

Order No 6/2019
of 12 February 2019
Of the Director of the Polish National Agency for Academic Exchange
on
external experts of NAWA

Pursuant to § 2(8), in conjunction with § 4(2) of the statute of the Polish National Agency for Academic Exchange and Article 22(3) of the Act of 17 July 2017 on the Polish National Agency for Academic Exchange (Dz. U. of 2017, item 1530), hereinafter referred to as the “Act”, it is hereby ordained as follows:

§1

The Order No 4/2018 of 22 March 2018 issued by the Director of the Polish National Agency for Academic Exchange on NAWA’s external experts, amended by Order no. 16/2018 of 25 May 2018 and Order no. 32/2018 of 4 July 2018 issued by the Director of the Polish National Agency for Academic Exchange, is hereby repealed.

§2

“The Rules governing the appointment and cooperation with NAWA’s external experts” constituting Annex no. 1 to this Order are hereby established.

§3

Applicable for any cases that have been launched and pending pursuant to the Order no. 4/2018 of 22 March 2018, as amended, prior to this Order entering into force, shall be “the Rules governing the appointment and cooperation with NAWA’s external experts” constituting Annex no. 1 to this Order.

§4

The call for applications of candidates to the NAWA Expert Database announced by the NAWA Director on 3 July 2018, initiated on the basis of Order No. 4/2018 of 22 March 2018, as amended, remains open until notice is given to the contrary. The aforementioned announcement shall be governed by “the Rules governing the appointment and cooperation with NAWA’s external experts” constituting Annex no. 1 to this Order.

§5

The Team for Student Programmes established by Order No. 4/2017 of 21 November 2017 issued by the Director of the Polish National Academic Exchange Agency on the appointment of the Team for Student Programmes, as amended by Order No. 11/2018 of 29 December 2017 issued by the Director of the Polish National Academic Exchange Agency constitutes an evaluation team under the “Rules governing the appointment and cooperation with NAWA’s external experts” constituting Annex no. 1 to this Order.

§6

The Order shall enter into force on the day of its signing.

Annex no. 1 to the Order no 6/2019 of 12 February 2019, issued by the Director of the Polish National Agency for Academic Exchange on NAWA's external experts

Rules governing the appointment and cooperation with NAWA's external experts

§1

General provisions

1. Rules governing the appointment and cooperation with NAWA's external experts (hereinafter "the Rules") determine:
 - 1) the groups of external experts;
 - 2) the procedure for selecting and appointing external experts of the Agency;
 - 3) the scope of tasks performed by external experts;
 - 4) the rules of cooperation with external experts of the Agency;
 - 5) the remuneration for individual groups of experts.
2. External experts, hereinafter referred to as "experts", shall be both Polish citizens and foreigners who perform:
 - 1) merit-based evaluation of applications submitted under calls for applications to participate in the Agency's programmes or in calls related to performing tasks commissioned to the Agency pursuant to Article 2(5) of the Act.
 - 2) evaluation of the reports submitted by the Agency's beneficiaries
3. Experts performing tasks for the Agency shall include:
 - 1) **Examiners** – members of examination committees conducting examinations both in Poland and abroad;
 - 2) **Reviewers** – experts performing individual merit-based evaluation of applications submitted under a call for applications to participate in the Agency's programmes and of reports submitted by the Agency's beneficiaries, pursuant to the procedure defined in the rules of a given programme;
 - 3) **Members of evaluation teams** – experts appointed by the Director for evaluation teams. The teams may be appointed for one programme or for a group of programmes.
4. The terms used in the Order shall have the following meaning:
 - 1) **NAWA, Agency** – Polish National Agency for Academic Exchange.
 - 2) **Director** – Director of the Polish National Agency for Academic Exchange.
 - 3) **Database of Experts** – a database comprising examiners, reviewers and members of evaluation teams who are specialists in the fields covered in the programmes announced by NAWA and tasks commissioned to the Agency.
 - 4) **Beneficiaries** – persons or institutions who were granted funding under the Agency's programmes or in calls related to performing tasks commissioned to the Agency pursuant to Article 2(5) of the Act.
 - 5) **Examination committee** – a committee consisting of examiners, provided for in scholarship programmes for students, which conducts examinations in Poland and abroad, according to the procedure laid down in the rules of a given programme.

- 6) **ICT system of the Agency** – the system referred to in Article 14 of the Act, through which applications are collected and evaluated, and which is also used for the evaluation of reports submitted by beneficiaries.
- 7) **Reports** – interim or final reports submitted by beneficiaries.

§2

Procedure for selection and appointment of experts

1. The Agency shall create the Database of Experts.
2. When sending their application to the Database of Experts, the experts shall provide their specialisation in line with the *OECD Field of Science and Technology classification* or the thematic scope of the programme or a group of programmes.
3. The procedure for selecting examiners for the Database of Experts:
 - 1) The Director shall announce an open call for candidates for examiners, specifying the scope, date and terms governing submissions.
 - 2) By filling in the application form, the candidates for examiners declare that they can participate in the works of an examination committee in Poland and abroad.
 - 3) The candidates that meet the formal registration requirements laid down in the announcement of the call shall be added to the Database of Experts.
 - 4) Formal evaluation of submissions made by candidates for examiners shall be carried out by NAWA. The application may be amended in the case of shortcomings or formal defects.
 - 5) Adding an examiner to the Database of Experts shall not constitute a commitment for the Agency to assign them to an examination committee.
 - 6) The Director shall use the Database of Experts to appoint the chairperson and members of examination committees - experts in the fields covered by the examinations - to conduct examinations under a given call for applications, accounting for the rules of individual programmes.
 - 7) If a member of an examination committee resigns from participation in an examination, the Director may appoint another expert from the Database of Experts.
4. The procedure for selecting reviewers for the Database of Experts:
 - 1) The Director shall announce an open call for candidates for reviewers, specifying the scope, date and terms governing submissions.
 - 2) The candidates fulfilling the formal requirements laid down in the announcement of the call shall be entered into the Database of Experts.
 - 3) Formal evaluation of applications submitted under the call shall be carried out by NAWA. The application may be amended in the case of shortcomings or formal defects.
 - 4) The entry of a reviewer into the Database of Experts shall not mean the commitment of the Agency to commission the preparation of opinions to the reviewer. The orders to offer opinion shall be given to persons competent to evaluate a given application submitted under a given call for applications.
 - 5) The reviewers assigned to evaluate a given application or report are selected from the Database of Experts by members of an evaluation team or pursuant to the rules governing the programmes and steps taken in execution of international agreements or other external regulations.

- 6) In justified cases (i.e. specifically if an expert with specific competences is not listed in the Database of Experts or an expert with specific competences is not able to provide a review) it is possible to make use of the simplified mode of registration in the Database of Experts.
5. The procedure for selecting the members of evaluation teams:
 - 1) Evaluation teams shall be established by the Director, by way of orders, from among the persons representing various fields of knowledge or who are specialists in the area of the programme or a group of programmes for which a given evaluation team is appointed.
 - 2) When appointing members of evaluation teams, the Director shall prioritize their knowledge of a programme's subject matter and their experience in that field.
 - 3) The Director shall appoint the chairperson of the evaluation team, the period for which the team is appointed and shall define the tasks and operating procedure of the team.
 - 4) The experts appointed as members of evaluation teams shall submit their applications for being added to the Database of Experts (provided they are not already listed).
 - 5) In justified cases it is possible to make use of the simplified mode of registration in the Database of Experts.

§3

Basic requirements for experts

1. Experts performing tasks for the Agency shall fulfil at least the following requirements:
 - 1) exercise of full public rights;
 - 2) full capacity to perform acts in law;
 - 3) no sentences with a final and binding judgement of the court for an intentional crime or for an intentional tax crime;
 - 4) second degree higher education;
 - 5) professional experience in the area of a given programme / group of programmes.pursuant to the declaration submitted by a candidate for an expert (see annex no. 2)
2. Additional requirements may be specified in individual announcements about the calls for candidates for the Database of Experts.

§4

Tasks of experts

1. The tasks of examiners shall include in particular:
 - 1) participation in the meetings of the examination committee to which they were appointed by the Director – in Poland or abroad;
 - 2) evaluation of applicants based on the results of written tests and oral examinations; – in line with the principles specified in the programme rules.
2. The tasks of the examination committee's chairperson include, in particular:
 - 1) organising the committee's work;
 - 2) assigning tasks to individual committee members and monitoring their timely performance;
 - 3) drafting examination minutes;
 - 4) participation in performance of tasks specified in paragraph 1.

3. The tasks of reviewers shall include in particular:
 - 1) drawing up an individual, reliable, impartial and timely evaluation of the application in the ICT systems serviced by the Agency, along with a detailed explanation for the awarded score;
 - 2) supplementation of opinions or evaluations of the application at the request of an employee of the Agency;
 - 3) evaluation of the reports;
 - 4) if trainings for reviewers are organised – participation in the trainings in person or online;

– in line with the principles specified in the programme rules.
4. The tasks of the members of evaluation teams shall include in particular:
 - 1) participation in the application evaluation process including:
 - a) designation of reviewers from the Database of Experts of the Agency to evaluate applications or reports, if it is provided for in the programme rules or if it is necessary;
 - b) individual evaluation of assigned applications or reports in the ICT system of the Agency and presenting them during the meeting of the team;
 - c) preselection of applications, if it is provided for in the programme rules;
 - d) preparing explanatory statements for each evaluated application, in line with the criteria laid down in the programme rules or in other documents describing the evaluation system for a given task;
 - e) participating in the discussion on evaluated applications during meetings of the evaluation team – including both personal participation and in justified cases – through means of distance communication, including internet messaging services;
 - f) preparing a ranking list of applications submitted in the call for applications, in line with the principles specified in the programme rules or other documentation related to a given call;

– in line with the principles specified in the programme rules, as well as:
 - 2) evaluating reports, in line with the principles specified in the rules governing a given programme or task;
 - 3) preparing the proposals for the Director concerning: settlements, the need to supplement/correct, the failure to settle the reports, or in the case of irregularities in interim reports – recommendations to suspend the financing of the project;
 - 4) issuing opinions on cases submitted to the team as a result of the course taken in the education of foreigners being scholarship holders under programmes and tasks performed by NAWA,
 - 5) issuing opinions on applications submitted to the team, having to do with foreigners' eligibility to receive HEI education in Poland, along with a scholarship from the Minister or the Director of NAWA,
 - 6) presenting proposals to the Director on amendments to the rules of a programme or group of programmes for the evaluation of which a given team was appointed;
 - 7) preparing a report from the call for applications carried out under the programme;
 - 8) if requested by NAWA's Director – representing NAWA or the evaluation team in external meetings, both domestic and held abroad, and in the case of evaluation teams assigned to bilateral projects – during the joint committee meetings;

- 9) if trainings for members of the teams are organised – participation in the trainings in person or online.
5. The tasks of the chairperson of the evaluation team shall include in particular:
 - 5) organisation of the team's work;
 - 6) presiding over team meetings, and in the case of the chairperson's absence, designating a team member to be the acting chairperson;
 - 7) assigning tasks to individual team members and monitoring their timely implementation;
 - 8) participation in performance of tasks specified in paragraph 4.
6. The detailed procedure of the evaluation team shall be regulated in the Work Rules of the team.

§5

Regulations concerning experts

1. The Agency shall provide the experts with full documentation necessary for the performance of their tasks.
2. The experts shall read the documentation of the programme and the evaluation in line with the rules specified therein.
3. The names of experts shall be confidential and shall not be disclosed publicly, subject to paragraph 4 below. Each year the Agency shall publish an alphabetical list of external experts participation in evaluation of applications in a given calendar year, combined for all programmes.
4. The names of the members of evaluation teams appointed by an order of the Director shall not be confidential and may be publicly disclosed. If the members of evaluation teams perform individual evaluations, the names of the persons preparing an individual evaluation of an applications shall not be disclosed.
5. Evaluation teams shall hold meetings in Warsaw or in another location determined by NAWA.

§6

Personal data of experts

1. NAWA shall be the administrator of personal data of experts.
2. Processing shall be effected pursuant to Article 6(1)(b) and (e) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (**GDPR**) for the purpose of cooperation with NAWA in line with the rules laid down herein, in particular for the purpose of paying remuneration or reimbursement of incurred costs to experts.
3. The provision of personal data by experts shall be voluntary, but necessary for cooperation with NAWA and for payment of their due remuneration or reimbursement of the incurred costs.
4. Data storage period shall extend to:
 - 1) the period of cooperation with a given expert and 3 years following the receipt of information on the expert being struck off from the Database,
 - 2) the period needed to fulfil legal obligations that are related to cooperation governed by the Principles and
 - 3) to make potential settlements following from points 1 and 2 above.

5. The Expert who is the data subject is entitled to:
 - 1) demand access, correction, removal or limitation of processing of the data,
 - 2) the right to protest against processing,
 - 3) lodge a complaint with the supervisory body (President of the Personal Data Protection Office, ul. Stawki 2, 00-193 Warsaw)
 - in line with the rules specified in the GDPR.
6. Candidates for experts whose applications failed to receive a positive formal evaluation can apply to have their application deleted from the database.
7. In cases relating to personal data, the experts should contact the NAWA Data Protection Officer at the e-mail address odo@nawa.gov.pl.
8. The information constituting this paragraph shall be provided to the expert upon submission of the application for the Database of Experts.

§7

Remuneration of experts

1. The experts shall receive remuneration in exchange for performing tasks commissioned by the Agency, where:
 - 1) The examiners shall receive remuneration for participation in the works of the examination committee;
 - 2) The reviewers shall receive remuneration for drawing up an individual opinion for an application and/or a report;
 - 3) The members of evaluation teams shall receive remuneration for:
 - a) individual evaluation of an application including the tasks specified in § 4(4);
 - b) evaluation of a report;
 - c) participation in team meetings – including both personal participation and in justified cases – through means of distance communication, including internet messaging services;
2. The remuneration amounts for different expert groups are specified in the table constituting Annex no. 1 to the Rules.
3. The provisions of the Order of the Director No 7/2017 of 13 December 2017 on the introduction of the procedure for exchanging civil law contracts with natural persons who do not conduct business activity and the control of the documents resulting from their implementation shall not apply to the method of conclusion and settlement of contracts with external experts.
4. Employees of the Agency and representatives of ministers in charge of central government administration sections and heads of central administration offices shall not receive remuneration for their work in the evaluation teams.

§8

Rules of cost reimbursement

The experts shall be reimbursed for travel expenses and shall use accommodation in line with the rules laid down in the Director's Order No. 5/2017 of 6 December 2017 on the introduction of rules governing reimbursement travel expenses and its documentation, for members of the NAWA Council, members of the State Commission for the Certification of Proficiency in Polish as a Foreign

Language (SCCPPFL) and other persons not part of the Polish National Agency for Academic Exchange' staff, as amended (or others, regulating the rules governing the reimbursement of travel expenses and its documentation, for members of the NAWA Council, SCCPPFL and other persons who are not employees of the Polish National Agency for Academic Exchange's staff).

§9

Ethical principles

1. The experts of the Agency shall care for its good name.
2. The experts shall be professional, independent, impartial and reliable in their activities.
3. The experts shall perform merit-based evaluation according to their best knowledge, guided only by merit-based reasons and care for the quality of the evaluation process.
4. The experts shall keep confidentiality regarding the process of issuing opinions, the contents of the evaluated applications and evaluations, persons participating in the evaluation process, and in the case of evaluation team members, the scope of discussion at the meeting, as stated in the submitted declaration (see: annex no. 3).
5. Members of evaluation teams shall not simultaneously act in the capacity of reviewers under the same programme/task.
6. Experts shall inform the Agency about a conflict of interest and shall recuse themselves from evaluating the application affected by that conflict. Circumstances that may cause a conflict of interest are specified in the expert's declaration of impartiality and absence of COI. The expert shall submit such a declaration for each application they evaluate (see: annex no. 4).
7. If an expert fails to disclose an existing conflict of interest, they shall be removed from NAWA's Database of Experts.

§10

Removal of experts from the Database of Experts

1. An expert shall be removed from the Database of Experts in the following situations:
 - 1) submission of the resignation from cooperation with NAWA by the expert;
 - 2) failure to submit the declarations required during cooperation with NAWA, or submitting declarations that are false;
 - 3) ceasing to fulfil any of the requirements specified in §3;
 - 4) failure to perform the tasks referred to in §4;
 - 5) failure to observe ethical principles referred to in §9.
2. The Director may also remove an expert from the Database of Experts for justified reasons other than those specified in paragraph 1.
3. The expert shall be informed about being removed from NAWA's Database of Experts in writing, via email or through NAWA's ICT system. Experts assigned to be members of evaluation teams by order of NAWA's Director shall be previously called away by way of such order.
4. An expert who was removed from the Database of Experts on account of breaching ethical principles shall be barred from re-applying for Database registration for the period of three years following the receipt of this information.

Annex no. 1 to the Rules governing the appointment and cooperation with NAWA's external experts

Type of the programme	Remuneration per day of the meeting of the Evaluation Team ¹ Member/Chairperson	Remuneration per day of the meeting of the Examination Committee Member/Chairperson	Unit amount for evaluation of an application for the member of the Evaluation Team	Unit amount for evaluation of a report (if it is evaluated by the Evaluation Team) annual/final	Reviewer (application or report, if required)
Short-term mobility	300/400	-	250	100/150	-
Medium and long-term mobility	300/400	-	250	100/150	400
Educational offer	300/400	-	250	100/200	400
Programmes for students	-	800/1000	-	-	50
Promotion of the Polish language	300/400	-	50	-	-
Internationalisation of universities	300/400	-	250	100/150	400
Promotion of universities abroad	300/400	-	250	100/150	400
Commissioned tasks, including bilateral exchange, CEEPUS (or according to individual rates determined for a particular programme)	300/400		150-200	50-100	100/150

¹ The payment of remuneration for participation in a meeting of the Evaluation Team is made based on the attendance list from the Team's meeting.

DECLARATION TEMPLATE FOR A CANDIDATE FOR AN EXPERT

I declare that:

- I have full legal act capacity and enjoy full civil/public rights;
- I am not the subject of criminal proceedings;
- I have not been convicted by a final and binding sentence for an intentional offence or an intentional fiscal offence;
- I was not punished with a ban on performing functions related to the disposal of public funds, referred to in the Act of 17 December 2004 on liability for violation of public finance discipline;
- I hold second degree higher education;
- I have professional experience in the field covered in a given programme / group of programmes.

In addition, I undertake to inform NAWA about any changes and circumstances affecting the fulfilment of the criteria set out in the call for experts under the NAWA programmes and circumstances affecting the fulfilment of the requirements contained therein.

I confirm that I have read Order No 6/2019 of the Director on the rules governing cooperation of the Polish National Academic Exchange Agency with external experts, and I accept its provisions with the intention to abide by them.

I declare that the information contained in this Application is true.



CONFIDENTIALITY DECLARATION TEMPLATE

I declare that, in accordance with Order No. 6/2019 issued by NAWA's Director, I undertake to keep confidentiality of information, including personal data, to which I will have access in the course of cooperation with NAWA as well as the methods used to keep this data secure, both during the period of cooperation and following its conclusion.

TEMPLATE DECLARATION OF THE EXPERT'S IMPARTIALITY AND ABSENCE OF COI

I declare that:

- 1) I am not employed at a basic organisational unit of an HEI or another scientific or higher education unit that submitted the application;
- 2) I am not employed at a basic organisational unit of an HEI or another scientific or higher education unit, which employs the applicant;
- 3) I did not contribute to drafting the application which I am undertaking to evaluate, I am not the applicant or manager of the project covered by the application, nor am I a contractor;
- 4) I do not have a familial or otherwise personal relationship with the persons referred to in points 1 and 2, nor do I stand to benefit from the application being either rejected or approved;
- 5) I do not have a relationship with the applicant or contractors in the project that would prevent me from remaining impartial;
- 6) I am not married, related by kinship or affinity in a straight line, second degree kinship or second degree affinity in the lateral line or related by adoption, custody or guardianship to the applicant/partner/partners in the application I undertake to evaluate, their legal representative or members of the management or supervisory bodies of the said applicant/partner/partners;
- 7) I do not maintain such a legal or factual relationship with the applicant/partner/partners in the application I undertake to evaluate that would be likely to raise reasonable doubt as to my impartiality;
- 8) I will not be involved in the implementation of the project covered by the application I undertake to evaluate;
- 9) I am not an applicant, nor have I participated in the preparation of an application competing with the application I undertake to evaluate, submitted in the same call;
- 10) there is no other factor that could affect my reliability or impartiality.

In the event of a conflict of interest or a circumstance that prevents me from remaining impartial, I undertake to promptly relay this fact by submitting, in writing or via email, a request to recuse myself from the application evaluation procedure and to concurrently withdraw from its evaluation.