



EUROPEAN COMMISSION
Internal Market, Industry, Entrepreneurship and SMEs

CALL FOR PROPOSALS

Keeping non-compliant products from the EU market

295/G/GRO/IMA/18/1124/10134

**Joint enforcement actions for market surveillance of
products in the EU**

GRANT PROGRAMME 2018

The present call for proposals is composed of a set of Grant Submission Documents,
which form an integral part of this call:

- The call for proposals,
- The Guide for Applicants
- The Submission Set

The terms set out in the call for proposals document shall take precedence over those in
the other parts of the Grant Submission Documents.

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INTERESTED PARTIES ARE INVITED TO READ CAREFULLY THE BELOW INSTRUCTIONS, AND TO USE THE QUESTIONNAIRE PROVIDED IN CHAPTER II OF THE GUIDE FOR APPLICANTS IN ORDER TO ENSURE THAT APPLICATIONS ARE COMPLETE WHEN SUBMITTED.

1. CONTEXT

The free movement of products is the most developed and best established of the four freedoms making up the EU Single Market. It is easier than ever before to buy and sell in and across 28 Member States with a combined population of approximately 507 million. Consumers and other users have a wide choice and are able to shop around for the best offers, safe in the knowledge that the products they buy have been rigorously tested to ensure they are safe. Producers can reap the economies of scale that ensue from the world's biggest market. A well-functioning Single Market is vital for Europe's prosperity and to ensure this every single cog in the machinery must work properly.

Harmonisation rules have now been put in place for most products but a good legislative framework is only as effective as those using it allow it to be. The Single Market can only be fair for people and businesses if all market players play by the rules. Alongside responsible economic operators, prepared to adapt their methods and incur the costs necessary to comply with the law, there will always be those that distort competition by unscrupulous behaviour. Unfortunately, unsafe and non-compliant products still find their way onto the market. People still suffer harm and harmful products still pollute the environment. Rogue traders persist - flouting the rules and undermining a clear level playing field for business. This undermines the internal market and is a disincentive to businesses that invest a lot of resources in ensuring that the design and manufacture of their products is safe. These practices threaten the public interests that our legislation is designed to protect, such as health and safety in general, health and safety in the work place, protection of consumers and the protection of the environment and public security.

Market surveillance is the answer. Market surveillance is an activity which is carried out by the authorities of the Member States of the Union. It should enable unsafe or otherwise harmful products to be identified and kept or taken off the market and unscrupulous or even criminal operators punished. It should also act as a powerful deterrent when necessary. Close cooperation and coordination of market surveillance activities in the EU is therefore essential.

2. OBJECTIVE OF THE CALL

The objective of the call is to provide financial support, allowing market surveillance authorities and customs to pool resources and expertise and to apply SME-friendly methods. The main objective of this initiative is to enhance the efficiency and effectiveness of the surveillance system in Europe, as well as to improve the coordination of the practical enforcement work carried out in relation to product categories or other priorities.'

The Commission wants to support and encourage more and better market surveillance across borders within the EU, by financing joint market surveillance actions and other projects that contribute to a more efficient and effective market surveillance for products within the internal market.

3. TIMETABLE

Scheduled start-up date for the action: applicants must specify in their application the duration of the action and, if possible, the indicative starting date.

Maximum duration of actions cannot exceed 36 months. Reporting will be required after the first half of the action.

The period of eligibility of costs will start at the earliest on the day the agreement is signed by the last of the parties. If a beneficiary can demonstrate the need to start the action before the agreement is signed, the expenditure may be eligible as from a date before the agreement is signed. Under no circumstances can the eligibility period start before the date of submission of the grant application.

	Stages	Date and time or indicative period
a)	Publication of the call	July 2018
b)	Deadline for submitting applications	02/10//2018 – 17:00 hrs
c)	Information to applicants	October 2018
d)	Signature of grant agreement or notification of grant decision	November 2018
e)	Starting date of the action/ work programme	December 2018

4. EU FINANCING

Maximum budget allocated for EU financing under this call: 750 000 € to maximum 3 projects.

Maximum EU financing rate of eligible costs:

- up to **90 %** of the total eligible costs of the action for joint actions involving bodies from 6 or more Member States and/or European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA) or
- up to **80 %** of the total eligible costs of the action for joint actions involving bodies from 2 to 5 Member States and/or European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA) or
- up to **75%** of the total eligible costs of the action for a single beneficiary action (e.g. Member State capacity building actions) from a Member State or a European Free Trade Association (EFTA) country which is member of the European Economic Area (EEA). In the case of a single beneficiary action the project must demonstrate an EU dimension and include at least one EU best-practice development and dissemination task.

Proposals with an EU co-financing beyond any of the above three maxima will not be eligible.

The Commission reserves the right to award a grant of less than the amount requested by the applicant. In such a case, applicants will be asked either to increase their co-financing, propose other co-financing means or to decrease the total costs without altering the substance of the proposal. Grants will not be awarded for more than the amount requested.

Publication of the call (on the Commission Internet site and/or in the Official Journal) does not guarantee the availability of funds for the above action.

4.1. GENERAL PRINCIPLES OF EU FUNDING

Non-cumulative award

Each action may give rise to the award of only one grant from the budget to any one beneficiary.

In no circumstances shall the same costs be financed twice by the Union budget.

Applicants have to inform the Commission immediately of any multiple applications and multiple grants relating to the same action. The applicant shall inform about sources and amounts of EU funding received or applied for the same action or for part of the action. Applicants shall indicate if they receive EU funding for their functioning during the financial year in which the action takes place.

Non-retroactivity

No grant may be awarded retrospectively for actions already completed.

A grant may be awarded for an action which has already begun, provided the applicant can demonstrate the need to start the action before the grant agreement is signed. In such cases, costs eligible for financing may not have been incurred prior to the date of submission of the grant application.

Co-financing

Grants shall involve co-financing, which implies that the resources necessary to carry out the action or the work programme shall not be provided entirely by EU contribution. EU financing may not cover 100% of the total costs of the action.

Co-financing of the action or of the work programme may take the form of:

- the beneficiary's own resources,
- income generated by the action or work programme,
- financial contributions from third parties.

Co-financing may also take the form of in-kind contributions from third parties, i.e. non-financial resources made available free of charge by third parties to the beneficiary or to the consortium. The corresponding costs are not eligible.

Non-profit rule

EU grant may not have the purpose or effect of producing a profit within the framework of the action of the work programme of the beneficiary.

Where a profit is made, the Commission is entitled to recover the percentage of the profit corresponding to the EU contribution to the eligible costs actually incurred. For this purpose, profit shall be defined as a surplus of the receipts over the eligible costs incurred, when the request for payment of the balance is made.

Balanced budget

The estimated budget of the action or work programme is to be attached to the application form. It must have revenue and expenditure in balance.

The budget must be drawn up in euros.

Applicants, who foresee that costs will not be incurred in euros, are invited to use the exchange rate published on the Infor-euro website available at http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm.

4.2. ELIGIBLE COSTS

In order to be eligible for funding, costs should be actually incurred by the beneficiary and meet the following criteria:

- they are incurred during the duration of the action or work programme, as indicated in the grant agreement, with the exception of costs relating to the request for payment of the balance and the corresponding supporting documents (audit certificates);
- they are indicated in the estimated budget of the action or work programme;
- they are necessary for the implementation of the action or of the work programme, in accordance with the description of the action, attached to the grant agreement;
- they are 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;
- they comply with the requirements of applicable tax and social legislation;
- they are reasonable, justified, and comply with the principle of sound financial management, in particular regarding economy and efficiency.

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

Please note that the exact scope of the eligibility of costs is defined by the grant agreement, which will be signed with the successful applicants.

4.2.1. Eligible direct costs

Direct costs of the action are those specific costs which are directly linked to the implementation of the action and can therefore be attributed directly to it. They shall not include any eligible indirect costs.

The following categories of costs can be considered as eligible direct costs:

- the costs of personnel working under an employment contract with the beneficiary or an equivalent appointing act and assigned to the action, comprising actual salaries plus social security contributions and other statutory costs included in the remuneration, provided that these costs are in line with the beneficiary's usual policy on remuneration. Those costs may also include additional remunerations, including payments on the basis of supplementary contracts regardless of the nature of those contracts, provided that they are paid in a consistent manner whenever the same kind of work or expertise is required, independently from the source of funding used.
- salary costs of the personnel of national administrations 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.
- costs of travel and related subsistence allowances, provided that these costs are in line with the beneficiary's usual practices on travel;
- the depreciation costs of equipment or other assets (new or second-hand) as recorded in the accounting statements of the beneficiary, provided that the asset has been purchased in accordance with the conditions applicable to implementation contracts and that it is written off in accordance with the international accounting standards and the usual accounting practices of the beneficiary

- costs of consumables and supplies, provided that they are purchased in accordance with the conditions applicable to implementation contracts;
- costs arising directly from requirements imposed by the grant agreement (dissemination of information, specific evaluation of the action, audits, translations, reproduction), including the costs of requested financial guarantees, provided that the corresponding services are purchased in accordance with the conditions applicable to implementation contracts;
- costs entailed by subcontracts, concluded for the externalisation of specific tasks or activities which form part of the action or workprogramme as described in the proposal, provided that the conditions with the conditions applicable to implementation contracts are met;
- costs of financial support to third parties, in accordance with the conditions set by the grant agreement for such financing;
- duties, taxes and charges paid by the beneficiary, provided that they are included in eligible direct costs, and unless specified otherwise in the Agreement.
- costs relating to a pre-financing guarantee lodged by the beneficiary of the grant, where that guarantee is a condition for the payment of a pre-financing;
- costs relating to external audits where such audits are required in support of the requests for payments;

A proposal does not have to include all of the above eligible costs. For example, staff cost reporting could be burdensome for market surveillance authorities and be a barrier to their participation in joint actions. In such cases a proposal could limit eligible costs to other categories (e.g. meetings, product testing costs) and account for the staff effort provided by the participating market surveillance authorities as a contribution in-kind,

4.2.2. Eligible indirect costs

A flat-rate amount of 7% of the total eligible direct costs of the action is eligible under indirect costs, representing the beneficiary's general administrative costs which can be regarded as chargeable to the action/project.

Indirect costs may not include costs entered under another budget heading.

Indirect costs are not eligible for beneficiaries that receive an operating grant from the European Commission.

4.2.3. Non-eligible costs

In addition to any other costs which do not fulfill the conditions set out in Article II.19.1, the following costs shall not be considered eligible:

- return on capital;
- debt and debt service charges;
- provisions for losses or debts;
- interest owed;
- doubtful debts;
- exchange losses;
- costs of transfers from the Commission charged by the bank of a beneficiary;
- costs declared by the beneficiary in the framework of another action receiving a grant financed from the Union budget (including grants awarded by a Member State and financed from the Union budget and grants awarded by other bodies than the Commission for the purpose of implementing the Union budget);
- in particular, indirect costs shall not be eligible under a grant for an action awarded to a beneficiary which already receives an operating grant financed from the Union budget during the period in question;
- contributions in kind from third parties;
- excessive or reckless expenditure;

- deductible VAT.
- participation by any staff of the institutions in actions receiving grants
- any other costs which have been specified as ineligible in the call for proposal

In addition to the above, the Commission can refuse to finance certain costs included in the proposal. The beneficiary can decide to maintain and finance these costs out of his own resources, but they will not be taken into account as eligible costs.

4.3. CO-FINANCING AND JOINT AND SEVERAL RESPONSIBILITY

The beneficiary has to supply evidence of the co-financing provided. It can be provided either by way of own resources, or in the form of financial transfers from third parties.

Co-financing may also take the form of in-kind contributions from third parties, i.e. non-financial resources made available free of charge by third parties to the beneficiary or to the consortium. The corresponding costs are not eligible. The value of such a contribution may not cover the entire amount of co-financing.

In case of a joint application, all partners shall agree upon appropriate arrangements between themselves for the proper performance of the action.

In particular, they shall accept joint and several responsibility up to the value of the contribution that the beneficiary held liable is entitled to receive, as stipulated in the General Conditions of the draft grant agreement.

The final grant agreement shall be signed by each applicant. Alternatively it shall be signed by the appointed co-ordinator, provided that a power of attorney has been conferred to this entity (Annex IV of the draft grant agreement).

4.4. IMPLEMENTATION CONTRACTS/SUBCONTRACTING

Where the implementation of the action or the work programme requires the use of contracts (implementation contracts), the beneficiary must ensure that the contract is awarded to the bid offering best value for money or the lowest price (as appropriate), avoiding conflicts of interests and retain the documentation for the event of an audit.

Entities acting in their capacity of contracting authorities shall abide by the applicable national public procurement rules, in the meaning of Directive 2014/24/EU on the coordination of procedures for the award of public work contracts, public supply contracts and public service contracts or contracting entities in the meaning of Directive 2014/25/EU coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors.

Sub-contracting for the purpose of the action

Sub-contracting refers to contracts concluded for the externalisation of specific tasks or activities which form part of the action or work programme as described in the proposal. Such contracts must satisfy the conditions applicable to any implementation contract and, in addition, the following conditions:

- Subcontracting may only cover the implementation of a limited part of the action, in principle up to 30 % of the eligible costs. Product testing costs when outsourced via subcontracting are not subject to this limitation.
- It must be justified having regard to the nature of the action and what is necessary for its implementation;
- The proposal should clearly identify the subcontracted activities

Subcontracting does not in any way limit the responsibility of beneficiaries for the implementation of the action. Please note that the beneficiary(ies) should have the necessary capacity to perform the project. Only tasks that are not core business can be sub-contracted to consultants.

It is not necessary to have already selected subcontractors at the time the proposal is submitted. However, cost of contractors not selected in accordance with the applicable rules for procurement will not be eligible.

4.5. FINANCIAL SUPPORT TO THIRD PARTIES

The applications may not envisage provision of financial support to third parties.

4.6. FINAL GRANT AND PAYMENT ARRANGEMENTS

The draft grant agreement annexed to this call for proposals specifies the calculation of the final grant and the payment arrangements.

Your attention is in particular drawn to the General Conditions of the grant agreement, where the eligibility of costs is described. Detailed explanations and a description how costs should be budgeted and reported can be found in the Guide for Applicants.

EU grant may not have the purpose or effect of producing a profit within the framework of the action of the work programme of the beneficiary. Where a profit is made, the Commission is entitled to recover the percentage of the profit corresponding to the EU contribution to the eligible costs actually incurred. For this purpose, profit is defined as a surplus of the receipts over the eligible costs incurred by the beneficiary, when the request is made for payment of the balance. Where such a surplus occurs, the Commission is entitled to recover the percentage of the profit corresponding to the EU contribution to the eligible costs actually incurred by the beneficiary.

The Commission may require the beneficiary to lodge a guarantee for grants exceeding € 60 000, based on a risk analysis.

In the event that the applicant's financial capacity is not satisfactory, a pre-financing guarantee for up to the same amount as the pre-financing may be requested in order to limit the financial risks linked to the pre-financing payment.

The financial guarantee, in euro, shall be provided by an approved bank or financial institution established in one of the Member State of the European Union. When the beneficiary is established in a third country, the authorising officer responsible may agree that a bank or financial institution established in that third country may provide the guarantee if he considers that the bank or financial institution offers equivalent security and characteristics as those offered by a bank or financial institution established in a Member State. Amounts blocked in bank accounts shall not be accepted as financial guarantees.

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


5. ELIGIBILITY

APPLICATIONS MUST COMPLY WITH ALL OF THE ELIGIBILITY CRITERIA SET OUT IN THIS SECTION.

5.1. ELIGIBLE APPLICANTS

Applications from legal entities established in one of the following countries are eligible:

- EU Member States
- European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA)

 For British applicants: Please be aware that eligibility criteria must be complied with for the entire duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article **II.17.2.1** of the grant agreement.

Several applicants, submitting a joint proposal should choose within their midst a lead organisation, referred to as the coordinator.

The coordinator and other applicants must satisfy the same eligibility criteria.

- Applications must be submitted by a legal person.
- Applicants must be bodies to which Member States and/or European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA) have attributed tasks concerning market surveillance, or non-profit organisations which facilitate the coordination of market surveillance activities. Market surveillance is defined as the activities carried out and measures taken by public authorities to ensure that products comply with the requirements set out in the Union harmonisation legislation and do not endanger health, safety or any other aspects of public interest.
- Corporate bodies must be properly constituted and registered under the law. If a body or organisation is not constituted under the law, a physical person must be designated to provide the legal responsibility.

Supporting documents

Subject to the eligibility criteria indicated above, the applicants should provide the following supporting documents to establish their eligibility:

- **private entity:** extract from the official journal, copy of articles of association, extract of trade or association register, certificate of liability to VAT (if, as in certain countries, the trade register number and VAT number are identical, only one of these documents is required);
- **public entity:** copy of the resolution or decision establishing the public company, or other official document establishing the public-law entity;
- **consortium:** in addition to the supporting documents referring to their legal status, consortium members will submit letters confirming their participation to the project,
- **natural persons:** photocopy of identity card and/or passport;
- **entities without legal personality:** documents providing evidence that their representative(s) have the capacity to undertake legal obligations on their behalf.

5.2. ELIGIBLE PROPOSALS

Applications must comply with the following conditions in order to be eligible for a grant:

- Applications must be sent no later than the deadline for submitting applications referred to in section 9.
- Applications must be submitted in writing, using the application form and the electronic submission system, as indicated in the Guide for Applicants.
- Applications must be drafted in one of the EU official Languages. If your proposal is not in English, a translation of the full proposal would be of assistance to the evaluators. An English translation of an abstract may be included in the proposal (see Guide for Applicants).
- Proposals must be submitted in conformity with the call specifications;
- Only projects that are strictly non-profit-making and/or whose immediate objective is non-commercial shall be eligible.
- Applications must respect the maximum rate for EU co-financing.
- Applications must respect the maximum amount for EU co-financing.

In this context, will be rejected any project directly or indirectly contrary to EU policy or against public health, human rights, citizen's security or freedom of expression.

5.3. ELIGIBLE ACTIVITIES

In order to be eligible under this call, the proposed activities should enhance cooperation and coordination among Member States and/or European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA) with regard to market surveillance activities and contribute to the strengthening of operational market surveillance capacities of authorities of Member States and/or European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA). In particular, the proposed activities should be based on and take into account the expertise of the relevant Administrative cooperation groups and the evolving legal framework for market surveillance.

The proposals have to cover at least one of the following aspects of administrative co-operation activities of market surveillance authorities, including their cooperation with customs to strengthen cross-border enforcement capabilities in the Member States and/or European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA):

- Collection and analysis of information;
- Cooperation or training workshops for different authorities and stakeholders;
- Skills development measures, toolkits or training materials for inspectors;
- Information and awareness raising actions;
- Guidance development, legal analysis and assistance;
- Enforcement actions (including test-purchases);
- Coordination of product testing process, including the identification and selection of appropriate laboratories;
- Inter-laboratory testing and public laboratory capacity building;

- Upgrading and interlinking of IT systems, investment in hard and software for market-knowledge or intelligence gathering, internet investigations and operational expenditure to support coordinated surveillance;
- Development of cooperation models or protocols among authorities or with relevant stakeholders.
- Capacity building actions.

In the case of a single beneficiary action the project must demonstrate an EU dimension and include at least one EU best-practice development and dissemination task.

Additionally, the proposed activities have to cover at least one of the product categories falling within the scope of one or several of the following Union harmonization legislation:

- Construction products
- Noise
- Pyrotechnics
- Radio equipment
- Electromagnetic compatibility
- Low voltage
- Medical Devices
- Equipment for potentially explosive atmospheres
- Pressure Equipment and Simple Pressure Vessels
- Machinery
- Lifts
- Cableways
- Personal Protective Equipment
- Eco-design
- Energy Labelling
- Measuring Instruments and Non-automatic Weighing Instruments
- Recreational Craft
- Transportable Pressure Equipment
- Explosives for Civil Uses
- Toy Safety
- Gas Appliances
- Chemicals (REACH)
- Restriction of Hazardous Substances

- Fertilisers
- Textile
- Motor vehicles
- Marine equipment

6. EXCLUSION CRITERIA

6.1. EXCLUSION FROM PARTICIPATION

An entity will be excluded from participating in the call for proposals procedure if :

(a) it is bankrupt, subject to insolvency or winding-up procedures, where its assets are being administered by a liquidator or by a court, where it is in an arrangement with creditors, where its business activities are suspended, or where it is in any analogous situation arising from a similar procedure provided for under national laws or regulations;

(b) it has been established by a final judgment or a final administrative decision that the entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;

(c) it has been established by a final judgment or a final administrative decision that the entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the applicant belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:

(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;

(ii) entering into agreement with other entity with the aim of distorting competition;

(iii) violating intellectual property rights;

(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;

(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;

(d) it has been established by a final judgment that the entity is guilty of any of the following:

(i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;

(ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the law of the country where the contracting authority is located, the country in which the applicant is established or the country of the performance of the contract;

(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;

(iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;

(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;

(vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;

(e) the entity has shown significant deficiencies in complying with main obligations in the performance of a contract financed by the budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an authorising officer, OLAF or the Court of Auditors;

(f) it has been established by a final judgment or final administrative decision that the entity has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95.

g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:

(i.) facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;

(ii.) non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;

(iii) decisions of the ECB, the EIB, the European Investment Fund or international organisations;

(iv) decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law.

(v) decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

6.2. EXCLUSION FROM AWARD

Grants will not be awarded to applicant who, in the course of the grant award procedure is:

(a) is in a situation of exclusion established in accordance with Article 106 FR

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

(c) was previously involved in the preparation of procurement documents where this entails a distortion of competition that cannot be remedied otherwise.

6.3. SUPPORTING DOCUMENTS

Applicants must sign a declaration on their honour certifying that they are not in one of the situations referred to by filling in the "Exclusion Criteria Form" (form B4)

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

By using the "Exclusion Criteria Form" applicants shall declare on their honour that they are not in one of the situations referred to in Articles 106 and 107 of the Regulation (EC, Euratom) n° 966/2012 on the financial rules applicable to the general budget of the Union (Financial Regulation, as amended).

Please note that administrative and financial penalties may be imposed by the Commission on applicants who are excluded in relation to points a) to g) of the form in question.

For grants with a value exceeding € 60 000, the Commission may require further evidence, as indicated in article 143 Rules of Application.

7. SELECTION

7.1. FINANCIAL CAPACITY

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the period during which the action is being carried out or the year for which the grant is awarded and to participate in its funding. The applicants' financial capacity will be assessed on the basis of the following supporting documents to be submitted with the application:

For grants of a total value < EUR 60 000:

- a declaration on honour

For grants of a total value ≥ EUR 60 000, in addition:

- a declaration on honour and,
- form B/5 provided for in the submission set, filled in with the relevant statutory accounting figures. Other documents may be submitted if needed (see IV.4 Guide to applicants)

For grants for an action ≥ EUR 750 000 or operating grants ≥ EUR 100 000, in addition:

- an audit report produced by an approved external auditor certifying the accounts for the last financial year available.

In the event of an application grouping several applicants (consortium), the above threshold regarding audit reports applies per applicant.

7.2. OPERATIONAL CAPACITY

Applicants must show they have the **operational (technical and management) capacity** to complete the operation to be supported and must **demonstrate their capacity to manage scale activity** corresponding to the size of the project for which the grant is requested. In particular, the **team responsible** for the project/operation must have **adequate professional qualifications and experience**.

In this respect, applicants which are bodies to which Member States have attributed market surveillance tasks have to submit the following supporting documents:

- a declaration on their honour
- curriculum vitae or description of the profile of the people primarily responsible for managing and implementing the operation;

Applicants which are non-profit organisations which facilitate the coordination of market surveillance activities have to submit in addition to the declaration on honour and curriculum vitae mentioned above:

- -a list of previous projects and activities performed and connected to the policy field of the call or to the activities to be carried out;

The selection procedure is described in further detail in the Guide for Applicants.

8. AWARD

An evaluation of the quality of proposals, including the proposed budget, will be carried out in accordance with the evaluation criteria set out in annex 3 to this call for proposals.

The evaluation procedure is described in further detail in the Guide for Applicants.

9. SUBMISSION OF PROPOSALS

Please note that only electronic submissions are allowed for this call.

Please consult the Guide for Applicants for the modalities of preparing the proposal.

Submission of a grant application implies acceptance of the conditions of the grant agreement, attached to this call

The deadline for submission of proposals is:

02/10/2018 [17.00:00 Brussels local time]

10. CONTACTS

Contacts between the contracting authority and potential applicants can only take place in certain circumstances and under the following conditions only:

Before the final date for submission of proposals,

- At the request of the applicant, the Commission may provide additional information solely for the purpose of clarifying the nature of the call.
- Any requests for additional information must be made in writing only to the coordinates stated below.
- The Commission may, on its own initiative, inform interested parties of any error, inaccuracy, omission or other clerical error in the text of the call for proposals.
- Any additional information including that referred to above will be published on the internet in concordance with the various call for proposals documents.

After the deadline for submission of proposals:

- If clarification is requested or if obvious clerical errors in the proposal need to be corrected, the Commission will contact the applicant provided the terms of the proposal are not modified as a result.
- If the authorising officer finds that those proposals, which have been listed for award needs limited adaptations to their proposal. In such case, these applicants will receive a formal letter setting out the requested modifications. Any such modifications must stay within the limits of the request. This phase will not lead to a re-evaluation of the proposals, but a proposal might be rejected if the applicant does not wish to comply with the modifications requested.

Contact coordinates for the call:

European Commission

Internal Market, Industry, Entrepreneurship and SMEs Directorate-General

Directorate Single Market Policy, Regulation and Implementation

Unit Single Market Policy, Mutual Recognition and Surveillance

Office address: N105 03/033, B-1049 Brussels, Belgium

e-mail: GROW-CFP-18-1124@ec.europa.eu

11. DATA PROTECTION

The reply to any call for proposals involves the recording and processing of personal data (such as name, address and CV). Such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, the questions and any personal data requested are required to evaluate the application in accordance with the specifications of the call for proposal will be processed solely for that purpose by the Unit for Single Market Policy, Mutual Recognition and Surveillance.

Details concerning the processing of personal data are available on the privacy statement at:

http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf.

Personal data may be registered in the Early Detection and Exclusion System (EDES) if the applicant is in one of the situations mentioned in Article 106 of the Financial Regulation. For more information, see the Privacy Statement on: http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm.

12. PUBLICITY

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

In this respect, beneficiaries are required to give prominence to the name and emblem of the European Commission on all their publications, posters, programmes and other products realised under the co-financed project.

To do this they must use the text, the emblem and the disclaimer available at https://ec.europa.eu/info/resources-partners/european-commission-visual-identity_en. If this requirement is not fully complied with, the beneficiary's grant may be reduced in accordance with the provisions of the grant agreement or grant decision.

With the exception of scholarships paid to natural persons and other direct support paid to natural persons in most need, all information relating to grants awarded in the course of a financial year shall be published on an internet site of the European Union institutions no later than the 30 June of the year following the financial year in which the grants were awarded.

The Commission will publish the following information:

- name of the beneficiary;
- address of the beneficiary (legal persons) or reference to the region (natural persons);
- subject of the grant;

- amount awarded.

Upon a reasoned and duly substantiated request by the beneficiary, the publication shall be waived if such disclosure risks threatening the rights and freedoms of individuals concerned as protected by the Charter of Fundamental Rights of the European Union or harm the commercial interests of the beneficiaries.

13. ANNEX 1 SUBMISSION SET

The Submission Set can be downloaded from the following page: <http://ec.europa.eu/growth/contracts-grants/calls-for-proposals/>

14. ANNEX 2 GUIDE FOR APPLICANTS

The Guide for Applicants can be downloaded from the following page: <http://ec.europa.eu/growth/contracts-grants/calls-for-proposals/>

15. ANNEX 3 EVALUATION CRITERIA

When assessing the below evaluation criteria, the evaluation committee generally pays attention to the elements indicated below each criterion. Please note that these elements, which are indicative and non-exhaustive, are given on the basis of transparency and in order to help applicants to improve their applications.

EVALUATION CRITERIA AND KEY ELEMENTS LIKELY TO BE ASSESSED BY THE EVALUATION COMMITTEE	MAX. SCORE
1. Relevance	10
How relevant is the proposal to the objectives of the call?	
How strategically chosen are the actions and product categories covered by the proposal? (Including the use of risk assessment methodologies).	
2. Impact	60
To what extent is the project likely to enhance enforcement capacities or cooperation among national authorities in charge of carrying out market surveillance activities?	
To what extent will the beneficiaries make use of risk profile and risk assessment techniques when sampling the products to be tested?	
To what extent is the project likely to improve enforcement capacities and maximise the resources allocated to market surveillance activities? (Including the prevention of double testing and efficiency of the sampling).	
To what extent will the project make use of existing EU exchange of information tools? (including ICSMS, ADCOs and RAPEX)	
To what extent is the project likely to enhance consistency of enforcement in the Single Market and prevent unnecessary burdens on economic operators?(including prevention of different approaches to economic operators that market products in several Member States)	
To what extent does the proposal contain potential multiplier effects? (Including possibilities for replication)	

of project outcomes, dissemination of information.)	
3. Quality	20
How coherent is the overall project design?	
To what extent have ADCOs been involved in the preparation of the proposal?	
To what extent does the proposal contain specific elements that can be seen as additional value to market surveillance, such as innovative approaches and models for good practice?	
How clear and feasible is the plan of action?	
4. Budget and Cost-effectiveness	10
To what extent is the budget clear and detailed?	
Do the probable results stand in a reasonable relationship to the amount of the grant?	
Maximum total score	100

If a total score lower than 60 points or a score lower than 50% for any of the above five criteria is obtained, the proposal will not be evaluated further.

16. ANNEX 4 - AGREEMENT

grant agreements – mono-beneficiary and multi-beneficiaries