIAA found out both that there was no established connection between the awarded supplier and the equipment's manufacturer, and that the supplier was removed from the VAT payer register in Poland, and its officials were Latvian citizens. LIAA suspected a fraudulent collusion between the beneficiary and the supplier and in December 2011 sent a request to the Latvian State Police to start a criminal investigation. In 2015 the Latvian Court found the defendants guilty and imposed financial penalties. The case was also reported to the European Commission and updated via IMS.

Furthermore, two **Slovenian** cases concerned companies performing tourist and hospitality services entered into agreements with the Ministry of the Economy on the co-funding of their planned investments in the construction of new facilities or the renovation of old facilities using funds from the European Regional Development Fund. Together with the company contracted to carry out the construction work, they developed a scheme that enabled them, by stating fraudulent data, to justify claims for an unjustified payment of funds as per the aforementioned agreements. Pursuant to the co-funding agreement, the tourist companies then requested the Ministry to reimburse the portion of the costs that they had allegedly incurred due to payments for construction services. As evidence, they submitted false interim invoices and summary payment slips concerning the works performed, thus deceiving the Ministry into paying €3.7 million to the first company and €1.8 million to the second. After three charges by the Specialised Office of the State Prosecutor of the Republic of Slovenia from 2012 and 2013, judgements were issued in the matters "Rimske terme" and "Betnava". These are final

against a total of 5 natural entities and 1 legal entity, while a conviction against 1 natural person is not yet final .

Slovakia has reported two cases both concerning the Intermediate Body under Managing Authority (hereafter IBMA); the first involving the reconstruction of heat distribution pipes and the second involving a hotel's competitiveness. With regards to the first, a complaint was lodged to the staff of the Central Contact Point for OLAF (i.e. Slovakian AFCOS) against a potential misconduct of the IBMA within the approval procedure regarding the application for non-repayable contribution (hereafter "NRC"). That complaint had also pointed to an unlawfully granted contribution for the project "Reconstruction of heat distribution pipes" and also indicated a suspected serious offence. The Slovak Government Office's group of inspectors (hereinafter "group of inspectors") established that IBMA failed to proceed in compliance with the System for managing the Structural Funds and the Cohesion Fund; IBMA's Manual; the Call; and the Handbook for the Applicants. It was found out that the check on the formal correctness of the application for NRC carried out by the IBMA was insufficient. Despite this inadequate check, the IBMA accepted the applicant's statement and did not again request the applicant to provide the particulars missing in the NRC. The group of inspectors informed both the IBMA and the Managing Authority (hereafter "MA") on this situation and requested the MA for providing its opinion on the facts concerned. The MA subsequently requested the IBMA to provide information on a follow-up action and to submit a proposal for a revised measure to remedy the deficiencies. As the Contract on granting the NRC had been breached, the IBMA withdrew from the Contract on granting the NRC. The group of inspectors found out that the funds had not been paid out to the beneficiary.

With regards to the second **Slovakian** case, OLAF played a major part as it was an anonymous complaint lodged to OLAF alleging that there was a risk of infringement of the conditions for granting assistance to the hotel that led to an investigation by the Slovakian Central Contact Point for OLAF (hereafter "CCP"). On the basis of that complaint, the CCP's staff carried out a check on how the IBMA proceeded within the application procedure regarding the NRC. The documentation submitted to the inspection group showed that it had not been possible to unequivocally determine the exact figure regarding the hotel's accommodation capacities at the time before the signature of the Contract on granting the NRC. The IBMA carried out an on-the-spot-check (hereafter "OTSC"), on the basis of expert assessors' recommendation, after the Contract on granting the NRC had been signed, i.e. at the time when it was no longer possible for the IBMA to objectively check the situation in the accommodation capacities of the hotel before the reconstruction. The group of inspectors established that, at the date of the completion of the control focused on the project titled "Improving the competitiveness of the hotel", no application for payment was submitted and no funds were paid out.

3.2.2. *Agriculture and Fisheries*

A **German** rural tourism case in which a claimant applied to the granting authority for payment disbursement for a swimming pool project, which had not been put into effect by the end of the implementation period, has also been reported. The amount wrongly applied for was so great that the granting authority, after applying the ensuing reduction penalty, rejected the payment application in its entirety. The claimant then instituted proceedings at the administrative court for the disbursement of EUR 50 000.00 in funds. The case presented suspicion about the source of the money with which the claimant had paid the assigned swimming-pool technology company and also about the lawful taxation of the payments made by the claimant to the swimming pool technology company. The granting authority therefore additionally informed the central tax investigation authorities of Thuringia at the relevant tax office, by way of a control report on the operation. It can therefore be deduced that the funding management control system in place (in payment procedures), as well as the granting authority's own-initiative investigation (Section 24 of Thuringian Administrative Procedures Act) have prevented fraud in this case.

OLAF was notified of a **French** case regarding payment of aid to promote wine on the markets of third countries, as provided for under the CMO. In particular, the irregularity concerned invoices that were forged in order to collect more than EUR 600,000 of subsidies from FranceAgriMer, the paying agency, for promoting wine outside the European Union. During the ex-post inspection of the first payment of around EUR 350,000, the inspection body of the Mission COSA (inspection of operations in the agricultural sector) revealed that fake invoices were produced through a financial partner in China who knew that they did not correspond to the services provided. This case was the subject of an accusation made to the Public Prosecutor by the MCOSA inspection body in 2013. The operator was given a suspended prison sentence of 12 months and fined EUR 30,000 for fraud by the Bordeaux criminal court.

The **Italian** Guardia di Finanza in Caltagirone (Financial Police) identified a criminal organisation that prepared bogus documentation attesting to the fulfilment of the requirements needed to access contributions for supporting production under the Common Agricultural Policy (CAP). The fraud was essentially based on false certification that the holder was working farm land, allowing entitlements to be obtained with a view to aid. Furthermore, fraudulent forms were discovered for the transfer of entitlements through the use of fictitious companies specially set up for this purpose. The investigation led to 57 persons being reported to the judicial authority for conspiracy and serious fraud with intent to obtain public funds. Nine of these persons were placed under arrest by order of the judiciary. Money, goods and other assets of EUR 2.7 million, as well as CAP entitlements used by those under investigation for a total of around EUR 650,000, were also seized.

Moreover, the **Italian** Carabinieri of the Siracusa Provincial Unit and the Anti-Fraud Unit of the Carabinieri in Rome, following a long and complex investigation in 2015,

carried out 14 precautionary measures in Sicily and Lazio ordered by the Siracusa investigating judge for conspiracy, serious fraud, corruption and forgery. The investigation revealed that the defendants, through deception and in some cases violence, had appropriated over 2000 hectares of agricultural land with the aim of improperly receiving substantial Community payments by using forged certificates concealing their real use.

Portugal has reported several cases concerning the European Fisheries Fund (EFF) which emphasize the methodology of control and the cooperation between the national entities. An anonymous complaint was addressed to the Tax and Customs Authority (AT) - Ministry of Finance involving a shipbuilding company, providing services to several vessel owners. The AT examined the cash flows of the company providing services (the supplier) and ascertained that the company accounts showed no direct link between the amounts received from customers and those paid into the bank accounts. Additional documents requested from the company were analysed, confirming that the following practice occurred repeatedly with payments received from customers (vessel owners): on the same date that sums were credited to the bank account, the company withdrew the same amount; this was sometimes deposited into the customer's account and in other cases was transferred to the managing partner's personal account or to an unknown beneficiary. As such, the AT informed the Directorate-General for Maritime Policy (DGPM) in the Ministry of the Sea and the DGPM sent the case to the Directorate-General for Natural Resources, Safety and Maritime Services (DGRM), also in the Ministry of the Sea, which referred the case to the PROMAR Managing Authority. The Managing Authority informed the Prosecutor's Office of the facts of the case and the EFF Certifying Authority (IFAP) sent the details of the irregularities to the Inspectorate-General of Finance (IGF), which is the AA and the AFCOS. The IGF entered the communications in the IMS system and sent them to OLAF in the third quarter of 2015.

3.3. Best practices

3.3.1. Corruption and conflict of interest

In the **United Kingdom**, there are four independent paying agencies for the CAP representing England, Scotland, Wales and Northern Ireland respectively. Each paying agency is responsible for its own anti-fraud policies and operations. These are supported by national rules, legislation and policies issued centrally.

a. Policy

All government employees are obliged to follow the Civil Service Employee Policy (issued nationally) covering professional conduct which includes detailed guidance on the conflict of interests and the accepting or giving of gifts and hospitality.

The policy is supported by national legislation and guidance. For example, the Bribery Act 2010, makes it a criminal offence to offer, promise or give a bribe to a government official or a person acting on behalf of a government body. It is also an offence to

request, agree to receive, or accept a bribe. Failure to comply with the policy could lead to disciplinary action, including dismissal or legal (i.e. criminal) proceedings. Furthermore, under the Freedom of Information Act 2001, any member of the public has the right to request information on any gifts or hospitality that government employees have provided or accepted.

b. How are people made aware of the rules regarding the possible conflict of interests and how are changes or updates communicated?

Induction packs are issued at training courses for newcomers and guidance is re-issued when there are any updates or amendments. Regular email bulletins and news items are posted on internal departmental websites which serve to keep all government employees updated on changes to the rules and procedures, and remind them of their legal and contractual obligations.

c. Who is responsible for ensuring the policy is adhered to?

Senior managers with the support of the human resources departments and internal audit services are responsible for ensuring there is compliance with the rules.

d. Scope

The Cabinet Office is the lead government department for all government departments and agencies in the UK. It has provided a mandatory Civil Service Learning package which is an on-line module for all Civil Servants to complete. The module helps employees to avoid being in breach of the Gifts and Hospitality Policy and Procedures.

In addition, the Counter Fraud and Corruption course aims to raise awareness and promote knowledge and understanding among every government employee of the importance of tackling fraud as well as the risks and issues relating to bribery and corruption. This is also a mandatory on-line course and line managers are sent email notifications alerting them if their staff have not completed the course.

e. Additional Guidance

Individual government departments have introduced additional policies and guidance for employees to ensure that Cabinet Office policies are adapted to meet particular departmental requirements. For example, a key document issued by the human resources department clearly explains the rules that all employees must adhere to including sections on the conflict of interests. The policy is reviewed and re-issued annually to all employees.

f. Does the policy contain a definition of a conflict of interests?

As each paying agency is responsible for implementing, managing and updating policy there are different approaches taken in the UK.

g. Outside employment

The policy reminds employees that it is important that:

- there is no suspicion that an employee or former employee might be influenced by the hope of future employment with another organisation;
- an organisation does not gain an improper advantage over its competitors by employing a former employee of the paying agency who has had access to information in the course of their official duties that may affect that firm or its competitors.

h. Outside occupations or activities whether paid or voluntary

The policy states that employees must not do the following:

- do anything which might conflict with the interests of the paying agency or with a person's position as a public servant;
- engage in outside activities involving the use of official experience, without first obtaining the consent at Director level.
- hold directorships in, or undertake work in public or private companies, firms or other organisations without first obtaining the consent at Director level.
- when accepting appointments in a personal capacity, employees need to convince their Director that there is no conflict of interests. There should be no question of financial exposure for the paying agency or government body. Employees may not engage in consultancy work on behalf of any company with which the paying agency/government department has a contractual relationship.

i. Business Interests Register

Each year agencies/government departments are required to undertake an exercise to establish whether agency employees (permanent employees and contingent workers) or their close family have business interests, shareholdings or any other personal interests that could lead to a potential conflict with their duties as government employees.

j. Sanctions

If a person fails to declare a business interest and is subsequently involved in an incident which uncovers such an interest, then the failure to declare may be interpreted as an attempt to deliberately mislead or defraud the agency.

k. Does the policy and guidance cover the entire procurement process and the management of subsequent contracts?

Guidance explains that all members of staff must register any potential conflict of interest in the staff register of interests and register any interests as they arise. On an annual basis, an exercise is undertaken to ensure the register is complete.

With regard to procurement, before the evaluation exercise commences, each member of the tender evaluation panel must declare any interests relating to the bids that have been received. This includes any previous and current connections with any of the companies that have submitted a bid. The chairperson of the Evaluation Panel in consultation with the Commercial Team of the paying agency/government body will decide whether the panel member should be removed from the panel. All declarations of interests are formally recorded in the tender evaluation report for audit purposes.

All procurements are carried out in a fair and transparent way to ensure that a clear audit trail of documentation exists. All purchases over a certain financial amount within the government department/agency are managed by a dedicated commercial unit to ensure purchasing is carried out within procurement guidelines set out by the European Union and the UK Government. Major purchasing and contract management is overseen by a senior manager. There is segregation of duties throughout the buying process which includes strict demarcation between the business area, the budget holder and the those responsible for commercial approval.

For the evaluation of procurement, the terms of reference are on a specific part of the government departments' intranets. Before commencement of an evaluation, the conflict of interests and the declaration of an interest is looked at. Each member of the tender evaluation panel will be asked to declare whether they have any declaration of interests related to any of the bids received. This may include past or current financial connections with any of the companies that have submitted a bid. The chairperson of the Evaluation Panel, in consultation with the Commercial Team will decide if the panel member should be removed from the panel. All declarations of interests will be recorded formally in the tender evaluation report for audit purposes.

Contract management on a day-to-day basis is carried out by service managers within the business area. Any contract changes or escalations for the contract are directed via the senior manager from the service manager. These will require further internal approval before sign off.

All employees are required to make an electronic declaration each year as to whether they or close family or friends have business interests. If an interest is declared the employee is required to provide full written details on a standard form which is then sent to their managers to ensure controls are put in place to mitigate potential risks. The form is then submitted to the Human Resources department where a central register is maintained.

The Human Resources department will keep under review the management of controls in place to ensure consistency and as part of the assurance programme. All declarations are risk assessed and a risk rating derived by using the dedicated risk profiling for business interests in addition to a comparison across sensitive posts and security registers to provide an overall view of the potential risk of that individual based on their official role and the business interests declared.

Individual case files are held by the Human Resources Department. Files that relate to fraud, irregularities and cases relevant to the Civil Service Code are also held by the Head of Internal Audit.

l. What guidance has been issued to implement and support the policy on conflicts of interest?

Paying agencies review guidance annually. It is re-issued to all staff on the intranet at the start of the financial year. There is standing guidance on the electronic recording system that all employees are required to read before they are allowed to make their declarations. A case study which discusses various issues that can arise due to a non-registration of an interest has been used to raise awareness. New staff are given a welcome pack which includes sections on conduct and discipline. Staff are required to read the conduct and security sections of the staff handbook when they join the paying agency.

m. Does the guidance cover how to "deal" with anyone who fails to disclose a conflict of interests or makes a false declaration?

The guidance does not specifically cover this, as cases are referred to an independent caseworker or internal fraud investigators depending on the severity of the alleged breach of the policy. Each department or agency then follows its own specific procedures for dealing with breaches of the policy. Case officers are specifically trained to deal with such cases and are supported by experienced colleagues to ensure all cases are effectively investigated and concluded.

3.3.2. Managing Authority's kick-off meeting with contract manager

Denmark chose to refer to the reply to recommendation 3 in the 2014 Annual Report on the Protection of the European Union's financial interests.¹⁵ The reply contains several practical examples of preventive measures to combat fraud. One example is the anti-fraud policy. This involves, among other things, contact details in the Managing Authority, to be used in the event of a specific suspicion of fraud. The anti-fraud policy document will be issued at the kick-off meeting with the contract manager, when the contract for EU co-funding is also handed out. The purpose of the kick-off meeting is to identify and draw attention to particular risk areas in the project process and administration, where experience suggests that irregularities can occur. The most important documents and declarations used for implementing the project will be distributed and reviewed at the meeting. Some of the content of the kick-off meeting is tailored to the specific projects, based on an assessment of the particular error risks in the project in question.

The agenda may include the following topics:

¹⁵ See Commission Staff Working Document Follow-up of recommendations to the Commission report on the protection of the EU's financial interests – fight against fraud, 2014.

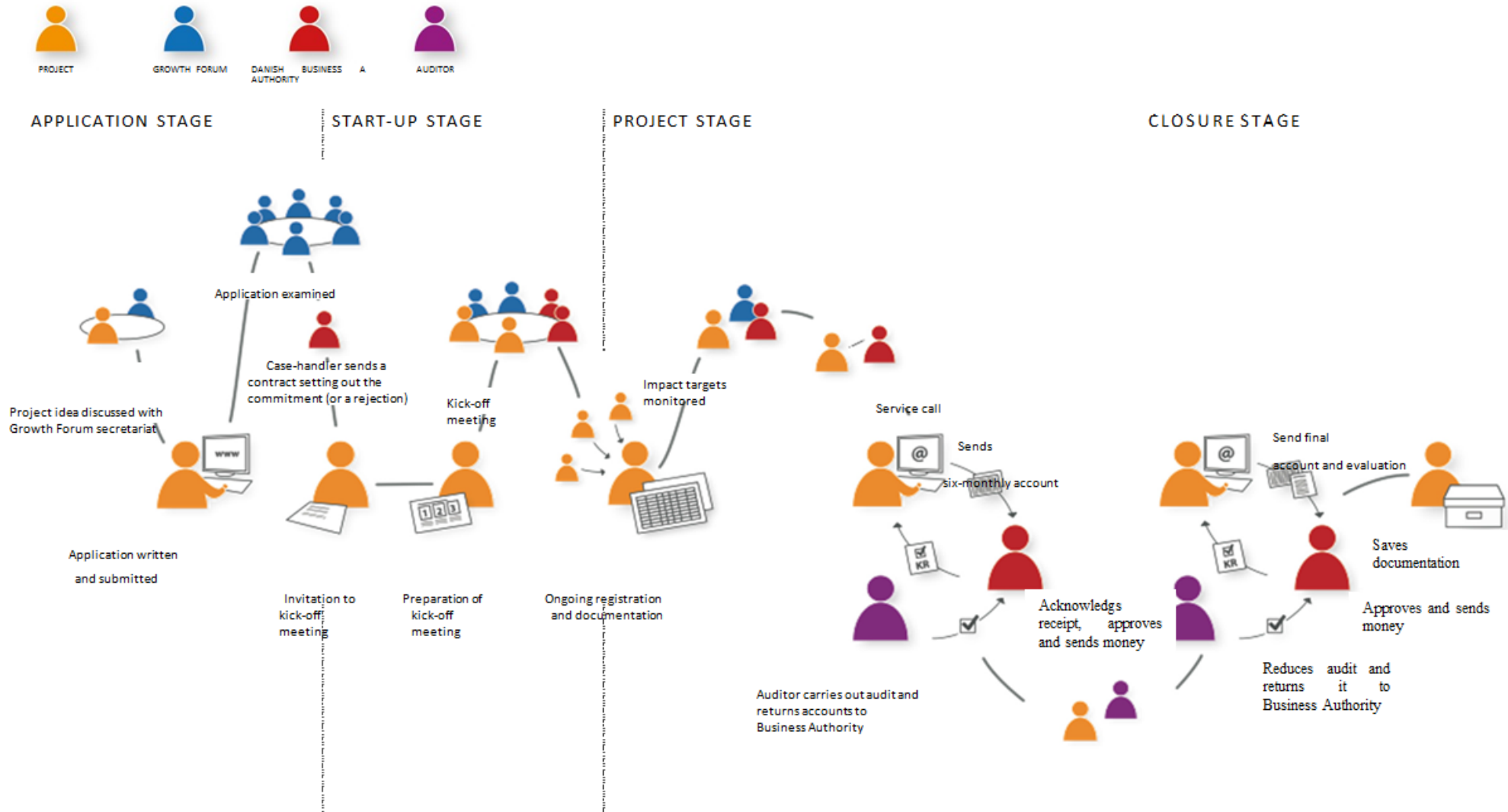
- State aid
- Bidding process
- Timesheets
- Salary calculations
- Contract staff
- Start and end dates for social fund projects
- Parties with common interests

In addition, the participants will go through the entire project process, from application to final accounts and reporting, audit and disbursement (see figure below).

All project managers who sign a contract for EU co-funding will also attend a course at the centrally appointed auditor, Deloitte. The course is paid for by the Managing Authority. Course participants receive training in areas which often prove to be a source of errors in the project accounts. They are also taken through the various administrative challenges. The course provides knowledge and inspiration for the practical project work and the organisation of internal controls and procedures that will help to prevent irregularities.

STAGES OF THE PROJECT PROCESS

- The diagram below shows the stages of the project process and the actors encountered along the way.



NB: If you are applying for co-funding from the national pool or the pool for sustainable green urban development, please contact the Business Authority rather than the Growth Forum secretariat before starting your application.