

## Regulations of Co-operation between the Medical Research Agency and the external experts

### § 1

#### General Provisions

1. The Regulations of Co-operation between the Medical Research Agency and the external experts, hereinafter referred to as “Regulations of the MRA” specify:
  - 1) Requirements for candidates for Experts;
  - 2) The mode of selecting candidates for Experts and their entry into the Database as well as the mode of deleting the data of a candidate for Expert from the Database;
  - 3) The way of controlling the personal data of the candidates for experts and experts;
  - 4) The principles of remuneration of Experts and settlement of travel and accommodation costs;
  - 5) Ethical principles that Experts must comply with.
2. External experts, hereinafter referred to as “the Experts”, are persons both from the Republic of Poland and from abroad, carrying out substantive assessment of applications submitted in the calls for proposals conducted by the MRA. The Experts may also be appointed to assess project implementation reports, provide substantive assessment of the inspection of project implementation or to issue other expert opinions.
3. Formal requirements for candidates for experts are set out in Art. 18 (2) of the Act of 21st February 2019 on Medical Research Agency (Polish Journal of Laws, item 447, as amended).
4. The terms or abbreviations used in the Regulations shall have the following meaning:
  - 1) **MRA, the Agency** – the Medical Research Agency,
  - 2) **The Database of candidates for experts, the Database** - a database of persons who have applied for inclusion in the Database and have met the formal requirements for candidates for experts,
  - 3) **The Beneficiaries** - entities that have received financing under Agency programmes,
  - 4) **The Expert** - a person entered into the database of candidates for experts with whom the MRA has concluded a framework contract,
  - 5) **The President** - the President of the Medical Research Agency
  - 6) **Reports** - interim or final reports submitted by the Beneficiaries,

- 7) **The Agency's ICT system** - the system referred to in Article 21 of the Act, by means of which the call for proposals and the assessment of applications for co-financing and the assessment of reports submitted by the Beneficiaries are conducted,
- 8) **The Act**- the Act of 21st February 2019 on the Medical Research Agency,
- 9) **The Order**- the order for the preparation of expert assessment.

## § 2

### Requirements for candidates for Experts

1. A candidate for Expert may be a person that:
    - 1) enjoys full civil rights;
    - 2) has full legal capacity;
    - 3) has not been convicted of an intentional crime or deliberate fiscal offence by a final judgement;
    - 4) holds:
      - a) at least a Ph.D. degree in the field of medical and health sciences (or a higher degree/ title)

**or**

    - b) has completed at least higher education (has at least the M.A., or M.Sc. degree, or equivalent) in the field of science and natural sciences or engineering and technical sciences or social sciences, in particular in the field of economy and finance and juridical sciences.

**and**

  - c) at least 5 years of documented professional experience in the area of research, economy or finance.
2. An applicant for a candidate for Expert shall submit a declaration on the fulfilment of prerequisites referred to in paragraph 1. Such declaration shall constitute **Appendix 2 to the Regulations**. The declaration is submitted under pain of criminal prosecution for perjury.
3. The candidate for expert shall inform the MRA immediately of any circumstances as a result of which the prerequisites referred to in paragraph 1 are no longer met.

### § 3

#### The mode of selection of candidates for Experts

1. The Agency shall create the database of candidates for Experts.
2. The application of a candidate to the Database is made on the basis of the application, the specimen of which is given in **Appendix 1 to the Regulations**, sent to the MRA via the ICT system or via e-mail in the form of a document signed with a qualified electronic signature to the address: [eksperci@abm.gov.pl](mailto:eksperci@abm.gov.pl), or in a paper form by registered mail to the address: Medical Research Agency, ul. Stanisława Moniuszki 1A, 00-014 Warsaw
3. The recruitment of candidates for Experts is a continuous process.
4. Submitting an application for inclusion in the Database of candidates for Experts is not tantamount to obtaining the status of a candidate for expert. The status of a candidate for expert is granted to a person whose application has been successfully processed.
5. The evaluation of applications for candidates for the Experts is carried out by the MRA staff from the research division.
6. It is envisaged that applications for inclusion in the Database of candidates for Experts may be supplemented on the basis of a notification from a MRA employee submitted by electronic means.
7. Applicants for candidate for Expert status shall be informed about the way their application has been processed by electronic means and, if the application is rejected, the reasons for not being included in the Database.
8. Applicants for candidate for Expert status whose applications for inclusion in the Database are rejected have no possibility to appeal against the outcome of the verification of the application. However, they may reapply for inclusion in the Database if they are able to remove the reasons for rejection of the previously submitted application.
9. Obtaining the candidate for Expert status does not imply any obligation on the part of the MRA to enter into an agreement with the candidate to perform any tasks.
10. Entering candidates for Experts into the Database is not tantamount to appointing them to the application assessment team.
11. In compliance with Art. 10 (2) of the Act, the function of a member of the MRA Board cannot be combined with the function of the Expert referred to in Art. 18 (1) of the Act.
12. Candidates for Experts entered into the Database shall update their data being the subject of the application for entry into the Database on an ongoing basis.
13. The Expert shall perform assessments or give expert opinions on the basis of a framework agreement on co-operation with an expert, upon receipt of an order sent by an authorised MRA staff member. The assessment order shall be placed via an ICT system or electronic mail.



14. Together with signing the agreement referred to in paragraph 13, the Expert shall submit to the MRA a completed and signed Form, a template of which has been attached as **Appendix 5 to the Regulations**.

#### § 4

##### **Principles concerning Experts' work**

1. Appointment of the application assessment team takes place in accordance with the principles set out in Art. 18 of the Act.
2. The detailed rules for awarding orders to Experts shall be the subject of a framework agreement for cooperation with an expert and the detailed scope of the agreement shall be defined in the order form, a template of which is attached as **Appendix 3 to the Regulations**.
3. The Agency shall furnish the Experts with all documentation necessary for the performance of their tasks.
4. The Experts are obliged to read the competition documentation and assess it according to the principles indicated therein.
5. The names of members of the application assessment teams appointed by the ordinance of the President shall be public and may be made publicly available. If the members of the assessment teams make individual assessments, the names of the persons preparing the individual assessment of the application shall not be made available.

#### § 5

##### **Experts' personal data**

1. The controller of the Experts' personal data is the President of the Medical Research Agency.
2. The processing of personal data is performed in compliance with Art. 6 (1) (b) and Art. 6 (1) (c) in relation with the Act as well as Art. 6 (1) (e) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (the GDPR).
3. The processing of personal data is carried out with the view to conducting cooperation with the MRA on the principles set out in these regulations and in the content of other regulations, specified in the agreement on the provision of expert services or in the ordinance of the President of the Medical Research Agency, in particular with the view to: evaluation of applications submitted in competitions and preparation of ranking lists on this basis, substantive assessments related to the settlement of allocated funds, other assessments related to the execution of the tasks of the Medical Research Agency, payment of remuneration for: performed assessments, participation in meetings of Expert Teams



and reimbursement of travel costs in accordance with the regulations of the Medical Research Agency in force until the financial settlement of these activities.

4. The Expert's data may be made available only to entities entitled to obtain personal data on the basis of legal provisions, entities which operate the Controller's ICT systems and provide ICT tools (e.g. hosting services, cloud services) or entities providing courier services and entities cooperating with the MRA in the performance of tasks, specified in documents listed in paragraph 3 above.
5. The provision of personal data is voluntary, but necessary for the cooperation with MRA and the payment of due remuneration or reimbursement of incurred costs.
6. The Expert's personal data shall not be processed in an automated manner and shall not be profiled.
7. The data shall be stored for the period of:
  - a) co-operation with the Expert and for 3 years from the notification of the deletion of the Expert from the Database,
  - b) the fulfilment of obligations arising from the legal provisions and related to cooperation;
  - c) conducting settlements under letter a-b above.
8. The Expert being the data subject shall have the right to:
  - a) request access to his/ her data, rectify or delete them, or limit their processing.
  - b) lodge a complaint with the supervisory authority (the President of the Personal Data Protection Office, ul. Stawki 2 00-193 Warsaw) in compliance with the principles specified in the GDPR.
9. The Expert shall have the right to object to the processing of personal data.
10. In matters related to personal data protection, the experts shall contact the MRA Data Protection Officer at the e-mail address: [iod@abm.gov.pl](mailto:iod@abm.gov.pl).
11. The Expert's personal data will not be transferred to any third country/ international organisation, unless the Controller is required to do so by law.

## § 6

### **Experts' remuneration and principles of cost reimbursement**

1. The amount of remuneration is specified each time in the Order.
2. The rate for one assessment shall be up to PLN 1,500 (one thousand five hundred) gross, unless the President's Ordinance concerning a given call for proposals or type of opinion provides otherwise.
3. The Experts residing outside the locality in which the meeting of the application assessment team is held shall be entitled to reimbursement of travel and accommodation costs in



accordance with the conditions set out in the regulations issued pursuant to Article 77<sup>5</sup> § 2 of the Labour Code Act of 26th June 1974.

4. The provisions of paragraph 3 shall apply accordingly to other assessments than the assessments of co-financing applications, if it results from the contents of the Order.

## § 7

### **Ethical rules**

1. The Experts of the Agency are obliged to care for the good name of the Agency, to perform their duties in a timely manner and according to the highest standards of diligence and expertise.
2. The Experts shall be professional, independent, impartial and reliable in their activities.
3. The Experts are required to comply with the principles set out in the current version of the Code of Ethics of the Medical Research Agency.
4. An Expert shall keep confidential all information provided to him/ her by the Ordering Party in connection with the performance of the subject matter of the Agreement.
5. An Expert may not remain with the entity that has applied for co-financing:
  - a) in a professional relationship or other form of cooperation during the period of work within the team and for 3 years preceding the submission of the application or the assessment;
  - b) in such a legal or factual relationship that the results of the assessment can affect his/ her rights or obligations;
6. Prior to commencing the assessment process or preparing an opinion, the Expert shall sign and provide the MRA with the relevant *Declaration of impartiality and confidentiality* (hereinafter referred to as “**the Declaration**”) sent with the Order. Such declaration is made under criminal liability. The template of the Declaration has been attached as **Appendix 4** to these Regulations.

## § 8

### **Mode of deleting the candidate for expert’s data from the Database**

1. The rationale for removing a candidate for an expert from the Database is:
  - 1) the Expert's submission of his/her resignation from cooperation with MRA;
  - 2) failure to submit the required declarations in the course of cooperation with the MRA or making false declarations;
  - 3) failure to meet any of the requirements indicated in § 1;
  - 4) non-fulfilment of the tasks specified in § 4;

- 5) non-compliance with ethical principles referred to in § 7.
2. The President may also delete an Expert from the Database for other legitimate reasons than those referred to in paragraph 1.
3. The Expert shall be notified of having been deleted from the Expert Database at least by electronic means.
4. An expert who has been deleted from the Database as a result of a breach of ethical principles may not reapply for inclusion in the Database for a period of three consecutive years from the date on which he/she was informed of this fact.

The following Appendices shall constitute an integral part of the Regulations:

1. The template of the Application for entry in the Database of candidates for experts of the Medical Research Agency.
2. The template of a declaration of a candidate for an expert of the Medical Research Agency
3. Order template.
4. The template of the Declaration on impartiality and confidentiality.
5. The Expert data form for settlement purposes.