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SPECIFIC PROGRAMME "CRIMINAL JUSTICE" (2007-2013)

CALL FOR PROPOSALS 2009 JLS/2009/JPEN/OG

OPERATING GRANTS

1. INTRODUCTION

The aims of the Criminal Justice programme, adopted by Council Decision No 2007/126/JHA on 12 February 2007¹, include promoting judicial cooperation based on mutual recognition and mutual confidence, promoting the compatibility in rules applicable in the Member States as may be necessary to improve judicial cooperation and to improve the exchange of information. One of the eligible actions is to support activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the programme, which is the subject of this call for proposals.

2. SCOPE OF THE CALL

Grants awarded under this call ("operating grants") are intended to support the functioning of non-governmental organisations (NGOs) or other non profit making bodies pursuing an aim of general European interest or which have an objective forming part of a European Union policy, in accordance with the general and specific objectives of the Criminal Justice Programme and the provisions set forth in this call for proposals. Unlike an action grant, which helps to co-finance a one-off action over a given period (which has a budget that is specific to that action separate from the body's other activities), an operating grant has a broader scope.

The purpose of this call is to provide financial support for the existence and functioning of an organisation, in accordance with its annual work programme and for its financial accounting year starting beginning of 2010.

The maximum amount available for operating grants to be awarded under this call for proposals is **€1.000.000**.

3. PRIORITIES OF THE CALL

The activities pursued by the organisation/body should complement EU activities in the following areas:

- improving professional skills of legal practitioners and defining training curricula;
- cooperation between public authorities and associations in the fields of (1) judicial cooperation in criminal matters, (2) victim assistance and (3) rehabilitation of offenders;
- production and dissemination of information on how to access legal interpretation, translation and advice;

¹ OJ L 058, 24.02.2007, p.13, Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Fundamental Rights and Justice, the Specific Programme 'Criminal Justice, 2007/126/JHA

- development of restorative justice and mediation;
- cooperation between academics and researchers, and between them and EU Institutions, in the area of judicial cooperation in criminal matters;
- networking of legal professionals with a view to improving defence rights in cross border cases.

4. EVALUATION CRITERIA

The submitted proposals will be evaluated against exclusion, eligibility, selection and award criteria.

4.1 Exclusion criteria

Applicants shall be excluded from participating in the call for proposals if they are in one or more of the situations listed in Articles 93 (1) and 94 of the Financial Regulation² They must, therefore, sign the declaration on exclusion criteria enclosed where the exclusion criteria are listed.

4.2 Eligibility criteria

To be eligible, applications for operating grants must meet **all** of the following criteria:

(a) They must be submitted by non-profit making institutions and public or private organisations, including professional organisations, universities, research institutes and legal and judicial training institutes for legal practitioners and non-governmental organisations.

(b) These organisations and bodies must pursue one or several objectives of the Criminal Justice programme with a European dimension.

(b) They must be submitted by bodies and organisations established in the Member States with legal personality. International organisations and natural persons are not eligible for operating grants.

(c) They must be submitted using the specific application form for operating grants made available by the Commission (PRIAMOS system). No other form will be accepted; all sections of the form must be completed and it must be accompanied by all the documents listed under section 5.

(d) Applications must include a detailed forward budget of the operating costs in Euro (annual work plan for 2010), balanced in income and expenditure.

(e) The requested amount of grant cannot exceed 70% of the operating costs of the functioning of the body during its financial year beginning in 2010.

² Council Regulation (EC, Euratom) n°1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities last amended by Council Regulation n°1525/2007 on the 17 December 2007.

(f) Operating grant seeking EU co-funding of less than €50.000 will not be eligible to receive a grant.

(g) The grant must be requested only for the duration of the financial year of the applicant organisation starting in the year 2010. Only applications seeking co-financing for the operating costs of the organisation incurred in connection to the implementation of its annual activity programme will be considered.

(h) The applicant must have provided written proof, through the signed budget form and/or co-financing Declaration(s), that it has secured co-financing of 30% of the total eligible costs.

(i) Applicants must respect the deadline for applications, which is **9 December 2009**.

4.3 Selection criteria

In accordance with Article 116(1) of the Financial Regulation and Article 176 of the Implementing Rules, the following selection criteria will be the basis for assessing the applicant organisation:

– the applicant must have appropriate **operational and professional capacity** to implement the activities described in its activity programme for the financial year starting in 2010. The examination will be based on the CVs of the persons involved, the activity reports and other documents submitted by the applicant as evidence of its know-how.

– the applicant must prove that it is **financially capable** to implement the activities described in its 2010 annual work plan; based on the submitted documents as specified under Section 5 of this Call for proposal.

4.4 Award criteria

Proposals that are eligible and meet the exclusion and selection criteria will be assessed and ranked by an evaluation committee on the basis of the following award criteria:

(a) **Consistency** of the organisations proposed activities with the priorities set out under Section B of this annual work programme: the ability of the organisation to contribute to the relevant objectives of the Programme will be assessed. It should be demonstrated that the activities of the organisation clearly complement the activities of the EU on the fields, in particular in terms of relevance of the results and their practical impact **20 points**

(b) **Quality of the planned activities** regarding their organisation, conception will be assessed. In particular the following will be examined: the demonstration that the proposed activities aim to meet a clearly defined need, the consistency and the coherence between the activities proposed and the budget allocated to each of them; the ability of the proposed activities to attain the desired objective(s) especially within the proposed timeframe **30 points**

(c) **Likely multiplier effect** on the public of these activities will be assessed **10 points**

(d) **European dimension and European Added Value:** the proposed activities are supposed to contribute to the objectives of the Programme at European level in terms of their geographical scope, the potential geographical scope of possible follow-up measures, participants, target group, partners (if applicable) **15 points**

- (e) **Citizen involvement** in the organisation of the bodies concerned **10 points**
- (f) **Value for money and Economies of scale:** size and scope of the planned activities, in particular in terms of economies of scale and cost effectiveness, cost/benefit ration of the proposed activities will be assessed **15 points**

TOTAL **100 points**

Proposals scoring below 65 points will be rejected. The award of a grant is subject to availability of funds. Once the evaluation procedure, the consultation of the Programme Committee and the adoption of the award decision are completed the Commission will inform each applicant of the final decision taken, including reasons for rejection, and of the next steps. It is planned to finalise the process by beginning of 2010. The Commission will then set in motion the procedures necessary for preparation of the grant agreement (including dialogue with the applicant concerning any necessary technical and financial adjustments as well as procedures relating to expenditure commitments).

5. GENERAL FINANCIAL RULES APPLICABLE TO OPERATING GRANTS

In line with the Financial Regulation and the basic act, the following conditions and modalities will apply:

5.1. Financial provisions

- (a) The maximum rate of co-financing by the Commission is 70 % of the total eligible costs of the project.
- (b) Bodies must be non-profit making.
- (c) Grants awarded by this Programme shall be covered by a written agreement, including the modalities for the reimbursement of a specified proportion of the eligible costs actually incurred;
- (d) As a general rule, the co-funding is provided in two instalments: a pre-financing payment on signature of the grant agreement (up to a maximum of 80%), and the balance on receipt and approval by the Commission of the final report and final financial statement.
- (e) External audits requirements: According to article 173(4) IR, applications for an operating grant of **over EUR 100.000** must be accompanied by an external audit report produced by an approved auditor.

5.2. Eligible costs

Operating grants are intended to cover the normal operating expenses of an organisation that allow it to have an independent existence and to implement a range of activities that correspond to the pursuit of its statutory objectives and those of the Criminal Justice Programme.

In view of the nature of the grant, the organisation's entire budget is involved, unless the organisation has developed several areas of activity, one or more of which are not connected with the activities for which the Commission wishes to provide financial support.

In practice, the costs which are likely to be eligible are those relating to staff costs, general administrative expenditure necessary for the running of the organisation (overheads), and expenses linked to its normal activities, as included in the annual work programme drawn up for the purposes of the grant.

- ✓ Eligible expenditure must be reasonable and justified and it must be in accordance with the principles of sound financial management, particularly in terms of value for money and cost effectiveness.
- ✓ Expenditure must be incurred during the applicant's financial year of 2010 (i.e. an accounting period of 12 months starting in 2010).
- ✓ Expenditure must be incurred by the beneficiary in any of the EU Member States and recorded in its accounts or tax documents and it must be identifiable and verifiable.
- ✓ Community co-financing must respect the non-profit rule, i.e., the grant support may under no circumstances give rise to commercial activity or profit.
- ✓ Contributions in kind are not considered actual expenditure and are not eligible costs. By definition, contribution in kind is the provision of goods or services to the beneficiary free of charge by a third party. The contributions in kind will not be accepted as co-financing from the Beneficiary.
- ✓ Costs incurred in third countries are not eligible
- ✓ Note that if an organisation has been awarded both an operating grant and an action grant for a project covering the financial year 2010, the general administrative expenditure (overheads) incurred by the organisation when carrying out the various activities must be charged to the operating grant.

The categories of costs considered as eligible and non-eligible are indicated in article II.14 of the General Conditions to the Standard Grant Contract. Note that the eligible costs must be real costs based on supporting documents.

6 PRACTICAL INFORMATION ABOUT THE SUBMISSION OF AN APPLICATION

6.1 Deadline for submitting an application

Applications must be submitted electronically via the PRIAMOS system: Deadline for submissions is 9 December 2009, 16:00 CET. The PRIAMOS system will not accept any application after the deadline. Applications submitted after the deadline will be automatically rejected. Please note that the documents submitted via the PRIAMOS system **do not need** to be sent by regular mail. However, the applicants should also print out the Application Form for their own records.

Following the conclusion of the selection process, applicants placed sufficiently high on the merit list to be considered for a grant will be requested to provide a paper copy of the application (printed out at the moment of submitting it via the PRIAMOS system) and the originals (signed and stamped wherever applicable) of all annexes required under the call for proposals. Failure to produce any of the aforesaid documents will lead to disqualification of the project proposal concerned.

Practical information about PRIAMOS and submission of electronic application through PRIAMOS are available on

http://ec.europa.eu/justice_home/news/information_dossiers/priamos/index_en.htm

Please note that, before being able to submit a proposal, applicants

- have to consult the Guide for applicants 2009 for Criminal justice available on http://ec.europa.eu/justice_home/funding/jpen/funding_jpen_en.htm
- need to enter in PRIAMOS system to obtain a password for registration. The registration process may take up to 15 days. It remains the applicant's responsibility to register in PRIAMOS in due time. Questions about the electronic version of applications may be sent to JLS-PRIAMOS-USM@ec.europa.eu.

6.2 Content of applications

Applications under this call for proposals must contain the following elements (using standard forms provided on http://ec.europa.eu/justice_home/funding/jpen/funding_jpen_en.htm, duly completed and signed wherever applicable):

Documents to be submitted in electronic version –uploaded to PRIAMOS

- ✓ **A grant application form** for operating grants specific for this call available on PRIAMOS must be filled. There is a grey field on the cover of the Application Form where your proposal number will be added by the Commission. You should not write in this field.
- ✓ **A budget estimate** presented on the specific budget form, including a detailed breakdown of planned expenditure and expected revenue (excel format that can be uploaded to PRIAMOS). It consists of: a budget part with individual sheets for budget headings (staff costs, travel etc.) and a summary budget sheet.

Additional Scanned documents to be added to the grant application form using template published on Internet

- ✓ **Additional information** on the applicant organisation and work programme (The purpose of this document is to complement the information provided in the application form produced in PRIAMOS and published on the DG JLS website).
- ✓ **Curriculum Vitae of staff members** responsible for carrying out the normal activities of the organisation
- ✓ **Declaration on exclusion criteria**

✓ **Legal entity form and Financial identification form**

Additional Scanned documents to be added to the grant application form

- ✓ The annual work programme of the applicant organisation for the financial year 2010.
- ✓ Annual technical/narrative report of the applicant organisation for the previous year
- ✓ Financial statements demonstrating the applicant's financial capacity
- ✓ Applicant's article of association or statutes, as relevant
- ✓ Certificate of legal registration of applicant organisation
- ✓ List of members of the Board of Directors or executive officers
- ✓ Most recent audit report by an independent authorised auditor if the requested co-financing is more than 100.000 EUR.

6.3 Where to get further information

Questions may be sent by e-mail to the following address indicating clearly the reference of the Call for proposals – operating grants JLS/2009/JPEN/OG: e-mail address: JLS-JPEN@ec.europa.eu

The Commission shall reply according to the code of good administrative conduct within 15 working days from the receipt of the question.

[Questions about the electronic version of applications may be sent to the address below](#)

JLS-PRIAMOS-USM@ec.europa.eu

The Commission may contact applicants to request additional information at any time prior to taking its decision. Failures to respond to such requests by the deadline set may lead to disqualification of the application. Applicants must take the necessary steps to ensure that they can be contacted rapidly up to the end of the selection process. Where the Commission contacts an applicant, this does not in any way constitute or reflect a pre-selection of the proposal on the part of the Commission.

6.4 Approximate timetable

The indicative schedule of this call for proposals will most probably be as follows:

Publication of the call for proposals on the Commission website:	Q4 2009
Deadline for submission of proposals:	9 December 2009
Opinion of the Programme Committee:	Q1 2010
Commission Decision:	Q1 2010
Commitments and grant agreements:	Q1 2010

7. EX-POST Publicity

All grants signed in the course of a financial year must be published on the Internet site of the Community institutions during the first half of the year following the closure of the budget year in respect of which they were awarded. The information may also be published by any other appropriate medium, including the Official Journal of the European Union.

The following will be published with the agreement of the beneficiary:

1. the name and address of the beneficiaries;
2. the subject of the grant;
3. the amount awarded and rate of funding of the total eligible costs of the operational work programme.

The European Commission may waive the above obligations if publication of the information could threaten the safety of the beneficiaries or harm their business interests. Beneficiaries of grants must clearly display acknowledgement of the support received from the EU.

8. DATA PROTECTION

The grant applications will be processed by computer. All personal data (such as names, addresses, CVs, etc.) will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 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. Your replies to the questions in this application form are necessary in order to assess your grant application and they will be processed solely for that purpose by the department responsible for the Community grant programme concerned. On request, you may be requested to send personal data and correct or complete them. For any question relating to these data, please contact the Commission department to which the form must be returned. Beneficiaries may lodge a complaint against the processing of their personal data with the European Data Protection Supervisor at any time. If, at any stage of the administrative treatment of grant applications, the persons or entities concerned consider that they have been affected by an instance of maladministration, they may, irrespective of any other means of redress, make a complaint to the European Ombudsman in accordance with Article 195(1) of the EC Treaty and as provided by the Parliament Decision of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties published in Official Journal of the European Communities L 113 of 4 May 1994.

9. DECISION ON THE EARLY WARNING SYSTEM AND REGULATION ON THE CENTRAL EXCLUSION DATABASE

Applicants are informed that, should they be in one of the situations mentioned in:

- the Commission Decision of 16.12.2008 on the Early Warning System (EWS) for the use of authorising officers of the Commission and the executive agencies (OJ, L 344, 20.12.2008, p. 125), or

- the Commission Regulation of 17.12.2008 on the Central Exclusion Database – CED (OJ L 344, 20.12.2008, p. 12),

their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the EWS only or both in the EWS and CED, and communicated to the persons and entities listed in the above-mentioned Decision and Regulation, in relation to the award or the execution of a procurement contract or a grant agreement or decision.