

ANNEX VI

MODEL TERMS OF REFERENCE FOR THE CERTIFICATE ON THE FINANCIAL STATEMENTS

1. OBJECTIVE

The main purpose of an audit is to provide verification of expenditure and assurance on the eligibility of the costs declared by a beneficiary under a grant agreement. Assurance is related to compliance with the terms and conditions of the grant agreement and its annexes, and should take into account sound financial management and the principles of economy, efficiency and effectiveness.

As specified in article I.4.4 of the Grant Agreement, a certificate on the financial statements and underlying accounts (hereinafter referred to as “**audit certificate**”) should be submitted.

This audit certificate shall be produced by an external certified auditor. In case of national governmental organisations and authorities, local governments or other public bodies of the EU Member States the certificate can be produced by a competent and independent public officer or an audit authority approved in the process of verification of national management and control systems for the Solidarity Funds or for AMIF/ISF.

It shall certify that the costs declared in the interim or final financial statement by the beneficiary concerned for the categories of costs reimbursed in accordance with Article I.3.2(a)(i) are real, accurately recorded and eligible in accordance with the grant agreement. In addition, for the payment of the balance, it shall certify that all the receipts referred to in Article II.25.3 have been declared.

2. ESSENTIAL DOCUMENTS

In addition to the supporting documents needed to perform the audit, the following documents serve as a basis (the list is not exhaustive):

- grant agreement signed between the beneficiary and the Commission and its annexes;
- any amendments made to the grant agreement;
- the call for proposals under which the action was selected for funding (not applicable in case of grants awarded directly to an organisation without a call for proposals), including the guide for applicants;
- the present guidance note.

3. ELIGIBILITY OF EXPENDITURE

General

The auditor should perform financial checks to ensure that the costs claimed are in line with the terms and conditions of the grant agreement (and its amendments – if applicable) and assess whether:

- the financial contribution from the European Commission was used exclusively for the purposes described in the application for a grant;

- expenditure is acceptable and plausible taking into account the context and project activities (is expenditure included in the budget estimate of the project?);
- expenditure has been incurred by the beneficiary during the implementation period of the project as defined in the grant agreement (and its amendments – if applicable);
- expenditure is recorded in the accounts of the beneficiary and is identifiable, verifiable and substantiated by originals of supporting evidence;
- expenditure excludes non-eligible costs as defined in grant agreement (and its amendments – if applicable);
- adequate measures were taken to prevent multiple financing;
- the grant did not generate a profit for the beneficiary;
- the beneficiary's management of the grant complied with the principles of sound financial management, economy and efficiency.

Conformity of expenditure with the budget and analytical review

The auditor should carry out an analytical review of the expenditure and verify that:

- the list of expenditure presented in the financial statement corresponds to the budget estimate of the project (authenticity and authorisation of the initial budget) and that reported expenditure was foreseen in the budget;
- the total amount of expenditure does not exceed any maxima laid down in the grant agreement;
- any changes to the budget of the action comply with the terms and conditions for such amendments.

Accuracy, recording and classification

The auditor should verify that the expenditure for a transaction is properly classified under the headings of the financial statements, is accurately and properly recorded in the beneficiary's accounting system, is supported by appropriate evidence and documents and is properly valued (e.g. use of correct exchange rates).

Reality (occurrence / existence)

The auditor should:

- obtain sufficient appropriate audit evidence as to whether the expenditure has occurred (reality of the expenditure);
- verify the reality of the expenditure for a transaction or action by examining proof of work done, goods received or services rendered on a timely basis, at agreed quality and prices or costs.

4. TYPES OF EXPENDITURE AND INCOME

Staff

The auditor should review direct salary charges to determine whether salary rates are reasonable for the position concerned, are in accordance with relevant rules of the beneficiary's human resources policies (i.e. employment contracts and other conditions), are supported by appropriate payroll records/timesheets and in accordance with the terms and

conditions of the grant agreement. The review should also cover salary related components such as overtime, allowances and fringe benefits received by employees. Staff costs including the salary costs of personnel of national administrations are eligible to the extent that they relate to the cost of activities which the relevant public authority would not carry out if the projects concerned were not undertaken.

Travel and subsistence

The auditor should review travel and subsistence costs to determine whether they are adequately supported and whether subsistence costs are in line with the beneficiary's usual practices (if they exist).

Equipment

The auditor should review purchase costs of equipment (new or second-hand) to determine whether they are written off in accordance with the tax and accounting rules applicable to the beneficiary and generally accepted for items of the same kind.

If applicable according to the special conditions of the grant agreement, such costs are eligible for co-financing/financing on the basis of the full cost of the purchase, subject the following conditions:

- either the total cost of the individual equipment piece is less than EUR 2.000 or,
- if higher, the cost is listed in Annex III.
- the equipment shall continue to be used for the same objectives pursued by the project, after the project has ended, for the minimum duration of:
 - three years or more for Information and Communication Technology (ICT) equipment;
 - five years or more for other types of equipment such as operating equipment and means of transport.

Outside these cases, depreciation will apply.

The auditor should review whether costs for day-to-day administrative equipment (such as PC, printer, laptop, fax, copier, phone, cabling, etc.) are not included under the eligible direct costs, as they should be considered as indirect costs, if not duly justified.

Consumables

The auditor should review whether the costs of consumables and supplies are identifiable and exclusively used for the purpose of the action. They must be identifiable as such in the accounts of the beneficiary, unless included in the indirect costs.

Other direct costs

The auditor should review whether costs charged to this heading meet the general criteria for eligible costs. In case the costs relate to work subcontracted to another legal entity, they should comply with the rules concerning the award of contracts necessary for the implementation of the action, as specified in article II.10 of the grant agreement and the guide for applicants.

Indirect costs

The auditor should review allocation methods to determine that it complies with the terms and conditions of the grant agreement and that it does not exceed the maximum percentage of the total eligible direct costs, as specified in the grant agreement. Indirect costs, presented as a flat rate should not be subject to ex-post verification.

Income

The auditor should review whether income for the project (including grants and funding received from other donors, revenue generated by the action) has been added to the project funds in accordance with the terms and conditions of the grant agreement, criteria for accuracy, recording, completeness (including proper allocation of income attributable to various activities) and disclosure of income in the financial statements.

5. FINANCIAL FINDINGS

Findings relating to ineligible expenditure and to the non-reporting of income should be classified as financial findings as there is a direct financial impact resulting in a recovery or a potential recovery of funds by the Commission. The auditor should report all financial findings that have been identified during the audit no matter whether these findings have a material impact i.e. no matter whether the findings affect his/her opinion.

The following split enables a structured approach to potential recoveries and follow-up with the beneficiary:

- **Financial finding (clear-cut):** This refers to clear-cut financial findings. For example: the auditor has identified ineligible expenditure because this expenditure does not comply with the criteria of the terms and conditions of the grant agreement, is not project related or not properly documented.
- **Financial finding subject to the further consideration of the Commission:** This refers to financial findings concerning questioned expenditure (or income) where the auditor is not entirely sure that the financial item concerned involves an ineligible expenditure and further consideration by the Commission is required to determine whether recovery is appropriate.

Compliance with the terms and conditions of the grant agreement is a fundamental aspect of funded projects. It is important for the Commission services to know and understand the causes of the financial findings in order to be able to take appropriate measures where necessary and possible. Such measures may for example involve clarifications or changes in the terms and conditions of the grant agreement. Thus, the auditor should indicate for each financial finding whether it is related to one of the following compliance issues:

Budget lines	Reasons for ineligibility	Amounts (EUR)
[can be relevant for all or most budget headings – include within relevant budget	Costs without supporting documents	
	Insufficient or inadequate supporting documentation	
	No evidence or insufficient evidence of payment	

line as applicable]	Not identifiable and verifiable in the beneficiary's accounting records	
	Incorrect amount included in financial report	
	Incurred outside agreed project implementation period	
	Not project related (i.e. staff not involved in project or not related to a project activity)	
	Not project specific cost (i.e. cost is real, paid but not reasonably identifiable as specific to the project)	
	Cost not envisaged in the grant agreement (i.e. activity, cost or staff member/role is directly related to project objectives but not specifically approved in the agreement or amendments/ side letters)	
	Value added tax which can be reclaimed or ineligible according to the grant agreement	
	Incorrect exchange rate when translating into Euro for reporting purposes	
	Cost not value for money (i.e. cost is substantially in excess of budget or market rate with no reasonable explanation)	
	Other – [set out finding]	
Staff costs	Not actual salary and statutory employment costs	
	Cost of public servants not eligible per programme guidelines	
Travel and subsistence	No evidence that travel occurred (i.e. no copy of flight or rail tickets / boarding passes, signed attendance list, or hotel and local travel costs)	
	Accommodation, travel and subsistence costs are NOT in line with the beneficiary's usual practices (if they exist)	
Equipment	Procurement procedure not following public procurement rules and/or not ensuring best value for money and avoiding conflict of interests	
	Equipment charged in full but conditions were not respected	
	Depreciation charge not in accordance with guidelines	
Consumables and supplies	Procurement procedure not followed	
Other direct costs	Community funding not publicised	
	Procurement procedure not followed	
Indirect costs	Adjustment to overhead cost claim due to above findings	
Total		

Note 1: Financial findings related to ineligible expenditure mostly concern one-off errors (i.e. the error is clearly incidental) of non-compliance with the terms and conditions of the grant agreement. As regards income not declared / not reported this concerns one-off errors where the beneficiary has not declared project related income that should have been reported in accordance with the terms and conditions of the grant agreement.

Note 2: if a financial finding is caused by an intentional irregularity the finding should be categorised as 'ineligible expenditure – irregularities and/or suspected fraud'.

6. FORM AND LANGUAGE OF THE REPORT

The audit report should be prepared in English and follow the structure provided in the template forming an inherent part of Annex VI.

MODEL FOR A CERTIFICATE ON THE FINANCIAL STATEMENTS AND UNDERLYING ACCOUNTS (“AUDIT CERTIFICATE”)

Year/Grant agreement No.	
Full name of the grant beneficiary concerned	

[legal name of the audit company], established in *[full address/city/country]* represented for signature of this audit certificate by *[name and function of an authorised representative]*, hereby certify that:

- We have conducted an audit relating to the costs declared in the Financial Statements of the Final Report of *[name of beneficiary]*, hereinafter referred to as beneficiary, to which this audit certificate is attached;
- We have undertaken this audit in accordance with the following International Standards / Codes of Ethics:

- This audit was performed following the below-mentioned procedure (e.g. date, number of days, persons involved, number of documents sampled, etc.):

- This audit took into account the following sources of information:

- The total expenditure which is the subject of this expenditure verification amounts to €<xxxxxx>. The Expenditure Coverage Ratio is <xx%>. This ratio represents the total amount of expenditure verified by us, expressed as a percentage of the total expenditure which is the subject of this expenditure verification. The latter amount is equal to the total amount of expenditure reported in the financial statements.
- In the course of our audit, we have made the following financial findings *[Describe factual findings and specify errors and exceptions. If there are no factual findings, this should be explicitly stated.]*:

- We confirm that our audit was carried out in accordance with the above-mentioned auditing standards respecting ethical rules and on the basis of the relevant provisions of the above referred grant agreement and its annexes. The above mentioned financial statements were examined and all tests of the supporting documentation and accounting records deemed necessary were carried out in order to obtain reasonable assurance that, in our opinion, based on our audit:

<input type="checkbox"/>	All the costs are eligible and directly connected with the subject of the agreement as provided for in the estimated budget annexed to it; <i>Observations:</i>
<input type="checkbox"/>	They are generated during the period of eligibility for European Union funding, specified in the grant agreement; <i>Observations:</i>
<input type="checkbox"/>	They are reasonable, justified and comply with the principles of sound financial management, in particular, in terms of value for money and cost-effectiveness; <i>Observations:</i>
<input type="checkbox"/>	They are actually incurred by the beneficiary and recorded in its accounts in accordance with generally accepted accounting principles; <i>Observations:</i>
<input type="checkbox"/>	They are declared in accordance with the requirements of the applicable tax and social legislation; <i>Observations:</i>
<input type="checkbox"/>	They are identifiable and verifiable and are backed up by original supporting documents; <i>Observations:</i>
<input type="checkbox"/>	They are declared in accordance with the rules governing the eligibility of VAT; <i>Observations:</i>
<input type="checkbox"/>	Travel and subsistence costs are in line with the beneficiary's usual practices on travel costs or are based on actual costs incurred; <i>Observations:</i>
<input type="checkbox"/>	The purchase of equipment and/or services is performed in accordance with the tendering, tax and accounting rules applicable to the beneficiary. The rules related to depreciation, applicable for equipment purchased using the European Union funding, are observed; <i>Observations:</i>
<input type="checkbox"/>	Euro exchange rates, as specified in the grant agreement, were applied; <i>Observations:</i>
<input type="checkbox"/>	The grant provided to the beneficiary did not generate profit; <i>Observations:</i>
	Any other observations/comments:.....

Signature of the auditor