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Code of Conduct

The Code of Conduct is binding for all mandataries conducting evaluations of project applications based on a mandate contract concluded between the mandator and the mandatary, and regulate the obligations of the mandatary in the performance of evaluation.

1. EXECUTION OF EVALUATION

- 1.1 The mandatary must work independently, on his/her own, and not on behalf of any organization.
- 1.2 The mandatary must not delegate his/her work or any part of it to other individuals, nor can he/she be replaced by others.
- 1.3 The mandatary must:
 - a. perform his/her tasks in a confidential and honorable manner in accordance with the applicable principles and instructions of the mandator;
 - b. perform his/her work to the best of his/her abilities, professional skills, knowledge, and apply the highest ethical and moral standards;
 - c. comply with the instructions and timetable given by the mandator.

2. IMPARTIALITY

- 2.1 The mandatary must perform his/her work impartially and take all necessary measures to prevent any situation where impartial and objective performance of evaluation is endangered due to conflict of interest.
- 2.2 Conflict of interest includes situations where impartial and objective performance of duties may be influenced, disrupted, or endangered, especially due to family or emotional reasons, political or state affiliation, economic interest, or any other direct or indirect personal interest¹.
- 2.3 The prospective mandatary approached by the mandator for evaluation must sign a declaration of conflict of interest for each project application he/she will be evaluating before signing the contract.
- 2.4 The mandatary is obliged to immediately inform the mandator of any conflict of interest identified during the performance of the order, including competition with another project application evaluated under the same call, in which the mandatary may have a conflict of interest.
- 2.5 In case the prospective mandatary or the mandatary identifies an impending or existing conflict of interest before starting the evaluation or at any time during its execution, the mandatary is obliged to immediately inform the mandator and terminate the evaluation of the relevant project application. The mandator revokes the order given to the mandatary in relation to the specific project application. All evaluations and scores awarded to the project application by the mandatary until then will be excluded, and the mandatary will be replaced.
- 2.6 A person in a position of authority is in a conflict of interest in relation to a project application if:
 - a. he/she is the applicant himself/herself,
 - b. he/she is an interested party on the side of the applicant, which includes:
 - i. a partner,

¹ § 24 of Act No. 368/2021 Coll. on Recovery and Resilience Facility and Amendments of Some Acts

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- ii. a supplier,
 - iii. a subcontractor,
 - iv. a statutory body or a member of a statutory body, a governing body, or a supervisory body of the applicant, partner, supplier or subcontractor²,
 - v. a shareholder of a company or a member of a cooperative that is an applicant, partner, supplier or subcontractor; this does not apply if the shareholder of the company is the state represented by an executor as the administrator of state property³,
 - vi. a person who is in an employment relationship with the applicant, partner, supplier or subcontractor, or in another similar legal relationship with the applicant, partner, supplier or subcontractor⁴,
 - vii. a person who has been involved in the preparation or implementation of the investment for the applicant or partner, or who has accepted financial resources intended for the preparation or implementation of the investment,
 - viii. a person who is a close person according to [§ 116 of the Civil Code](#) to the applicant, partner or person listed in points i to vii)),
 - ix. another person who is objectively capable of influencing, disrupting or endangering the impartial and objective performance of functions in the execution of the Recovery and Resilience Facility for family or emotional reasons, for reasons of political or national affiliation, economic interest or any other direct or indirect personal interest.
- c. he/she participated directly or indirectly in the preparation of the project application within the same call (e.g. the process of preparing the project application, the public procurement process, etc.);
 - d. he/she has a direct or indirect interest in the approval/rejection of the allocated project application;
 - e. has been or was during the last three years prior to the conclusion of the framework contract a business partner of the applicant/partner (e.g. property connection in a third company, co-owners of a third company, etc.).

2.7 If it is discovered during the evaluation that the mandatary knowingly concealed an existing conflict of interest, he/she will be immediately excluded from the evaluation without the possibility of reimbursement of evaluation-related costs.

2.8 If a person or entity involved in the project application submitted to the call in which the mandatary is evaluating, contacts the mandatary before or after starting their tasks, the mandatary is obliged to inform the mandator immediately.

3. CONFIDENTIALITY

3.1 The mandatary is obliged to maintain confidentiality regarding all information and documents, in any form (e.g. printed, electronic), that were made available to him in writing or orally in connection with the performance of the contract. This obligation continues during the validity of the contractual relationship and after its termination.

3.2 The mandatary undertakes to maintain strict confidentiality in relation to the activities carried out. In this regard, the mandatary:

² currently is or was during the last three years before the conclusion of the mandate contract

³ currently is or was during the last three years before the conclusion of the mandate contract

⁴ currently is or was during the last three years before the conclusion of the mandate contract; in case of universities the relationship to a specific part of the university (e.g. faculty, institute, etc.) is assessed

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- a. must not use confidential information or documents for any purpose other than the fulfillment of obligations arising from the contract without the prior written consent of the mandator;
- b. The mandatary must not disclose, directly or indirectly, confidential information or documents related to the project application, applicant, or other persons involved in the project application without the prior written consent of the mandator.

3.3 The mandatary must not:

- a. discuss the project application with other individuals, including:
 - i. other evaluators, except for participation in a consensus evaluators meeting or a meeting of the international expert panel;
 - ii. representatives of the mandator or the relevant administrative staff who are not directly involved in the evaluation of the project application.
- b. The mandatary must not disclose:
 - i. any details relating to the evaluation process and its outcomes, or regarding project applications submitted for evaluation for purposes other than fulfilling the obligations arising from the contract without the prior written consent of the mandator;
 - ii. the names of other experts involved in the evaluation.
- c. Communicate with applicants, partners, or other individuals involved in the project application, or affiliated persons:
 - i. During the evaluation process;
 - ii. after its completion, except for meetings organized by the mandator, for example, personal presentation of the project as part of the evaluation process.

3.4 In case project applications are made available to the mandatary electronically and he/she works in his/her own or other suitable premises, he/she is personally responsible for maintaining the confidentiality of all documents and electronic files and for returning, deleting, or destroying all confidential documents and files after the evaluation is completed. If the mandatary searches for additional information necessary to complete the evaluation of project applications (e.g., via the Internet, specialized databases, and the like):

- a. he/she is obliged to respect the confidentiality rules when obtaining such information;
- b. he/she must not contact the applicant, involved entities, or any person connected with the involved entities or persons;
- c. he/she must not contact third parties without the prior written consent of the mandator.

3.5 The obligation of confidentiality shall not apply if:

- a. the mandator agrees in writing to exempt the mandatary from the obligation of confidentiality;
- b. the disclosure of information is required by law.