



Call for proposals 2015

TRAINING OF NATIONAL JUDGES IN EU COMPETITION LAW

AND

JUDICIAL COOPERATION BETWEEN NATIONAL COMPETITION LAW JUDGES

1. Introduction

- 1.1 On 17 October 2013 the European Parliament and the Council adopted Regulation (EU) No 1382/2013 establishing a Justice Programme for the period 2014-2020. One of its specific objectives is to support and promote judicial training, including language training on legal terminology, with a view to fostering a common legal and judicial culture.
- 1.2 On 30 March 2015, the European Commission adopted the work programme for 2015 and the financing for the implementation of the Justice Programme¹ which provides for the publication of a call for proposals to support national or transnational projects on judicial training in competition law. Thus, grants may be awarded to support and promote judicial training, including language training on legal terminology, with a view to foster a common legal and judicial culture of competition law.

The measures planned for the training of national judges and judicial cooperation will be referred to hereafter as the 'projects'.

- 1.3 Bodies which introduce proposals are referred to hereafter as the 'applicants'. Successful applicants which have been allocated a grant are described as the 'beneficiaries'.

2. Objectives

The objective of this call for proposals is to co-finance projects aimed at promoting judicial cooperation between, and the training for, national judges in the context of enforcing of the European competition rules. This includes public and private enforcement of both the Antitrust rules and the State aid rules. The final aim is to ensure the consistent application of EU competition law by national courts.

The grants under this call shall co-finance projects that focus on:

¹C(2015) 1997 final

- ensuring coherent and consistent application by national courts of the European competition rules. This includes remedies for the effective enforcement of the rights and obligations stemming from the aforementioned provisions;
- improving and encouraging the cooperation between national judges in the field of European competition law; this includes the application of specific cooperation mechanisms between national judges and competition authorities (including the European Commission and the specific cooperation rules under [Regulation \(EC\) No 1/2003](#) or [Regulation \(EC\) No 734/2013](#)), as well as networking and exchange between national judges;
- specific training needs (in case of projects concerning the training of judges) of the national judges to take part in the training. These training needs are defined with regard to the content of the trainings as well as to the persons taking part to them.

These objectives can best be achieved through projects which specifically focus on the role of national judges in the application of EU competition law, their particular needs and work environments and pre-existing training and knowledge. General training on competition law is less well suited to fulfill these objectives.

2.1 Scope and expected results

Projects must meet the above-mentioned objectives and clearly demonstrate their EU added-value. The European added value of actions, including that of small-scale and national actions, shall be assessed in the light of criteria such as their contribution to the consistent and coherent implementation of Union law and to wide public awareness about the rights deriving from it, their potential to develop mutual trust among Member States and to improve cross-border cooperation, their transnational impact, their contribution to the elaboration and dissemination of best practices or their potential to create practical tools and solutions that address cross-border or Union-wide challenges.

Contents of the projects should be tailored to the needs of the target audience. Projects should be designed using practice-oriented learning methods and/or innovative learning methods (including blended learning, e-learning and simulations). The results of the projects should have a broad and long-lasting effect.

2.2 Target audience

The target audience must consist of national judges dealing with competition cases at national level. This also includes prosecutors, apprentice national judges, and the staff of the judges' offices or of national courts of eligible countries².

The target audience as defined in the first paragraph is hereafter referred to as 'national judges'.

² For the purposes of this Call, the term "eligible countries" shall mean the EU Member States with the exception of Denmark and the United Kingdom since, as mentioned in Recital 34 and 35 of Regulation 1382/2013, they have not taken part in the adoption of the aforementioned Regulation and are therefore not bound by it or subject to its application. The programme is open to the participation of organisations from candidate countries, potential candidates and countries acceding to the Union, in accordance with the general principles and the general terms and conditions laid down for the participation of those countries in the Union programmes established in the respective Framework Agreements and Association Council decisions, or similar Agreements, but specific conditions for these countries must first be met before they can be funded (i.e.: these countries must have signed an Agreement in order to participate in the Programme and must have contributed to the Budget of the European Union.).

The projects may target an audience of one or more of the eligible countries. However, projects should be organised in such way to produce results with a European added value³ (see section 2.1)

Judges from countries not listed as eligible countries and persons other than national judges may participate in the projects, provided that a significant proportion of the audience consists of national judges as defined in the first paragraph. Moreover, the costs linked to their participation may not be included as eligible costs.

3. Timetable and Budget available

| | Stages | Indicative period |
|----|--|-------------------|
| a) | Publication of the call | 28/09/2015 |
| b) | Deadline for submitting applications | 29/01/2016 |
| c) | Evaluation period | March/April 2016 |
| d) | Information to applicants | May/June 2016 |
| e) | Review of budgets and signature of grant agreement | June/July 2016 |
| f) | Start date of the action/ work programme | From August 2016 |
| g) | Info day in Brussels for successful applicants | September 2016 |

The total budget earmarked for co-financing projects submitted under this call is EUR 1.000.000.

The maximum grant that can be awarded is EUR 400.000 and the minimum is EUR 10.000.

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

4. Priorities

Projects should address in a tailored way the targeted audience, based on pre-identified training needs. Applicants should also consider differentiating content in accordance with the level of national courts (first, instance, appeal, supreme court etc.) and depending on whether courts are acting as administrative, civil/commercial courts or other.

Training projects should ensure the active participation of national judges in their training activities, avoiding therefore mere lecturing.

The environment in which participative training for national judges takes place must be made sufficiently secure to enable participants to freely exchange views and experiences and to learn from one another, without external monitoring or interference. Projects are therefore at best exclusively addressed to national judges.

³ Art. 2 of regulation 1382/2013

Applicants must indicate clearly which of the priorities mentioned below are addressed by their proposal. Projects should address at least one of these priorities. Projects may address more than one area of intervention, but must clearly indicate which one is the **main priority** and which one is the **ancillary priority**.

Proposals not covering any of the below mentioned priorities can still be eligible, but they will be allocated 0 points under the award criteria 1.c). By way of exception to this rule, the Authorising Officer, upon suggestion of the Evaluation Committee, may decide that the topic/activity proposed is to be considered a priority (e.g. peculiar need in a Member State). In this case a maximum of 10 points may be allocated under the award criteria 1.c)

AREA 1: Improvement of knowledge, application and interpretation of EU competition law.

Projects should consist of training activities such as conferences, seminars, workshops, colloquia etc., as well as short or long term training courses on EU competition law. Projects under this priority should be rather oriented on advanced trainings for national judges. Basic trainings will only be financed when duly justified (e.g. for national judges in a newly established court).

Within this area, the 2015 call focuses on the following priorities:

Priority 1: In the framework of State aid Modernisation and the new enforcement role of national courts, training activities focusing on **State Aid** are highly recommended.

Applicants are requested to choose at least 2 out of the 4 topics listed below:

- a) Notion of aid (including the method of financing of the aid through parafiscal levies and the Services of General Economic interest⁴);
- b) The regulations adopted in the framework of the State aid modernization exercise, i.e. mainly the De minimis Regulation⁵ and the General Block Exemption Regulation⁶;
- c) The role of national courts in implementing State aid law (based on the notice on the enforcement of State aid law by national courts and on the Recovery notice⁷);

⁴ The legal framework on the Services of General Economic Interest includes the following instruments : Communication from the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest, OJ C 8, 11.01.2012, p. 4-14 ; Commission Decision of 20 December on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, OJ L 7, 11.01.2012, p. 3-10; Communication from the Commission, European Union framework for State aid in the form of public service compensation, OJ C 8, 11.01.2012, p. 15-22 Commission Regulation on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest, OJ L 114 of 26.4.2012, p. 8.

⁵ Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, OJ L 352, 24.12.2013, p. 1-8.

⁶ Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty , OJ L 187, 26.6.2014, p. 1-78

⁷ Towards an effective implementation of Commission decisions ordering Member States to recover unlawful and incompatible State aid, OJ, C 272, 15.11.2007, p. 4-17

- d) The request for provisional measures brought before the courts and its interaction with the EU Court proceedings.

Priority 2: Training activities focusing on **Directive 2014/104 on antitrust damages actions**⁸. The Directive should be transposed in national law by 26 December 2016. The aim of these projects would be to enable national judges to be ready to apply these new national rules as soon as they enter into force.

Applicants are requested to choose at least 2 out of the 5 topics listed below:

- a) The disclosure of evidence in proceedings relating to an action for damages;
- b) The passing on of overcharges and the interplay between damages actions relating to the same infringement but instituted by injured parties on different levels of the supply chain;
- c) The quantification of antitrust harm in the framework of damages actions, including the application of the methods for quantification identified in the Commission's Practical Guide on the Quantification of Antitrust Harm⁹;
- d) The interaction between the public and the private enforcement of competition law, focussing on both the positive interaction (how can claimants benefit from enforcement action by competition authorities) and measures to avoid negative interactions (for example limits on the disclosure of evidence and on the joint and several liability);
- e) Case management and best practices in dealing with questions of jurisdiction and applicable law and in dealing with the situation of parallel or subsequent proceedings in different Member States.

Priority 3: Training activities focusing on underlying **economic principles of competition law**. Trainings should be hands-on oriented and include real case studies.

Applicants are requested to choose at least 2 out of the 4 topics listed below:

- a) Basic economic principles (e.g., supply and demand, cost analysis, substitution and strategic interactions in different competition environments), to grant the national judges with useful tools before diving into the subject matter;
- b) Economic reasoning in primary competition issues such as market definition, market power, vertical restraints etc., providing the target audience with appropriate knowledge to manage autonomously real life cases;
- c) Quantification of damages and optimal fining, methods and principles;

⁸ European Parliament and Council Directive 2014/104/EU of 26 November 2014 on certain rules governing actions for damages under national law for infringements of competition law provisions of the Members States and of the European Union, OJ L 349, pp. 1-19 available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.349.01.0001.01.ENG.

⁹ http://ec.europa.eu/competition/antitrust/actionsdamages/quantification_guide_en.pdf

- d) Assessment of economic evidence in litigation, including a review of currently used estimation methods (qualitative and quantitative), underlining advantages and limits of them, as well as the importance of consistency, robustness and duplicability of results.

AREA 2: Development of legal linguistic skills of national judges.

The development of linguistic skills can be the main focus of a training program (10 points), or be included as an ancillary activity (5 points) in training programs under Areas 1 and 3.

Priority 4: Projects should cover legal linguistic training activities linked to the specific terminology used in the application of competition law. The main goal of the projects should be the overcoming of the geographical/linguistic barriers to the benefit of the creation of a common European judicial area.

AREA 3: Improving and/or creating cooperation/networks.

Improving and/or creating cooperation/networks can be the main focus of a training program (10 points), or be included as an ancillary activity (5 points) in training programs under Areas 1 and 2. Projects will only be considered to fall under Area 3 if their main focus is improving and/or creating cooperation/networks between national judges of more than one EU Member State. However, it is strongly encouraged that training programs under Areas 1 and 2 contain activities fostering the cooperation and creation of networks between judges.

Priority 5: Fostering the cooperation between national judges and/or between national judges and the Commission (ex. request for opinion/information) in the field of State Aid¹⁰ and/or Antitrust proceedings. Projects may focus also on disseminating knowledge on the existing cooperation tools under Article 15 of Regulation 1/2003 and the Notice on Cooperation with National Courts¹¹ and/or setting up new fora of cooperation.

Priority 6: Projects should cover the establishment, upgrading and/or interlinking of databases or web-based tools with EU cross-border relevance aiming to create or strengthen the cooperation and disseminate information among national judges at national and European level or facilitating case management of complex cross - border competition cases.

Distribution of financial support between different priorities and allocation of points

When deciding on the allocation of grants, a fair balance between priorities will be sought. The Commission shall therefore finance at least two projects¹² for each of the above 3 areas (as main priority). Priority will be given to projects that do not simply duplicate/overlap existing/future training material or existing/future projects but that act in complementarity or that innovate. Please refer also to the "[Table of allocation of points for award criteria 1.c](#)" in Annex .

5. Admissibility requirements

Applications must be sent no later than the deadline for submitting applications referred to in section 8.

¹⁰ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52009XC0409%2801%29>

¹¹ [http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52004XC0427\(03\)](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52004XC0427(03))

¹² If enough applications are submitted.

Applications must be submitted in writing and sent by post (see section 8) using the application form and its annexes available at http://ec.europa.eu/competition/calls/proposals_open.html.

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

6. Eligibility, exclusion, selection and award criteria

6.1 Eligibility criteria

Projects must:

- (a) be submitted by authorities, public or private organisations duly established in one of the eligible countries, or an international organisation. Organisations of third countries may participate as associate partners but are not permitted to submit projects or be co-applicants (co-beneficiaries). Organisations which are profit-oriented must submit applications in partnership with public entities or private non-for-profit-oriented organisations. Bodies set up by the European Union falling under Article 208 of the Financial Regulation¹³ shall not be entitled to apply for a grant but may be associated to the application. However, their costs cannot be co-funded by the grant;
- (b) target the members of the target group as defined under point 2.2 of this call for proposal;
- (c) seek an EU grant that cannot be lower than EUR 10 000 or higher than EUR 400 000;
- (d) not be completed or have started prior to the date of submission of the grant application.

6.2 Exclusion criteria

6.2.1 Exclusion from participation

Applicants will be excluded from participating in the call for proposals procedure if they are in any of the following situations:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they or persons having powers of representation, decision making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State which has the force of res judicata;

¹³ Regulation (EU, EURATOM) No 966/2012 of the EU Parliament and of the Council of 25/10/2012 on the financial rules (FR) applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:298:0001:0096:EN:PDF>. Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application (RAP) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:362:FULL:EN:PDF#page=3>

- (c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify including by decisions of the EIB and international organisations;
- (d) they are not in compliance with their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the RAO or those of the country where the grant agreement is to be performed;
- (e) they or persons having powers of representation, decision making or control over them have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such an illegal activity is detrimental to the Union's financial interests;
- (f) they are currently subject to an administrative penalty referred to in Article 109(1) of the Financial Regulation.

6.2.2 Exclusion from award

Applicants will not be granted financial assistance if, in the course of the grant award procedure, they:

- (g) are subject to a conflict of interest;
- (h) are guilty of misrepresentation in supplying the information required by the Commission as a condition of participation in the grant award procedure or fail to supply this information;
- (i) find themselves in one of the situations of exclusion, referred to in section 6.2.1

Administrative and financial penalties may be imposed on applicants, or affiliated entities where applicable, who are guilty of misrepresentation.

Applicants must sign a declaration on their honour certifying that they are not in one of the situations referred to in section 6.2, filling in the relevant form attached to the application form accompanying the call for proposals and available on our website (http://ec.europa.eu/competition/calls/proposals_open.html). The certification is not required for low value grants (\leq EUR 60 000).

6.3 Selection criteria

Proposals that meet the eligibility criteria and do not fall under the exclusion criteria will be evaluated on the basis of their financial capacity and operational capacity.

6.3.1 Financial capacity¹⁴

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the duration of the project and they must participate in its funding. Financial capacity

¹⁴ Art. 131.3-132.1 FR, 202 RAP.

will be assessed on the basis of the following supporting documents to be submitted with the application (verification of financial capacity does not apply to public bodies or international organisations):

- a) Low value grants (\leq EUR 60 000): a declaration on their honour.
- b) Grants $>$ EUR 60 000: a declaration on their honour and,

EITHER

the profit and loss account, the balance sheet for the last financial year for which the accounts were closed;

OR

for newly created entities, the business plan might replace the above documents.

On the basis of these documents, if the European Commission considers that financial capacity is not proved in a satisfactory way, it may:

- request further information;
- propose a grant agreement without pre-financing;
- propose a grant agreement with a pre-financing paid in instalments;
- propose a grant agreement with a pre-financing covered by a bank guarantee¹⁵
- reject the application.

6.3.2 Operational capacity¹⁶

Applicants must have the professional competencies and the qualifications necessary to complete the project or work programme. Applicants must submit a declaration on their honour, or the following supporting documents:

- the organisation's activity reports (if applicable);
- A short narrative description of which existent professional competencies/resources will be used to implement the project **and/or** curriculum vitae of the people primarily responsible for managing and implementing the operation;
- an exhaustive lists of previous projects and activities performed and connected to the policy field of a given call or to the actions to be carried out;
- an inventory of natural or economic resources involved in the project.

6.4 Award criteria

Only proposals meeting the above selection criteria will be evaluated. The award criteria aim to ensure that projects with a high inherent quality are selected, and that they meet as far as possible the objectives and priorities of this call in a cost effective manner. Care must be taken to seek

¹⁵ Art. 134 FR, 206 RAP.

¹⁶ Art. 131.3 FR, 202 RAP.

synergies with other EU instruments and programmes and to avoid overlaps and duplications with ongoing activities. All projects will be assessed against the following criteria:

- 1) **Relevance to the objectives and priorities of the Call (30 points)**
 - a) The extent to which the proposal matches the objectives of the call (10 points)
 - b) The extent to which the proposal matches the requirement of an European added value announced in section 2.1 (5 points)
 - c) The extent to which the proposal matches one of the main priorities set in the call and is tailored for national judges (by role, function, seniority) (10 points) and in addition, if applicable, the extent to which it matches an ancillary priority (5 points)
- 2) **The intrinsic quality of the project as regards its design, presentation, organisation and implementation (30 points)**
 - a) Are the methodology (approach, detail and specificity of the proposed activities, quality of the speakers, monitoring systems, marketing strategies etc.) and the timeframe suitable to achieve the desired outcome of the project? (10 points)
 - b) Are the proposed activities suitably designed for the expected audience (10 points)?
 - c) To what extent the design of the projects allows achieving its goals (balanced distribution of tasks, best choice of expertise etc.) (10 points)?
- 3) **Geographical scope of the project in terms of partners, participants and target group (10 points).**
 - a) How wide is the geographical impact - in terms of expected results - of the project (based on variety of nationalities involved in terms of participants, targeted group and/or partnership)? (5 points)
 - b) Extra points will be awarded to projects involving nationalities less reached by previous projects funded under the Training of National Judges on Competition Law Programme¹⁷. (5 points)
- 4) **Expected results, dissemination and sustainability (10 points):**
 - a) Are the expected results achievable and relevant? (5 points)
 - b) Are there effective plans put in place for appropriate and timely disseminations/sharing of results? Are the results likely to have a sustainable impact? (5 points)
- 5) **Cost-effectiveness (20 points)**
 - a) Is the forward budget reasonable, given the expected results and in terms of cost per day of one trained judge (10 points)?

¹⁷ For the number of trained judges by nationalities please check our website: http://ec.europa.eu/competition/calls/proposals_open.html.

- b) Do the costs allocated in each section of the budget represent a good value for money in respect to the average market price (10 points)?

To qualify for an award, the project must obtain at least 50% of the points available for criteria 1, 2 and 5 and at least 60 out of 100 points.

During the evaluation procedure the Commission may request additional documents/clarifications, including dialogue with the applicant concerning any necessary technical and financial adjustments. Once the evaluation procedure is completed, including the adoption of the Commission's decision, the Commission will inform each applicant of the final decision taken and of the next steps. The Commission will then set in motion the procedures – including the review of budgets (if necessary) - for the preparation of the grant agreements.

7. Financial provisions¹⁸

- 7.1 In implementing the projects, beneficiaries should comply with the Financial Regulation (FR) (and in particular Title VI of Part One) and its Rules of Application (RAP) 2012¹⁹;
- 7.2 The grant provided by the Programme should not cover the entire cost of the action; the EU contribution is limited to a maximum 80% and in exceptional and duly justified cases to a maximum 90 % of the total eligible cost of the action, notably for: European, national or sub-national entities specifically created with the purpose of training national judges; European, national and sub-national associations of competition law judges; Applicants originating from EU Member States under financial assistance or surveillance (Cyprus, Greece, Hungary, Ireland, Latvia, Portugal, Romania and Spain).

Consequently, at least 20% and in special cases 10% of the total eligible costs must be covered by the applicant, the partners or by another fund provider.

- 7.3 Non-cumulative award: Co-financing of a project under this Programme cannot be combined with any other co-financing by another Programme financed by the budget of the European Union;
- 7.4 Project must not be completed or have started prior to the date of submission of the grant application;
- 7.5 Contributions in kind cannot be included in the project budget as an expense and are not accepted as co-financing, unless falling into the category introduced by recital (7) of Regulation 1382/2013²⁰

¹⁸ Additional provisions can be found in the template of Grant Agreement available on our website http://ec.europa.eu/competition/calls/proposals_open.html.

¹⁹ Regulation (EU, EURATOM) No 966/2012 of the EU Parliament and of the Council of 25/10/2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:298:0001:0096:EN:PDF>, Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:362:FULL:EN:PDF#page=3>

²⁰ "The Union should facilitate training activities on the implementation of Union law by considering the salaries of participating judiciary and judicial staff incurred by the Member States' authorities as eligible costs or co-financing in kind, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (1) (the "Financial Regulation)".

- 7.6 The rules on eligible costs are described in the general conditions of the draft grant agreement enclosed to this call for proposal;
- 7.7 For activities which can be carried out by both public and private bodies and entities, the non-deductible VAT incurred by public bodies and entities is to be eligible, in so far as it is paid in respect of the implementation of activities, such as training or awareness-raising, which cannot be considered as the exercise of the public authority.
- 7.8 The applicant must submit a balanced budget estimates in Euros presenting the sources of co-financing other than the budget of the EU;
- 7.9 Costs for accommodation and meals/refreshments shall be reimbursed on the basis of unit costs, the amounts of which are established by the Commission Decision C(2008)6215. 50% daily rate will apply for half day seminars;
- 7.10 The beneficiary (or co-beneficiaries in case of multiple beneficiaries) is the leader to whom the grant will be paid. All costs have to be incurred by the beneficiary in order to be eligible. Services/goods should be ordered by the beneficiary, and invoices issued in the name of the beneficiary. If services/goods are ordered and paid by other partners they are considered as contributions in kind, and can therefore not be included as eligible costs;
- 7.11 Projects shall not have the purpose or effect of producing profit. Profit is defined as any amount by which total real revenue for the project exceeds the total real costs. Any profit identified will entail an equivalent reduction in the final amount of the grant. The provision does not apply for low value grants (\leq EUR 60 000);
- 7.12 The Commission may award a grant lower than the amount requested. If the amount granted by the Commission is lower than the financial assistance sought by the applicant, it is up to the latter to find the necessary additional resources or to reduce the total cost of the project so as to ensure its viability without detracting from its objectives or its content. In other cases, it may be decided to grant aid only for part of the proposed activity. The Commission will not provide double financing for one and the same project;
- 7.13 The amount granted by the Commission will be proportionate to the estimated total cost of the project and will be reduced proportionally where the total real costs are lower than the total estimated costs;
- 7.14 Grants awarded shall be covered by a written agreement including the modalities for the reimbursement of a specified proportion of the eligible costs actually incurred. A grant agreement for an action with one beneficiary or with multiple beneficiaries will be used on a case by case basis, as appropriate. The agreement is a standard agreement, and its terms and conditions may not be altered or subject to negotiation;
- 7.15 Payment Conditions: as a general rule, the Commission grant is paid in two installments: a pre-financing payment (up to **50%** of the total grant) on signature of the grant agreement upon request from the beneficiary; and the balance on receipt and approval by the Commission of the final report and final financial statement of the project.

8. Submission of applications

8.1 Applications should be submitted following the standard application form accompanied by the required annexes listed in its part F.

8.2 The application must be signed by the person authorized to enter into legally binding commitments on behalf of the applicant.

8.3 Forms can be downloaded from the following website:
http://ec.europa.eu/competition/calls/proposals_open.html

Helpdesk: questions regarding the call for proposals may be sent by e-mail to the address COMP-TRAINING-JUDGES@ec.europa.eu.

8.4 Applications must be complete (**including all documents specified in Annex 'Check list for applicants'**), signed, dated and shall be submitted in duplicate (one signed original and one copy in electronic format) **no later than Friday, 29 January 2016 by post** or **express courier** (as evidenced by the postmark or by the acknowledgement of receipt of the express courier service):

If delivered by post to:

European Commission
Directorate General Competition – Unit A.4
HT.4582 - TRAINING OF JUDGES CFP 2015
MADO 20/043
1049 Brussels
Belgium

If delivered by hand or express courier to:

European Commission
Directorate General Competition – Unit A.4
HT.4582 - TRAINING OF JUDGES CFP 2015
Avenue du Bourget, 1
1140 Evere
Belgium

| |
|--|
| Please ensure that the mention: ' CALL FOR PROPOSALS – NOT TO BE OPENED BY THE REGISTRY ' is clearly mentioned on the envelope. |
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8.5 Applications may be submitted in one of the official languages of the European Union, but preferably in English, using the application form. If applications are submitted in a language other than English a summary must be added in English.

8.6 Applicants will be informed of the results of the assessment of their projects as soon as possible. However, applicants should be aware that the whole grant award procedure may take **around 9-12 months** from the publication date of the call for proposals.

9. Kick-off meeting

The budget for the proposal must include travel costs to and from Brussels and 1 overnight stay (if necessary) for one or two representatives of the coordinating organisation (including at least the project coordinator, but ideally also the financial coordinator, unless this is the same person). These costs are to allow successful applicants to participate in the 1-day 'kick-off' meeting dedicated to project management, administrative aspects and reporting obligations.

10. Implementation period of the project and other aspects

10.1 Projects may have duration of maximum 24 months.

10.2 The draft grant agreement will become legally binding only after it has been countersigned by the Commission.

10.3 Once the project has been completed and within a period to be specified in the grant agreement, recipients must send the Commission, at the abovementioned address, a **final report** on the project consisting of a **final technical and financial report** accompanied by **the request for payment of the balance**. The final report should detail any obstacles encountered, the assessment made by participants (e.g. through feedback forms), the results achieved, the dissemination of such results and the conclusions to be drawn.

10.4 Beneficiaries may be asked to make the results available to the Commission in a form that is usable and suitable for their dissemination and free of copyright, such as manuals, publications, software and internet websites.

11. Publicity

11.1 All grants awarded in the course of a financial year must be published on the Internet site of the Union 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 using another appropriate medium, including the Official Journal of the EU. The Commission will publish the following information:

- Name and address of the beneficiary,
- Subject of the grant and final score
- Amount awarded.

Upon a reasoned and duly substantiated request by the beneficiary²¹ at the moment of the application, 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.

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

²¹ Art. 35 and 128.3 FR, art. 21 and 191 RAP.

To do this they must use the text, the emblem and the disclaimer available at http://europa.eu/about-eu/basic-information/symbols/flag/index_en.htm.

If this requirement is not fully complied with, the beneficiary's grant may be reduced in accordance with the provisions of the grant agreement or grant decision. In addition, he shall address an evaluation form to all participants of the project, the results of which are to be communicated to the Directorate General Competition of the European Commission.

12. Data protection

Replying 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 are necessary to evaluate the application in accordance with the specifications of the call for proposal and will be processed solely for that purpose by the Registry and Resources Directorate of the Directorate-General for Competition acting as data controller. Details concerning the processing of personal data are available on the privacy statement at: http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf.

Personal data may be registered in the Early Warning System (EWS) only or both in the EWS and Central Exclusion Database (CED) by the Accounting Officer of the Commission, should the beneficiary be in one of the situations mentioned in:

- the Commission Decision 2008/969 of 16.12.2008 on the Early Warning System (for more information see the Privacy Statement on: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm), or

- the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm)

13. Complaints to the EU Ombudsman

At any stage in the administrative processing of grant files, where the individuals or bodies concerned consider that there has been maladministration, they may, regardless of any other means of recourse, lodge a complaint with the EU Ombudsman, in accordance with Article 228(1) of the TFEU and the conditions laid down in the Decision of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties, published in Official Journal L 113 of 4 May 1994.