



HERCULE III

Call for proposals Legal Training and Studies 2018

HERCULE-LT-AG-2018

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HERCULE III
Law Training and Studies 2018
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1. Background

This is an EU call for proposals in the policy area of "fight against fraud" under the Hercule III Programme.

On 26 February 2014, the European Parliament and the Council of the European Union adopted Regulation (EU) No 250/2014¹ establishing a programme to promote activities against fraud, corruption and any other illegal activities affecting the financial interests of the Union (Hercule III Programme, hereinafter referred to as "the Programme").

The Programme entered into force on 21 March 2014 and is implemented by the European Anti-Fraud Office of the European Commission (OLAF).

The Hercule Annual Work Programme 2018² (AWP 2018) provides that the Commission launches a specific call for proposals for the following projects aimed at preventing and combatting fraud, corruption and any other illegal activities affecting the financial interests of the Union:

1. developing high-profile research activities, including studies in comparative law;
2. improving cooperation between practitioners and academics;
3. raising awareness among the judiciary and other branches of the legal profession as regards to the protection of the Union's financial interests.

This call for proposals is entitled: "Legal Training and Studies 2018".

2. Objectives — Themes & priorities — Projects that can be funded — Expected results

Objectives

The general objective³ of the Programme "shall be to protect the financial interests of the Union thus enhancing the competitiveness of the Union's economy and ensuring the protection of the taxpayers' money". The specific objective⁴ shall be to prevent and combat fraud, corruption and any other illegal activities affecting the financial interests of the Union.

The operational objectives⁵ of the Programme are listed below:

- a) to improve the prevention and investigation of fraud and other illegal activities beyond current levels by enhancing transnational and multi-disciplinary cooperation;
- b) to increase the protection of the financial interests of the Union against fraud, facilitating the exchange of information, experience and best practices, including staff exchanges;
- c) to strengthen the fight against fraud and other illegal activities providing technical and operational support to national investigation and in particular, customs and law enforcement, authorities;
- d) to limit the currently known exposure of the financial interests of the Union to fraud, corruption and other illegal activities with a view to reducing the

¹ Regulation (EU) No 250/2014 of 26 February 2014 of the European Parliament and of the Council establishing a programme to promote activities in the field of the protection of the financial interests of the European Union ("Hercule III" Programme) and repealing Decision No. 804/2004/EC, OJ L 84 of 20 March 2014.

² C(2018)1763 final of 28 March 2018, in particular section 6.2 thereof.

³ Article 3 of Regulation (EU) no. 250/2014.

⁴ Article 4 of Regulation (EU) no. 250/2014.

⁵ Article 5 of Regulation (EU) no. 250/2014.

development of an illegal economy in key risk areas such as organised fraud, including cigarette smuggling and counterfeiting;

- e) to enhance the degree of development of the specific legal and judicial protection of the financial interests of the Union against fraud by promoting comparative law analysis.

This call for proposals concerns mainly the operational objectives (a), (b) and (e).

Themes & priorities

The projects must aim at the protection of the **financial interests of the Union** by **preventing and combatting** fraud, corruption and any other illegal activities **affecting the financial interests of the Union**.

This call for proposals encourages projects having a strong European transnational aspect.

The priority themes for the 2018 call for proposals are as follows:

- a) Cooperation between EU bodies involved in the protection of the Union's financial interests (OLAF, EPPO, Eurojust, Europol);
- b) Measures to support the new antifraud landscape (with a view to the establishment of the EPPO at EU and national level);
- c) OLAF investigations, with special reference to the exercise and enforcement of its powers as well as its cooperation with national partners;
- d) The fight against VAT fraud;
- e) The protection of whistle-blowers and the role of investigative journalism in the area of the protection of the Union's financial interests;
- f) Requirements to obtain, secure and use digital forensic evidence in administrative and criminal investigations;
- g) Articulation between different types of actions (e.g. prevention, investigations, recoveries) relevant to the protection of the financial interests of the EU;
- h) Different types of investigations and sanctions (criminal, administrative, other) and the relationship between them, including the "ne bis in idem" principle;
- i) Transparency issues in the area of the protection of the Union's financial interests (e.g. access to beneficial owners).

Projects that can be funded

Under this call for proposals national and regional administrations, as well as research and educational institutes, and other non-profit making entities are invited to submit applications for projects under the following three topics⁶:

1. **Developing high-profile research activities**, including studies in comparative law (including dissemination of results and a concluding conference, where applicable);
2. **Improving cooperation between practitioners and academics**, including the organisation of the annual meeting of the presidents of the Associations for European Criminal Law and for the Protection of EU Financial Interests;
3. **Raising awareness** among the judiciary and other branches of the legal profession in relation to the protection of the Union's financial interests through the development of (periodical) scientific publications and the dissemination of scientific knowledge.

⁶ Section 6.2.1 "Training actions" of the AWP2018.

Applicants are required to choose one main topic and should be aware that an application may also incorporate elements of other topics.

Expected results

The applicant should demonstrate that the results of the project contribute to the achievement of the general, specific and operational objectives of the Hercule III Programme (see section 2 above). The applicant should explain how the achievement of the expected results will be measured. Special attention should be given to the following:

1. The development of original and qualitative high-profile research activities, including comparative law studies;
2. The improvement of cooperation between practitioners and academics;
3. The increased awareness amongst the judiciary and other branches of the legal profession in relation to the protection of the Union's financial interests.

These results may be measured by: the number, origin and professional background of participants in conferences, the number of publications distributed and the results of participant surveys assessing the overall satisfaction of the event(s).

The above-mentioned list of results is not exhaustive and applicants may indicate more than one category or add other results it considers relevant in relation to the objectives of the Programme.

3. Timetable & available call budget

Timetable

Timing (indicative)	
Call publication:	26 April 2018
Opening date:	26 April 2018
Deadline for applications:	14 June 2018 – 17:00 CET
Evaluation:	June-September 2018
Information on evaluation result:	September-October 2018
Grant agreement signature:	November 2018
Maximum duration of a project ⁷	18 months
Latest date to finish :	1 September 2020

Call budget

The **available call budget** is EUR 500 000.

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

⁷ The duration of the projects detailed in the applications will not exceed 12 months for a conference and 18 months for a high-profile research or for a scientific publication from the start date of the project mentioned in Art.2 of the grant agreement. No grant agreement will be extended beyond this maximum duration, except in the case of an unpredictable event with serious consequences that will be properly justified at least one month before the end date of the grant agreement. The Commission reserves the right to accept or reject this request. Please note that the project must end before the 'latest date to finish' mentioned in the timetable.

4. Admissibility criteria

Admissibility

Applications must be submitted before the call deadline (see *timetable section 3*).

Applications must be submitted electronically via the Participant Portal Electronic Submission System (accessible via the Call Topic page in the [Funding Opportunities](#) section). **Paper submissions are no longer possible.**

Applications (including annexes and supporting documents) must be submitted using the forms provided inside the Participant Portal Electronic Submission System.

Your application must be readable, accessible, printable and contain all the requested information, all required annexes and supporting documents (see *section 10*).

A grant will not exceed 80% of the total eligible costs. In exceptional and duly justified cases, the financial support for an action may be increased to a maximum of 90% of the eligible costs. The criteria used to determine whether an action satisfies these conditions are set out in section 9.

5. Eligibility criteria

Participants

The bodies eligible to receive grants under this call are:

- . National or regional administrations of a Member State which promote the strengthening of action at Union level to protect the financial interests of the Union; and
- . Research and educational institutes and non-profit-making entities provided that they have been established and have been operating for at least one year in a Member State and promote the strengthening of action at Union level to protect the financial interests of the Union.

Applications from third countries are subject to the conditions in Article 7(2) of the Hercule III Regulation⁸.

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

Only applications by single applicants are allowed. No consortium is allowed to apply.

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 our framework partnerships/grants. If the United Kingdom withdraws from the EU during that period (without an agreement ensuring eligibility for UK beneficiaries), you will cease to receive EU funding or be required to leave the project on the basis of the contractual provisions on termination.

Budget

The minimum threshold for the total budgeted costs of a project submitted has been set at EUR 40 000. The application will be discarded if the total budgeted costs proposed are lower than EUR 40 000.

⁸ Article 7 (2) determines the conditions under which applicants from third countries may submit applications. Currently, applicants from non-EU countries cannot submit applications.

Actions

Eligible actions are set out in section 2.

Duration

The duration of the project will not exceed 12 months for topic 2⁹ and 18 months for topics 1 and 3, following the signature of the grant agreement by both parties.

6. Award criteria

Admissible and eligible applications will be evaluated and ranked according to the following award criteria:

1. **Added value:** its added value for the protection of the Union's financial interests **(40 points)**;
2. **Conformity** with one or more of the Programme's operational objectives listed in section 2 (in particular, enhancing transnational and multi-disciplinary cooperation as indicated in operational objective (a) as well as the relevance of the issues addressed and complementarity with other Union activities) **(20 points)**;
3. **Quality:** accuracy and coherence of the proposed methodology, the organisation of the work, the allocation of resources, the consistency and feasibility of planning and monitoring arrangements, and the originality and appropriateness of the activities **(20 points)**;
4. **Value for money:** the proposed budget is sufficient/appropriate for proper implementation; best value for money (provisional budget, expected results and deliverables) **(20 points)**.

Each application will be scored on a 10 point scale for each criterion. The individual score for each criterion will be multiplied by the applicable weight factor and added. The minimum score for each criterion must at least be 50% of the theoretical maximum score. The minimum score for the overall score must be 60% of the theoretical maximum score. An application that does not obtain these minimum scores will be rejected. The applications obtaining a score equal to or higher than 60% of the maximum score will be ranked on the basis of their score and will be recommended for a grant subject to the availability of financial resources.

Award criteria	Points	Weight	Individual thresholds (minimum score)	Maximum score
Added value	1-10	4	20	40
Conformity	1-10	2	10	20
Quality	1-10	2	10	20
Value for Money	1-10	2	10	20
				100
Overall threshold: 60				

⁹ See section 2 "projects that can be funded".

Only applications that pass the individual thresholds AND the overall threshold will be considered for funding – within the limits of the available call budget.

Other applications will be rejected.

7. Selection criteria

In accordance with Article 132 of the EU Financial Regulation (No. 966/2012) and Article 202 of the Rules of Application, the Commission will examine each application on the basis of:

Financial capacity

The applicant must have stable and sufficient resources to successfully implement the proposed project. Organisations participating in several concomitant projects must have sufficient capacity to implement them simultaneously.

The financial capacity check will be carried out on the basis of the documents you will upload to the Beneficiary Register (profit and loss account and balance sheet for the last closed financial year).

This requirement does not apply to national and regional administrations.

Operational capacity

The applicant should demonstrate that it has the operational resources (technical, management) and that its staff has the professional skills, competences and qualifications needed to successfully implement the proposed project. The applicant's staff must have a confirmed experience in the domain for which it proposes the project.

The following information should be provided in the relevant sections of the application form:

- a short description of the applicant's main activities including an organisation chart;
- an exhaustive list of the EU grants awarded during the last 4 years (2014-2017);
 - a short description of the team that will implement the project, the allocation of tasks within the team and a description of the **relevant competences** of the team members.

Exclusion

Applicants that are subject to an EU administrative sanction (i.e. exclusion or financial penalty decision)¹⁰ or in one of the following situations¹¹ 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 under national law (including persons with unlimited liability for the applicant's debts);
- declared in breach of social security or tax obligations by a final judgment or decision (including persons with unlimited liability for the applicant's debts);
- found guilty of grave professional misconduct¹² by a final judgment or decision (including persons having powers of representation, decision-making or control);

¹⁰ See Articles 131(4) and 106(1) EU Financial Regulation No [966/2012](#).

¹¹ See Articles 131(4), 106(1) and 107 EU Financial Regulation No [966/2012](#).

¹² 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.

- convicted of fraud, corruption, involvement in a criminal organisation, money laundering, terrorism-related crimes (including terrorism financing), child labour or human trafficking (including persons having powers of representation, decision-making or control);
- shown significant deficiencies in complying with main obligations under an EU procurement contract, grant agreement or grant decision (including persons having powers of representation, decision-making or control);
- found guilty of irregularities within the meaning of Article 1(2) of Regulation No 2988/95 (including persons having powers of representation, decision-making or control).

Applicants will be rejected if it is discovered during the grant award procedure that they:

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

 **IMPORTANT**

- **Subcontractors** — Subcontracting is allowed, but subject to strict limits (*see section 9*).
- **Registration** — Applicants must register in the [Beneficiary Register](#) — before the call deadline — and upload the necessary documents showing legal status and origin.
- **Completed/ongoing projects** — Applications for projects that have already been completed will be rejected; applications for projects that have already started will be assessed on a case-by-case basis (in this case, no costs can be reimbursed for activities that took place before proposal submission).
- **Balanced project budget** — Applicants must ensure a balanced budget and sufficient other resources to implement the project successfully (*e.g. own contributions, income generated by the project, financial contributions from third parties*). You may be requested to lower the estimated costs in the detailed budget table, if they are ineligible or excessive.
- **No profit rule** — Grants may NOT give a profit (i.e. surplus of receipts + EU grant over costs). This will be checked by us at the end of the project.
- **No double funding** — Any given project may receive only one grant from the EU budget. The project must therefore NOT receive any financial support under any other EU funding programme (including EU funding managed by authorities in EU Member States or other funding bodies, *e.g. Regional Funds, Agricultural Funds, EIB loans, etc.*). Cost items may NOT be declared twice under different EU projects.
- **Multiple applications** — Applicants may submit more than one application for *different* projects under the same call (and be awarded a grant for them).
BUT: if there are several applications for the *same/very similar* project, only one application will be accepted and evaluated; the applicants will be asked to withdraw one of them (or it will be rejected).
- **Language** — you can submit your proposal in any official EU language. However, for reasons of efficiency, we strongly advise you to use English. If you need the call document in another official EU language, please submit a request within 10 days after call publication (for the contact information, *see section 10*).

8. Evaluation & award procedure

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

Applications will be checked by us for formal requirements (admissibility and eligibility) and will be evaluated by an evaluation committee according to the operational capacity and award criteria.

The evaluation committee will adopt a list of applicants recommended for the award of a grant.

Once this list is established, the Commission will verify the compliance with the exclusion criteria and the financial capacity set out in the selection criteria.

If an application does not successfully pass the examination of a set of criteria, it will be rejected and the applicant will be informed accordingly.

Successful applicants will be invited for grant preparation.

The Commission may ask an applicant to provide additional information or to clarify the supporting documents submitted in connection with the application, in particular in the case of manifest material errors.

IMPORTANT

- **No commitment for funding** — Invitation to grant preparation does NOT constitute a formal commitment for funding. We will still need to make various legal checks before grant award: 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 your side.

9. Legal & financial set-up of the grants

If your proposal is selected for funding, you will be invited to prepare a grant agreement which will be signed by both parties.

This grant agreement will set the framework for your project and its terms and conditions, as well as particular provisions on deliverables, reporting and payments.

Starting date & project duration

The project's **starting date and duration** will be fixed in your grant agreement (art. 3). Normally, the starting date will be after the signature of the grant agreement. Retroactive application can be granted exceptionally for duly justified reasons — but never earlier than the proposal submission date.

Maximum project duration: 12 months for topic 2 and 18 months for topics 1 and 3.

Maximum grant amount, reimbursement of eligible costs & funding rate

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

Maximum project budget: No limit.

The grant awarded may be lower than the amount requested.

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

The costs will be reimbursed at the funding rate fixed in the grant agreement (maximum 80%). The Hercule III Regulation allows for the maximum co-financing rate to be raised from 80% to up to 90% in exceptional and duly justified cases. In the area of legal training and studies these exceptional and duly justified cases refer to projects undertaken by scientific and/or research organisations specifically to promote studies in European criminal law, to support the creation of networks in this area and geared to protect the Union's financial interests.

EU grants may NOT make a profit. If there is a profit (i.e. surplus of receipts + EU grant over costs), we will deduct it from your final grant amount.

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

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:

- 7% fixed flat-rate for indirect costs;
- financial support to third parties is not allowed;
- subcontracting of project tasks must be approved by us (either as part of your proposal or in a periodic/final report) and is subject to special rules;
- VAT is not eligible.

Deliverables

Standard **deliverables** will be listed the grant agreement (art. 14). The project-specific deliverables will be listed in Annex 1 of the grant agreement.

Standard deliverables for this call (if applicable):

- Feedback forms filled-in by participants;
- Summary of scores from participants' feedback (spreadsheet);
- Post-event survey (6 months after the end of the project).

Reporting & payment arrangements

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

After grant signature, we will provide you with a pre-financing of 50% of the maximum grant amount.

There will be no interim payments.

At the end of the project, the balance will be paid following receipt and approval of the final technical report and the final financial report. These reports should be drafted using the templates provided. If the total pre-financing payment is higher than the final grant amount, we will require the beneficiary to pay back the difference (recovery).

Special provisions

Intellectual property rights (IPR): see model grant agreement (art. 19)

Promotion & visibility of EU funding: see model grant agreement (art. 22)

Cost rejection, grant reduction, recovery, suspension & termination

The grant agreement (chapter 6) provides for the measures we may take in case of **breach of contract** (and other violations of law).

10. How to submit an application?

All applications must be submitted electronically via the Participant Portal Electronic Submission System (accessible via the Call Topic page in the Funding Opportunities section). Paper submissions are no longer accepted.

The **submission process** is explained in the Participant Portal Online Manual (together with detailed instructions for the IT tool).

The application form is composed of three parts: Part A, Part B (system code TA1) and Annexes to Part B (*system codes* TA2 and Annex 2).

Part A of the application form must be completed **on-line** via the Participant Portal Electronic Submission System.

Part B [*system code* **TA1**] of the application form (description and justification of the action, timetable) must be downloaded from the Submission System, completed carefully, signed, scanned and uploaded as a **.pdf** document.

Mandatory **Annexe(s)** must be downloaded from the Submission System, completed carefully, signed, scanned and uploaded as **.pdf** documents:

- [*system code* **TA2**] agenda of the event(s);
- [*system code* **Annex 2**] budget form (spreadsheet) detailing the breakdown of forecasted expenditure and income. The expenditure forecasts should be based on direct quotes from suppliers or copies taken from suppliers' (internet) catalogues.

Contact

For questions on the Participant Portal Submission System, please contact the [IT helpdesk](#).

Non-IT related questions should be sent to the following email address: OLAF-FMB-HERCULE-LEGAL@ec.europa.eu.

Please indicate clearly the reference of the call for proposals (*see call document cover page*).

⚠ IMPORTANT

- **Consult** the Call page regularly. We will use it to publish updates and additional information on the call.

- **Avoid last minute submissions.**

Questions received later than 7 days before the call deadline cannot be answered.

We strongly advise you to complete your proposal sufficiently in advance of the deadline, to avoid any last minute technical problems. Any problems due to last minute submissions (*e.g. congestion, etc.*) will be at your risk. The call deadline will NOT be extended.

- Before submitting a proposal, all applicants must be **registered** in the [Beneficiary Register](#) and obtain a participant identification code (PIC) (one for each applicant).
- By submitting their proposal, all applicants **accept**:
 - the terms and conditions of this call (as described in this call document and the documents it refers to)
 - to use the electronic exchange system in accordance with the [Participant Portal Terms & Conditions](#).
- After the call deadline, the proposal is locked and can no longer be changed.
- You may be contacted later on if there is a need to **clarify** certain aspects of your **proposal** or for the correction of clerical mistakes.
- You may be asked to submit **additional documents** later on (*e.g. for the legal entity validation, LEAR appointment and financial capacity check*).
- The EU is committed to **transparency**. Each year, information about the grants awarded is published on the [Europa website](#). This includes:
 - the beneficiaries' names
 - the beneficiaries' addresses
 - the purpose for which the grant was awarded
 - the maximum amount awarded.

The publication can exceptionally be waived (on reasoned and duly substantiated request), if there is a risk that the disclosure could jeopardise the rights and freedoms under the EU Charter of Fundamental Rights or harm your commercial interests.

- **Data privacy** — 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 45/2001. 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](#).