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EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND  
TECHNOLOGY

Digital Society, Trust and Cybersecurity  
eHealth, Well-Being & Ageing

CONDITIONS FOR AWARDING GRANTS  
WITHOUT A CALL FOR PROPOSAL –  
ACTIVATION OF EMERGENCY SUPPORT  
INSTRUMENT IN RESPONSE TO THE COVID-19  
PANDEMIC

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### 1. INTRODUCTION – BACKGROUND

Council Regulation (EU) 2020/521 of 14 April 2020 activating the emergency support under Regulation (EU) 2016/369 (“Emergency Support Instrument” or “ESI”), and amending its

provisions taking into account the COVID-19 outbreak, was designed to give rapid and

flexible assistance to the Member States in the current exceptional circumstances in response to the COVID-19 emergency.

Commission Decision C(2020)2794 final of 24 April 2020 on the financing of Emergency Support Instrument under Council Regulation (EU) 2016/369 (“Financing Decision for 2020”) ensures the implementation of the Emergency Support Instrument.

In particular, it establishes that grants may be awarded without a call for proposals, in accordance with the conditions set out in its Annex.

On 8 April 2020, the Commission adopted a Commission Recommendation on a common Union toolbox for the use of technology and data to combat and exit from the COVID-19 crisis, in particular concerning mobile applications and the use of anonymised mobility data.

Member States in the eHealth Network, with the support of the Commission, have recently agreed on a set of technical specifications to ensure a safe exchange of information between contact tracing apps<sup>1</sup> based on a decentralised architecture.

The agreement builds on the recently adopted guidelines for interoperability, as well as on the EU toolbox for contact tracing apps and the Commission Guidance on data protection.

To support further streamlining of the system, the Commission is setting up a gateway service (subsequently referred to as European federation gateway service, EFGS), an interface to support the exchange of data between national apps with similar architectural approaches and based on technical specifications agreed by participating Member States. This solution will help citizens traveling abroad (in countries participating in the scheme) to be alerted if they have been exposed to a user who tested positive for COVID-19 in a country they visited. This solution will also help citizens that may have been exposed to a citizen using a different app (e.g. visiting citizen) who has tested positive for COVID-19.

### 2. OBJECTIVE(S) – THEME(S) – PRIORITIES

The aim of this action is to support Member States that have deployed a national digital contact tracing app to connect to EFGS thus ensuring the interoperability of the contact tracing apps at the benefit of citizens and businesses facilitating travel across EU, whilst controlling the spread of the virus.

<sup>1</sup> Tracing apps aim at warning people who have been in contact with confirmed infected persons and help prevent the wider spread of the virus.

In particular, the aim of the action is to facilitate, where needed, the adaptation of national contact tracing app and backend solutions to join the EFGS.

### 3. TIMETABLE

	Steps	Date and time or indicative period
(a)	Invitation to submit applications (earliest submission)	<i>07/09/2020</i>
(b)	<b>Deadline for submitting applications</b>	<i>12/10/2020 – 17:00 Luxembourg time</i>
(c)	Evaluation period	<i>October 2020</i>
(d)	Information to applicants	<i>November 2020</i>
(e)	Signature of grant agreement(s)	<i>December 2020</i>

The proposed maximum duration of the project is 6 months.

The grant can be awarded for past or future actions. Actions cannot start before 23 July 2020.

### 4. BUDGET AVAILABLE

The total budget earmarked for the co-financing of projects under the action is estimated at 5.1.2a

The maximum grant will be EUR 5.1.2a

The Commission reserves the right not to distribute all the funds available.

### 5. ADMISSIBILITY REQUIREMENTS

In order to be admissible, applications must be:

- submitted to the Commission in writing, on paper, in one (1) original clearly identified as such and one (1) copy, accompanied by an electronic copy in USB key (see section 14);
- submitted by the deadline for submitting applications referred to in section 3 by registered post, courier service, or hand-delivery (proposals submitted by fax or email will not be accepted);
- complete, i.e. must include all parts of the Grant application form available in annex; drafted in one of the EU official languages; if the application is submitted in another language than English, please provide at least a summary of the action in English;
- duly signed by the applicant(s).

Failure to comply with any of these requirements will lead to rejection of the application.

## 6. ELIGIBILITY CRITERIA

### 6.1. Eligible applicants

Proposals may be submitted by any of the following applicants:

- Entities, national authorities, or consortia, endorsed by the Ministry of Health in Member States, or the competent national public health authority, for the provision of an approved national contact tracing app or for ensuring cross-border interoperability of an approved national contact tracing app.
- non-profit organisation (private or public);
- public authorities (national, regional, local);
- profit making entities;
- natural persons.

Please be aware that following the entry into force of the EU-UK Withdrawal Agreement<sup>2</sup> on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union are to be understood as including natural or legal persons residing or established in the United Kingdom. UK residents and entities are therefore eligible to participate under this call.

Applicants will need to be registered in ABAC, the accounting system of the European Commission. It is possible to apply to be registered in ABAC via a link provided in the Grant application form.

#### **Country of establishment**

Only applications from legal entities established in the following countries are eligible:

- EU Member States;
- The United Kingdom during the transition period under the Withdrawal Agreement (until 31 December 2020);
- EEA countries: Iceland, Liechtenstein, Norway.

#### **Consortium requirements (does not apply to single entities)**

- In order to be eligible, a proposal must be submitted by a consortium composed of at least *1 (one)* legal entity;

The application shall be submitted by one applicant, whether established specifically or not for the action, on behalf of the consortium; the consortium may consist of several legal entities, all of which must comply with the eligibility, non-exclusion and selection criteria set out in this call for proposals, and must implement together the proposed actions; and the application identifies the said entities.

For the purpose of declaring eligible costs as specified under section 11.3, the entities composing the applicant shall be treated as affiliated entities in accordance with Article 187 of the Financial Regulation.

<sup>2</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

### **Supporting documents**

In order to assess the applicants' eligibility, the following supporting documents are requested:

- Endorsement statement from the Ministry of Health in Member States, or the competent national public health authority, or the national member of the eHealth network (see Grant application form) ;
- letter of commitment from the applicant to use the EFGS for the purpose of exchanging information with other Member States in the context of contact tracing apps;
- plan and budget describing activities for the connection of the approved national contact tracing app to the EFGS, including (expected) date to start using the EFGS;
- for the applicant, and each of the members in the consortium (if relevant):
  - **For private entities that are applicants and/or part of a consortium:** extract from the official journal, copy of articles of association, extract of trade or association register, certificate of liability to VAT (if, as in certain countries, the trade register number and VAT number are identical, only one of these documents is required);
  - **For public entities that are applicants and/or part of a consortium:** copy of the resolution, decision or other official document establishing the public-law entity;
  - **For natural persons that are part of a consortium:** photocopy of identity card and/or passport; certificate of liability to VAT, if applicable (e.g. some self-employed persons).
- **For entities without legal personality that are part of a consortium:** documents providing evidence that their representative(s) have the capacity to undertake legal obligations on their behalf.

### **6.2. Eligible activities**

The following types of activities are eligible under this call for proposals:

- Connection of a contact tracing app to the EFGS within the EU/EEA;
- software development activities for the adaptation or extension of a national backend server of a contact tracing app, or of the contract tracing app itself, to fulfil the requirements of the EFGS, for the purpose of exchanging contact tracing keys (and other relevant information), across national borders, with other national backend servers belonging the EU or the EEA;
- preparation, testing, deployment and supporting activities for the connection of a national backend server of a contact tracing app to the EFGS, for the purpose of exchanging contact tracing keys, across national borders, with other national backend servers belonging the EU or the EEA;
- activities related to risk assessments and security plans for the national interfaces with the EFGS; and
- communication activities to raise population awareness of cross-border interoperability of contact tracing apps enabled by the EFGS.

### **6.3 Implementation period**

- the indicative maximum duration of projects is 6 months;
- The grant can be awarded for past or future actions. Actions cannot start before 23 July 2020.

## **7. EXCLUSION CRITERIA**

### **7.1. Exclusion**

The authorising officer shall exclude an applicant from participating in call for proposals procedures where:

- (a) the applicant is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended, or it is in any analogous situation arising from a similar procedure provided for under EU or national laws or regulations;
- (b) it has been established by a final judgment or a final administrative decision that the applicant is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
- (c) it has been established by a final judgment or a final administrative decision that the applicant is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the applicant belongs, or by having engaged in any wrongful intent or gross negligence, including, in particular, any of the following:
  - (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the performance of a contract, a grant agreement or a grant decision;
  - (ii) entering into agreement with other applicants with the aim of distorting competition;
  - (iii) violating intellectual property rights;
  - (iv) attempting to influence the decision-making process of the Commission during the award procedure;
  - (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- (d) it has been established by a final judgment that the applicant is guilty of any of the following:
  - (i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;
  - (ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, or conduct referred to in

- Article 2(1) of Council Framework Decision 2003/568/JHA, or corruption as defined in the applicable law;
- (iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;
  - (iv) money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;
  - (v) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
  - (vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;
- (e) the applicant has shown significant deficiencies in complying with main obligations in the performance of a contract, a grant agreement or a grant decision financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an authorising officer, OLAF or the Court of Auditors;
  - (f) it has been established by a final judgment or final administrative decision that the applicant has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;
  - (g) It has been established by a final judgement or final administrative decision that the applicant has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations of mandatory application in the jurisdiction of its registered office, central administration or principal place of business;
  - (h) it has been established by a final judgement or final administrative decision that an entity has been created with the intent referred to in point (g);
  - (i) for the situations referred to in points (c) to (h) above, the applicant is subject to:
    - (i) facts established in the context of audits or investigations carried out by European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office or the internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
    - (ii) non-final judgments or non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
    - (iii) facts referred to in decisions of persons or entities being entrusted with EU budget implementation tasks;
    - (iv) information transmitted by Member States implementing Union funds;
    - (v) decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law; or

- (vi) decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

## **7.2. Remedial measures**

If an applicant declares one of the situations of exclusion listed above (see section 7.4), it must indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to correct the conduct and prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to the declaration. This does not apply for situations referred in point (d) of section 7.1.

## **7.3. Rejection from the call for proposals**

The authorising officer shall not award a grant to an applicant who:

- (a) is in an exclusion situation established in accordance with section 7.1; or
- (b) has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information; or
- (c) was previously involved in the preparation of documents used in the award procedure where this entails a breach of the principle of equal treatment, including distortion of competition, that cannot be remedied otherwise.

Administrative sanctions (exclusion) may be imposed on applicants, if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

## **7.4. Supporting documents**

Applicants must provide a “blue ink” signed declaration on their honour certifying that they are not in one of the situations referred to in Articles 136(1) and 141 FR, by filling in the relevant form attached to the application form accompanying the call for proposals.

This obligation may be fulfilled in one of the following ways:

- (i) the coordinator of a consortium signs a declaration on behalf of all applicants; OR
- (ii) each applicant in the consortium signs a declaration in its name; OR
- (iii) each applicant in the consortium sign a separate declaration in their own name.

## **8. SELECTION CRITERIA**

### **8.1. Financial capacity**

The verification of financial capacity shall not apply to applicants which are public bodies, including Member State organisations.

Other applicants must have stable and sufficient sources of funding to maintain their activity throughout the duration of the grant and to participate in its funding. The applicants' financial capacity will be assessed on the basis of the following supporting documents to be submitted with the application:

- a) Low value grants ( $\leq$  EUR 5.1.2a)
  - a declaration on their honour.

- b) Grants > EUR 5.1.2a
- a declaration on their honour, and
  - the profit and loss account as well as the balance sheet for the last two financial year[s] for which the accounts were closed;
  - for newly created entities: the business plan might replace the above documents;

On the basis of the documents submitted, if the Commission considers that financial capacity is weak, s/he may:

- request further information;
- decide not to give pre-financing;
- decide to give pre-financing paid in instalments;
- decide to give pre-financing covered by a bank guarantee (see section 11.4 below);
- where applicable, require the joint and several financial liability of all the co-beneficiaries.

If the RAO considered that the financial capacity is insufficient s/he will reject the application.

## 8.2. Operational capacity

Applicants must have the professional competencies as well as appropriate qualifications necessary to complete the proposed action. In this respect, applicants have to submit a declaration on their honour, and the following supporting documents

- description of the organisation, and profile of the people primarily responsible for managing and implementing the operation.

## 9. AWARD CRITERIA

Eligible applications/projects must fulfil all of the following conditions:

- be specific to eligible activities referred to in section 6.2
- be consistent with sound financial management<sup>3</sup>;
- have not received any other EU funding for the specific activities of adapting the backend server to connect to EFGS as specified in section 6.2.

<sup>3</sup> As defined in the Financial Regulation, Article 2 (59): “‘sound financial management’ means implementation of the budget in accordance with the principles of economy, efficiency and effectiveness”.

## 10. LEGAL COMMITMENTS

In the event of a grant awarded by the Commission, a grant agreement drawn up in euro and detailing the conditions and level of funding, will be sent to the applicant, as well as the information on the procedure to formalise the agreement of the parties.

Two copies of the original agreement must be signed first by the legal representative<sup>4</sup> (person authorised to sign the agreement) of the coordinator on behalf of the consortium and returned to the Commission immediately. The Commission will sign it last.

## 11. FINANCIAL PROVISIONS

### 11.1. Forms of the grant

#### 11.1.1 Reimbursement of costs actually incurred

The grant will be defined by applying a maximum co-financing rate of 100% to the eligible costs actually incurred and declared by the beneficiary.

The maximum grant will be 5.1.2a EUR.

### 11.2. Eligible costs

Eligible costs shall meet all the following criteria:

- they are incurred by the beneficiary;
- they are incurred during the duration of the action, with the exception of costs relating to final reports; they are indicated in the estimated budget of the action;
- they are necessary for the implementation of the action which is the subject of the grant;
- they are identifiable and verifiable, in particular being recorded in the accounting records of the beneficiary and determined according to the applicable accounting standards of the country where the beneficiary is established and according to the usual cost accounting practices of the beneficiary;
- they comply with the requirements of applicable tax and social legislation;
- they are reasonable, justified, and comply with the principle of sound financial management, in particular regarding economy and efficiency.

The beneficiary's internal accounting and auditing procedures must permit direct reconciliation of the costs and revenue declared in respect of the action/project with the corresponding accounting statements and supporting documents.

Eligible costs may be direct or indirect.

#### 11.2.1. Eligible direct costs

The eligible direct costs for the action are those costs which:

**with due regard to the conditions of eligibility set out above**, are identifiable as specific costs directly linked to the performance of the action and which can therefore be booked to it directly, such as:

<sup>4</sup> The Commission reserves the right to ask the proof of appointment

- (a) *the costs of personnel working under an employment contract with the beneficiary or an equivalent appointing act and assigned to the action, provided that these costs are in line with the beneficiary's usual policy on remuneration.*

*Those costs include actual salaries plus social security contributions and other statutory costs included in the remuneration. They may also comprise additional remunerations, including payments on the basis of supplementary contracts regardless of the nature of those contracts, provided that they are paid in a consistent manner whenever the same kind of work or expertise is required, independently from the source of funding used;*

*The costs of natural persons working under a contract with the beneficiary other than an employment contract or who are seconded to the beneficiary by a third party against payment may also be included under such personnel costs, provided that the following conditions are fulfilled:*

- (i) the person works under conditions similar to those of an employee (in particular regarding the way the work is organised, the tasks that are performed and the premises where they are performed);*
- (ii) the result of the work belongs to the beneficiary (unless exceptionally agreed otherwise); and*
- (iii) the costs are not significantly different from the costs of staff performing similar tasks under an employment contract with the beneficiary.*

The recommended methods for the calculation of direct personnel costs are provided in Appendix.

- (b) *costs of travel and related subsistence allowances, provided that these costs are in line with the beneficiary's usual practices on travel;*
- (c) *the depreciation costs of equipment or other assets (new or second-hand) as recorded in the beneficiary's accounting statements, provided that the asset:*
- (i) is written off in accordance with the international accounting standards and the beneficiary's usual accounting practices; and*
  - (ii) has been purchased in accordance with the rules on implementation contracts laid down in the grant agreement, if the purchase occurred within the implementation period;*

*The costs of renting or leasing equipment or other assets are also eligible, provided that these costs do not exceed the depreciation costs of similar equipment or assets and are exclusive of any finance fee;*

*Only the portion of the equipment's depreciation, rental or lease costs corresponding to the implementation period and the rate of actual use for the purposes of the action may be taken into account when determining the eligible costs. By way of exception, the full cost of purchase of equipment may be eligible under the Special Conditions, if this is justified by the nature of the action and the context of the use of the equipment or assets;*

- (d) *costs of consumables and supplies, provided that they:*

- (i) are purchased in accordance with the rules on implementation contracts laid down in the grant agreement; and*
- (ii) are directly assigned to the action;*
- (e) costs arising directly from requirements imposed by the Agreement (dissemination of information, specific evaluation of the action, audits, translations, reproduction), including the costs of requested financial guarantees, provided that the corresponding services are purchased in accordance with the rules on implementation contracts laid down in the grant agreement;*
- (f) costs derived from subcontracts, provided that specific conditions on subcontracting as laid down in the grant agreement are met;*
- (g) costs of financial support to third parties, provided that the conditions laid down in the grant agreement are met;*
- (h) duties, taxes and charges paid by the beneficiary, notably value added tax (VAT), provided that they are included in eligible direct costs, and unless specified otherwise in the grant agreement.*

**Please be aware that eligibility also needs to comply with what is set out in section 6.2 and 6.3.**

#### **11.2.2. Eligible indirect costs (overheads)**

Indirect costs are costs that are not directly linked to the action implementation and therefore cannot be attributed directly to it.

A flat-rate amount of 7 % of the total eligible direct costs of the action, is eligible as indirect costs, representing the beneficiary's general administrative costs, which can be regarded as chargeable to the action/project.

Indirect costs may not include costs entered under another budget heading.

#### **11.3. Ineligible costs**

The following items are not considered as eligible costs:

- a) return on capital and dividends paid by a beneficiary;
- b) debt and debt service charges;
- c) provisions for losses or debts;
- d) interest owed;
- e) doubtful debts;
- f) exchange losses;
- g) costs of transfers from the Commission charged by the bank of a beneficiary;
- h) costs declared by the beneficiary under another action receiving a grant financed from the Union budget. Such grants include grants awarded by a Member State and financed from the Union budget and grants awarded by bodies other than the Commission for the purpose of implementing the Union budget. In particular,

beneficiaries receiving an operating grant financed by the EU or Euratom budget cannot declare indirect costs for the period(s) covered by the operating grant, unless they can demonstrate that the operating grant does not cover any costs of the action.

- i) contributions in kind from third parties;
- j) excessive or reckless expenditure;
- k) deductible VAT.

#### 11.4. Eligible costs that may be covered by the single lump sum

Not applicable

#### 11.5. Balanced budget

The estimated budget of the action must be attached to the application form. It must have revenue and expenditure in balance.

The budget must be drawn up in euros.

Applicants for whom costs will not be incurred in euros should use the exchange rate published on the Infor-euro website available at:

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/inforeuro/inforeuro\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm)

#### 11.6. Calculation of the final grant amount

The final amount of the grant is calculated by the Commission at the time of the payment of the balance. For more details see Article. II.25 of the grant agreement.

#### 11.7. Reporting and payment arrangements

##### 11.7.1 Payment arrangements

The beneficiary may request the following payments provided that the conditions of the grant agreement are fulfilled (e.g. payment deadlines, ceilings, etc.). The payment requests shall be accompanied by the documents provided below and detailed in the grant agreement:

Payment request	Accompanying documents
A <b>pre-financing payment</b> corresponding to 80% of the maximum grant amount	financial guarantee (see section 11.7.2)
<b>Payment of the balance</b> The Commission will establish the amount of this payment on the basis of the calculation of the final grant amount (see section 11.5 above). If the total of earlier payments is higher than the final grant amount, the beneficiary will be	final technical report (b) final financial statement

required to reimburse the amount paid in excess by the Commission through a recovery order.	
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In case of a weak financial capacity, section 8.1 above applies.

#### **11.7.2 Pre-financing guarantee**

A pre-financing guarantee for up to the same amount as the pre-financing may be requested in order to limit the financial risks linked to the pre-financing payment.

The financial guarantee, in euro, shall be provided by an approved bank or financial institution established in one of the EU Member States. When the beneficiary is established in a third country, the Commission may agree that a bank or financial institution established in that third country may provide the guarantee if it considers that the bank or financial institution offers equivalent security and characteristics as those offered by a bank or financial institution established in a Member State. Amounts blocked in bank accounts shall not be accepted as financial guarantees.

The guarantee may be replaced by:

- a joint and several guarantee by a third party or,
- a joint guarantee of the beneficiaries of an action who are parties to the same grant agreement.

The guarantee shall be released as the pre-financing is gradually cleared against interim payments or the payment of the balance, in accordance with the conditions laid down in the grant agreement.

As an alternative to requesting a guarantee on pre-financing, the Commission may decide to split the payment of pre-financing into several instalments.

#### **11.8. Other financial conditions**

##### **a) Non-cumulative award**

An action may only receive one grant from the EU Budget. Under no circumstances shall the same costs be financed twice by the Union budget. To ensure this, applicants shall indicate in the grant application the sources and amounts of Union funding received or applied for the same action or part of the action or for its (the applicant's) functioning during the same financial year as well as any other funding received or applied for the same action.

##### **b) retroactivity**

Grants may be awarded retroactively under the conditions in section 6.3.

##### **c) Implementation contracts/subcontracting**

Where the implementation of the action requires the award of procurement contracts (implementation contracts), the beneficiary may award the contract in accordance with its usual purchasing practices provided that the contract is

awarded to the tender offering best value for money or the lowest price (as appropriate), avoiding conflicts of interest.

The beneficiary is expected to clearly document the tendering procedure and retain the documentation in the event of an audit.

Entities acting in their capacity as contracting authorities within the meaning of Directive 2014/24/EU<sup>5</sup> or contracting entities within the meaning of Directive 2014/25/EU<sup>6</sup> must comply with the applicable national public procurement rules.

Beneficiaries may subcontract tasks forming part of the action. If they do so, they must ensure that, in addition to the above-mentioned conditions of best value for money and absence of conflicts of interests, the following conditions are also complied with:

- a) subcontracting does not cover core tasks of the action;
- b) recourse to subcontracting is justified because of the nature of the action and what is necessary for its implementation;
- c) the estimated costs of the subcontracting are clearly identifiable in the estimated budget;
- d) any recourse to subcontracting, if not provided for in description of the action, is communicated by the beneficiary and approved by the Commission. The Commission may grant approval:
  - (i) before any recourse to subcontracting, if the beneficiaries requests an amendment
  - (ii) after recourse to subcontracting if the subcontracting:
    - is specifically justified in the interim or final technical report and
    - does not entail changes to the grant agreement which would call into question the decision awarding the grant or be contrary to the equal treatment of applicants;
- e) the beneficiaries ensure that certain conditions applicable to beneficiaries, enumerated in the grant agreement (e.g. visibility, confidentiality, etc.), are also applicable to the subcontractors.

#### **d) Financial support to third parties**

Not applicable

## **12. PUBLICITY**

### **12.1. By the beneficiaries**

Beneficiaries must clearly acknowledge the European Union's contribution in all publications or in conjunction with activities for which the grant is used.

<sup>5</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJL 94, 28.3.2014, p. 65-242)

<sup>6</sup> Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJL 94, 28.3.2014, p. 243-374)

In this respect, beneficiaries are required to give prominence to the name and emblem of the European Commission on all their publications, posters, programmes and other products realised under the co-financed project.

To do this they must use the text, the emblem and the disclaimer available at [https://ec.europa.eu/info/resources-partners/european-commission-visual-identity\\_en](https://ec.europa.eu/info/resources-partners/european-commission-visual-identity_en).

If this requirement is not fully complied with, the beneficiary's grant may be reduced in accordance with the provisions of the grant agreement.

### 12.2. By the Commission

With the exception of scholarships paid to natural persons and other direct support paid to natural persons in most need, all information relating to grants awarded in the course of a financial year shall be published on an internet site of the European Union institutions no later than the 30 June of the year following the financial year in which the grants were awarded.

The Commission will publish the following information:

- name of the beneficiary;
- address of the beneficiary when the latter is a legal person, region when the beneficiary is a natural person, as defined on NUTS 2 level<sup>7</sup> if he/she is domiciled within the EU or equivalent if domiciled outside the EU;
- subject of the grant;
- amount awarded.

Upon a reasoned and duly substantiated request by the beneficiary, the publication shall be waived if such disclosure risks threatening the rights and freedoms of individuals concerned as protected by the Charter of Fundamental Rights of the European Union or harm the commercial interests of the beneficiaries.

### 13. PROCESSING OF PERSONAL DATA

The reply to any call for proposals involves the recording and processing of personal data (such as name, address and CV). Such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, the questions and any personal data requested that are required to evaluate the application in accordance with the call for proposal will be processed solely for that purpose by the European Commission.

Personal data may be registered in the Early Detection and Exclusion System by the Commission, should the beneficiary be in one of the situations mentioned in Articles 136 and 141 of Regulation (EU, Euratom) 2018/1046<sup>8</sup>. For more information see the Privacy Statement on:

[https://ec.europa.eu/info/data-protection-public-procurement-procedures\\_en](https://ec.europa.eu/info/data-protection-public-procurement-procedures_en).

<sup>7</sup> Commission Regulation (EC) No 105/2007 of 1 February 2007 amending the annexes to Regulation (EC) No 1059/2003 of the European Parliament and of the Council on the establishment of a common classification of territorial units for statistics (NUTS), OJ L39, 10.2.2007, p.1.

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1046>

#### 14. PROCEDURE FOR THE SUBMISSION OF PROPOSALS

Proposals must be submitted by the deadline set out under section 3.

No modification to the application is allowed once the deadline for submission has elapsed. However, if there is a need to clarify certain aspects or to correct clerical mistakes, the Commission may contact the applicant during the evaluation process.

Applicants will be informed in writing about the results of the selection process.

##### Submission on paper:

Application forms are available in annex.

Applications must be submitted in the correct form, following the guidelines as outlined in the Grant application form, duly completed and dated. They must be submitted in in **one original paper copy** (no additional paper copies required) signed by the person authorised to enter into legally binding commitments on behalf of the applicant organisation.

Where applicable, all additional information considered necessary by the applicant can be included on separate sheets, but assessment will be based on information included in the Grant application form.

An electronic version (pdf) of the Grant application form and all documents on USB stick must be provided together with the printed original requested.

Applications must be sent to the following address:

*European Commission  
Directorate-General for Communications Networks, Content & Technology  
Unit H3 – eHealth, Well-Being and Ageing  
For the attention of the Marco MARSELLA (EUFO 02/160)  
10, Rue Robert Stümper,  
L-2557, Luxembourg*

- by post<sup>9</sup> (evidence will be constituted by the postmark),
- by courier service (evidence will be constituted by date of deposit slip of courier service);
- or by hand-delivery, (evidence will be constituted by the acknowledgement of receipt). It is compulsory for security reasons to address it to the central mail department of the Commission as follows:

*European Commission  
Directorate-General for Communications Networks, Content & Technology  
Unit H3 – eHealth, Well-Being and Ageing  
ARLANE Building  
Cloche d'Or*

<sup>9</sup> Applicants are advised to keep the payment receipt with date and time from the post office in order to be able to prove that the proposal has been sent within the deadline

*Route d'Esch 400*

*L – 1471 Luxembourg*

In this case, proof of submission of the proposal will take the form of a receipt signed and dated by the official of the Commission's central mail department who takes delivery of the documents. The department is open from 08.30 to 16.00 on Mondays to Fridays. It is closed on Saturdays, Sundays and Commission holidays.

**In addition** to the above:

- applicants **must** send an **e-mail** before the deadline set out under section 3 to the following email address: [CNECT-H3@ec.europa.eu](mailto:CNECT-H3@ec.europa.eu) **to inform us about your submission on paper.**

Applications sent by fax or e-mail will not be accepted.

➤ **Contacts**

[CNECT-H3@ec.europa.eu](mailto:CNECT-H3@ec.europa.eu) with a reference to the Call's title.

*The Commission is not bound to reply to requests for additional information received less than six working days before the deadline for submitting applications set in section 3.*

*Where of general interest, requests for additional information will be circulated through the eHealth Network, or directly to applicants.*

➤ **Annexes:**

- Grant application form
- Grant application budget table
- Declaration of honour
- Model grant agreement (for information)
- Financial and technical report template (for information)

**Appendix**

**Specific conditions for direct personnel costs**

**1. Calculation**

The ways of calculating eligible direct personnel costs laid down in points (a) and (b) below are recommended and accepted as offering assurance as to the costs declared being actual.

The Commission may accept a different method of calculating personnel costs used by the beneficiary, if it considers that it offers an adequate level of assurance of the costs declared being actual.

**a) for persons working exclusively on the action:**

*{monthly rate for the person*

*multiplied by*

*number of actual months worked on the action}*

The months declared for these persons may not be declared for any other EU or Euratom grant.

The **monthly rate** is calculated as follows:

*{annual personnel costs for the person*

*divided by 12}*

using the personnel costs for each full financial year covered by the reporting period concerned.

If a financial year is not closed at the end of the reporting period, the beneficiaries must use the monthly rate of the last closed financial year available;

**b) for persons working part time on the action**

(i) If the person is assigned to the action at a fixed pro-rata of their working time:

*{monthly rate for the person multiplied by pro-rata assigned to the action*

*multiplied by*

*number of actual months worked on the action}*

The working time pro-rata declared for these persons may not be declared for any other EU or Euratom grant.

The monthly rate is calculated as above.

(ii) In other cases:

*{hourly rate for the person multiplied by number of actual hours worked on the action}*

or

*{daily rate for the person multiplied by number of actual days worked on the action}*

(rounded up or down to the nearest half-day)

The number of actual hours/days declared for a person must be identifiable and verifiable.

The total number of hours/days declared in EU or Euratom grants, for a person for a year, cannot be higher than the annual productive hours/days used for the calculations of the hourly/daily rate. Therefore, the maximum number of hours/days that can be declared for the grant are:

*{number of annual productive hours/days for the year (see below)}*

minus

*total number of hours and days declared by the beneficiary, for that person for that year, for other EU or Euratom grants}.*

The 'hourly/daily rate' is calculated as follows:

*{annual personnel costs for the person}*

divided by

*number of individual annual productive hours/days}* using the personnel costs and the number of annual productive hours/days for each full financial year covered by the reporting period concerned.

If a financial year is not closed at the end of the reporting period, the beneficiaries must use the hourly/daily rate of the last closed financial year available.

The 'number of individual annual productive hours/days' is the total actual hours/days worked by the person in the year. It may not include holidays and other absences (such as sick leave, maternity leave, special leave, etc.). However, it may include overtime and time spent in meetings, trainings and other similar activities.

## **2. Documentation to support personnel costs declared as actual costs**

For **persons working exclusively on the action**, where the direct personnel costs are calculated following **point (a)**, there is no need to keep time records, if the beneficiary signs a **declaration** confirming that the persons concerned have worked exclusively on the action.

For **persons assigned to the action at a fixed pro-rata of their working time**, where the direct personnel costs are calculated following **point (b)(i)**, there is no need to keep time records, if the beneficiary signs a declaration that the persons concerned have effectively worked at the fixed pro-rata on the action.

For **persons working part time on the action**, where direct personnel costs are calculated following **point (b)(ii)**, the beneficiaries must keep **time records** for the number of hours/days declared. The time records must be in writing and approved by the persons working on the action and their supervisors, at least monthly.

In the absence of reliable time records of the hours worked on the action, the Commission may accept alternative evidence supporting the number of hours/days declared, if it considers that it offers an adequate level of assurance.