

BUDGET HEADING 04 03 09

Pilot Project - Working and Living Conditions of Posted Workers

CALL FOR PROPOSALS

2009

VP/2009/015

1. OBJECTIVES OF THIS CALL FOR PROPOSALS

1.1 General background and context Pilot Project

The call for proposals will be funded by Article 04 03 09 of the EU Budget — Pilot Project Working and living conditions of posted workers.

This appropriation is intended to fund initiatives which help exploring the real working and living conditions of posted workers and how the Member States, social partners and labour inspectorates work in practice. The pilot project focuses on few specific sectors with a high number of posted workers e.g. construction, agriculture and healthcare sectors.

The purpose of the pilot project is to:

- promote the exchange of relevant information, establish best practices and publish an overview of the state of play in the Member States,
- examine any questions and difficulties which might arise in practical application of the posting of workers legislation, as well as in its enforcement in practice.

Measures covered will include the exchange of information on posted workers with a focus on:

- discrepancies between their wages and the remuneration of those workers who are in a similar occupation in the host country,
- discrepancies between their working time spent at work and the working time defined in the contract,
- their real remunerated leave,
- their living conditions, including occupational health and safety conditions,

- their contractual arrangements and the duration of their posting,
- their trade union representation in the host country,
- how inspectorates work and the frequency of their control.

The budget heading 040309 will –amongst others- finance transnational projects carried out by stakeholders with practical knowledge of the working and living conditions of posted workers as well as the application and/or enforcement of national rules regarding such workers with at least one of the following objectives:

- promoting the analysis and/or monitoring of the working and living conditions of posted workers in specified sectors or countries.
- promoting the analysis of the problems raised by the application of Directive 96/71/EC on the posting of workers in the framework of the provision of services in the Internal Market;
- exchanging and dissemination of relevant information on national practices or cooperation initiatives designed to address problems related to the posting of workers and promoting best practice.

Other initiatives foreseen under same heading

Appropriations for this Budget Article amount to a total of 1,000,000 Euros in 2009 (commitments and payments). Other initiatives launched with same funding include a study on the legal aspects of the posting of workers in the framework of the provision of services in the European Union as well as a study on the economic and social impact of the posting of workers in the European Union.

The former study will examine any difficulties which might arise in practical application of the posting of workers legislation, as well as in its enforcement in practice. In this respect the study should carry out further analysis of the main problems regarding the implementation, application and enforcement of the Directive 96/71/EC on the posting of workers in the context of cross-border provision of services. It should also identify cases of good practice and outline suggestions to address such problems and improve the legal and practical situation in the Member States in that respect. The legal study shall investigate the role of Member States authorities (labour inspectorates) in enforcing the directive and the frequency of their control, as well as the relevant activities of social partners in this respect. In this context, particular attention should be paid to existing practices and initiatives that have been established with the aim to ensure enforcement (e.g. cross-border cooperation between Social Partners and bilateral agreements between Social Partners).

The latter study will aim at assessing the economic and social effects associated with the phenomenon of posting of workers in the context of cross-border service provision focussing on those sectors where the use of posting of workers is most widespread and on those member States with a relatively larger presence of posted workers either as receiving or sending countries. It will also look to the economic rationale of posting in the context of cross-border

service provision and will seek to determine how and under which conditions this phenomenon will develop in the future. This study shall produce conclusions on the economic, organisational, employment and social effects associated with the posting of workers phenomenon on the basis of a sound methodology, a comprehensive review of the literature and the most comprehensive empirical evidence as possible, drawing from available statistical data or the collection of quantitative as well as qualitative information through inquiries addressed to experts and stakeholders, and provide recommendations on how to improve the quality of data sources.

1.2 Specific objectives present call for proposals

The foreseen results of this call for proposals are:

- Improved knowledge on the working and living conditions of posted workers;
- Improved conditions for the better implementation and application of Directive 96/71 on posting of workers;
- Promotion of exchange of information and experience among stakeholders more actively involved in the monitoring or enforcement of the employment conditions of posted workers;
- Promotion of transnational cooperation among stakeholders and dissemination of best practice.

1.3 Eligible types of actions and initiatives

The following actions may be co-financed:

- seminars, conferences or short training actions focussed on the posting of workers including preparatory studies, the organisation of round tables, exchanges of experience and best practices and networks of key actors and/or experts;
- case studies investigating the living and working conditions of posted workers in specific occupations, regions and/or sectors, including comparative studies of the situation of posted workers in different Member States;
- initiatives to further the collection, use and dissemination of information on the posting of workers, such as websites, publications, newsletters and others means for the dissemination of information.

1.4 Indicative amount and maximum possible rate of co-financing

The amount envisaged for this call for proposals is EUR 350 000.

The European Community co-financing percentage will be limited to a maximum of 80% of the total eligible costs of the action.

2. SUBMISSION OF GRANT APPLICATIONS

2.1. Submission and implementation dates

2.1.1. Respect of deadlines – Programming

Only applications for operations starting in 2009 will be considered.

In view of the time needed to examine applications, actions may not start before the deadlines given below. Applicants should note that if their project is approved, they will not necessarily receive the grant agreement prior to the action starting dates indicated and should, therefore, take this into account in programming the timing of their project.

Any expenditure incurred before written confirmation that the application has been accepted is at the applicant's risk.

Proposals which indicate an earlier starting date than the ones indicated at point 2.1.2. will not be considered by the Evaluation Committee.

Proposals which do not respect the dates of submission indicated at point 2.1.2. and/or do not comply with the rules indicated at point 4.2 hereinafter, will not be considered by the Evaluation Committee.

2.1.2. Deadlines:

The **deadline** for the submission of complete applications is as follows:

- **18 September 2009** for actions commencing no earlier than **18 November 2009** and no later than **22 December 2009**

2.1.3. Evaluation Process

Applications will be examined by an Evaluation Committee which will meet, in principle, within 40 working days following the deadline for submission indicated at point 2.1.2.

Applications will be selected taking account of the objectives of this call for proposals, the criteria laid down in section 3 of this document.

The partial or total withholding by the applicant of any information that may have an impact on the Commission's final decision concerning the application will entail the automatic disqualification of the application or, if discovered at a later stage, will entitle the Commission to terminate the agreement and demand the full repayment of all sums received by the beneficiary under it.

2.2. Co-financing rate

This budget heading allows support to be given to projects to which the applicants contribute at least 20 % of the total eligible costs of the action. Contributions in kind will not be taken into account.

Any application which requests a grant of more than 80 % will be excluded automatically from the selection.

3. ELIGIBILITY, SELECTION AND AWARD CRITERIA

3.1 Eligibility criteria

3.1.1. General rule of eligibility

The budget heading is intended to finance specific transnational actions, projects or initiatives. Therefore grants are not intended to finance the normal operations of the bodies presenting applications; they are intended only to cover additional expenditure linked directly to projects.

3.1.2. Eligible applicants

3.1.2.1. The applicant must not be in one of the situations listed in Article 93 §1, 94 and 96 §2 point a) of the Financial Regulation¹ concerning social security, taxes, bankruptcy, misconduct, fraud, corruption or any other illegal activity, and must not have failed to comply with his contractual obligations to the Communities in other grant award or contract procedures.

3.1.2.2. The applicant must be a properly constituted and registered legal entity, having their registered office based in one of the Member States of the European Union. In derogation from this requirement and pursuant to Article 114 of the Financial Regulation, the organisations of social partners without legal personality under the applicable national law are also eligible provided that their legal representatives have the capacity to undertake legal obligations on their behalf and assume financial liability.

A project applicant cannot be an individual.

3.1.2.3. Regarding **transnational actions, projects and initiatives**, applicants must fall within one of the following categories: social partners, public authorities, international organisations, non-profit-making organisations, research centres and institutes, universities and civil society organisations.

¹ See Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities as amended by Council Regulation No 1995/2006 of 13 December 2006 amending Regulation : <http://eur-lex.europa.eu/LexUriServ/site/en/consleg/2002/R/02002R1605-20070101-en.pdf>

3.1.3. Eligible activities

To be eligible, activities or envisaged activities must:

- be linked to at least one objective of the call for proposals;
- be carried out in cooperation between partners from or by a partnership of entities from at least two different Member States or by a European or international organisation;
- be fully carried out in the Member States.

3.1.4. Eligible applications

To be eligible, applications must:

- a) Be sent by the deadlines indicated in section 2.1.2;
- b) Be submitted according to the set requirements. Application forms must be compulsorily submitted on-line as set below and their respective detailed and signed print-outs must be submitted as set at point 4.2 hereinafter;
- c) Be complete, detailed and include all the documents indicated in the table below;
- d) Comply with the European Community co-financing percentage of maximum 80 %;

The Evaluation Committee will not examine applications lacking one or more of these documents:

1	Official covering letter of application: quoting the reference of the call for proposals, with the original signature of the legal representative.
2	Print-out of the duly completed and submitted on-line application form (see point 4.1) dated and with the original signature of the legal representative. NOTE: Application forms must be compulsorily submitted on-line. Their respective detailed and signed print-outs must be submitted as set at point 4. The on-line form <u>must first be electronically submitted before printing</u> . After the electronic submission no further changes to the application are possible.
3	The grid listing the persons and occupational sectors concerned by the project , duly completed. The grid can be found annexed to the on-line application form.
4	"Financial identification" form duly completed with the original signature of the legal representative and the original signature and stamp of the bank; The financial identification form can be found annexed to the on-line application form. The bank account must be held in the name of the applicant. Applications cannot be accepted with an account held in the name of an individual
5	"Legal entities" form duly completed with the original signature of the legal representative. The legal entities form can be found annexed to the on-line application form.

	<p>Applicants must also provide:</p> <ul style="list-style-type: none"> • a copy of the certificate of official registration or other official document attesting to the establishment of the entity (where this exists); • a copy of its articles of association/statutes or equivalent, proving the eligibility of the organisation; • a copy of a document confirming the applicant's tax or VAT number, if available;
6	<p>Detailed work programme and detailed budget for the project signed by the legal representative. These are to be separate documents. The project description and budget in the on-line application form are not sufficient. The work programme must provide a detailed description of the project, a timetable for the activities, the names of all members of staff involved in the project, their positions and employment status must be included. The detailed Budget must provide a detailed budget explanation for each row in each heading, which respects the format and numbering of the "project budget estimate" form and which provides any additional relevant information concerning the budget for the project, including subcontracting plans. The detailed work programme and detailed budget should be submitted in English, French or German.</p> <p>NOTE: The work programme in WORD format and detailed budget <u>must also be submitted electronically on on-line application form</u>. The electronic version must be identical to the paper version of the document in question.</p>
7	<p>If active partners are involved in project management, for example providing technical support and/or financing, a letter of commitment/partnership should be provided from each of the partners with the name, address and person responsible, explaining the nature of their involvement, the tasks to be carried out and specifying the cash amounts of any funding provided.</p> <p>"Partner" means an active institution or organisation involved in carrying out the project (e.g. a sectoral or multi-sectoral trade union or employer representation body at European, national or regional level, a company or a works council, a research or training institute, etc.)</p> <p>The project will not be considered unless all such letters of commitment are enclosed.</p> <p>Work and tasks carried out by the project partners (as described in the letters of commitment/partnership) are not subject to the rules on subcontracting listed in Annex I. However, it is not permissible to include normal commercial suppliers of goods and services as project partners in order to avoid these rules. By way of example, and without limiting the exclusions to the examples listed, the Commission does not find it appropriate to include as project partners independent consultants, conference organisers, etc.</p>
8	<p>A written declaration signed by the project manager certifying the professional competence of the team performing the tasks associated with the action for which funding is requested. This declaration shall be accompanied by the Curriculum vitae of the project manager indicating clearly the current employer with whom there exists either a permanent or temporary contract of employment. Where applicable, the declaration will include also the curriculum vitae of the persons who will perform the tasks associated with the action for which funding is</p>

	requested.
9	<p>Declaration on subcontracting and compulsory draft tender specifications in case of subcontracting for external expertise: The nature and value of all activities to be subcontracted must be compulsorily described with an explanation of why subcontracting is necessary. The planned selection and award criteria must be compulsorily explained. Applicants wishing to recruit the services of external experts must provide a copy of the draft tender specifications. This applies to <i>any</i> amount of external expertise above € 5.000 The legal representative must confirm his intention to comply with the rules for subcontracting, by completing and providing the compulsory declaration on subcontracting and the relevant draft tender specifications.</p> <p>This requirement does not apply to public authorities which are already governed by a system of public procurement rules.</p> <p>To assist applicants, the declaration on subcontracting is annexed to the on-line application form and a model for tender specifications is included as Annex II.</p> <p>Important additional information concerning the award of contracts and specific rules for external expertise can be found in Annex I.</p>
10	The most recent balance sheet of the organisation for the most recent financial year, demonstrating the financial capacity of the applicant. The Commission reserves the right to request balance sheets from previous years, if necessary.
11	A signed declaration of honour (to be found on-line as Annex to the application form). This must have the original signature of the legal representative, certifying that the applicant is not in one of the situations listed in Article 93 §1, 94 and 96 §2 point a) of the Financial Regulation and his financial and operational capacity.
12	The most recent activity report of the applicant's organisation (if available);
13	An organisational chart showing the structure of the applicant 's organisation with all members of staff involved in the project, their positions and employment status;

3.2 Selection criteria

Only organisations with the necessary financial and operational capacity may be awarded a grant.

Therefore, the applicant must be able to demonstrate the financial and operational capacity to complete the activity for which funding is requested. Thus the applicant must have access to solid and adequate financial resources, which are not exclusively made up of Community grants, to maintain activities for the period of the project and to help finance it as necessary and must have the operational resources (technical, management) needed to successfully complete the activity.

The financial capacity shall be proven, inter alia, by the annual balance sheet and declaration of honour. (The verification of financial capacity will not apply to public bodies or international organisations).

Furthermore, the applicant must have the operational capacity to complete the proposed action: he/she must have the operational resources (technical, management) and the professional skills and qualifications needed to successfully complete the proposed action, as

well as the ability to implement it. The applicant must have a strong track record of competence and experience in the field and in particular in the type of action proposed.

In order to demonstrate his operational capacity the applicant shall provide, inter alia:

- the declaration of honour mentioned above;
- the most recent activity report of the applicant's organisation (if available);
- an organisational chart showing the structure of the applicant 's organisation with all members of staff involved in the project, their positions and employment status;
- for each active partner involved in the project management **the letter of commitment/partnership** requested at point 3.1.4/7 above including the full description of work and tasks to be carried out;
- a written declaration signed by the project manager certifying the professional competence of the team performing the tasks associated with the action for which funding is requested. This declaration shall be accompanied by their curriculum vitae, as requested at point 3.1.4/8 above.

3.3 Award criteria

Proposals which fulfil the eligibility and selection criteria indicated above will be assessed according to the following award criteria:

- The extent to which the project, action or initiative meets the objectives of this call for proposals;
- The extent to which the project, action or initiative has a genuine transnational dimension and/or requires joint participation of different stakeholders;
- The quality of partnerships, i.e. the degree of involvement, commitment and/or joint participation at the application stage of the social partners/stakeholders in the proposed project, action or initiative;
- The cost-effectiveness of the action;
- The arrangements to publicise the action and dissemination methods envisaged;
- The overall quality, clarity and completeness of the proposal and budget explanation.

The Evaluation Committee reserves the right when assessing projects to take into account the effectiveness, added value and operational capacity shown in previous projects undertaken by the applicant with Community funding.

4. PRACTICAL PROCEDURES

4.1. *Where can the application form be found?*

The compulsory on-line grant application form is an electronic form which must be filled by using the Internet Web system "SWIM" at the following internet address

http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

This system allows the introduction, edition, validation, printing and submission of the grant application form. Once the application is submitted electronically, a print out of an exemplar has to be signed by the legal representative submitting the proposal and be sent to the Commission as per point 4.2. After submission of the application electronically no changes are possible.

At the above quoted web site other requested forms and other useful documents can be found.

4.2. Where does the application need to be sent?

Please send your covering letter of application, together with all the other documents listed in the table under section "**3.1.4. Eligible applications**" above as signed **originals** as well as **one copy of all these documents (in total: 2 sets of documents)** by the deadlines indicated at point 2.1.2 above, to the following address:

Call for proposals VP/2009/015
Budget heading 040309
European Commission – DG EMPL/F.2
ARCHIVE Rue Joseph II ,54
B 1049 Brussels Belgium

Please send your application by registered mail or express courier service only. The date of post office on the stamp on the envelop or express courier stamp or slip on the envelop indicating the sending date will be considered as proof of the date of sending.

Hand-delivered applications must be received by the European Commission on the last day for submission. The address for hand deliveries of documents for the European Commission is: Avenue du Bourget n° 1, B-1140 Evere, Belgium. Proof of delivery is a signed receipt from the Commission's Archives Service stamped with the date of the last day for submission or earlier.

Regarding the presentation of the application file, it is recommended to:

- Follow the order of documents as listed in the table under section 3.1.4 " Eligible applications"
- Print the documents double-sided, where possible
- Use only 2-hole folders (please do not bind or glue)

If an applicant submits more than one proposal, each one must be submitted separately.

ALL ENQUIRIES MUST BE MADE BY E-MAIL ONLY AT
empl-04-03-09@ec.europa.eu
PLEASE DO NOT TELEPHONE

4.3. What next? Accepted and rejected applications

Applications will be examined by an Evaluation Committee, which will meet, in principle, within 40 working days following the deadline for submission indicated at point 2.1.2.

Rejected applications

The European Commission will notify unsuccessful applicants, in principle no later than one month, after the meeting of the Evaluation Committee at which the application was examined..

Requests concerning the progress of dossiers sent prior to the elapse of this time periods will not be answered.

Selected applications

Successful applicants will receive two original copies of the grant agreement for acceptance and signature. Both these copies must be sent back to the Commission, which will then return one of them once it has been signed by both parties.

Annex 1

FINANCIAL GUIDELINES FOR APPLICANTS

CONTENTS

1	GENERAL PRINCIPLES	14
2	RULES RELATED TO THE GRANT REQUESTED	15
3	THE ESTIMATED BUDGET OF THE ACTION	15
3.1	The budget must be detailed and balanced.....	15
3.2	Expenditure	15
3.2.1	General criteria for eligibility of costs	16
3.2.2	Eligible direct costs	16
3.2.3	Eligible indirect costs - Overheads.....	21
3.2.4	Non-eligible costs.....	21
3.3	Income	22
4	HOW THE GRANT WILL BE CALCULATED	22
5	AGREEMENT GOVERNING THE GRANT	23
6	PAYMENT PROCEDURES.....	23
7	GUARANTEE	23
8	BANK ACCOUNT AND INTEREST GENERATED BY PRE-FINANCING PAYMENTS	24
9	SUBMISSION OF REPORTS AND OTHER DOCUMENTS	24
10	PUBLICITY	25
11	EVALUATION.....	26
12	CHECKS AND AUDITS.....	26
12.1	Audit report in support of grant applications.	26
12.2	Audit report in support of requests for payment	26
13	PROCEDURE: ELECTRONIC MEANS OF SUBMISSION - SWIM.....	27
13.1	Introduction of grant applications	27
13.2	Requests for payments and budgetary modifications.....	27
14	DATA PROTECTION	28

The purpose of this document is to enable applicants to prepare their grant applications.

Please be sure to read these guidelines carefully before replying to the current call for proposals.

MAIN FINANCIAL AND MANAGEMENT RULES

Disclaimer: this document provides the applicants with a quick summary of the main legal and financial rules contained in the Financial Regulation applicable to the general budget of the European Communities² and its Implementing Rules³. The information given is not exhaustive and beneficiaries are therefore asked to carefully read the agreement sent to them, as it will constitute the legal basis for the grant.

1 General principles

Grants are subject to the principles laid down in the Financial Regulation, in particular the principles of co-financing, prohibition of double financing and no-profit.

Co-financing principle

Community grants may not finance the entire cost of the action to be subsidised. The applicant must contribute to the implementation of the action either by way of own resources or by financial contribution from third parties (in the form of public or private assistance obtained elsewhere).⁴

No double financing rule

Each action may give rise to the award of only one grant, there can be no duplicate European Community funding of the same expenditure. The applicant must indicate the sources and amounts of any other funding received or applied for in the same financial year for the same action or for any other action and for routine activities.⁵

No-profit rule

The Community grant may not have the purpose or effect of producing a profit for the beneficiary. Profit is defined as a surplus of total actual receipts over the total actual costs of the action. Any income of the action must be indicated in the estimated budget and the final financial statement. The amount of the grant will be reduced by the amount of any surplus.⁶

² Council Regulation (EC, Euratom), n° 1605/2002 of 25.06.2002 (OJ L 248, 16.09.2002), as amended by Regulation n° 1995/2006 (OJ L 390, 30.12.2006) (<http://eur-lex.europa.eu/LexUriServ/site/en/consleg/2002/R/02002R1605-20070101-en.pdf>)

³ Commission Regulation (EC, Euratom) n° 2342/2002 of 23.12.2002, (OJ L 357, 31.12.2002) and subsequent amendments: Commission Regulation (EC, Euratom) n° 1261/2005 of 20.07.2005 (OJ L 201, 02.08.2005), Commission Regulation (EC, Euratom) n° 1248 of 07.08.2006 (OJ L 227, 07.08.2006) and Commission Regulation n° 478/2007 (OJ L 111, 28.04.2007) (<http://eur-lex.europa.eu/LexUriServ/site/en/consleg/2002/R/02002R2342-20070501-en.pdf>)

⁴ Art. 113 FR and 172 IR

⁵ Art. 111 FR and 173(5) IR

⁶ Art. 109(2) FR and 165(1) IR

2 Rules related to the grant requested

- The Community grant will not exceed **80%** of the total eligible costs.
- The applicant organisation and/or other fund providers are required to make financial (cash) contribution(s) to the proposal of at least **20%** of the total eligible costs.
- The grant does not cover ineligible costs (see below for definition).
- Contributions in kind (unpaid charity work by a private individual or corporate body, etc.) cannot be accepted.
- Signed letters of commitment from the applicant organisation and/or other sources must be provided stating the precise amount of each financial (cash) contribution to the budget. If other institutions or organisations (partners) are involved in carrying out the project, the letter of commitment/partnership, from each of the partners, should also provide the name, address and person responsible and explain the nature of their involvement.
- An external audit report of the previous accounts of the applicant organisation produced by an approved external auditor must be provided for grant applications where the cost to be financed exceeds EUR 500.000.⁷ The report must certify the accounts for the last financial year available.
- The partial or total withholding by the applicant of any information that may have an impact on the Commission's final decision concerning the application will entail the automatic disqualification of the application or, if discovered at a later stage, will entitle the Commission to impose financial and administrative penalties⁸.

3 The estimated budget of the action

3.1 *The budget must be detailed and balanced*

Grant applications must include a detailed estimated budget presented in Euro (see application form). Applicants established in countries outside the Euro zone must use the conversion rates published in the OJ of the European Community (<http://ec.europa.eu/budget/inforeuro/index.cfm?Language=en>). Applicants should be aware that they fully carry the exchange rate risk.

The budget estimate must be properly balanced: the two totals (income and expenditure) must be the same, since the available income (including the grant requested from the Commission) will have to finance the planned expenditure⁹. Please make sure that all the items related to the implementation of the action are included and not just those for which financing is being sought.

3.2 *Expenditure*

Expenditure must include the estimated costs exclusively for the implementation of the action.

⁷ Art. 173(4) IR (No audit report is required from public bodies or international organisations.)

⁸ Art. 175 IR

⁹ Art. 173(3) IR

3.2.1 General criteria for eligibility of costs

In order to be eligible for Community funding, costs must meet the following criteria¹⁰:

- (a) be incurred during the duration of the action, with the exception of costs relating to final reports and audit certificates;
- (b) be indicated in the estimated overall budget of the action attached to the grant agreement;
- (c) be necessary for the implementation of the action which is the subject of the grant;
- (d) be identifiable and verifiable, in particular being recorded in the accounting records of the beneficiary and determined according to the applicable accounting standards of the country where the beneficiary is established and according to the usual cost-accounting practices of the beneficiary;
- (e) comply with the requirements of applicable tax and social legislation;
- (f) be reasonable, justified, and comply with the requirements of sound financial management, in particular regarding economy and efficiency.

The successful applicant must take care to avoid any unnecessary or unnecessarily high expenditure.

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

Documentation justifying costs must be kept by the beneficiary for **five years** following final payment by the Commission.

Expenditure eligible for financing may not have been incurred before the grant application was lodged.

Extra costs associated with the participation of people with disabilities are also eligible. These costs may be required to cover the use, for example, of special means of transport, personal assistants or sign language interpreters.

3.2.2 Eligible direct costs

The eligible direct costs for the action are those costs which, provided that they satisfy the criteria of eligibility set out above, are identifiable as specific costs directly linked to the performance of the action and which can therefore be booked to it directly.

In particular, the following direct costs may be considered eligible:

Staff costs

The costs of staff (permanent or temporary staff employed by the beneficiary or the partners) assigned to the implementation of the action, comprising actual salaries plus social security

¹⁰ Art. 172a IR

charges and other statutory costs included in the remuneration, are eligible. The salary costs should not exceed the average rates corresponding to the beneficiary's usual policy on remuneration. In addition, they should not be higher than the generally accepted market rates for the same kind of task.

The costs of personnel of national administrations may be considered as eligible to the extent that they relate to the cost of activities which the relevant public authority would not carry out if the project concerned were not undertaken.

Please, fill in the form reserved for these costs in the budget estimate (see application form) indicating the persons to be remunerated (full-time/part-time), the number of days of work to be performed and the daily rate calculated on the basis of an average of 20 days per month, up to a maximum total of 220 working days per year.

When submitting the request for final payment, the beneficiary may have to provide pay slips and timesheets justifying the actual staff costs declared.

The cost of any work to be performed by external experts by means of subcontracting must not be included in staff costs but under services.

Travel, accommodation and subsistence allowances

Travel costs must not exceed the most reasonable rates available on the market. Accommodation and subsistence costs related to the participants to the action are eligible provided that they are in line with the beneficiary's usual practices on travel costs or do not exceed the scales approved periodically by the Commission which are set out in the table below).

Journeys must be carried out by the most direct and economic route. Economy class fares will be used as the benchmark for analysing air travel costs. Air travel is acceptable only for distances above 400 km, i.e. return flight above 800 km. For other modes of transport, the benchmark is the first-class rail fare. Car journeys: equivalent of corresponding first-class train ticket.

The *Daily subsistence allowances (DSA)* are paid in addition to costs for accommodation as a flat-rate amount and are considered to cover breakfast and two main meals, local transport, the cost of telecommunications and all other sundries). Daily subsistence allowances are to be calculated as follows according to the length of the mission:

- stays less or equal to 6 hours: reimbursement of actual costs (on production of supporting documents);
- more than 6 hours up to 12 hours inclusive: 0.5 DSA;
- more than 12 hours up to 24 hours inclusive: 1 DSA;
- more than 24 hours up to 36 hours inclusive: 1.5 DSA;
- more than 36 hours up to 48 hours inclusive: 2 DSA;
- more than 48 hours up to 60 hours inclusive: 2.5 DSA, etc.

The maximum amounts (in Euro per calendar day) accepted for each country are set out in the table below, and applicants are advised to adhere to these rates in their budget estimates¹¹:

¹¹ The daily allowance rates are subject to periodic review by the Commission.

<i>Destinations</i>		<i>DSA in EUR</i>	<i>Maximum hotel price in EUR</i>	<i>Destinations</i>		<i>DSA in EUR</i>	<i>Maximum hotel price in EUR</i>
AT	Austria	95,00	130,00	IT	Italy	95,00	135,00
BE	Belgium	92,00	140,00	LT	Lithuania	68,00	115,00
BG	Bulgaria	58,00	169,00	LU	Luxembourg	92,00	145,00
CY	Cyprus	93,00	145,00	LV	Latvia	66,00	145,00
CZ	Czech Republic	75,00	155,00	MK	F.Y.R. of Macedonia	50,00	160,00
DE	Germany	93,00	115,00	MT	Malta	90,00	115,00
DK	Denmark	120,00	150,00	NL	The Netherlands	93,00	170,00
EE	Estonia	71,00	110,00	PL	Poland	72,00	145,00
EL	Greece	82,00	140,00	PT	Portugal	84,00	120,00
ES	Spain	87,00	125,00	RO	Romania	52,00	170,00
FI	Finland	104,00	140,00	SE	Sweden	97,00	160,00
FR	France	95,00	150,00	SI	Slovenia	70,00	110,00
HR	Croatia	60,00	120,00	SK	Slovakia	80,00	125,00
HU	Hungary	72,00	150,00	TR	Turkey	55,00	165,00
IE	Ireland	104,00	150,00	UK	United Kingdom	101,00	175,00
RS	Serbia	80,00	140,00				

Please note that the Commission and the other European Institutions cover the travel and subsistence costs of their own officials when they participate in an event organised by the beneficiary and these should therefore not be included in the budget estimate.

Catering

The total amount calculated according to the above mentioned rules regarding Daily subsistence allowances shall constitute a maximum. If catering services are provided by the organisers, the DSAs directly paid to participants must be reduced accordingly.

Costs of services

Information dissemination, publications costs can be taken into account provided that they are directly related to the action. Please give, for each publication and/or other materials, a description, an estimate of the number of pages and copies planned the frequency and language of publication, an indication of the production costs per copy as well as an estimate of the distribution costs where appropriate.

Translation costs must include the following details: the number of languages, the number of pages to be translated, the rate applied per page. These rates may not exceed the most reasonable market rates.

Interpretation: the different components must be specified. In particular, the number of languages, the number of interpreters, the number of days and the daily rates must be specified. The accepted daily fee of an interpreter may not exceed 700 EURO (including VAT). Interpreters should be hired locally. For their travel and subsistence expenses to be covered by the grant, it must be impossible to hire them locally and it must be explained why this is so.

Evaluation: if the proposal supported requires some form of evaluation, monitoring and evaluation methods must be developed, as well as tools to assess, on an on-going basis, the progress of the action in relation to the objectives defined at the beginning and to benchmark the results. The cost of such work will be regarded as eligible expenditure.

Subcontracting

Any service undertaken by an external party in connection with the implementation of the action is considered to be **subcontracting**.¹²

Applicants should have the operational capacity to complete the action to be supported. However, when justified and necessary, parts of the project may be subcontracted to another person or organisation. In this case, the beneficiary shall ensure that some¹³ of the terms applicable to itself under the agreement are also applicable to the subcontractors.

It must be clearly specified in the description of the project which tasks it is intended to subcontract and why this subcontracting is necessary.

Main rules related to subcontracting activities

When concluding external contracts in order to implement the action, the beneficiary must seek competitive tenders from potential contractors and award the contract to the bid offering **the best value for money, i.e. the best price-quality ratio**. In doing so, the beneficiary shall observe the principles of transparency and equal treatment of potential contractors and shall take care to avoid any conflict of interests¹⁴.

Contracts as referred above may be awarded only in the following cases:

- a) They may only cover the execution of a limited part of the action;
- b) Recourse to the award of contracts must be justified having regard to the nature of the tasks necessary for the implementation of the action;
- c) The tasks to be subcontracted and the corresponding estimated costs must be set out in detail in the budget estimate;
- d) Any recourse to the award of contracts while the action is underway shall be subject to prior written authorisation by the Commission;
- e) The beneficiary shall retain sole responsibility for the implementation of the action and for compliance with the provisions of the agreement. The beneficiary must undertake the necessary arrangements to ensure that the subcontractor waives all rights in respect of the Commission under the agreement;
- f) The beneficiary must undertake to ensure that the terms, mentioned above, applicable to him under the agreement are also applicable to the subcontractor.

¹² Art. 120FR, 184 IR

¹³ The terms related to liability, conflict of interests, confidentiality, publicity, evaluation, assignment and checks and audits

¹⁴ In addition to these general rules, where the value of the external contract exceeds EUR 60 000, beneficiaries may be required to apply specific rules of procedure which are based on the Financial Regulation and determined with due regard to the estimated value of the contracts concerned, the relative size of the Community contribution in relation to the total cost of the action and the management risk

Particular rules governing the subcontracting for external expertise under Budget Line 04.03.09

- It must be clearly specified in the description of the project, action or initiative which tasks are intended to be subcontracted and why this subcontracting is considered necessary. The planned selection and award procedures should be carefully explained. Applicants should note that projects with insufficiently clear explanations of the external expertise and which do not respect the rules outlined here, will be considered to be ineligible;
- Work and tasks carried out by the project partners (as described in the letters of support) are not subject to these rules on subcontracting. However, it is not permissible to include normal commercial suppliers of goods and services as project partners in order to avoid these rules. By way of example, and without limiting the exclusions to the examples listed, the Commission does not find it appropriate to include as project partners independent consultants, conference organisers, etc.;
- Contracts with a value less than or equal to €5 000 may be awarded on a basis of single tender;
- Where the value of the procurement contract awarded exceeds €5 000 up to €60 000, the beneficiary must provide information on the nature, value and reason for the amount of subcontracting and copy of relevant draft tender specifications;
- Where the value of the procurement contract awarded exceeds €60 000, the beneficiary must be able to prove, if requested, that they have sought bids-by registered letter - from at least five different tenderers, including proof of posting and proof that they have posted the call for tender or invitation to tender at least on their website and provide copy of draft tender specifications ;
- These thresholds apply to each individual contract ;
- The description of the subcontracting plans and procedures for external expertise included in the work programme of the beneficiary will form a part of the grant agreement. The Commission reserves the right to verify that the beneficiary has carried out the subcontracting in accordance with this description and with the rules included in the grant agreement. Failure to comply with these conditions will constitute grounds for non-acceptance of the costs of subcontracting in the final accounts of the beneficiary;
- To assist applicants, a model for tender specifications is included in Annex II.

Administration costs

Depreciation for purchase of equipment¹⁵: the purchase cost of equipment (new or second-hand) is eligible provided that it is written off in accordance with the tax and accounting rules applicable to the beneficiary and generally accepted for items of the same kind. Only the portion of the equipment's depreciation corresponding to the period of eligibility for Community funding covered by the grant agreement and the rate of actual use for the purposes of the action may be taken into account by the Commission. A justification for the need of purchasing such equipment is to be annexed to the budget estimate.

¹⁵ Art. 172 IR

Other eligible administrative costs are: rent of meeting rooms (coffee breaks included), rent of interpretation booths, communications' costs, charges for financial services, costs relating to a bank guarantee and to external audits, etc. Indicative amounts for rental of booths, excluding technical equipment: 750€ (excluding VAT) per day. Rental of booths with equipment and technical assistance: 1200€ (excluding VAT) per day.

3.2.3 Eligible indirect costs - Overheads

Indirect costs are general administrative costs – overhead costs incurred in connection with the eligible direct costs for the action. They are limited to a maximum flat-rate of 7% of the total eligible direct costs for the action. These can include maintenance, stationery, photocopying, mailing postage, telephone and fax costs, heating, electricity or other forms of energy, water, office furniture, insurance and any other expenditure necessary for the successful completion of the project. Postage costs are considered as overhead costs and cannot be accepted under the headings "publications" or "administration".

If the accepted budget includes provision for flat-rate funding in respect of indirect costs, they need not to be supported by accounting documents.

Indirect costs are not eligible for an action where the beneficiary already receives an operating grant from the Community budget during the period in question.

3.2.4 Non-eligible costs

The following expenses are ineligible and not accepted:

- contributions in kind: these are contributions that are not invoiced, e.g. voluntary work, equipment or premises made available free of charge;
- return on capital;
- debt and debt service charges;
- doubtful debts;
- provisions for losses or potential future liabilities;
- interest owed;
- exchange losses;
- VAT, unless the beneficiary can show that he/she is unable to recover it;¹⁶
- excessive or reckless expenditure;
- costs declared by the beneficiary and covered by another action or work programme receiving a Community grant.

¹⁶ It should be noted that VAT paid by a public body to operators who are subject to VAT (when purchasing goods or supplying services within the framework of the implementation of the co-financed action) is not eligible. The VAT thus collected by operators liable for tax will in fact be returned to accounts of the Member State of the public body. Considering this VAT as an eligible cost would lead to double financing (by the Community and by the fiscal revenue).

3.3 Income

Total income must be identical to total expenditure. The income side of the budget must show:

- The beneficiary's contribution in cash: the direct monetary (cash) contribution from the applicant's own resources and/or the contribution from any other fund providers. This means a financial flow that can be traced in the written accounts of the beneficiary.
- The revenue generated by the action: any income expected to be generated by the implementation of the action should be detailed (e.g. the yield from sales of publications).
- The Community grant: the grant requested from the Commission.

4 How the grant will be calculated

If the proposal is selected for a grant, the Commission will calculate the Community contribution as a percentage of the total eligible costs as shown in the estimated budget for the implementation of the action.

The Commission reserves the right to reduce the grant requested if the proposal is acceptable but considered too expensive, and to reduce individual unit costs if these are estimated to be too high.

Determination of the final amount of the grant

The Community final grant is calculated on the basis of the **actual** eligible expenditure by applying the "double ceiling" rule and verifying compliance with the no-profit rule.

- Application of the "double ceiling" rule limiting the grant both to the percentage of the eligible costs and to the maximum amount mentioned in the grant agreement

The Community final grant is calculated by applying the percentage for the co-financing of the eligible costs laid down in the grant agreement to the total of the actual eligible costs. This amount must not exceed the maximum amount for the Community grant laid down in the grant agreement.

As a result, if the actual expenditure turns out to be lower than the expenditure you budgeted, the actual grant will also be reduced in application of the percentage contribution which will remain the same. If the actual expenditure turns out to be higher than the expenditure budgeted, the Community grant will not be increased. It is therefore in the applicant's interest to submit a realistic estimate of expenses.

- Verification of compliance with the **no-profit rule**

The grant may not have the purpose or effect of producing a profit for the beneficiary¹⁷. On the basis of the above rule if the total income of the action is higher than the total costs, the final grant amount will be reduced accordingly so that it will not produce a profit.

¹⁷ Art. 109(2) FR

A mere forecast of expenditure does not give entitlement to a grant. This is why the final grant amount cannot be calculated until the Commission has received the final activity report and the final statement of expenditure. The expenditure that is committed to the implementation of the action must be justified by invoices or equivalent supporting documents, in order to be accepted as actual expenditure. It must also relate to actual rather than inputted costs.

5 Agreement governing the grant

Should the Commission award a grant, a standard grant agreement for an action setting out the conditions and maximum level of funding will be concluded with the beneficiary.

Successful applicants will receive two original copies of the grant agreement for acceptance and signature. Both of these copies must be sent back to the Commission, which will then return one of them once it has been signed by both parties.

6 Payment procedures

The payment arrangements will be laid down in the grant agreement.

The balance will be paid upon acceptance by the Commission of the final technical implementation report and final financial statement.

7 Guarantee¹⁸

The Commission may require the beneficiary to provide a guarantee in advance, in order to limit the financial risk linked to the payment of the pre-financing.

This guarantee shall be denominated in euro and shall be valid for a period sufficiently long to allow it to be activated. The guarantee shall be provided by an approved bank or financial institution established in one of the Member States.

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

The guarantee may be replaced by a joint and several guarantee by a third party or by the irrevocable and unconditional joint guarantee of the beneficiaries of an action who are parties to the same grant agreement.

¹⁸ Compulsory in the case of pre-financing representing over 80% of the total amount of the grant and exceeding EUR 60 000. However, this requirement may be waived for public-sector bodies and international organisations or for beneficiaries who have signed a framework partnership agreement with the Commission. (Art.118 FR and 182(1) IR)

8 Bank account and interest generated by pre-financing payments¹⁹

Payment shall be made to the beneficiary's bank account or sub-account denominated in Euro. This account or sub-account indicated by the beneficiary must make it possible to identify the funds transferred by the Commission.

If the funds paid to their account yield interest or equivalent benefits under the law of the State on whose territory the account is opened, such interest or benefits, if they have been generated by pre-financing payments which remain the property of the European Community, shall not be treated as a receipt for the action.

The beneficiary shall, as specified in the grant agreement, inform the Commission of any interest or equivalent benefits yielded by pre-financing payments higher than EUR 50 000, it has received from the Commission. Notification must be made when the request is introduced for interim payment or for payment of the balance that clears the pre-financing.

Interests yielded by pre-financing payments between EUR 50 000 and 750 000 will be directly deducted from payments. Interests generated by pre-financing payments higher than EUR 750 000 will be recovered by a recovery order.

Interests shall not be due to the Communities for pre-financing paid to Member States, to their regional or local authorities including organisms and administrative and instrumental structures under their control or paid in the framework of joint management with international organisations.

All costs related to these requirements (such as the cost for opening and closing accounts) are eligible and may be submitted in the budget estimate.

9 Submission of reports and other documents

The final report on the implementation of the project, action or initiative along with a final financial statement of all actual expenditure and actual revenue are to be sent within three months from the closing date of the action. The final report should at least provide an answer to the following questions:

[1) How was the project performed? Was it performed in accordance with the description of the action annexed to the grant agreement? (Describe the project, its results and methodology, planned activities, timetable, partners, participants, etc.).

2) To what extent did the project meet the objectives set?

3) What was the added value of the action? Describe the transnational dimension of the project.

¹⁹ Art. 5(a) FR, Art. 3, 4, 4(a) IR

4) How was the project presented to the public and how were the results disseminated?

5) What other lessons have been learnt from this experience? What lessons have been learned from this experience?

6) Are there any plans to follow-up on this project, and if so, how?

In addition to these requirements, the documents indicated in the text of the call for proposals must also be provided.

Should the final report be deemed to be inadequate and of low quality, the Commission reserves the right to request additional information within 60 days of reception of the final report, and, if necessary, to suspend the final payment until the requested information is provided.

10 Publicity

Beneficiaries of the grant are required to mention clearly the fact that they have received funding from the Community in any publication and/or in other materials, or in the occasion of activities (conferences or seminars, etc.), for which the grant is used, using the following wording: "**With support from the European Union**". The logo of the EU should also be visible.

Any communication or publication by the beneficiary, in any form and medium, including the Internet, shall indicate that sole responsibility lies with the author and that the Commission is not responsible for any use that may be made of the information contained therein.

In addition to these minimum requirements, references specified in the text of the call for proposals must also be indicated.

All grants awarded in the course of a financial year shall be published on the Internet site of the Community institutions during the first half of the year following the closure of the budget year in respect of which they were awarded.

By signing the grant agreement for an action, the beneficiary authorises the Commission to publish the following information in any form and medium, including via the Internet site of the Community²⁰:

- the beneficiary's name and the address
- the subject of the grant,
- the amount awarded and the rate of funding of the costs of the action.

Upon a duly substantiated request by the beneficiary, publication of this data can be waived if it threatens the safety of the beneficiary or harms his business interests.

In order to achieve a wider dissemination of project results, the applicants accept to **post** the results of the project **on their web-site for at least one year**. They shall clearly state on the website that the project has received funding from the European Commission

²⁰ Art. 110(2) FR, 169(2) IR

11 Evaluation

If the proposal should include a specific evaluation component for ongoing monitoring and final evaluation of the action, these costs can be taken into account as eligible in the budget estimate.

Successful proposals could be the subject of an ongoing and ex-post evaluation led by the Commission and/or by independent experts selected by the European Commission. Therefore, the beneficiaries of the grant undertake to make available to the Commission and/or persons authorised by it, all such documents or information as will allow the evaluation to be successfully completed and give them the rights of access required.

12 Checks and audits

An external audit report is required in the following cases:

12.1 Audit report in support of grant applications²¹.

Organisations' proposals for an action for which the grant exceeds EUR 500 000, shall be accompanied by an external audit report produced by a certified auditor. That report shall certify the accounts for the last financial year available.

12.2 Audit report in support of requests for payment²²

In the case of a grant for an action over EUR 750 000, requests for payment shall, when the cumulative amounts per financial year of requests for interim payments and for payment of the balance is at least EUR 325 000, be accompanied by an external audit report produced by an approved auditor or in case of public bodies, by a competent and independent public officer. Its purpose is to certify that the submitted accounts comply with the financial provisions of the agreement, that the costs declared by the beneficiary in the financial statements on which the request for payment is based are real, accurately recorded and eligible according to the grant agreement and that all receipts have been declared.

The obligation to provide such certificate on the financial statements and underlying accounts may be waived in the cases of grant beneficiaries that are public bodies or international organisations. If an external audit of the action's accounts is not required, the beneficiary himself shall certify on his honour that information contained in requests for payments is full, reliable and true. He shall also certify that the costs incurred can be considered eligible in accordance with the grant agreement and that requests for payment are substantiated by adequate supporting documents that can be checked.

The beneficiary undertakes to provide any detailed information requested by the Commission or by another qualified outside body chosen by the Commission for the purposes of checking that the action and the provisions of the agreement are being properly implemented. The

²¹ Art. 173(4) IR

²² Art. 180(2) IR

beneficiary must enable the Commission and/or the European Court of Auditors to verify the organisation's accounting documents, if they deem this appropriate. To this end, documentation justifying items of expenditure must be retained by the applicant's organisation for five years following final payment by the Commission.

13 Procedure: Electronic means of submission - SWIM

The Internet Web application called "SWIM" (SAGA Web Input Module) allows applicants/beneficiaries to introduce, edit, validate, print and submit grant applications, request for payments and request for modifications on the budget estimate. SWIM can be accessed in the following web address²³: <https://webgate.ec.europa.eu/swim>.

13.1 Introduction of grant applications

The grant application form has to be electronically filled in as follows: first, access the system at the address mentioned above and click on the link "New grant application", then, select the number of the call for proposals you wish to apply for and, eventually, fill in your application. Once your application is completed, click on the "submission" button in order to finalised the submission procedure.

Please note that after having submitted your application form electronically no changes to the application are possible.

After being submitted electronically, the application form must also be printed out, signed by the legal representative of the organization submitting the proposal and sent by post to the responsible Unit, as specified in the text of the call for proposals.

Failure to respect this procedure will render the application ineligible.

13.2 Requests for payments and budgetary modifications

In addition to the documents specified in the grant agreement, financial documents required in support of requests for further pre-financing payments and for payment of the balance, as well as requests for modifications of the budget estimate to be made by addendum must also be electronically submitted using SWIM.

To be allow to log on into SWIM and access its grant file, the beneficiary will be asked to enter in the login page the same File number and Access code assigned by the system to the grant application when it was created.

²³ For more technical details on SWIM utilisation, a user's manual is available on line

14 Data Protection

The grant application will be processed by computer.

All personal data (such as names, addresses, CVs, etc.) will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.²⁴ Replies to the questions in the application form are necessary in order to assess the grant application and they will be processed solely for that purpose by the department responsible for the Community grant programme concerned. On request, applicants may be sent personal data and correct or complete them.

For any question relating to these data, please contact the Commission department to which the form must be returned. Beneficiaries may lodge a complaint against the processing of their personal data with the European Data Protection Supervisor at any time.

Grant applicants and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations mentioned in:

- the Commission Decision of 16.12.2008 on the Early Warning System (EWS) for the use of authorising officers of the Commission and the executive agencies (OJ, L 344, 20.12.2008, p. 125), or
- the Commission Regulation of 17.12.2008 on the Central Exclusion Database – CED (OJ L 344, 20.12.2008, p. 12),

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

²⁴ Official Journal L 8, 12.1.2001.

ANNEX II

MODEL FOR TENDER SPECIFICATIONS FOR SUBCONTRACTING EXTERNAL EXPERTISE

Tender Specifications –

- 1. **Background**
- 2. **Purpose of the Contract**
- 3. **Tasks to be performed by the Contractor**
 - 3.1. **Description of tasks**
 - 3.2. **Guidance and indications on tasks execution and methodology**
- 4. **Expertise required**
- 5. **Time schedule and reporting**
- 6. **Payments and standard contract**
- 7. **Price**
- 8. **Selection criteria**
- 9. **Award criteria**

(option 1)

The contract will be awarded to the tenderer whose offer represents the best value for money - taking into account the following criteria:

-
-

It should be noted that the contract will *not* be awarded to a tenderer who receives less than 70% on the Award Criteria.

(option 2)

The contract will be awarded to the tenderer whose offer represents the lowest price.

- 10. **Content and presentation of the bids**
 - 10.1 **Content of the bids**
 - 10.2 **Presentation of the bids**