1. **Basic Information**

1.1 CRIS Number: 2006/018-180.01-05  **Twinning No:** PL/06/IB/OT/01/TL

1.2 Title: **Comprehensive system for secondment of national experts**

1.3 Sector: Public administration, external relations

1.4 Location: Poland, Warsaw, Ministry of Foreign Affairs

2. **Objectives**

2.1 Overall objective(s):

The aim of the project is to strengthen the efficiency and effectiveness of assistance in terms of expertise and personnel provided by Poland in the area of EU development and humanitarian aid as well as crisis response projects.

2.2 Project purpose(s):

The goal is to design a coherent national system for identification and deployment of national experts to the EU missions related to development and humanitarian assistance. In order to produce maximum synergy the system will also encompass capacities for crisis response.

2.3 Justification

Chapter 26. External relations of the *Comprehensive monitoring report on Poland’s preparation for membership* calls on Poland to ensure the administrative capacity to participate in the EU development and humanitarian policies. The essential part of this capacity is a legal and administrative infrastructure at the national level for expertise and personnel management.

3. **Description**

3.1 Background and justification:

The project builds upon the findings of the seminar *Capacity Building for EU Crisis Management, Warsaw 4 March 2005* and its Vienna follow-up in February 2006. During the meetings EU Member States presented their national systems for recruitment and deployment of experts to EU projects and the main shortfalls have been identified both EU-wide and in relation to Polish national system. Representatives of key Polish ministries (i.a. Interior and Administration, Economy and Labour, Defence) have discussed major shortcomings within their field of competence and agreed on the need for an overall framework for secondment of experts to EU field activities. At the same time lack of indigenous expertise in this field has been identified and the need for assistance from EU partners emphasised.
The project is a response to the identified shortcomings in the internal legal and administrative system in Poland related to the deployment of qualified experts and provision of aid, which significantly hamper the participation in the EU activities in the area of development and humanitarian assistance as well as crisis response. The lack of an appropriate legal basis and established administrative procedures translates into a sub-optimal national response to the ongoing EU activities due to the lengthy and ad hoc consultations between the ministries and government agencies, insecure financial basis and insufficient interest on the part of potential national experts.

Need for improvement in the area of administrative capacity has also been identified under Chapter 26. External relations of the Comprehensive monitoring report on Poland’s preparation for membership. Capacity building to participate fully and actively in the EU development assistance has been identified as one of the priorities for this edition of Transition Facility. The project aims at introducing a horizontal legal and administrative framework of universal application, including for missions related to crisis management as development and crisis prevention and response become more and more intertwined. It will enhance administrative capacity for co-ordinated and timely response to EU requirements across the central administration. Among the beneficiaries are relevant ministries (Ministry of Interior, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Transport and Construction). The system itself will allow to identify and to use the expertise from within and without public administration.

As a result of the project Poland would be able at the national level to respond quickly and adequately to the requirements of growing EU engagement in development and humanitarian aid, conflict prevention and crisis management. It would have in place a working system comprising legal framework, codified and practised procedures as well as financial backing for identifying and providing national expertise to EU assistance and crisis management projects.

The system will prospectively comprise deployments to projects by other international organisations thus becoming a universal national tool in this respect. Therefore, while in principle geared to the EU needs, the system should be flexible enough to allow for adaptation in order to cover deployments to other international organisations in the future.

3.2 Linked activities:

Ministry of Foreign Affairs, aware of the existing problems, has consistently since 2003 inspired inter-agency consultations and discussions on what internal model would allow to best meet the requirements of active participation of Poland in the relevant EU activities (EU external policy). Despite the widespread recognition of the significance of the problem no agreement has been reached so far as to specific measures to be taken.

In parallel, the Office of the Civil Service has initiated a consultation process aiming at the introduction of a new horizontal law regulating the status and procedures related to the nomination of national experts seconded to the EU institutions. MFA has undertaken to put the problem on the agenda of the European Committee of the Council of Ministers in 2006. There is ample experience to draw on available in other Member States which have already established or are in the process of designing and establishing similar national systems for deployment of experts.
3.3 Results:

- The final Report, drawing on the best national practices of the EU Member States, comprising three elements:
  1. Design of a consistent national system allowing to identify and deploy national experts as a response to calls from the EU,
  2. Draft legal acts necessary to introduce it,
  3. Estimate of financial implications for the administration as a result of its implementation, submitted to MFA and key ministries.

- Consultations with ministries and government agencies carried out and protocols from consultations submitted to the Beneficiary.

- Reports on how the views of the participants in the consultation process have been taken into account in the final report submitted to the Beneficiary as part of the final report.

- Communication networks established between the ministries taking part in the recruitment and deployment process.

- Provisional mechanism for consultation and decision-making procedure in relation to recruitment and deployment of experts in place.

- Conceptual and institutional basis created for the implementation of the system in praxis.

3.4 Activities:

Project framework

a) The project will be carried out as a Twinning Light project: app. **0.162 M€**
Duration: **6 months**.
No investment support foreseen.

- App. 6 missions to Poland 14 days each for a Key Short Term Expert responsible for the overall direction of work and the shape of the final Report: app **0.11 M€**
- App. 4 missions to Poland 5 days each by Short Term Supporting Expert (finance, law-making) to prepare analysis of financial implications and draw up a matrix of the legal process necessary to introduce the system: app **0.031 M€**
- App. 4 missions 7 days each to EU countries and/or Brussels by Key Short Term Expert/Short Term Supporting Expert to acquire first-hand detailed information on selected national systems in EU Member States. The system will be based on comparative MS systems and tailored to specific requirements of the EU institutional framework. Hence the need to study by the STE detailed solutions in MS as well as their implications for the national administration: app **0.021 M€**.

b) **Nature of Missions in the framework of the Project Comprehensive system for secondment of national experts**

The project is based on the premise that a comprehensive assessment of needs on the part of the Polish administration as regards identification of resources and deployment
procedures will be carried out by the project Team. This will have to be carried out prior to
the system design phase. The design phase also assumes a temporary presence of the Key
Short Term Expert in Poland for data gathering and consultation with key partners. Both
Short Term Supporting Experts are also expected to visit Poland for 5-day missions in order
to prepare their part of the final document in consultation with and based on the data
acquired from Polish central administration.

Additionally, 4 visits to selected member states and possibly Brussels by members of
project team are foreseen. It is assumed that during the work on the Polish system there will
be a need to study selected national system in other MS in detail in order to obtain a better
insight in the functioning and daily management of these systems.

The Project concept is based on the assumption that, while the bulk of the work by the
Project Team will be a desk-top research and as such does not require permanent stay in
Poland, the missions by its members to Poland and selected MS form the core activity
within the project and are indispensable for its success. The missions are working visits
restricted to Project team and are not study visits understood as visits by members of Polish
administration to EU MS.

c) Contracted Party to provide 3 experts (all public servants) with the following profile:

Project

Key Short Term Expert
- Minimum 15 years of experience including on managerial position
- In-depth knowledge of the EU system related to humanitarian, development and crisis
management activities
- Thorough experience in managing national system for recruitment and deployment of
mission members
- Knowledge in comparative system analysis related to deployment procedures
- Experience in managing EU-funded projects
- Fluency in English

Short Term Supporting Expert
- Diploma in Law
- Minimum 10 years of experience
- Experience in law-making procedures and drafting legal acts
- Fluency in English

Short Term Supporting Expert
- Diploma in Law or Economics
- Minimum 10 years of experience
- Knowledge in financing government administration and public expenditure
- Fluency in English

The project should be led on the part of the contracted party by a Project Leader, who:

- Should be a high-level civil servant from MS with adequate experience in the area of
national systems for recruitment and deployment of experts to international missions,
- Be well acquainted with the EU activities in the area of development aid, humanitarian assistance and crisis response.

The Beneficiary will provide for the support whenever appropriate either in form of inborn expertise or, if necessary, recruitment of additional local experts through national co-financing.

**Main activities**

The activities listed below form a logical and coherent sequence of tasks to be undertaken in order to arrive at the results as indicated under 3.3. Thus the numbers indicate at the same time the result to which a given activity contributes and their sequence. The two initial activities 0.1 and 0.2 are not linked to any specific result but provide for an indispensable analytical basis and a framework in which the final product of the project must be situated. They consist mostly in analytical work throughout the duration of the project and as such are not subject to sequencing. It is assumed that this sort of expertise will be provided by the Key Short Term Expert.

The final Report should comprise at least two options, from which the national Legislator will be able to select one according to its preferences as to its complexity and cost.

0.1. Analysis of current trends and developments in the EU as regards the demand for national experts and their expected profile.
0.2 Analysis of solutions implemented by other EU Member States with respect to deployment of experts and sustainability of national systems, including financial implications of maintaining the system.

1.1 Analysis of internal requirements – screening of existing Polish national system for recruitment and deployment of experts in order to identify the target group of potential participants and gaps in the existing system (institutions involved, legal provisions, country-specific restrictions). Preparing the analysis of practices used in Poland and drawing of basic parameters for the project (joint activity).

1.2 Consultations within the administration and NGOs potentially involved (e.g. Ministry of Finance, Ministry of Justice, Ministry of Interior and Administration, Office of the Civil Service, Ministry of Labour and Social Policy, Polish Humanitarian Organisation, Polish Medical Action, Caritas Polska, MFA Development Co-operation Department) in order to familiarise oneself with the modalities of existing solutions and preferences. Drawing up of provisional matrix of the report.

1.3 Based on the identified problems in the Polish system, missions to selected EU countries and Brussels to acquire in-depth expertise in specific aspects and solutions proven to be the most efficient and easy-to-implement. Draft comparative study of best practices in EU MS.

2.1 Detailed analysis- of existing fragmented/sectoral legislation in Poland (joint activity). Cross-compatibility study within Polish legislation and comparative study with EU MS legislation.
2.2 Identification of critical legislation gaps within the existing Polish "system" (joint activity). Preparation of draft recommendations on the way to fill in the gaps on the basis of best practices in EU MS.
2.3. Consultations with MFA and relevant ministries and agencies on possible legal solutions as proposed in draft recommendations. Preparation of options paper containing differentiated solutions as to the scope of centralisation and horizontal coverage of expert target groups.

2.4. Identification of financial requirements related to various types of experts and forms of deployment. Cost analysis as public expenditure incurred in case of deployment of a given number of experts (joint activity).

3.1. Identification of logistical requirements resulting from different options. Identification of additional structures and posts necessary to implement the national system for deployment.

3.2. Financial analysis of implementation of proposed solutions: detailed indication of costs related to the implementation of the national system of deployment and costs of actual deployment of experts (as para 2.4) (joint activity).

3.5 Lessons learned:

n/a

4. Institutional framework

The project will be carried out under the auspices of Ministry of Foreign Affairs, Security Policy Department, which will be its direct Beneficiary.

The project results will have no impact on its institutional legal setting. On the other hand, successful implementation of the project final Report in the Polish legal order will possibly have a bearing on certain legal provisions regulating the relationship between certain ministries, notably in the area of co-ordination with respect to nomination of national experts for EU missions.

Expected benefits as described under 2.1 will be felt throughout the central administration. This will translate into better inter-ministerial co-ordination, more structured efforts and as a result of that into Poland’s higher participation ratio in EU humanitarian, development and crisis management activities.

5. Detailed Budget

<table>
<thead>
<tr>
<th>€M</th>
<th>Transition Facility support</th>
<th>Co-financing</th>
<th>Total cost (TF + co-financing)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Investment support (I)</td>
<td>Institution Building (IB)</td>
<td>Total Transition Facility (=I+IB)</td>
</tr>
<tr>
<td>Contract1 (Twinning Light)</td>
<td>0.162</td>
<td>0.162</td>
<td>0.018</td>
</tr>
<tr>
<td>Total</td>
<td>0.162</td>
<td>0.162</td>
<td>0.018</td>
</tr>
</tbody>
</table>
contributions from National, Regional, Local, Municipal authorities, FIs loans to public entities, funds from public enterprises

private funds, FIs loans to private entities

The co-financing will be available.
The amounts for national co-financing indicated in the table correspond to cash co-financing, unless otherwise stated. Contributions from the Polish administration for effective implementation of the twinning light may be further detailed in the twinning contract. Unless otherwise indicated joint cofinancing is provided.

VAT does not constitute eligible expenditure except where it is genuinely and definitely borne by the final beneficiary. VAT which is considered recoverable, by whatever means, cannot be considered eligible, even if it is not actually recovered by the final beneficiary or individual recipient.

In case of parallel cofinancing, the following activities will be financed from the parallel cofinancing provision in the budget table: office provision and maintenance for STEs, translation, meeting and conference premises rental, local experts.

In the case of Joint Co-financing, where the final overall cost is lower than foreseen in the project fiche, the National Public and Transition Facility Co-financing are reduced proportionally so as to maintain the agreed rate of co-financing. In the case of Parallel Co-financing, where the final cost is lower than foreseen in the project fiche, it must be shown that the overall objectives of the project have been fully achieved.

6. Implementation arrangements
There will be a Project Steering Committee (PSC) established in order to speed up the implementation process of the given project components in the first months after Financial Decision for Transition Facility 2006 is taken. The structure of the Committee will be working as an advisory and monitoring body until particular components are contracted and thus where appropriate may be replaced by the Twinning Steering Committee.

The participants of the Project Steering Committee will be representatives of the following institutions: PAO, NAC, CFCU and beneficiary (SPO and contact person as indicated in the fiche). It is also recommended to invite representatives of NAO services while the issues of financial management flow are to be comprehensibly discussed. The Project Steering Committee will meet every quarter starting from the date of signing the Financial Decision and will concentrate on discussing the problem occurred at the beginning phase of project implementation as well as on defining possible solutions and corrective measures. The PAO representative will organize and chair the PSC meetings.

6.1 Implementing Agency
PAO: Tadeusz Kozek, Under-secretary of State at the Office of the Committee for European Integration, Aleje Ujazdowskie 9, 00-918 Warszawa; phone 48 22 455 52 41.
CFCU: Foundation Co-operation Fund, CFCU Director, ul. Górnośląska 4a, 00-400 Warsaw: phone: +4822 622-88-20, fax: +4822 622-75-65
The CFCU is responsible for handling tendering, contracting and payments of contracts on behalf of the Ministry of Foreign Affairs, Security Policy Department.
6.2 Twinning

SPO/Project Leader: Director, Security Policy Department, Ministry of Foreign Affairs, Al. J.Ch. Szucha 23, 00-058 Warszawa, Phone +48 22 5239205, Fax +48 22 5238049, Contact person: Tomasz Łękarski, Security Policy Department, Ministry of Foreign Affairs, Al. J.Ch. Szucha 23, 00-048 Warszawa, Phone +48 22 5239592, Fax +48 22 6226466, tomasz.lekarski@msz.gov.pl

Administrative Office: Department for Institution Building Programmes, Office of the Committee for European Integration, Aleje Ujazdowskie 9, Warsaw, Phone: 48 22 455 52 15, Fax: 48 22 455 52 14

6.3 Non-standard aspects

n/a

6.4 Contracts

One Twinning Light contract for institution building worth of 180 000 euro (162 000 euro – Transition Facility support + 18 000 euro - national public funds, parallel co-financing)

7. Implementation schedule

7.1 Commencement of contracting process

IV quarter of 2006

7.2 Start of project implementation (signature of contract)

II quarter 2007

7.3 Project completion

IV quarter 2007

8. Sustainability

Adequate administrative support during the realisation of the project will be provided within the existing capacities of the Security Policy Department, MFA

When, based on the Report of the project, new law will be introduced by the Legislator, all administrative and personnel consequences will be taken into account as part of the standard law-making process.

9. Conditionalities and sequencing

9.1 Conditionalities

n/a.

9.2. Sequencing
IV quarter 2006
- Bidding process completed by the Contractor with participation of the Beneficiary, Contract signed with Contracted Party

II quarter 2007
- Contracted Party and the Beneficiary agree the basic modalities
- Contracted Party conducts consultations with ministries and governmental agencies
- Preparation of Matrix identifying:
  a) all key (governmental and non-governmental) participants of the future system,
  b) gaps in the present system (institutions, legislation, implementing laws).

III quarter 2007
- Document recommending options for specific legislation / elements of sectoral legislation presented by the Contracted Party and discussed with the Beneficiary
- Study document on financial implications resulting from recommended option/s presented by the Contracted Party
- Report containing options for national system for recruitment and deployment of national experts presented by the Contracted Party to the Beneficiary
- Draft legal acts necessary for the implementation of the system presented by the Contracted Party to the Beneficiary
- Report on the financial implications of different recommended options presented by the Contracted Party to the Beneficiary

IV quarter 2007
- Consultations of the Report with ministries likely to be affected by the implementation of the new system carried out jointly by the Beneficiary and the Contracted Party
- Possible amendments as a result of consultations introduced to the Reports and draft legislation by the Contracted Party and approved by the Beneficiary.
### Annex 1: Logframe matrix

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**LOGFRAME PLANNING MATRIX FOR THE PROJECT**

**Programme name and number**  
Transition Facility 2006

**Contracting period expires**  
IV quarter 2008

**Disbursement period expires**  
IV quarter 2009

**Total budget (M€)**  
0.180

**Transition Facility Budget (M€)**  
0.162

#### Project

**Comprehensive system for secondment of national experts**

<table>
<thead>
<tr>
<th>Overall objective</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>To strengthen the efficiency and effectiveness of assistance in terms of expertise and personnel provided by Poland in the area of EU development and humanitarian aid as well as crisis response projects.</td>
<td>All necessary legislation on the deployment of experts to the EU and international organisations passed and implemented</td>
<td>Official Journal International Organisations’ statistics on numbers of Polish citizens participating in projects</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project purpose (Immediate Objectives)</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design of a coherent national system for recruitment and deployment of national experts to the EU missions related to humanitarian and development assistance as well as crisis response.</td>
<td>Report containing 1. the design of the system, 2. draft legislation and 3. financial estimate completed and available in written form by the end of the project. Inter-ministerial consultations conducted and all 3 components amended for the results thereof. All preparatory material, including from interministerial consultation process deposited by the Beneficiary.</td>
<td>Closing Reports from EU experts and reports from beneficiaries</td>
<td>New law / sectoral legal acts passed by the Legislator Possible constraints: protracted legal procedure in the Parliament, unexpected budgetary constraints</td>
</tr>
</tbody>
</table>

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**Comprehensive system for secondment of national experts**
• Draft Report, drawing on the best national practices of the EU Member States, comprising three elements:
  1. Design of a consistent national system allowing to identify and deploy national experts as a response to calls from the EU,
  2. Draft legal acts necessary to introduce it,
  3. Estimate of financial implications for the administration as a result of its implementation, submitted to MFA and key ministries.
• Consultations with ministries and government agencies carried out and protocols from consultations submitted to the Beneficiary.
• Reports on how the views of the participants in the consultation process have been taken into account in the final report submitted to the Beneficiary as part of the final report.
• Communication networks established between the ministries taking part in the recruitment and deployment process.
• Provisional mechanism for consultation and decision-making procedure in relation to recruitment and deployment of experts in place.
• Conceptual and institutional basis created for the implementation of the system in praxis.

<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft Report containing the design of the system, draft legislation and financial estimate completed and available in written form by end of November 2007. Functioning Network of co-operating civil servants involved in the identification and deployment of experts.</td>
<td>Internal work-in-progress reports from Security Policy Department MFA. Matrices of internal division of ministries indicating persons responsible for recruitment and deployment of experts.</td>
<td>Need to agree findings of the 3 key documents with the ministries likely to be affected by changes proposed therein. Co-financing available. Possible constraints: diverging positions of the ministries</td>
</tr>
</tbody>
</table>
1.1 Analysis of internal requirements – screening of existing Polish national system for recruitment and deployment of experts in order to identify the target group of potential participants and gaps in the existing system (institutions involved, legal provisions, country-specific restrictions). Preparing the analysis of practices used in Poland and drawing of basic parameters for the project (joint activity).

1.2 Consultations within the administration and NGOs potentially involved (e.g. Ministry of Finance, Ministry of Justice, Ministry of Interior and Administration, Office of the Civil Service, Ministry of Labour and Social Policy, Polish Humanitarian Organisation, Polish Medical Action, Caritas Polska, MFA Development Co-operation Department) in order to familiarise oneself with the modalities of existing solutions and preferences. Drawing up of provisional matrix of the report.

1.3 Based on the identified problems in the Polish system, missions to selected EU countries and Brussels to acquire in-depth expertise in specific aspects and solutions proven to be the most efficient and easy-to-implement. Draft comparative study of best practices in EU MS.

2.1 Detailed analysis- of existing fragmented/sectoral legislation in Poland (joint activity). Cross-compatibility study within Polish legislation and comparative study with EU MS legislation

2.2 Identification of critical legislation gaps within the existing Polish „system” (joint activity). Preparation of draft recommendations on the way to fill in the gaps on the basis of best practices in EU MS 2.3 Consultations with MFA and relevant ministries and agencies on possible legal solutions as proposed in draft recommendations. Preparation of options paper containing differentiated solutions as to the scope of centralisation and horizontal coverage of expert target groups

2.4. Identification of financial requirements related to various types of experts and forms of deployment. Cost analysis as public expenditure incurred in case of deployment of a given number of experts (joint activity)

3.1. Identification of logistical requirements resulting from different options. Identification of additional structures and posts necessary to implement the national system for deployment 3.2 Financial analysis of implementation of proposed solutions: detailed indication of costs related to the implementation of the national system of deployment and costs of actual deployment of experts (as para 2.4) (joint activity)

- Twinning Light Contract signed with Contracted Party (1 Key Short Term Expert, 2 Short Term Supporting Experts)
- Indigenous administrative support ev. locally contracted expert.

All necessary information is available both at national and European level. Scheduling of visits and consultations is appropriately adjusted to sequencing timetable. Administrative system in Poland is stable with the Government working smoothly.

Possible constraints: communication problems related to linguistic barrier, occasional personnel constraints of the part of Security Policy Department MFA

Preconditions
Sufficiently competent Contracted Party is selected as a result of the bidding procedure.

No major changes in the central administrative system in Poland occur under the new Government.
### Annex 2-3: Implementation, contracting and disbursement schedules

**Comprehensive system for secondment of national experts**

<table>
<thead>
<tr>
<th>Date of Drafting</th>
<th>04.11.2005</th>
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<tbody>
<tr>
<td>Planning Period</td>
<td>09.2006-07.2007</td>
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<table>
<thead>
<tr>
<th>Cost Estimate (in MEUR)</th>
<th>IV’06</th>
<th>I’07</th>
<th>II’07</th>
<th>III’07</th>
<th>IV’07</th>
<th>I’08</th>
<th>II’08</th>
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<tbody>
<tr>
<td>Budget Allocation</td>
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#### Implementation schedule

<table>
<thead>
<tr>
<th>D</th>
<th>D</th>
<th>C/I</th>
<th>I</th>
<th>I</th>
</tr>
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</table>

#### Contracting schedule

<table>
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<th>0.162</th>
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</table>

#### Disbursement schedule

<table>
<thead>
<tr>
<th>0.045</th>
<th>0.09</th>
<th>0.162</th>
</tr>
</thead>
</table>

#### Disbursement schedule

| 0.162 |

**Legend:**

D = design of contract and tendering  
C = signature of contract  
I = contract implementation and payment