



**European Academy**  
for Taxes, Economics & Law

**With option to book Financial  
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5<sup>th</sup> European EBF Seminar

# **External Borders Fund – How to Meet Public Procurement Obligations**

31<sup>st</sup> May 2012, Berlin

**Brochure**



# 5<sup>th</sup> EUROPEAN EBF SEMINAR

## External Borders Fund – How to Meet Public Procurement Obligations

### **Non-compliance with EU public procurement rules is one of the most frequent reasons for errors in EBF funding**

As part of EU's General Programme "Solidarity and Management of Migration Flows" (SOLID) the use of the External Borders Fund (EBF) has not only to comply with the specific rules of the SOLID Programme and those of the EBF in particular but also with the general EU regulations on public procurement.

It is the obligation of the designated authorities – Responsible Authority (RA), Delegated Authority (DA), Audit Authority (AA) and Certifying Authority (CA) – to supervise, monitor and control public procurement under the EBF. It plays an essential role in ex-ante controls, eligibility of expenditure, calls for proposals and tendering, awarding of contracts, project evaluation and selection, documentation, technical assistance, payments and declaration of expenditure, certification, audit and financial control. Moreover, compliance with public procurement is an essential part of EBF audit visits of the European Court of Auditors and the European Commission. Furthermore, public procurement rules notably concern beneficiaries of EBF funding in the context of applying for tenders as bidders as well as of implementing the public procurement.

However, the correct application of procurement law causes the involved authorities countless difficulties, as this field of law is very complicated and both national and EU procurement legislation have to be respected. As audits of the European Court of Auditors and controls have shown many errors in the implementation of the EBF derive from non-compliance with public procurement rules.

### **Manage the EBF in accordance with the law and avoid reimbursements and financial consequences for your Member State**

When errors and irregularities in public procurement are identified, corrections have to be made. If an irregularity resulted in an undue payment to the beneficiary that cannot be recovered and if this loss was caused by a fault or negligence of the authority, the Member State is obligated to reimburse the amounts lost to the general budget of the EU. Therefore, there are huge financial costs at stake for Member States if public procurement law requirements are not met. Especially in current times of tight budgetary discipline it is more important than ever for the authorities dealing with the management and control of EBF to manage the fund cost effectively, efficiently and in accordance with the law. To assure this, all authorities involved in EBF funding and their staff need to be familiar with the EU public procurement rules and its specific challenges in the External Borders Fund.

### **Who is this seminar for?**

- **Responsible, Certifying, Audit and Delegated Authorities responsible for the External Borders Fund (EBF)**
- **Beneficiaries of EBF funding**

#### **Such as:**

- Ministry of Interior/Internal Administration
- Ministry of Home Security
- Ministry of Migration
- Ministry of Refugees, Immigration & Integration Affairs
- Ministry of Justice
- Ministry of Foreign Affairs
- Ministry of Finance
- Ministry of Economics
- Office of the Prime Minister
- National Police forces
- Immigration agencies
- Border security agencies
- Border control forces
- Migration offices from national, regional and local authorities

#### **From Departments responsible for:**

- External Borders Fund (EBF)
- Solidarity Funds/SOLID Funds
- EU Funding/EU Aid Management
- International and European Union Co-Operation/European Affairs
- International Projects
- Border Security and Border Control
- Migration and Border Policy
- Schengen Issues
- Public Procurement
- Audit
- Finance/Budget
- Programme Implementation/Coordination

- Specialised Consultancies
- Certified Public Accountants and Public Auditors working with the Funds of the General Programme and in particular the External Borders Fund (EBF)



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### What will you learn at this seminar?

- What is the general legal background of public procurement?
- What does the EU public procurement law say in detail and what does it require from you as an EBF authority or as a beneficiary of EBF funding?
- How can you check whether the beneficiary acted according to public procurement rules?
- Which requirements do you need to meet in monitoring the entire procurement procedure?
- How can you cope with the various challenges occurring in the EBF project procurement cycle and in particular in ex-ante control and ex-post control?
- How do you have to deal with irregularities related to public procurement?
- What are most common pitfalls and mistakes in the entire procurement process and how can you avoid them?
- Which changes can be expected from the modernisation of EU public procurement rules and how will those influence your work?
- What do you need to be aware of in the planning process of public procurements?
- How should you create a tender and define award criteria?
- What should be taken into account regarding bidder qualification, technical specification and publication?
- How do you implement a proper risk assessment and risk management for public procurement?
- How can you make best use of checklists for preparation and documentation of public procurement?
- What are best strategies for designing evaluation criteria and for weighting those?

### With option to book **Financial Control and Audit Special** in addition!

**Are you also dealing with Financial Control and Audit in the General SOLID Programme?**

**Benefit from our 5<sup>th</sup> European SOLID Programme Seminar on „Successful Financial Control and Audit“.**

This seminar takes place in the same venue the day after, on 1<sup>st</sup> June 2012.

For further information please click [here](#).

### Your benefits

- Learn both how to implement public procurement and how to monitor the entire procurement process from planning, via evaluation and contracting to audit and control
- Know in which parts of EBF funds management and control you have to pay special attention to the compliance with public procurement law
- Avoid errors, irregularities and finally reimbursements – Prevent financial consequences for your Member State
- Be best prepared for audit visits
- Use checklists to simplify your daily practical work
- Boost your knowledge on coming new EU public procurement directives and its most important impacts on your daily work
- Discuss your questions with our experts and European colleagues from other EBF authorities



# PROGRAMME

## External Borders Fund – How to Meet Public Procurement Obligations

8.30-9.00

Registration and Hand-out of Seminar Material

9.00-9.05

Opening Remarks from the European Academy for Taxes, Economics & Law

9.05-9.15

### Welcome Note from the Chair

**Prof. Dr. Ralf von Ameln, Member of the External Speaker's Team of the European Commission, Lawyer and EU Public Procurement Expert**

9.15-10.00

### Monitoring and Controlling of Public Procurement – an EBF Authority's inside view

- The designated EBF authorities' responsibilities in supervision, control and monitoring public procurements
- The EBF project procurement cycle
  - Planning
  - Ex-ante control vs. ex-post control
  - Risk management
  - Irregularities related to public procurement

**Aivaras Kandratavičius, Head of the External Borders Fund Division, Central Project Management Agency (CPMA) under the Ministry of Finance, Lithuania**

10.00-10.15

Discussion Round

10.15-10.45

Coffee Break and Networking Opportunity

10.45-11.15

### Public Procurement in the Light of the EU Proposals for the New Public Procurement Directives

- General legal background
- Modernisation of EU Public Procurement Legislation in 2012

**Dr. Regine Prunzel, Member of the External Speaker's Team of the European Commission, Lawyer, Public Procurement Expert to the European Commission**

11.15-11.30

Discussion Round

11.30-12.30

### Public Procurement for EBF Beneficiaries – The Planning Process

- Requirements and advice for preparation and documentation of public procurement
- Creation of a tender
- Defining award criteria
- Social and environmental aspects
- Bidder qualification
- Technical specifications
- Publication (national and international)
- Examples for grids and checklists

**Prof. Dr. Ralf von Ameln, Member of the External Speaker's Team of the European Commission, Lawyer and EU Public Procurement Expert**

12.30-12.45

Discussion Round

12.45-14.00

Lunch Break and Networking Opportunity



14.00-15.00

### **Evaluation, Contracting and Monitoring of Public Procurement in EBF Projects**

- Evaluation criteria
- Weighting of the criteria
- Risk assessment and risk management
- Important aspects of the contract
- Monitoring of the whole procedure
- “Trouble-shooting”

**Dr. Regine Prunzel, Member of the External Speaker’s Team of the European Commission, Lawyer, Public Procurement Expert to the European Commission**

15.00-15.15

Discussion Round

15.15-15.45

Coffee Break and Networking Opportunity

15.45-17.45

### **Interactive Workshop Session**

#### **How Can it Go Wrong? Avoiding Common Pitfalls and Mistakes in the Procurement Process**

- Interactive Teamwork Exercises
- Discussion Round

Participants are asked to work on practical exercises regarding procurement processes under EBF and learn to avoid common pitfalls and mistakes.

**Prof. Dr. Ralf von Ameln, Member of the External Speaker’s Team of the European Commission, Lawyer and EU Public Procurement Expert**

**Dr. Regine Prunzel, Member of the External Speaker’s Team of the European Commission, Lawyer, Public Procurement Expert to the European Commission**

17.45-18.00

Review of the Seminar and Final Discussion Round

18.00

End of Seminar and Hand-Out of Certificates

## SPEAKERS

### External Borders Fund – How to Meet Public Procurement Obligations



#### **Aivaras Kandratavičius**

**Head of the External Borders Fund Division, Central Project Management Agency (CPMA) under the Ministry of Finance, Lithuania**

Mr Aivaras Kandratavičius works as Head of the External Borders Fund Division at the Central Project Management Agency (CPMA) under the Ministry of Finance. He supervises the management, control and monitoring of the implementation of the External Borders Fund (EBF) and the European Return Fund (RF). In this context he is especially responsible for the monitoring of public procurement in which he has therefore gained extensive knowledge and experience on a practical basis. Prior to this, he gained EU Funds experience as Head of the Transition Facility Projects and Procurement Division at the Central Project Management Agency (CPMA). As Senior Project Manager within the CPMA he worked at the administration and management of EU Structural Funds, Phare, Transition facility and special program funds within CPMA.

#### **Dr. Regine Prunzel**

**Dr. Regine Prunzel, Member of the External Speaker's Team of the European Commission, Lawyer, Public Procurement Expert to the European Commission**

Dr. Regine Prunzel is a lawyer and holds a doctoral degree in European law. For several years she has been working in Brussels. As public procurement expert she is member of the TAIEX-Team of the European Commission and has held several seminars in accession countries (e.g. Bulgaria, Romania, Cyprus, Lithuania, Latvia etc.) to prepare them for the procurement requirements after EU accession. She was also trainer and resource person in public procurement seminars for German ministries and political foundations. In addition, Dr. Regine Prunzel is lecturer for European and German civil law at different universities for applied sciences.



#### **Prof. Dr. Ralf von Ameln**

**Member of the External Speaker's Team of the European Commission, Lawyer and EU Public Procurement Expert**

Prof. Dr. Ralf von Ameln is Member of the European Commission's Speaker's Team and works furthermore as representative for different institutions on the European level in Brussels. During his career Prof. Dr. von Ameln gained experience in different legal aspects at the EU level. He has more than 20 years of experience in public procurement and monitors the newest developments on the EU level including the related decisions of the European Court of Justice. Moreover, Prof. Dr. von Ameln is an expert for the European Commission in different third countries and accession countries. Prof. Dr. von Ameln studied Law and he was appointed an honorary professorship for European law from the European University Viadrina Frankfurt (Oder) in Germany.



**Europäische Akademie**  
für Steuern, Wirtschaft & Recht

# ORGANISATIONAL MATTERS

## External Borders Fund – How to Meet Public Procurement Obligations

### Date of Event

31<sup>st</sup> May 2012, Berlin

### Booking Number

S-447

### Event Language

The event language will be English.

### Event Price

**Early booking contingent until the 5<sup>th</sup> of April 2012:**

**1289,- Euro, excl. German VAT (19%)**

Normal price as of the 6<sup>th</sup> of April 2012:

1489,- Euro, excl. German VAT (19%)

The above price covers the following:

- Admission to the seminar
- Hand-out documents
- Soft drinks and coffee/tea on event day
- Lunch on event day

### Price to book Financial Control and Audit Special in addition! (S-447)

5<sup>th</sup> European EBF Seminar

„General SOLID Programme –  
Successful Financial Control and Audit“ (S-470)

**200,- Euro, excl. German VAT (19%)**

This seminar takes place in the same venue the day after,  
on 1<sup>st</sup> June 2012.

For detailed brochure information please [click here](#).

### Booking Modalities

It is recommended to book soon as seats are limited. For organisational matters, we kindly ask you to complete the booking form in capital letters.

### BOOKING

Fax: +49 (0)30 80 20 80 250

E-mail: [booking@euroacad.eu](mailto:booking@euroacad.eu)

Phone: +49 (0)30 80 20 80 230

For online booking please visit  
our website: [www.euroacad.eu](http://www.euroacad.eu)

### Contact

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E-Mail: [info@euroacad.eu](mailto:info@euroacad.eu)

Internet: [www.euroacad.eu](http://www.euroacad.eu)

### Your contact persons for the programme:

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Junior Conference Manager

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Fax: +49 (0)30 80 20 80 259

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(Programme is subject to alterations)

### Event Location

NH Berlin Friedrichstraße

Friedrichstrasse 96

10117 Berlin, Germany

Phone: +49 1805 0037 83

Fax: +49 1805 0037 84

E-Mail: [reservierungen@nh-hotels.com](mailto:reservierungen@nh-hotels.com)

Internet: <http://www.nh-hotels.de/>

Please contact the hotel directly and refer to the “European Academy for Taxes, Economics & Law” in order to benefit from a limited room contingent at a special price. Please book as soon as possible. Of course you can always look for an alternative hotel accommodation.



**NOTE**

Please note, you can register as many delegates as you wish (except, the seminar is fully booked). You only need to copy this formular for as many persons you wish.



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for Taxes, Economics & Law

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# BOOKING

BOOKING NUMBER: S-447(DM)

31<sup>st</sup> MAY 2012, BERLIN

Herewith we register the following persons for the Seminar: "External Borders Fund – How to Meet Public Procurement Obligations"

**Delegate 1**

Ms.  Mr.

First name \_\_\_\_\_ Last name \_\_\_\_\_ Phone \_\_\_\_\_  
Department \_\_\_\_\_ Fax \_\_\_\_\_  
Job position \_\_\_\_\_ E-mail \_\_\_\_\_  
Your organisation \_\_\_\_\_  
Street \_\_\_\_\_  
Postcode / City \_\_\_\_\_  
Country \_\_\_\_\_

**Delegate 2**

Ms.  Mr.

First name \_\_\_\_\_ Last name \_\_\_\_\_ Phone \_\_\_\_\_  
Department \_\_\_\_\_ Fax \_\_\_\_\_  
Job position \_\_\_\_\_ E-mail \_\_\_\_\_  
Your organisation \_\_\_\_\_  
Street \_\_\_\_\_  
Postcode / City \_\_\_\_\_  
Country \_\_\_\_\_

**Herewith I book the Financial Control and Audit special in addition to this seminar (S-447)**  
5<sup>th</sup> European SOLID Programme Seminar „General SOLID Programme – Successful Financial Control and Audit“. (S-470)  
This seminar takes place in the same venue the day after, on 1<sup>st</sup> June 2012.

**Invoice organisation**

To the attention of \_\_\_\_\_  
Street \_\_\_\_\_ Phone \_\_\_\_\_  
Postcode / City \_\_\_\_\_ Fax \_\_\_\_\_  
Country \_\_\_\_\_ E-mail \_\_\_\_\_

In case of registration of more than one delegate - do you prefer:  single invoice?  collective invoice?

With my signature I confirm my registration and accept the General Terms and Conditions as legally binding.

I herewith agree to receive further information from the European Academy for Taxes, Economics & Law

**NOTE**  
Only Valid with Signature and Stamp.

Place, Date

Authorised Signature and Stamp





# Terms & Conditions for Conferences, Seminars and other Training Courses

## 1. Area of Application

The following terms and conditions settle the contractual relationship between conference participants and the European Academy for Taxes, Economics & Law Brauner Klinenberg GmbH [referred to as "European Academy for Taxes, Economics & Law" in the following]. Differing terms and conditions, as well as, other settlements and/or regulations have no validity.

## 2. Registration / Confirmation of Application

A registration can be made via internet, mail, fax, or email. The registration is considered granted and legally binding if not rejected by the European Academy for Taxes, Economics & Law in writing within seven (7) days after receipt of registration. The registration will be supplemented by a booking confirmation via email. Partial bookings are only valid for seminars designed in modules.

## 3. Service

The course fee covers the fee per participant and course in € net, subject to current German VAT. It includes training course documents as per course description, a lunch meal/ snack and refreshments during breaks, as well as, a participation certificate.

The European Academy for Taxes, Economics & Law has the right to change speakers/instructors and to modify the course program if and where necessary while maintaining the overall nature of the course. All registered participants will be notified in case of a course cancellation due to force majeure, due to speakers' preventions, due to troubles at the chosen location or due to a low registration rate. Course cancellation notification due to a low registration rate is issued no later than two (2) weeks before the course date. Course fees are reimbursed in the cases listed above; however, reimbursement for travel expenses or work absenteeism is only granted in cases of intention or gross negligence by the European Academy for Taxes, Economics & Law. Any reimbursement of travel expenses are to be considered as an exceptional goodwill gesture and form no future general obligation. In case of disturbances and/or interruptions, the European Academy for Taxes, Economics & Law commits itself to solve or limit any problems that might occur in order to maintain and continue the course as planned.

## 4. Payment Date and Payment, Default of Payment

Payment of the course fee is payable immediately upon receipt of invoice. Where payment is not received or lacking clear assignment to a participant prior to commencement of the course, the European Academy for Taxes, Economics & Law may refuse the relevant participant's participation in that course. The course fee, however, is still due immediately and can be claimed as part of a dunning procedure or legal action. In accordance with BGB §247 (1), in case of default of payment within the stipulated time period, default interest on arrears of at least 5% above the ECB base rate is due and payable. The European Academy for Taxes, Economics & Law can claim higher damage for delay if and where proven. Equally, the participant may prove that a damage has not occurred or has had less effect than estimated by the European Academy for Taxes, Economics & Law.

Payment shall be made by cashless bank transfer; cash or cheques will not be accepted. The European Academy for Taxes, Economics & Law is not liable for any loss of means of payment. The participant may only offset such claims against the European Academy for Taxes, Economics & Law's as are undisputed, legally recognized or recognized in writing by the European Academy for Taxes, Economics & Law. The right of retention is only acceptable in accordance with a counterclaim based on the same contract.

## 5. Cancellation

Cancellations need to be issued in writing. Cancellation by the participant will be subject to cancellation charges as follows:

- 30 days or more prior to commencement of the course: service charge of 80,00 € net, subject to current German VAT, payable immediately, course fee will be reimbursed,
- two (2) weeks to 30 days prior to commencement of the course: 50% of course fee net, subject to current German VAT, payable immediately,
- non-attendance or cancellation less than two (2) weeks prior to commencement of the course: 100% of course fee net, subject to current Germany VAT, payable immediately

The European Academy for Taxes, Economics & Law gladly accepts without additional costs a substitute participant nominated in case of a cancellation if the substitute participant is registered at least three (3) days prior to the commencement of the course. Neither cancellation of a specific module/part of the course or substitution per module/per day is possible.

## 6. Copyright

Seminar/course documents are protected by property rights and may not be duplicated, processed, amended, circulated or published in any other way without the written consent of the European Academy for Taxes, Economics & Law. The European Academy for Taxes, Economics & Law reserves all rights.

## 7. Liability

All seminars and courses are prepared and presented by qualified speakers and instructors. The European Academy for Taxes, Economics & Law accepts no liability for the up-to-dateness, correctness and completeness of the seminar documentation, as well as, presentation of the seminar.

## 8. Applicable Law, Place of Jurisdiction, Place of Performance

All cases shall be governed and construed in accordance with German law to the exclusion of the UN Sales Convention. As far as legally admissible, place of performance and place of exclusive jurisdiction shall be Berlin, Germany.

## 9. Data Protection

The European Academy for Taxes, Economics & Law protects personal data by taking appropriate protection measures. For the purpose of optimization of the product and service portfolio and according to the regulations of the data privacy laws, it stores and processes person-specific data on the training participants. Hence, all European Academy for Taxes, Economics & Law website hits are registered. All personal data will, in accordance with the law, be used for documentation requests, placed orders or other enquiries in order to send information out by post.

The European Academy for Taxes, Economics & Law will, in accordance with the law, inform participants by email about special offers that resemble previously booked seminars. If and where personal data needs to be transferred to countries lacking appropriate data protection schemes, the European Academy for Taxes, Economics & Law shall grant alternative adequate protection. Furthermore, the European Academy for Taxes, Economics & Law will use personal data as far as participants have granted respective permission. When collecting personal data, the European Academy for Taxes, Economics & Law will always ask for permission regarding email information about offers. The participant may, at any time, express their objection to data collection for the purpose of advertisement or address via email or fax. Any data provided to the European Academy for Taxes, Economics & Law will be processed for reservations and bookings, as well as, for information about other seminars. Names and company names will be published in a participants' list and forwarded to the mailing company.