

Order No 4/2018

of 22 March 2018

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(2) 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. General provisions:

1. The Order shall define:
 - 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 persons both from Poland and from abroad, who perform content-related evaluation of applications submitted under calls for applications for participation in the Agency’s programmes or in calls related to performance of tasks commissioned to the Agency pursuant to Article 2(5) of the Act, evaluation of report of the Agency’s beneficiaries and content-related evaluation resulting from tasks commissioned to the Agency pursuant to Article 2(5) of the Act.
3. Experts performing tasks for the Agency shall include:
 - 1) **Examiners** – members of examination committees participating in examinations both in Poland and abroad;
 - 2) **Reviewers** – experts performing individual content-related evaluation of applications submitted under a call for applications for participation in the Agency’s programmes and of reports of 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:

NAWA, Agency – Polish National Agency for Academic Exchange.
Director – Director of the Polish National Agency for Academic Exchange.
Database of Experts – a database comprising examiners, reviewers and members of evaluation teams who are specialists in the subject area of programmes announced by NAWA.
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.

Recommending persons – persons indicated by the Applicant who at the request of NAWA will draw up recommendations under the programmes where the rules provide for such an element of evaluation.

ICT system of the Agency – the system in which the collection and evaluation of applications is performed, as well as evaluation of reports submitted by beneficiaries, referred to in Article 14(1) of the Act.

Reports – interim or final reports submitted by beneficiaries that were awarded with financing from the funds of the Agency.

§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 acquiring examiners for the Database of Experts:
 - 1) The candidates for examiners shall be proposed, at the request of the Directors, by deans of faculties or heads of organisational units of universities with experience in preparing foreigners to study in Poland and in teaching foreigners in Polish.
 - 2) The candidates for examiners shall have the competences specified by the Director which are necessary to perform evaluation under a given call for applications or a group of programmes.
 - 3) After receiving an invitation from NAWA, the candidates for examiners shall submit their application to the Database of Experts.
 - 4) 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.
 - 5) The applications of candidates for examiners shall be subject to formal assessment performed by employees of the Agency. In the case of deficiencies or formal defects, one correction of the application is allowed.
 - 6) The entry of the candidate for examiner into the Database of Experts shall not mean the commitment of the Agency to appoint the examiner to an examination committee under a given call for applications.
 - 7) The Director shall appoint the members of examination committees to conduct examinations under a given call for applications, using the Database of Experts, taking into account the rules of a given programme.
 - 8) The Director shall appoint the chairperson of the examination committee.
 - 9) 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 to the Database of Experts:
 - 1) The Director shall announce an open call for candidates for the Database of Experts, specifying the scope, date and conditions of the call.
 - 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 assessment of the application submitted under the call shall be made by the employees of the Agency. In the case of deficiencies or formal defects, one correction of the application is allowed.
 - 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 prepare an opinion shall be given to the persons with the highest competences to evaluate the applications under a given call for applications.
 - 5) The reviewers shall be selected from the Database of Experts and assigned to evaluate a given application or report by the employees of the Agency or by the members of the evaluation team.
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 the members of evaluation teams, the Director shall take into account first of all their knowledge and experience of the subject of the programme.
 - 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 application to the Database of Experts.

§3. 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;
 - 3) ceasing to fulfil any of the requirements specified in § 4;
 - 4) failure to perform the tasks referred to in § 5;
 - 5) failure to observe ethical principles referred to in § 10.
2. The Director may also remove an expert from the Database of Experts also for justified reasons other than those specified in paragraph 1.

§4. 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.
2. Additional requirements may be specified in individual announcements about the calls for candidates for the Database of Experts.

§5. 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 reviewers shall include in particular:
 - 1) preparation of an individual, reliable, impartial and prompt evaluation of the application in the ICT system of the Agency, along with a detailed justification of 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.
3. The tasks of the members of evaluation teams shall include in particular:
 - 1) participation in the application evaluation process including:
 - a. designation of reviewers and/or recommending persons from the Database of Experts of the Agency to evaluate applications or reports, if it is provided for in the programme rules or if 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. pre-selection of applications, if it is provided for in the programme rules;
 - d. preparing justifications for each evaluated application, according to the criteria laid down in the programme rules and the documentation of evaluation (content-related evaluation card, guide for experts);
 - e. participation in the discussion on evaluated applications during the meetings of the evaluation team;
 - f. drawing up the ranking list of applications submitted under the call, specifying the applications evaluated positively, recommended for financing and evaluated negatively;
– in line with the principles specified in the programme rules, as well as:
 - 2) evaluation of the reports, in line with the principles specified in the programme rules;
 - 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 matters forwarded to the team by the Director;
 - 5) presenting proposals to the Director on amendments to the rules of a programme or a group of programmes for the evaluation of which a given team was appointed;
 - 6) if trainings for members of the teams are organised – participation in the trainings in person or online.
4. The tasks of the chairperson of the evaluation team shall include in particular:
 - 1) organisation of the team's work;
 - 2) presiding over the meetings of the team, and if the chairperson is absent, designating a member of the team who will substitute the chairperson;
 - 3) assigning tasks to individual team members and monitoring their timely implementation;
 - 4) participation in performance of tasks specified in paragraph 3.

5. The detailed procedure of the evaluation team shall be regulated in the Work Rules of the team.

§6. 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, pursuant to Article 15(3) of the Act of 30 April 2010 on the principles of science financing (i.e. Dz. U. of 2018, item 87), 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. The meetings of evaluation teams shall take place in Warsaw or in another location specified by the Director.

§7. 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 (f) of the Regulation of the European Parliament and the Council (EU) 2016/679 of 27 April 2016, for the purpose of cooperation with NAWA in line with the rules laid down herein, in particular for the purpose of payment of remuneration or reimbursement of the 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. The data shall be stored as long as the cooperation with a given expert continues.
5. The expert, to whom the data pertain, shall be entitled to:
 - 1) demand access, correction, removal or limitation of processing of the data,
 - 2) the right to protest against processing,
 - 3) the right to file a complaint to the supervision authority (General Inspector for Personal Data Protection, ul. Stawki 2, 00-193 Warsaw).
6. In cases relating to personal data, the experts should contact the NAWA Data Protection Officer at the e-mail address odo@nawa.gov.pl.
7. The information constituting this paragraph shall be provided to the expert upon submission of the application for the Database of Experts.

§8. Remuneration of experts

1. The experts, except for persons preparing recommendations, shall receive remuneration for the performance of tasks for the Agency in line with the following rules:

- 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 the application and for the report in the Agency's system;
- 3) The members of evaluation teams shall receive remuneration for:
 - a. individual evaluation of an application including the tasks specified in § 5(3);
 - b. evaluation of the final report;
 - c. participation in the meetings of the teams.
2. The amounts of remuneration for individual groups of experts are specified in the table constituting Annex 1 to the Order.
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.

§9. Rules of cost reimbursement

The members of evaluation teams and examiners shall receive reimbursement of the costs of travel and shall use accommodation in accordance with the rules laid down in the Order of the Director No 5/2017 of 6 December 2017 on *the introduction of rules of reimbursement and documenting the reimbursement of the costs of travel for members of the NAWA Council, members of PKds. PZJPjO and other persons who are not employees of the Polish National Agency for Academic Exchange.*

§10. Ethical principles

1. The experts shall be professional, independent, impartial and reliable in their activities.
2. The experts shall perform evaluation according to their best knowledge, guided only by substantive reasons and care for the quality of the evaluation process.
3. The expert shall keep confidentiality with respect to the process of issuing opinions, the contents of the evaluated applications and evaluations, persons participating in the evaluation process, and in the case of the members of evaluation teams, the scope of discussion at the meeting.
4. The members of evaluation teams shall not at the same time act as reviewers or recommending persons in the process of evaluation of applications under a single call for applications.
5. The experts of the Agency shall care for its good name.
6. An expert shall be excluded from participation in the evaluation of a submitted application, if:
 - a. the expert is employed at a basic organisational unit of the university or at the scientific unit that submitted the application;
 - b. the expert was involved in the preparation of the application, is its manager or one of the contractors;
 - c. the expert is in a family relationship or other personal relationship with the persons referred to in (a) and (b) or may benefit from acceptance or rejection of the application;

- d. the relations with the applicant or the project contractors make it impossible for the expert to remain impartial;
 - e. there is another reasons affecting the reliability or impartiality of the expert.
7. An expert shall inform the Agency about the conflict of interest and shall withdraw from evaluation of the application affected by that conflict.
8. An expert participating in the evaluation of applications shall sign a declaration on the lack of the conflict of interest and on impartiality.
9. If an expert fails to reveal the existing conflict of interest, the expert shall be removed from the database of reviewers or examiners of NAWA or shall be dismissed from the evaluation team.

§11. Transitional provisions

The Team for Programmes for Students, established by the Order of the Director No 4/2017 of 21 November 2017, changed by the Order of the Director No 11/2017 of 29 December 2017, shall become an evaluation team within the meaning of this Order.

§12. Entry into force

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