



**CENIEH**  
Centro Nacional de Investigación  
sobre Evolución Humana

**Anti-Fraud Measures Plan-Ed1**

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Approved by:

**Governing Council**

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## 1. BACKGROUND

The Recovery, Transformation and Resilience Plan (henceforth, the "PRTR") is devised as an instrument promoted at European Union level and directed at mitigating the impacts of the COVID-19 pandemic, as well as transforming society, with the objectives of modernizing the economy, driving decarbonization and respect for the environment, encouraging digitalization, and enhancing the structures and resources allocated to research and training, to ultimately boost the capacity of society to surmount problems like the pandemic, all under the auspices of the Regulation (EU) 2021/241 of the European Parliament and of the Council of February 12th 2021, establishing the Recovery and Resilience Facility.

According to the Regulation (EU) 2021/241, of the European Parliament and of the Council of February 12th 2021, and the structure of the Plan, the procedures should envisage the requirements set out with regard to true equality between men and women, territorial cohesion, respect for the environment, and incentives for digitalization. Along the same lines, mention should be made of the fight against fraud and corruption, identifying the ultimate beneficiaries of the aid disbursed, and the contractors and subcontractors.

The Order HFP/1030/2021, of September 29th, which defines the management system for the Recovery, Transformation and Resilience Plan, establishes and develops a system of management

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directed at defining, planning, executing, tracking, and controlling the projects and subprojects into which the different measures provided for in the components of the PRTR are divided.

Among the cited measures, article 6 of the Order HFP/1030/2021, of September 29th, to fulfill the obligations imposed upon Spain, as a beneficiary of the funds of the Recovery and Resilience Facility (RRF), by article 22 of the Regulation (EU) 2021/241 of the European Parliament and of the Council of February 12th 2021, with regard to protection of the financial interests of the Union, provides that any entity, whether as decision-maker or executor, which participates in executing the measures of the PRTR must have defined an "Anti-Fraud Measures Plan" to enable it to guarantee and declare that, within its respective sphere of action, the funds have been used in conformity with the regulations applicable and, in particular, those relating to the prevention, detection, and correction of fraud, corruption, and conflicts of interest.

Evaluation of the risk of fraud, completion of the Declaration of Absence of Conflicts of Interest (the "DACI"), and the availability of a procedure for addressing conflicts of interest, are defined by the Order as mandatory actions for the managing bodies. The choice of the measures for prevention and detection are left to the discretion of the entity assuming management responsibility in view of its specific characteristics, and always taking into account the need to guarantee appropriate protection for the interests of the Union.

The Consorcio "Centro Nacional de Investigación sobre la Evolución Humana" (henceforth, the "CENIEH"), as an entity implementing the Recovery, Transformation and Resilience Plan, must optimize its mechanisms for the prevention, detection and correction of fraud, corruption, and conflicts of interest. To this end, it is required to have an "ANTI-FRAUD MEASURES PLAN" satisfying the requirements of the Order HFP/1030/2021, of September 29th, which defines the management system for the Recovery, Transformation and Resilience Plan.

## **2. INTRODUCTION TO THE ANTI-FRAUD MEASURES PLAN.**

The Anti-Fraud Measures Plan (henceforth, the "Anti-Fraud Plan" or the "Plan") sets forth the principles for management, prevention, detection, correction, and prosecution of fraud and corruption within the CENIEH because of the implementation of European funds, whether these are labeled Next Generation or are of other types, which the CENIEH aspires to or could receive, and likewise including the measures for prevention, detection and correction of situations of conflicts of interest that could be posed by the implementation of those funds.

The Plan and its reference documents have been approved by the Governing Council as the supreme body of governance and administration of the Consorcio and they represent the declared will of the CENIEH vis-à-vis fraud, corruption and conflicts of interest, and they set out the principles and values of the CENIEH and the general rules of conduct by which all of its members must abide.

The Plan structures the anti-fraud measures in due proportion and around the four key elements of the so-called "anti-fraud cycle": prevention, detection, correction, and prosecution. It likewise envisages performance by the entity of an assessment of the risk, impact, and likelihood of fraud or corruption in the key processes for implementing specific funds, such as the PRTR or other sources of European financing, and periodic revision of the same, either annually or biennially according to the risk of fraud and, in any case, whenever some act that could constitute fraud or corruption has been detected or there have been significant changes in the procedures or the staff.

Finally, it defines or highlights the following monitoring and control elements:

- a. **Preventive measures** that are appropriate and proportional and matched to the specific situations to reduce the residual risk of fraud or corruption to an acceptable level.
- b. **Detective measures** for fraud and corruption matching the alert signals identified.
- c. **Corrective measures** that are appropriate for when there is a suspected case of fraud or corruption, with clear mechanisms for communicating these suspicions.
- d. **Monitoring processes** for suspected cases of fraud or corruption for assisting diligently with the recovery of EU funds spent fraudulently.
- e. **Tracking procedures** for reviewing the processes, procedures, and controls relating to actual or potential fraud or corruption, and carrying the results to the appropriate review of the risk assessment for fraud or corruption.
- f. **Procedures regarding the prevention and correction of situations of conflicts of interest** pursuant to sections 1 and 2 of article 61 of the EU Financial Regulation<sup>1</sup>. In particular, it makes it mandatory for a DACI to be submitted by all parties participating in PRTR implementation procedures, and the CENIEH extends this to all EU financing, for any potential conflict of interest to be notified to the hierarchical superior, and for the latter to adopt the appropriate decision in each case.

### 3. SCOPE AND PERSONS TO WHICH APPLICABLE.

This CENIEH Anti-Fraud Plan is applicable to:

- 1.- All persons comprising the governing and administrative bodies of the CENIEH, as well as those who, in some other way, acting either individually or as members of a CENIEH body, are authorized to take decisions in the name of the CENIEH or who hold powers of organization and control within the same.

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<sup>1</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of July 18th 2018, on the financial rules applicable to the general budget of the Union.

2.- All other persons who, while subject to the authority of CENIEH management, intervene in the implementation of any Project financed by EU funds, including those of the PRTR.

3.- All natural or legal persons which collaborate in some way with executing the projects receiving European funds, including those in the Next Generation scheme, or in compiling and/or submitting the information required by the competent authorities with regard to the management of the funds.

#### **4. STRUCTURE OF THE ANTI-FRAUD MEASURES PLAN.**

The Plan is structured around the four phases of the so-called "anti-fraud cycle": prevention, detection, correction, and prosecution, and it sets out the meaningful measures and controls provided for each of these phases, to limit the risk of fraud and its effects.

The efficacy of the measures and controls furnished has been defined following work to assess the risk, impact, and probability of fraud in the key processes for managing European funds, including those labeled Next Generation. These measures and controls complement the processes, procedures, and controls already implemented at the CENIEH for the proper execution of projects and expenditure in general, and they turn out to be key to monitoring suspected cases of fraud or corruption and, where applicable, they demonstrate the diligence of the CENIEH due to helping to recover funds spent fraudulently.

Finally, in line with the indications of the Order HFP/1030/2021, the Plan defines effective procedures for preventing and correcting situations of conflicts of interest.

#### **5. SELF-ASSESSMENT BY THE CENIEH.**

In accordance with the obligation imposed by article 6.2 of the Order HFP 1030/2021, shortly before the approval of this document, a self-assessment questionnaire was completed, following the model in Annex II to the cited Order. The outcome of that questionnaire was used as a starting point for compiling this Anti-Fraud Measures Plan.

#### **6. CONTROL MEASURES COMPRISING THE PLAN.**

A total of 10 measures have been identified as part of this Plan:

##### **6.1. GENERIC CONTROL MEASURES**

###### **MG1) Anti-fraud and conflict of interest policy.**

The CENIEH **Anti-fraud and conflict of interest policy**, which is communicated and disseminated internally and externally, is founded upon zero tolerance for corruption, and

it demands setting timebound operational targets for certain milestones or levels of implementation of the different anti-fraud controls and measures it is envisaged the Center should have, in a continuous improvement cycle.

#### MG2) Code of Ethics.

The **CENIEH Code of Ethics** is communicated and disseminated internally and externally as an essential pillar of the anti-fraud measures Plan.

#### MG3) Clear assignment and segregation of duties and responsibilities.

As a public law body, the CENIEH ensures a **clear assignment and segregation of duties and responsibilities in the operation of the different processes and subprocesses** intervening in the implementation of European funds (including the PRTR), as well as for the compilation, approval, implementation, and revision of this anti-fraud Plan and the different elements comprising it, and it is supervised by the Comptroller-General of the State.

#### MG4) Whistleblower channel.

To facilitate submission to the competent authorities of any information about facts that could constitute corruption, fraud, a conflict of interest, or any other irregularity in the execution of projects or operations financed wholly or partly by funds from the European Union, and without prejudice to the possible future provision by the CENIEH of an internal whistleblower channel, the Center will use a specific channel provided by the Servicio Nacional de Coordinación Antifraude so that any persons who become aware of the conducts referred to can report this for the proper actions to be taken in each case, subject to the appropriate requirements: accessible use, guarantees of confidentiality, and correct practices of tracking, investigation and protection of the informant.

The CENIEH has published the **Guide to using and managing the whistleblower channel** which establishes the specific instructions for processing complaints of this type, with special emphasis on protecting the rights of those reported and the confidentiality of those reporting. It is also possible to raise queries about how the channel works on the channel itself, as well as about the procedure following a complaint or what is reportable.

The CENIEH publicizes the existence of this channel internally and externally, and it demands the incorporation of a specific clause about the existence, purpose, and mode of access to the channel, into all tenders and contracts related to projects wholly or partly financed by European funds.

#### **MG5) Conflict of interest management.**

The CENIEH has likewise approved a **Protocol for managing conflicts of interest, which includes two model DACIs** proposed as a specific preventive control.

As part of this measure, specific actions will be implemented for:

- Communication to and training of CENIEH staff. This will be included in the training plan, which is also envisaged as a generic preventive control (MG6).
- Collection and archival of the DACIs duly signed by members of the CENIEH who participate in the hiring and staff selection processes financed by European funds (Next Generation and others), for each of the steps making up these processes, to ensure that they abide expressly by this requirement.

#### **MG6) Reinforcement of the ethical culture.**

This reinforcement will be accomplished through an appropriate **annual training and awareness program** covering corruption, fraud, and conflicts of interest: nurturing ethical values; diligent compliance with the duties set out in article 52 of the Legislative Royal Decree 5/2015, of October 30th, which approves the consolidated text of the Basic Public Employee Charter Act, the Plan and the elements making it up and, in particular, the principles, rules of behavior, procedures, protocols, and controls in place for the prevention, detection, and correction of fraud, corruption, and conflicts of interest.

The training plan will foster the acquisition and transfer of knowledge about identifying and assessing risks, establishing specific controls, how to act if fraud is detected, practical case studies, etc. These training actions shall be directed at all levels of the Center hierarchy, including meetings, seminars, workgroups, etc.

#### **MG7) Specific body for tracking the anti-fraud measures Plan.**

A **Fraud Control Committee** has been created within the CENIEH with the following formal responsibilities, to ensure that the Plan is properly implemented, executed, and managed, and undergoes continuous improvement:

- a. Monitor the implementation process for the measures that have been approved to prevent fraud, corruption, and conflicts of interest.
- b. Compile a report for the Governing Council, either annually or upon request, on the implementation or supervision of the Plan.
- c. Ensure dissemination of the principles and values set out in the CENIEH Code of Ethics.

- d. Disseminate awareness of the Code of Ethics, the anti-fraud Policy and the CENIEH commitment to integrity and the fight against corruption, as well as the Protocol for managing conflicts of interest.
- e. Communicate the Code of Ethics, the anti-fraud Policy and the Policy on conflicts of interest to external third parties and stakeholders.
- f. Propose any modifications to the Plan and its associated documents.
- g. Propose a communication and training plan for the anti-fraud measures Plan to Management, and execute the communication and training plan.
- h. Establish and maintain appropriate procedures for leaders in the different CENIEH areas involved in the projects receiving European funds can meet the following objectives:
  - Know the risks of fraud and corruption and the preventive measures and controls which minimize these, in the proposal and/or execution phases of projects and/or settlement and accountability phases for the funds involved.
  - Supervise compliance with the controls and measures devised to avert and mitigate the risks of fraud or corruption related to those funds.
- i. Agree to the launch of internal investigations when there is suspicion of actions that could constitute fraud, corruption, or irregularities in implementing projects financed with European funds, to designate an investigator and propose resolutions of these investigations to Management.

The members of this Committee will be appointed by a Resolution by CENIEH Management for a minimum of three years, and it shall consist of at least three CENIEH staff members who perform tasks and duties in the spheres of management, finance, and/or legal affairs.

When it so sees fit, the Fraud Control Committee may avail of external advice from independent experts, as well as the appropriate investigations of fraud and irregularities, expert reports, etc.

#### **MG8) Protocol for action when there is suspicion of fraud.**

The **Protocol for action when there is suspicion of fraud and disciplinary regime** is devised to be an instrument appropriate for the prosecution of fraudulent or corrupt conducts or irregularities in the management or implementation of European funds, or those that could pose risks to the ethical principles and values declared in the Code of Ethics or compliance with the measures and controls implemented to avert or minimize the risks of fraud and corruption. The Protocol establishes the investigation procedure, separating the



investigation phase from the resolution phase, and incorporating the preventive measures that could be adopted.

#### **MG9) Disciplinary regime.**

The disciplinary regime of the CENIEH included in the Protocol cited in the preceding measures refers to the disciplinary regime established in the Center's own Collective Agreement as well as the specific development accomplished in that Protocol. For any points not regulated therein, the disciplinary regime regulated in the Legislative Royal Decree 5/2015, of October 30th, which approves the consolidated text of the Basic Public Employee Charter Act, and the rules set out by the law on the Civil Service developing that Charter, shall be applicable. For all matters not envisaged in the Center's own Collective Agreement or in the Basic Public Employee Charter Act, labor law shall prevail.

In accordance with the regulations cited above, the CENIEH, as a public body, shall punish infringements committed in the course of their duties and responsibilities by the staff in its service, without prejudice to any liability for damages or criminal offenses that could arise out of such infringements.

The disciplinary power shall be executed in accordance with the principles of legality and classification of infringements and penalties: nonretroactivity for punitive measures that are unfavorable (and retroactivity for the favorable ones); proportionality; culpability and the presumption of innocence.

When the investigation in a disciplinary procedure brings to light plausible indications of criminality, the procedure will be suspended and a report made to the public prosecutor.

In accordance with what has been said, one of the manifestations of the principle of legality is the regulation of the disciplinary procedure, with regard to the rights and guarantees for those thought to be responsible and, with due justification, the possibility of adopting provisional measures, such as the precautionary suspension of the administrative process, and with the due separation of the phases of investigation and resolution, the competences for which should be attributed to different bodies. All of the foregoing should be understood without prejudice to the principles of efficacy, rapidity, and procedural economy which underlie the regulatory structure of that procedure.

#### **MG10) Risk and control matrix.**

The CENIEH has compiled a **Risk and control matrix** that comprises an initial evaluation and monitoring of the level of risk and compliance for the specific controls established to mitigate the cited risks of fraud, corruption, or conflicts of interest.

Its purpose is to appraise the initial probability or percentage probability that the cited risks will appear, by identifying a sequence of flags that would suggest that the specific risk has

materialized in the different processes, subprocesses, or activities of the projects being funded.

It is also responsible for “ex post” control; in other words, a posterior evaluation during or after execution of the project financed, so that the flags that might have materialized can be detected.

## 6.2. SPECIFIC CONTROL MEASURES IMPOSED BY THE ORDER HFP 1030/2021.

A series of risks of fraud, corruption, and conflict of interest are specified in the risk and control matrix, affecting either the project preparation and submission phases or the execution of those projects, as are the specific controls propounded for mitigating the risk coefficient.

The following specific measure is defined to accredit the proper implementation and execution of these controls, set out in the matrix designed:

Documentary justification for all operations linked to the implementation of the funds financed by the PRTR or other sources of European financing. Preference must be given to this in the operational system used for managing the funds. Likewise, the following are envisaged as specific documentary evidence of the controls in this phase: the books of accounts, and the IT applications used by the CENIEH to document income and expenditure.

In particular, each administrative file must contain all the pertinent administrative actions, in full and methodically, and also include proper justification of the corresponding controls.

Ensuring documentary justification for the controls in place to avert or mitigate the risk of fraud, corruption, or conflicts of interest is ultimately the responsibility of the Fraud Control Committee.

## 7. REFERENCE DOCUMENTS.

The documents associated to this Anti-Fraud Measures Plan are as follows:

- Anti-fraud and conflict of interest policy.
- Code of Ethics.
- Protocol for managing conflicts of interest.
- Protocol for action when there is suspicion of fraud and disciplinary regime.
- Guide to using and managing the whistleblower channel.
- Risk and control matrix.



## 8. VERSION HISTORY

<i>Version</i>	<i>Changes</i>
1	First edition