



Consumer Programme

Call for proposals document

Financial contributions for cooperation
between national authorities responsible for the
enforcement of the consumer protection laws

CONS-CPC-2019

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Objective IV of Regulation (EU) No 254/2014 of the European Parliament and of the Council on a multiannual consumer programme for the years 2014-2020.



HISTORY OF CHANGES

Version	Publication date	Changes
1.0	07.05.2019	<ul style="list-style-type: none">▪ Initial version.
1.1	02.07.2019	<ul style="list-style-type: none">▪ Change of the deadline for submission of proposals and the update of the Section 4. "Timetable & Deadline"
		<ul style="list-style-type: none">▪ Update of the Section 6. "Admissibility requirements"
		<ul style="list-style-type: none">▪ Change of deadlines for submission of Questions and Answers in the Section 16.2 "Contacts"

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1. INTRODUCTION

This is an EU call for proposals in the area of consumer policy under the Consumer Programme 2014-2020¹.

Grant agreements will be concluded in relation to the following specific topic: **Cooperation between national authorities responsible for the enforcement of the consumer protection laws.**

We invite you to read the call documentation carefully, i.e. this call for proposals and the guide for applicants. These documents provide clarifications and answers to questions applicants may have when preparing their application:

The call for proposals outlines the:

- objectives, themes and priorities, types of activities that can be co-financed and the expected results of the call
- timetable and available budget
- eligibility, exclusion, selection and award criteria
- evaluation procedure.

The guide for applicants outlines the:

- procedures to register and submit proposals online (via the EU Participant Portal)
- recommendations for the preparation of proposals
- explanation on the application form (Proposal Template (Part A and B)), which describes the projects
- overview of the cost eligibility criteria.

Applicants are also encouraged to visit the [Chafea website](#) to consult the list of projects previously funded under the Consumer programme.

2. BACKGROUND TO THE CALL

This call for proposals implements the Objective IV (Enforcement) of the Consumer Programme aiming to support enforcement of consumer rights in particular by strengthening cooperation between national enforcement bodies and by supporting consumers with advice.

The Work programme for 2019² sets out further details of the financing mechanism and the priority areas for this call for proposals under point 2.1.5.: "*Cooperation between national authorities responsible for the enforcement of the consumer protection laws*".

¹ Regulation (EU) No 254/2014 of the European Parliament and of the Council of 26 February 2014 on a multiannual consumer programme for the years 2014-20 and repealing Decision No 1926/2006/EC: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0254&from=EN>.

² Commission Implementing Decision C(2018) 8074 of 6.12.2018 on the financing of the Consumer Programme and the adoption of the work programme for 2019: http://ec.europa.eu/chafea/consumers/bookshelf/legal-documents/documents/awp-2019-annex_en.pdf

Ensuring correct application and consistent enforcement of the EU laws protecting consumers across the Single Market constitutes an important pillar of the European Consumer Policy. In order to tackle practices harming consumers' economic interests in cross-border cases, Regulation (EC) No 2006/2004³ on consumer protection cooperation (CPC) establishes a cooperation framework (the "CPC Network") for the competent national consumer enforcement authorities of the EU Member States and the European Economic Area countries (hereafter CPC authorities). In May 2016, the Commission issued a proposal to further streamline and strengthen the cooperation system and to provide for new tools in order to make enforcement fit for the digital sphere. The new CPC Regulation (Regulation (EU) 2017/2394⁴) was adopted and will become applicable as of 17 January 2020 across the EU.

The multiannual Consumer programme and the CPC Regulation mandate the Commission to support the CPC Network.

The Consumers, Health, Agriculture and Food Executive Agency (hereafter Chafea) is entrusted by the European Commission with the implementation of parts of the Consumer programme and will be in charge of this call for proposals.

3. OBJECTIVES, PRIORITIES AND ELIGIBLE ACTIVITIES

The purpose of this call for proposals is to support CPC authorities and other relevant bodies under Regulation (EC) No 2006/2004 and Regulation (EU) 2017/2394 by co-financing measures in one or both of the following priorities:

1. Preparing the CPC authorities, other relevant bodies and other stakeholders for the new CPC Regulation (Regulation (EU) 2017/2394);
2. Facilitating the activities of national authorities and, where applicable, other relevant bodies, to tackle potential breaches of the laws listed in the Annex of Regulation (EC) No 2006/2004 or Regulation (EU) 2017/2394.

A wide range of activities are eligible to be supported by grants provided that they can be linked to the above priorities. Such activities may include for instance (non-exhaustive list):

- Implementation and exchange of best practices regarding minimum investigation and enforcement powers
- Preparing stakeholders for the enlarged scope (i.e. extended Annex) of Regulation (EU) 2017/2394
- Staff training
- Creation of online interfaces and monitoring tools

³ Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation)

⁴ Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004

- Development of networking tools including workshops
- Creation of surveillance, e-enforcement tools, e.g. to analyse market trends, terms and conditions or check compliance with mandatory information requirements
- Prepare stakeholders for external alerts
- Other enforcement capacities, including purchase of equipment for product testing or carrying out activities to implement the ‘Framework for selecting and testing of food products to assess quality related characteristics’⁵ or to build and gather evidence necessary to detect infringements.

3.1. Expected outcome of the action

Authorities and other relevant bodies will be in the position to fulfil their tasks under Regulation (EU) 2017/2394.

Authorities and, where applicable, other relevant bodies will be in a position to respond quickly and effectively to new market trends and corresponding consumer issues, in particular in the digital environment.

3.2. Duration of the action

The maximum duration of grant is **36 months**. The indicative starting date and duration of the action shall be specified in the grant application.

4. DEADLINE & TIMETABLE

The deadline for submission of proposals is **19 September 2019, 17:00:00 (Brussels local time)**.

	Stages	Date and time or indicative period
a)	Call publication	07/05/2019
b)	Deadline for applications	19/09/2019
c)	Evaluation period	September - October 2019
d)	Information on evaluation result	November 2019
e)	Grant agreement signature	December 2019

⁵ https://ec.europa.eu/knowledge4policy/publication/eu-harmonised-methodology-testing-food-products_en

5. BUDGET AVAILABLE AND CO-FINANCING RATES

The total amount earmarked for co-financing the actions is **EUR 1.000.000**.

The financial contribution of the Union shall not exceed:

- **50% of eligible costs** or
- **70% of the eligible costs in case of an action of exceptional utility.**

Actions of exceptional utility are deemed to be actions submitted jointly by at least two authorities or other relevant bodies under Regulation (EC) No 2006/2004 or Regulation (EU) 2017/2394, if they concern possible infringements which cause or are likely to cause harm in two or more Member States.

Chafea reserves the right not to distribute all the funds available.

6. ADMISSIBILITY REQUIREMENTS

Applications must be submitted before the deadline **19/09/2019 at 17:00:00** Brussels local time.

Applications must be submitted electronically via the online submission system ([The Funding & Tenders Portal](#)). Other means of submission are not accepted and such applications will be rejected as inadmissible.

Applications (including annexes and supporting documents) must be submitted using the forms provided inside the electronic submission system (not the documents available on the Call Topic page — they are only for information).

The maximum duration of the action is **36 months**. Applications for projects exceeding the duration of 36 months will be rejected as inadmissible.

Applications must be drafted in one of the EU's official languages. However, as the working language of Chafea is English, the applicants are requested, as a matter of courtesy, to accompany the proposal with an English translation to expedite the evaluation process.

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

7. ELIGIBILITY CONDITIONS

7.1. Eligible applicants

In order to be eligible for a grant, the applicants must:

- have legal personality
- belong to one of the following categories: public or private entities
- be established in one of the eligible countries, i.e.:

- EU Member States (including overseas countries and territories (OCTs));
- Countries of the European Free Trade Association participating in the European Economic Area (EFTA/EEA countries)⁶.

Natural persons are NOT eligible.

To prove eligibility, all applicants must register in the [Participant Register](#) — before the deadline of the call — and upload the necessary documents showing legal status and origin.

7.2. Eligible entities⁷

Applicants must be, on the date of the submission of the proposal, one of the following entities:

- Authorities notified to the Commission in accordance with Article 4 (1) and (2) of Regulation (EC) No 2006/2004;
- Non-profit-making bodies designated by the authorities notified to the Commission in accordance with Article 4 (2) of Regulation (EC) No 2006/2004 for the purpose of consumer protection;
- Entities notified in accordance with Article 8 of the Regulation (EU) 2017/2394:
 - competent authorities,
 - single liaison offices,
 - designated bodies,
 - public or private entities issuing external alerts under Article 27 (1) of the Regulation (EU) 2017/2394;
- ‘other public authorities’ for the purpose of assisting competent authorities at their request in the context of the proposed activity and in accordance with Article 6 (2) of Regulation (EU) 2017/2394.

For UK applicants: Please note that until the United Kingdom leaves the EU, nothing changes with regard to the participation in EU programmes. Please be aware however that the eligibility criteria must be complied with for the *entire* duration of the grant. If the United Kingdom withdraws from the EU during the grant period without an agreement with the EU ensuring the eligibility for UK beneficiaries, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of the contractual provisions on termination (Article 34.3(b) of the grant agreement).

⁶ All references in this invitation to the Member States, their representatives, authorities and bodies must be read as also referring to the EFTA/EEA countries under the applicable conditions.

⁷ As per eligibility criteria set out in section 2.1.5 of the Annex to the 2019 Annual work programme.

8. EXCLUSION CRITERIA

In order to demonstrate compliance with the exclusion criteria as described hereunder, the applicant has to check the relevant box in the electronic submission system.

Applicants that are subject to an EU administrative sanction (i.e. exclusion or financial penalty decision)⁸ or in one of the following situations⁹ are excluded from receiving EU grants and will automatically be rejected:

- bankruptcy, winding up, affairs administered by the courts, arrangement with creditors, suspended business activities or other similar procedures (including procedures for persons with unlimited liability for the applicant's debts)
- in breach of social security or tax obligations (including if done by persons with unlimited liability for the applicant's debts)
- guilty of grave professional misconduct¹⁰ (including if done by persons having powers of representation, decision-making or control, beneficial owners or natural persons who are essential for the award/implementation of the grant)
- committed fraud, corruption, links to a criminal organisation, money laundering, terrorism-related crimes (including terrorism financing), child labour or human trafficking (including if done by persons having powers of representation, decision-making or control, beneficial owners or natural persons who are essential for the award/implementation of the grant)
- shown significant deficiencies in complying with main obligations under an EU procurement contract, grant agreement or grant decision (including if done by persons having powers of representation, decision-making or control, beneficial owners or natural persons who are essential for the award/implementation of the grant)
- guilty of irregularities within the meaning of Article 1(2) of Regulation No [2988/95](#) (including if done by persons having powers of representation, decision-making or control, beneficial owners or natural persons who are essential for the award/implementation of the grant)
- created under a different jurisdiction with the intent to circumvent fiscal, social or other legal obligations in the country of origin or created another entity with this purpose (including if done by persons having powers of representation, decision-making or control, beneficial owners or natural persons who are essential for the award/implementation of the grant).

Applicants will also be rejected if it turns out during the grant award procedure that they¹¹:

- misrepresented information required as a condition for participating in the grant award procedure or failed to supply that information

⁸ See Article 136(1) EU Financial Regulation [2018/1046](#).

⁹ See Articles 136(1) and 141(1) EU Financial Regulation [2018/1046](#).

¹⁰ Professional misconduct includes: violation of ethical standards of the profession, wrongful conduct with impact on professional credibility, false declarations/misrepresentation of information, participation in a cartel or other agreement distorting competition, violation of IPR, attempting to influence decision-making processes or obtain confidential information from public authorities to gain advantage.

¹¹ See Article 141(1) EU Financial Regulation [2018/1046](#).

- were previously involved in the preparation of grant award documents where this entails a distortion of competition that cannot be remedied otherwise (conflict of interest).

8.1. Remedial measures¹²

If an applicant declares one of the situations of exclusion listed above (see section 8), 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 proposal.

9. SELECTION CRITERIA¹³

In order to demonstrate compliance with the selection criteria (both financial and operational capacity), the applicant has to check the relevant box in the electronic submission system.

9.1. Financial capacity

The applicant must have adequate financial resources in order to carry out the proposed action. Organisations participating in several projects must have sufficient capacity to implement several projects.

The financial capacity of applicants will be verified in line with the requirements of the Financial Regulation. This verification shall not be carried out if:

- The applicant is a public body;
- The total grant amount requested by the applicant for the proposed action is \leq EUR 60 000 (low value grants);

The documents that will be requested to upload in the Participant Register when assessing the financial viability include:

- Profit and loss account and balance sheet for the last two closed financial years, or for newly created entities possibly the business plan;
- For applicants requesting more than EUR 750 000,¹⁴ an audit report produced by an approved external auditor, certifying the accounts for the last closed financial year

¹² Article 136(7) of the Financial Regulation.

¹³ Article 198 of the Financial Regulation.

¹⁴ Please be aware that the threshold applies to an applicant and not to the whole consortium. The audit report is not required from the applicants that are public bodies.

9.2. Operational capacity¹⁵

Beneficiaries must have the operational resources, skills and professional experience necessary for implementing the action.

The applicants should declare their compliance with the operational capacity by ticking the relevant box in the electronic submission system (Part A).

10. AWARD CRITERIA¹⁶

Admissible applications that passed exclusion and selection criteria will be evaluated and ranked against the following award criteria.

Criteria	Maximum points	Minimum threshold
1. Added value of the action in relation to the enforcement of consumer law included in the Annex of the current and new CPC Regulations.	5	3
2. Methodology of implementing the action, including timing, resources and project organisation.	5	3

A maximum of 10 points can be attributed to a proposal. Applications that pass the minimum threshold per award criterion will be considered for funding — within the limits of the available call budget. Other applications will be rejected.

11. OTHER IMPORTANT INFORMATION

Both applications submitted by single applicants (**mono-beneficiary applications**) or by consortia (**multi-beneficiary applications**) are allowed. Each of the entities within the consortium has to comply with eligibility criteria as per point 7 of present Call. Entities can originate from the same or different eligible countries.

The consortia shall designate a co-ordinator for the multi-beneficiary action. This coordinator will act as a contact point for Chafea and will have the responsibility of receiving the payments and coordinating the reporting exercise. The coordinator must have agreement of the other members and their mandate to act on their behalf which has to be confirmed in the application.

Multiple applications: Applicants may submit more than one application for different projects under the same call (and be awarded a grant for them). Organisations may participate in several applications.

¹⁵ Article 198 (3) of the Financial Regulation.

¹⁶ Article 199 of the Financial Regulation.

BUT: if there are several applications for the same/very similar project, only one application may be accepted and evaluated; the applicants may be asked to withdraw one of them (or it may be rejected).

12. EVALUATION AND AWARD PROCEDURE

This call is subject to the standard submission and evaluation procedure (one-stage submission + one-step evaluation).

Applications will be checked by formal requirements (admissibility, eligibility, exclusion and selection) and will be evaluated by an evaluation committee against the award criteria and then listed in a ranked list according to their quality score.

All applicants, whether successful or not, will be informed of the results of the evaluation.

13. GRANT AGREEMENT¹⁷

Successful applications will be invited for grant preparation. This invitation however does not constitute a formal commitment for funding. Before grant award, various legal checks need to be carried out: legal entity validation, financial capacity, exclusion check etc. Grant preparation will involve a dialogue in order to fine-tune technical or financial aspects of the project and may require extra information from applicants' side.

Applicants will then be invited to sign the grant agreement, drawn up in Euro and detailing the conditions and level of funding. The applicant will also receive the information on the procedure to formalise the agreement of the parties.

The model grant agreement is attached to this call and available on the Chafea website and [The Funding & Tenders Portal](#). Please read it carefully. The agreement will only be signed in English.

14. FINANCIAL PROVISIONS

All grant parameters (maximum grant amount, funding rate, total eligible costs etc.) will be fixed in the grant agreement (art. 5).

Project budget: see section 5 above. The grant awarded (= maximum grant amount) will be based on the proposed budget of the action and may be lower than the amount requested.¹⁸

The costs will be reimbursed at the funding rate fixed in the grant agreement (see section 5 above).

¹⁷ Article 201 of the Financial Regulation.

¹⁸ For more details, please refer to the section 5 of Guide for applicants.

The grant will be based on reimbursement of actual costs principle. This means that it will reimburse **ONLY** certain types of costs (eligible costs) and **ONLY** those costs beneficiaries *actually* incurred for the project (NOT the *budgeted* costs).

EU grants may NOT produce a profit. If there is a profit (i.e. surplus of receipts + EU grant over costs), it will be deducted from the final grant amount.

The final grant amount beneficiaries receive will therefore depend on a variety of criteria (*actual costs incurred and project income; eligibility; compliance with all the rules under the grant agreement, etc*).

14.1. Cost eligibility rules

For the **cost eligibility rules**, see the model grant agreement (art. 6) and the Guide for applicants.

Special cost eligibility rules for this call:

- up to 7% flat-rate for indirect costs
- subcontracting¹⁹ of action tasks is subject to special rules and must be approved by Chafea (either as part of applicants' proposal or in a periodic/final report). In order to ensure the legal compliance of the subcontracts awarded/to be awarded, as set out in article 10 of the grant agreement, applicants shall include in their proposal a description of the procurement procedures, if the value of the service is above EUR 60 000 threshold for private bodies and above EUR 144 000 threshold for public bodies.
- VAT is eligible if the beneficiary is not able to deduct it. However, VAT paid by beneficiaries that are public bodies acting as public authority is NOT eligible

14.2. Reporting and payment arrangements

The **reporting and payment** arrangements will be fixed in the grant agreement (art. 15 and 16).

After grant signature, Chafea will normally provide beneficiaries with a float to start working on the project. Depending on the length of the action, the beneficiary will receive a **pre-financing** amounting to:

- **70%** of the maximum grant amount for the actions with maximum duration up to 15 months;
- **50%** of the maximum grant amount for the actions with maximum duration between 16 and 36 months.

Number of **reporting and payments** depends on the length of the action and will be set as follows:

- no interim payment for actions with maximum duration of up to 15 months;

¹⁹ For more details see the guide for applicants.

- 1 interim payment linked to a periodic (interim) report for actions with maximum duration between 16 and 36 months (the recommended length of the reporting period should be in the middle of the action duration).

The sum of the interim payment and the amount of the pre-financing is limited to 90% of the maximum grant amount as set out in the grant agreement.

In addition, beneficiaries may submit several progress reports not linked to payments. These progress reports will be linked to the deliverables and will allow Chafea to monitor the project implementation. The number and frequency of deliverables not linked to payments will depend on the nature of the action and will be defined at the grant preparation stage.

At the end of the project, beneficiaries shall submit a final report together with the request for payment of the balance based on which the final grant amount will be calculated.

If the total of the pre-financing and interim payments (if any) is higher than the final grant amount, Chafea will ask beneficiaries (the coordinator) to pay back the difference (recovery).

Payments will be made to the coordinator. The coordinator must distribute the payments between the beneficiaries without unjustified delay.

14.3. Liability regime for recoveries

In case of multi-beneficiary grants, the liability regime for recoveries will be set out in the grant agreement (Art. 28) based on the risk assessment of the financial capacity²⁰ of the applicant.

14.4. Pre-financing guarantee

In case of insufficient financial capacity, Chafea may require a pre-financing guarantee which will be fixed in the grant agreement (art 16.2). The amount will be equal or lower than the pre-financing for the grant based on the risk assessment.

The guarantee should be made in Euro and issued by an approved bank/financial institution established in an EU Member State.

Where a beneficiary established in a non-EU country seek to provide a guarantee from a bank/financial institution in that country, the beneficiary shall contact Chafea (this may be exceptionally accepted, if it offers equivalent security).

Amounts blocked in bank accounts will NOT be accepted as financial guarantees.

The guarantee is NOT linked to individual consortium members. Beneficiaries are free to organise how the guarantee amount should be provided (by one or several beneficiaries, for the overall amount or several guarantees for partial amounts). The requested amount shall be covered and the guarantee(s) shall be sent by the coordinator before the pre-financing (by PP Communication to the Project Officer or Formal Notification).

²⁰ For more details, please refer to section 9.1 of this call.

Upon beneficiary's request, the bank guarantee may be replaced by a joint and several guarantee from a third party.

The guarantee will be released at the end of the grant, in accordance with the conditions laid down in the grant agreement.

15. PROCESSING OF PERSONAL DATA

The submission of an application under this call involves the collection, use and processing of personal data (such as name, address and CV). This data will be processed in accordance with [Regulation No 2018/1725](#)²¹. It will be processed solely for the purpose of evaluating your proposal (and subsequent management of your grant and, if needed, programme monitoring, evaluation and communication). Details are available in the [Participant Portal Privacy Statement](#).

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 the Financial Regulation.

For more information see the Privacy Statement on:

http://ec.europa.eu/chafea/about/documents/PS_public-procurement-grants-expert-en.pdf.

16. PROCEDURE FOR THE SUBMISSION OF PROPOSALS

Proposals must be submitted via the [Funding & Tenders Portal](#) and before the call deadline.

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 for the correction of clerical mistakes, Chafea may contact the applicant for this purpose during the evaluation process.

16.1. Before submitting a proposal

(1) Find the call:

<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>

(2) Create an account to submit a proposal.

(3) Register all partners via the Participant Register:

<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register>

²¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance.)

The **submission process** is explained in the Guide for Applicants and in the [Participant Portal Online Manual](#) (together with detailed instructions for the IT tool).

By submitting a proposal, the applicant accepts the procedures and conditions as described in this call and in the documents to which it refers.

16.2. Contacts:

For questions on the Electronic Submission System, please contact the [IT Helpdesk](#).

For non-IT related questions a helpdesk at Chafea is available via CHAFFEA-CP-CALLS@ec.europa.eu.

The deadline to submit questions is **10 September 2019, 17:00:00** (Central European Time). Answers to relevant questions will be published on http://ec.europa.eu/chafea/consumers/funding/calls-for-proposals/index_en.htm by **13 September 2019, 17:00:00** (Central European Time).

Frequently asked questions are published on the website of Chafea: http://ec.europa.eu/chafea/consumers/funding/calls-for-proposals/index_en.htm

Please note that any replies from the help desk provided in the frame of the current procedure can by no means be regarded as Chafea's binding opinion producing any legal effect. All aspects of the proposals to be submitted in response of the call (including the eligibility, selection and award criteria) will be formally evaluated by the evaluation committee(s) that will be set up on the basis of the applicable rules.

Please indicate clearly the reference of the call for proposals and the topic to which the question relates (*see call document cover page*).

ANNEXES

- Guide for Applicants
- Application form – Part B – Description of the Action and Estimated Budget
- [Mono-beneficiary Model Grant agreement](#)
- [Multi-beneficiary Model Grant Agreement](#)