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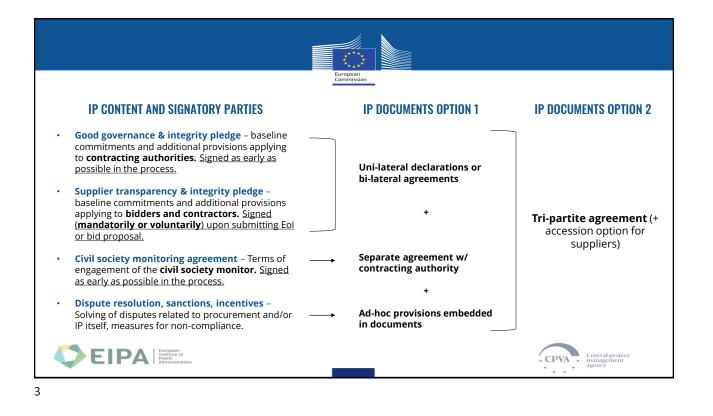


SESSION 2 OVERVIEW

- IP content, format, signatory parties
- Integrity Pacts and the law
- Good governance and integrity pledge
- Supplier transparency and integrity pledge
- Civil society monitoring agreement
- Dispute resolution, sanctions, incentives











GOOD GOVERNANCE AND PUBLIC INTEGRITY PLEDGE

Baseline commitments

EIPA European Institute of Public

Regulatory compliance → abide by the laws and regulations, including anti-corruption

Integrity measures → payments to consultants, conflict of interest & financial disclosure, whistleblower protection

Transparency and access to information → publication of information and documents related to all stages of the project

Additional commitments

Adoption of open contracting data standards → e.g., Open Contracting Data Standard (OCP), Infrastructure Data Standard (CoST)

Engagement with private sector → public-private dialogues, procurement market strategies, consultations

Engagement with affected communities → consultations, access to decision-making

Adoption of standards / measures on public integrity → e.g., codes of ethics, internal control mechanisms, risk management







PRIVATE SECTOR ENGAGEMENT IN IP PREPARATION

Suppliers' inputs to the IP text can be gathered in different ways, including:

- Public-private fora & events on EU funds and related procurement (e.g., industry days, presentation of procurement plans, etc.)
- Engagement and structured dialogue with business associations
 and/or private investors
- Existing business-driven initiatives on private sector transparency and integrity
- Market consultation procedures (as foreseen by national procurement law)

Regardless of the engagement process, it is important that this is done in **compliance with competition and/or commercial secrets laws**, avoiding disclosure of sensitive information, and ensuring equal treatment and nondiscrimination.

In some cases, IP implementers may decide for the content to be **predetermined and not subject to negotiations** with private actors.





CIVIL SOCIETY MONITORING AGREEMENT

Review of procurement procedures

EIPA European Institute of Public Administratio

Scope and coverage of the monitoring → specific procedures and stages, recommendations

Access to information → communications and meetings, confidentiality provisions (e.g., NDA)

Handling of corruption and irregularities → procedures for corrective measures and alerting oversight authorities

Monitoring reports → Frequency and format

Withdrawal → conditions, escalation procedures



IP commitments / technical assistance

Procurement data analysis \rightarrow in-depth review of past and present procurements, identification of red flags, assurance

Review of corporate data disclosures → e.g., TRAC assessment and analysis, recommendations to close gaps

Review of anti-corruption policies and compliance programmes → benchmarking with international standards, recommendations

Trainings \rightarrow collaboration with academia, think-tanks, policy experts



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European Commission				
Monitori	ng activities per procurement phase	Access to info	Irregularities	Withdrawal
Planning	 Review of background documentation on the project Identification of critical information gaps Review of justification for contracting strategy 	Push system – pre- agreed disclosures		
Pre- tendering	 Review of coherence and consistency of tender document Review of compliance of methods used for drafting tender Review of absence of tailored specifications 	Pull system – ad-hoc information requests + Non-disclosure	 Establishment of direct channel for any party involved to report suspicions of irregularities to civil society monitor 	Right of civil society monitor to withdraw from the process (and terminate IP) under following conditions: • Obstruction of
Tendering	 Review of adequate tender advertisement Review of full accessibility to documents Review of equal treatment in tendering process 	agreement for confidential info Public reporting	 Clarification of report and request for rectification 	Obstruction of monitoring activities Unjustified denial of
Awarding	 Vetting of bid proposals Review of objectivity of contract award decision Review of fair treatment in handling complaints Review of admissibility of post-award contract modification 	Interim monitoring reports - end of each phase Final monitoring	 Reporting to relevant oversight institutions (e.g., procurement, competition, anti- corruption) if request 	 access to information Inactivity upon identified / proven irregularities
Implement ation	 Review of alignment of contract execution adequateness Review of payments and other financial flows Review of potential amendments to the contract 	report – after conclusion of monitoring	is not satisfied	
🗘 EII	PAA European Tentifue of public Administration		-	CPVA Central project management agency

