



**CALL FOR PROPOSALS CONCERNING PROJECTS OF COMMON INTEREST UNDER THE CONNECTING
EUROPE FACILITY IN THE FIELD OF TRANS-EUROPEAN
TELECOMMUNICATION NETWORKS**

CEF TELECOM CALLS 2017

CEF-TC-2017-1: European e-Justice Portal

1. CALL CONTEXT

The general context for this call for proposals is defined in Section 3.12 of the 2017 CEF Telecom Work Programme¹ as published on the call page on the Innovation and Networks Executive Agency (INEA) website.²

2. BACKGROUND AND RATIONALE

The background and rationale for this call for proposals are defined in Section 3.12.1 of the 2017 Work Programme.

3. PRIORITIES

The priority outcomes of this call for proposals are defined in Section 3.12.2.2 of the 2017 Work Programme.

The objective is namely to encourage the further development and connection of generic services to the existing modules of the European e-Justice Portal (the Core Service Platform), in order to serve a greater audience and thus better fulfil their public function.

The following generic services and activities listed below are covered under this call. Proposals addressing those activities indicated in section 3.3 (Access to e-CODEX) will take priority over those addressing other generic services.

¹ Commission Implementing Decision C(2017)696 of 8 February 2017

² <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2017-cef-telecom-call-ejustice-cef-tc-2017-1>



3.1. Interconnection of Insolvency Registers

- Implementation of the agreed web service specification necessary for communication with the Core Service Platform.

Only applications submitted by national public administrations or other competent bodies responsible for or operating insolvency, business or commercial registers will be funded. At least one applicant must demonstrate in question 2.5 of application form part D the responsibility for or competence in operating insolvency, business or commercial registers (e.g. by providing supporting documents such as government act, legal basis, etc.) in the context of the interconnection activities envisaged in Regulation (EU) 2015/848.³ For multi-applicant proposals, question 2.5 should also contain a clear explanation why the other applicants are necessary to the consortium for establishing the generic service.

Actions selected covering this generic service will include mandatory conformance testing provided by the European e-Justice Portal Core Service Platform.

3.2. European Case Law Identifier (ECLI)

- Adoption and implementation of the ECLI standard on national level;
- Provision of national case law to the Core Service Platform, to allow users to search for and find case law decisions featuring an ECLI identifier and metadata.

Applications which aim at the full national adoption of the ECLI standard and the establishment of an interconnection to the ECLI search engine of the European e-Justice Portal will receive higher priority during the evaluation than those offering partial adoption (for example limited to the judicial decisions of a Supreme Court, or to prospective adoption of the ECLI standard).

Only applications submitted by national, European and international case law publishers or providers will be supported. At least one applicant must demonstrate in question 2.5 of application form part D the proof of competence in the respective domain in the proposal, as well as via the provision of the relevant supporting documents (e.g. statutes, annual activity reports, etc.). For multi-applicant proposals, question 2.5 should also contain a clear explanation why the other applicants are necessary to the consortium for establishing the generic service.

Actions selected covering this generic service will include mandatory conformance testing provided by the European e-Justice Portal Core Service Platform.

3.3. Access to e-CODEX

The Access to e-CODEX package has been created to support Member States for joining the e-CODEX judicial workflows operated in the context of the European e-Justice Portal or cross-border initiatives associated with it – particularly the upcoming e-evidence workflow. For the European Order for Payment (EOP) and the European Small Claims (ESC) workflows, generic services are defined as parties able to receive claims electronically from users of the European e-

³ Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings, see <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R0848>

Justice Portal. For the e-evidence workflow, generic services are defined as parties exchanging e-evidence through e-CODEX using the communication protocols to be established jointly by the European Commission and the Expert Group on e-evidence.

With regard to the EOP and ESC workflows, priority will be given to the applications that also propose to support sending back communication and decisions from the national court(s) via e-CODEX to the users of the European e-Justice Portal.

Activities funded in this area will include:

- Deployment of an eDelivery Access Point or use an eDelivery Access Point through a service provider. An eDelivery Access Point is an implementation of the e-SENS AS4 Profile.⁴ If the deployment of eDelivery is included in the proposal, support will be given to activities aiming to deploy or use and/or operate the Access Point(s) for one year. The Access Point deployment will have to prove compliance with the technical specifications defined by the eDelivery DSI via the conformance testing platform made available by the Core Service Platform of the eDelivery DSI or an equivalent testing platform subject to verification by the eDelivery DSI.
- Those related to the deployment, adaptation, configuration, testing and operation of the e-CODEX connector (or of other existing third party software that can fulfil the same role with minimal adaptation) required for fulfilling the tasks mandated by the e-CODEX communication standard as described in the e-CODEX specifications (i.e. generation of the necessary evidence of reception, signature validation, message packaging and other relevant tasks);
- Per judicial workflow, the tasks required for connecting to e-CODEX, including:
 - Connection of the national case or e-evidence management infrastructure to the eDelivery platform
 - Generation and consumption of .xml, .pdf and other types of files mandated by the judicial procedure in a pre-agreed cross-border format (such as the e-CODEX XSDs in the case of EOP and ESC procedures)
 - End-to-end testing and operation of the system.

Applicants are encouraged to bundle all e-CODEX requests related to EOP and ESC as a single application if possible.

With regard to the EOP and ESC workflows, the connection will be considered achieved if and only if, for the judicial workflow(s) included in the proposal, the users of the European e-Justice Portal can send to one or more courts in the Member State applying for funding any form linked to the judicial workflow that is meant to be sent from the claimant to the court, receiving evidence of reception. If this is included in its application, the applicant must also supply proof of its ability

⁴ See <https://ec.europa.eu/cefdigital/wiki/x/AwFfAQ>

to return all forms meant to be sent from the court to the claimant. The transmission is to be done using the technologies and standards described above or those which are compatible. This will be verified using the test plans defined by the e-CODEX project.

With regard to the e-evidence workflow, the connection will be considered achieved if and only if it provides a complete implementation of the communication protocols as they will be defined jointly by the European Commission and the Expert Group on e-evidence.

For all three of the workflows, at the minimum, both a TEST and a PRODUCTION system must be set up by the applicant. For both systems, functional, non-functional and system integration tests must be successfully carried out before the connection is considered achieved.

Only applications submitted by public administrations of EU Member States will be funded. At least one applicant must demonstrate in question 2.5 of application form part D the proof of competence for dealing with the workflow(s) addressed in the proposal via the provision of the relevant supporting documents (e.g. government act, legal basis, etc). For multi-applicant proposals, question 2.5 should also contain a clear explanation why the other applicants are necessary to the consortium for establishing the generic service.

3.4. Interconnection of Land Registers

Activities funded in this area will include:

- Implementation of the required web services specification necessary for communication with the Land Registers Interconnection (LRI) platform of the European e-Justice Portal with national/regional land registers and/or cadastres for the querying and acquisition of land property-related information.
- Implementation of the required authentication mechanism by registers to verify the professional capacity of relevant user groups (see below).

For the first activity, only applications submitted by organisations competent for or operating land registers and/or cadastres will be funded. Priority will be given to applicants that have nationwide coverage.

For the second activity, only applications submitted by registers that have the described capability on a national or EU-wide level will be funded. Therefore, applications from professional associations would be relevant, whereas those from single offices would not be. Priority will be given to applicants that can certify the professional capacity of a wide range of key stakeholder professions on an EU-wide level. Such stakeholder professions may indicatively include: notaries, judges, bailiffs, credit agencies, lawyers, real estate agents, cadastre officers, bank tellers, fraud investigators, surveyors, etc.

In cases where registers have the capability to implement both activities (provision of land property-related information and authentication mechanism), it is recommended that applications are bundled together. Such cases include land registers/cadastres in which users can have different profiles (e.g., professionals and 'normal' citizens). Such applicants will be given priority.

For both activities, at least one applicant must demonstrate in question 2.5 of application form part D the proof of competence in the respective domain in the proposal, as well as via the provision of the relevant supporting documents (e.g. government act, legal basis, etc). For multi-applicant proposals, question 2.5 should also contain a clear explanation why the other applicants are necessary to the consortium for establishing the generic service.

Actions selected covering this generic service will include mandatory conformance testing provided by the e-Justice Portal Core Service Platform.

3.5. European Court Database

- Adaptation and/or extension of national databases to implement a mechanism for the automatic import of relevant data (e.g. court details, competences, etc.) to the European Court Database.

Only applications submitted by public administrations will be funded. At least one applicant must demonstrate in question 2.5 of application form part D the proof of competence in the respective domain in the proposal, as well as via the provision of the relevant supporting documents (e.g. government act, legal basis, etc). For multi-applicant proposals, question 2.5 should also contain a clear explanation why the other applicants are necessary to the consortium for establishing the generic service.

Actions selected covering this generic service will include a mandatory conformance testing provided by the e-Justice Portal Core Service.

3.6. General provisions

Funding may cover up to three types of activities for any of the above-mentioned generic services:

- *Hook-up*: all activities linked to the development of specific connection software, modifications and adaptations of existing information systems for the purposes of the hook-up (ex. installation and configuration of hardware and software infrastructure, required adaptations in existing software solutions and data sources, deployment of the generic service, local and integration testing, project management, etc.)

In duly justified and substantiated cases, proposals which aim to substantially increase the scope and/or the added value of an *in situ* generic service may also be considered as hook-up activities.

- *Operation*: costs such as hosting, acquisition of certificates or software licenses, technical support, etc.
- *Maintenance*: any activity required for maintaining the specific connection software and associated configuration in good working order, including adaptive maintenance (changing the software to work in a changing infrastructure), corrective maintenance (resolving bugs) and evolutive maintenance (changing the software to adapt to evolving requirements such as changes in the Core Platform or in the national service).

Where only parts of one of the generic services indicated above are not yet implemented, a provision for their implementation can be included in the application as long as a clear distinction between the existing and still to be implemented parts is made.

Separate applications should be submitted if the applicant(s) seek(s) to implement multiple types of generic services. Unless advised otherwise for the specific module, implementations of the same generic service (e.g., Interconnection of Insolvency Registers) by different applicants or by the same applicant in different instances can and should be grouped as much as possible in a single application.

Actions which are explicitly excluded from the scope of the call include:

- e-Justice actions that do not have a clear and direct link to the European e-Justice Portal modules or associated initiatives as listed in section 3.12.2.2 of the Work Programme;
- Generic services that are already operational before the launch of this call;
- Use of Access to e-CODEX for purposes others than those defined in section 3.3 above.

Applicants who already received funding under the CEF 2016-2 European e-Justice Portal call and/or the DG Justice and Consumers" Action grants to support national or transnational e-Justice projects" calls (JUST-JACC-EJU-AG-2016, JUST/2015/JACC/AG/E-JU, JUST/2014/JACC/AG/E-JU, JUST/2013/JPEN/AG) and who plan to apply again under this call must clearly explain in the relevant section of application form part D of their proposal (notably section 1 and Q2.1) how their proposed actions will differ from those action(s) funded under either of the aforementioned calls.

4. RESULTS EXPECTED FROM THE FINANCIAL ASSISTANCE

The benefits and expected outcomes of this call for proposals are defined in Sections 3.12.2.4 and 3.12.2.5 of the 2017 Work Programme. In relation to the generic services, this includes:

4.1 Interconnection of Insolvency Registers:

- Improving the provision of relevant and timely information to creditors and courts involved and preventing the opening of parallel insolvency proceedings
- Allowing certain Member States to expediently comply with the requirements of the EU Regulation on insolvency proceedings⁵
- Interconnecting Member State insolvency registers via the European e-Justice Portal

⁵ Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings, see <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32015R0848>

4.2 *European Case Law Identifier (ECLI):*

Further adoption of the ECLI standard and implementation of technical solutions allowing easier access to national case law at the national and European levels in compliance with the ECLI standard at local and EU level (via the Core Service Platform).

4.3 *Access to e-CODEX:*

Enlarging the Member State coverage where electronic use of the EOP and the ESC cross-border legal instruments or exchange of e-evidence is possible, and thus enabling judicial authorities to interact electronically and efficiently among each other, with citizens, business and legal practitioners across the EU.

4.4 *Interconnection of Land Registers*

- Providing a single access point, established within the e-Justice Portal, for the acquisition of land-related information of participating Member States
- Enabling citizens and professionals to query and retrieve relevant land register information via a single, adaptive, multi-lingual interface

4.5 *European Court Database:*

Enabling a smoother and enhanced process of Member State data provision to the Database, resulting in more up-to-date and accurate information.

5. **BUDGET**

The indicative amount to be allocated on the basis of this call for proposals to projects of common interest in the field of trans-European telecommunications for the European e-Justice Portal generic services is €1.5 million.

6. **TIMETABLE**

Date of publication of call for proposals	17 February 2017
Deadline for the submission of proposals	18 May 2017 (17:00.00 Brussels time)
Evaluation of proposals	June-September 2017 (indicative)
Consultation of the CEF Committee	October 2017 (indicative)
Adoption of the Selection Decision	October 2017 (indicative)
Preparation and signature of grant agreements	between October 2017 and February 2018 (indicative)

7. ADMISSIBILITY REQUIREMENTS

A proposal **will not be evaluated** if at least one of the following situations occurs:

- It is not submitted electronically in the TENtec Information System eSubmission module.⁶ In this respect, proposals or part(s) of proposals submitted by email or hard copy will not be admissible.
- It is not submitted by the deadline for submission of proposals (*see Sections 6 on Timetable and 13.2 on Submission of proposals*).
- The proposal is incomplete, i.e. any part of the application form (A, B, C or D) is missing.
- The proposal is not duly signed by the applicant(s).

8. ELIGIBILITY CRITERIA

8.1 Eligible applicants

In accordance with the 2017 Work Programme and pursuant to Article 9 of the CEF Regulation,⁷ only those proposals submitted by one of the following types of applicants are eligible:

- One or more Member States;
- With the agreement of the Member State(s) or EEA countr(y)ies concerned, international organisations, Joint Undertakings,⁸ or public or private undertakings or bodies established in an EU Member State.

In accordance with section 4.3.1 of the 2017 Work Programme, European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA) may participate⁹ in the call for proposals, even when not explicitly mentioned in the Work Programme text, with the same rights, obligations and requirements as EU Member States. At the time of call publication, these conditions apply to Norway and Iceland only.¹⁰

Where necessary to achieve the objectives of a given project of common interest and where duly motivated, third countries and entities established in third countries may participate in actions contributing to the projects of common interest. They may not receive funding under the CEF Regulation, except where it is indispensable to achieve the objectives of a given project of common interest.

Acceding states and candidate countries benefiting from a pre-accession strategy may also

⁶ The TENtec eSubmission module is part of the TENtec Information System used to manage CEF Actions during their entire lifecycle and enables the electronic submission of proposals under the CEF calls. The link to TENtec is available under the "Application Forms" section of the call webpage: <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2017-cef-telecom-call-ejustice-cef-tc-2017-1>

⁷ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 Text with EEA relevance, see <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R1316>

⁸ For the purposes of this call, a Joint Undertaking is an entity defined in Article 187 of the Treaty on the Functioning of the European Union, see <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>

⁹ According to article 7.2 of Regulation (EU) No 283/2014 of the European Parliament and of the Council of 11 March 2014 on guidelines for trans-European networks in the area of telecommunications infrastructures and repealing Decision No 1336/97/EC

¹⁰ For the purposes of this call, Liechtenstein is considered a third country

participate in the sector of the CEF covering telecommunications infrastructure in accordance with agreements signed with the EU. As at the time of call publication no such agreements have been signed, the same conditions as for third countries apply to acceding states and candidate countries.

Third countries and entities established in third countries may only participate as part of a consortium with applicants from EU/EEA countries. The application must contain the agreement of the Member State concerned by the proposed Action and an explanation from the European partner involved in the proposal on why the participation of the third country applicant is necessary and/or indispensable. Applicants that are entities established in a third country must also provide proof of the support of the third country authorities concerned.

Proposals may be submitted by entities which do not have legal personality under the applicable national law, provided that their representatives have the capacity to undertake legal obligations on their behalf and offer a guarantee for the protection of the EU's financial interests equivalent to that offered by legal persons.

Proposals submitted by natural persons are not eligible.

Any applicant that cannot provide the agreement of the EU Member State or EEA country concerned will not be eligible.

Applicants may designate affiliated entities within the meaning of Article 122(2)(b) of the Financial Regulation¹¹, for the purpose of supporting the implementation of the action submitted for funding. Such affiliated entities must comply with the eligibility criteria for applicants.

For multi-applicant proposals, a coordinator must be designated.

Exclusion criteria

In line with Article 106 of the Financial Regulation and Article 141 of the Rules of Application,¹² an applicant will be excluded from participating in the call for proposals procedure if it is in any of the following situations:

- a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
- b) it has been established by a final judgement or a final administrative decision that it 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 authorising officer is located or those of the country of the performance of the contract;

¹¹ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, see <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32012R0966>

¹² Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012, OJ L 362, 31.12.2012, p.1, as last amended by Commission Delegated Regulation (EU) No 2015/2462 of 30 October 2015, see http://eur-lex.europa.eu/eli/reg_del/2015/2462/oj

- c) it has been established by a final judgement or a final administrative decision that it is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the entity 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, a grant agreement or a grant decision;
 - ii. entering into agreement with other persons with the aim of distorting competition;
 - iii. violating intellectual property rights;
 - iv. attempting to influence the decision-making process of the Commission/ the Agency 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 judgement that it is guilty 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 EU Member States, 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 legal provisions of the country where the authorising officer is located, the country in which the entity 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) it has shown significant deficiencies in complying with the main obligations in the performance of a contract, a grant agreement or a grant decision financed by the Union's 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 it 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, it 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.

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

- i. they are subject to a conflict of interests;
- ii. they are guilty of misrepresenting the information required by the contracting authority as a condition of participation in the grant award procedure or have failed to supply that information;
- iii. find themselves in one of the situations of exclusion, referred to above.

These same exclusion criteria also apply to affiliated entities. Applicants and their affiliated entities, if applicable, must certify that they are not in one of the situations listed above.

8.2 Eligible actions

Only actions which can be identified as "projects of common interest" as defined in the Telecom Guidelines¹³ may receive EU financial assistance.

9. SELECTION CRITERIA

The financial and operational capacity of applicants and designated affiliated entities will be assessed as specified below.

The requirement for applicants to demonstrate their financial and operational capacity **does not** apply to Member States, public sector undertakings or bodies established in the EU/EEA countries (Norway and Iceland), third countries, international organisations, European Economic Interest

¹³ Regulation (EU) No 283/2014 of the European Parliament and of the Council of 11 March 2014 on guidelines for trans-European networks in the area of telecommunications infrastructure and repealing Decision No 1336/97/EC (Text with EEA relevance) See specifically Article 4 and the Annex for more information. See <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32014R0283>

Groupings (EEIG)¹⁴ in which at least one member is a public sector body, and Joint Undertakings in line with eligibility criteria established under Article 187 of the Treaty on the Functioning of the European Union.

The requirement to demonstrate financial and operational capacity also applies to affiliated entities **only where**, according to the proposal, the affiliated entity(ies) will be the only one(s) implementing the proposed Action.

9.1 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 and to participate in its funding.

Applicants' financial capacity will be assessed on the basis of the following supporting documents to be submitted with the application:

- Low value grants (\leq €60,000):
 - a declaration on their honour.

- Grants $>$ €60,000:
 - the completed Financial Capacity Check form;
 - the profit and loss account, the balance sheet for the last financial year for which the accounts were closed;
 - for newly created entities and/or applicants that do not have financial data available for the last financial year, the applicant must provide a letter of support from a third party (another company such as the parent company or from another applicant in the same proposal). The letter of support must also be accompanied by the Financial Capacity Check form completed by the party providing support, including the relevant annexes (financial statements for the last year) and showing a 'satisfactory' or 'good' ratio analysis.

- Grants \geq €750,000:
 - the completed Financial Capacity Check form
 - the profit and loss account, the balance sheet for the last financial year for which the accounts were closed;
 - an audit report produced by an approved external auditor certifying the accounts for the last financial year available
 - for newly created entities and/or applicants that do not have certified financial data available for the last financial year, the applicant must provide a letter of support from a third party (another company such as the parent company or from another applicant in the same proposal). The letter of support must also be accompanied by the Financial Capacity Check form completed by the party providing support, including the relevant annexes (financial statements for the last year) and showing a 'satisfactory' or 'good' ratio analysis.

¹⁴ Established in line with Council Regulation (EEC)^o No 2137/85 of 25 July 1985 – the European Economic Interest Grouping, see <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A126015>

In the event of an application grouping several applicants (consortium), the above thresholds apply by applicant.

9.2 Operational capacity

Applicants must have the operational and technical competencies and capacities required to complete the proposed action for which the grant is awarded. They must provide the appropriate documents attesting to that capacity (e.g. organisation activity reports, proof of experience in carrying out equivalent actions in related fields). Information submitted by applicants who have benefited from CEF Telecom support since 2014 may be taken into account in the evaluation of these applicants' operational capacity.

10. AWARD CRITERIA

The award criteria are defined in Annex 2 of the 2017 Work Programme.

The proposals will be evaluated on the basis of the following three criteria **Relevance, Quality and efficiency of the implementation** and **Impact** as described below:

Relevance

- Alignment with the objectives and activities required for the deployment of the Digital Service Infrastructure described in Chapter 3 of the Work Programme and priorities set in Section 3 of the call text.
- Alignment and synergies with relevant policies, strategies and activities at European and national level.

Quality and efficiency of the implementation

- Maturity of the proposed solution (e.g. in terms of contribution towards interoperability, connectivity, sustainable deployment, operation, upgrading of trans-European digital service infrastructures, use of common building blocks, coordination at European level) and/or integration with existing components of the DSI.
- Coherence and effectiveness of the work plan, including appropriateness of the allocation of tasks and resources.
- Quality and relevant experience of the individual participants and, if more than one beneficiary, of the consortium as a whole (including complementarity, balance).
- Extent to which the proposal demonstrates support from national authorities, industry and NGOs (when relevant).
- Appropriate attention to security, privacy, inclusiveness and accessibility (when relevant).

Impact and sustainability

- Quality of the approach to facilitate wider deployment and take-up of the proposed actions.

- Capability to survive, develop and scale up without European Union funding after the end of the project with a view to achieving long-term sustainability, where appropriate through funding sources other than CEF.

A score will be applied to each of the three award criteria on a scale from 0 (insufficient) to 5 (excellent). The threshold for individual criteria is 3. The overall threshold, applying to the sum of the three individual scores, is 10.

At the end of the evaluation by independent experts, all evaluated proposals will be ranked, according to the scores obtained for each of the award criteria as indicated above.

If necessary, a priority order for proposals which have obtained the same score within a ranked list will be determined. The following approach will be applied successively for every group of *ex aequo* proposals¹⁵ requiring prioritisation, starting with the highest scored group, and continuing in descending order:

- Proposals submitted by organisations established in an eligible country which is not otherwise covered by more highly-ranked proposals, will be considered to have the highest priority (geographical coverage).
- The proposals identified under (i), if any, will themselves be prioritised according to the scores they have been awarded for the Relevance criterion. When these scores are equal, priority will be based on scores for the Impact and Sustainability criterion.

If a distinction still cannot be made, further prioritisation may be done by considering how to enhance the quality of the project portfolio through synergies between proposals, or other factors related to the objectives of the call or to the CEF Work Programme in general. These factors will be documented.

11. COMPLIANCE WITH EU LAW

In accordance with Article 23 of the CEF Regulation, only actions in conformity with EU law and which are in line with the relevant EU policies in the area of telecommunications infrastructure will be financed.

12. FINANCIAL PROVISIONS

12.1 General principles

12.1.1 Other sources of financing

Pursuant to Article 129 of the Financial Regulation, no EU financial aid will be awarded to actions receiving funds from other sources of EU financing. Under no circumstances will the same costs be financed twice by the EU budget.

¹⁵ Proposals with the same overall score

12.1.2 Non-profit principle

In accordance with Article 125 of the Financial Regulation, grants shall not have the purpose or effect of producing a profit within the framework of the action. Where a profit is made, the Commission shall be entitled to recover the percentage of the profit corresponding to the EU contribution to the eligible costs actually incurred by the beneficiary to carry out the action.¹⁶

12.1.3 Non-retroactivity

Pursuant to Article 130 of the Financial Regulation, no grants may be awarded retrospectively for actions already completed. A grant may be awarded for an action which has already begun provided that the applicant(s) can demonstrate the need for starting the action prior to the signature of the grant agreement.

12.2 Funding form

Grants to be awarded further to this call for proposals will take the form of reimbursement of a specified proportion of the eligible costs actually incurred.

12.2.1 Co-funding rates

The maximum co-financing rates of EU financial assistance to be granted under this call for proposals will not exceed 75% of the eligible costs of the action.

The Commission reserves the right to award a grant of less than the amount requested by the applicant.

12.2.2 Eligible costs

Eligible costs are costs actually incurred by the beneficiary of a grant which meet all the criteria laid down in Article 126(2) of the Financial Regulation. They may take a form of direct costs, (those specific costs that are directly linked to the implementation of the action and can therefore be attributed directly to it) and indirect costs (those costs which are not specific costs directly linked to the implementation of the action and can therefore not be attributed directly to it). The same criteria apply to the costs incurred by affiliated entities and implementing bodies.

Costs will be eligible at the earliest from the date on which an application is submitted.

The indicative duration of an action proposed under this call is up to 24 months.

The applicants' attention is drawn to points (3) to (8) of Article 8 of the CEF Regulation concerning the eligibility of costs. The full costs of purchase of equipment and infrastructure which are treated as capital expenditure are eligible under this call.

Indirect costs are eligible for flat rate funding fixed at 7% of total direct eligible costs (minus subcontracting costs).

¹⁶ In the meaning of Article 125 of the Financial Regulation, 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.

In line with the second subparagraph of Article 8(7) of the CEF Regulation and Article 126(3)(c) of the Financial Regulation, VAT paid by beneficiaries of grants awarded following this call for proposals is eligible except:

- deductible VAT (VAT paid by the beneficiary for the implementation of taxed activities or exempt activities with right of deduction);
- VAT paid for the implementation of activities engaged in as a public authority by the beneficiary where it is a Member State, regional or local government authority of a Member State or another body governed by public law of a Member State.

Detailed information on eligible and ineligible costs is included in the model grant agreement, which is available on the call webpage.

12.3 Payment arrangements

Actions will be eligible to receive a pre-financing of up to 50% of the maximum grant amount awarded that will be made within 30 days after the last party signs the grant agreement. No interim payment will be made.

In the event that the beneficiary's financial capacity is not satisfactory, the pre-financing payment may be subject to the receipt of a financial guarantee for up to the same amount as the pre-financing payment to be made.

The financial guarantee, in euro, should be provided by an approved bank or financial institution established in one of the EU Member States. When the beneficiary is established in a third country, INEA may agree that a bank or financial institution established in that third country may provide the guarantee if the bank or financial institution is considered to offer equivalent security and characteristics as those offered by a bank or financial institution established in a Member State. Amounts blocked in bank accounts will not be accepted as financial guarantees.

The guarantee may be replaced by a joint or several guarantees provided by third parties or by a joint guarantee of the beneficiaries of an action that are parties to the same grant agreement. The guarantee will be released when the pre-financing is cleared against the interim payment, if applicable, and/or the balance of payment(s) made, in accordance with the conditions laid down in the grant agreement.

The final amount of the grant to be awarded to the beneficiary is established after completion of the action, upon approval of the request for payment including, where applicable, the supporting documents as described in the model grant agreement.

A coordinator must be designated for multi-beneficiary actions. The coordinator will be the contact point for INEA and will have, *inter alia*, the responsibility for receiving the payment(s) and coordinating the reporting exercise(s). It is strongly recommended that beneficiaries sign an internal cooperation agreement regarding their operation and coordination, including all internal aspects related to the management of the beneficiaries and the implementation of the action.

13. PROCEDURE FOR SUBMISSION OF PROPOSALS

All practical information on this call for proposals and the evaluation process is detailed in the Guide for Applicants. It is available, together with the application forms, model grant agreement, the 2017 Work Programme, and other relevant documents on the call webpage: <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2017-cef-telecom-call-ejustice-cef-tc-2017-1>.

Applicants are requested to carefully read all call-related documents, including the instructions given in the Guide for Applicants.

13.1 Application forms

Proposals must be submitted using the application forms provided on the call webpage at the link above.

Proposals must be signed by the applicant(s) or its duly authorized representative and must be perfectly legible so that there can be no doubt as to words and figures.

The applicant(s) specified in application form part A will automatically be considered as the beneficiary(ies) if the proposal is selected for funding. If applicants designate affiliated entities within the meaning of Article 122 of the Financial Regulation to support the implementation of the submitted action, information on these affiliated entities must be encoded in application form part A, and any relevant supporting documents must be provided.

13.2 Submission of proposals

Applicants are strongly encouraged to submit their applications in English.

Proposals must be submitted electronically using the TENtec eSubmission module, accessible via the following link: <https://webgate.ec.europa.eu/tentec/grant/esubmission/>. The electronic submission of the full proposal must be completed at the latest by **Thursday, 18 May 2017 at 17:00.00 Brussels time** (*see also section 7 on Admissibility requirements*).

Application form part A is automatically generated by the eSubmission module. Application form parts B, C and D must be downloaded from the call webpage at the link above and duly completed. Once final, they must be uploaded into the TENtec eSubmission module. The same applies to any other annexes or supporting documents accompanying the proposal.

Applicants' attention is drawn to the fact that for application form part A, only the information encoded in the TENtec eSubmission module will be taken into account for the evaluation (notwithstanding the requirement to upload signed versions of application forms part A2.2 and A2.3). For the other forms and documents, only the last version uploaded in the TENtec eSubmission module will be taken into account for the evaluation.

Any parts of the application form that require signatures of applicants or relevant authorities must be scanned and uploaded into the TENtec eSubmission module. Applicants must be able to provide the original documents and send them to the Commission/Agency services upon request.

Advanced electronic signatures based on a qualified certificate¹⁷ as defined by the eIDAS Regulation¹⁸ and which comply with the signature formats specified in Commission Implementing decision 2015/1506 will be accepted. If a document is e-signed, a printable version of the document must be uploaded in the TENtec eSubmission module.

Consult the Guide for Applicants for more information on how to complete the application.

14. COMMUNICATION ON THE CALL FOR PROPOSALS

Further information or clarifications on this call for proposals will be published on the call webpage: <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2017-cef-telecom-call-ejustice-cef-tc-2017-1>.

Applicants are recommended to consult this page and the INEA website/Twitter feed (@inea_eu) regularly until the deadline for submission of proposals.

Any other specific questions related to this call may be addressed to the call helpdesk: INEA-CEF-Telecom-Calls@ec.europa.eu.

The answers to submitted questions will be published in a FAQ list accessible via the call webpage, to ensure equal treatment of all potential applicants. Questions related to the call should be submitted at the latest by 4 May 2017 to ensure sufficient time for the last update of the FAQs by 11 May 2017.

Questions which are specific to a particular proposal and for which the answer would provide a comparative advantage to the applicant will not be answered. However, individual technical questions related to TENtec eSubmission module will be treated until the call deadline.

Please note that proposals must not be sent to the helpdesk e-mail address.

15. PROCESSING OF PERSONAL DATA

An applicant's reply to the grant application involves the recording and processing of personal data (such as name, address and CV), which 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, applicant's replies to the questions in this form and any personal data requested are required to assess an applicant's grant application in accordance with the specifications of the call for proposals. Data will be processed solely for the purpose of evaluation of proposals and in case of successful applications, for the purpose of grant management including evaluations of the CEF by INEA as data controller for this purpose. An applicant may, upon request, have his/her personal data sent to him/her and rectify any inaccurate or incomplete particulars. Should an

¹⁷ For a list of trusted certificate providers please see <https://ec.europa.eu/digital-single-market/en/eu-trusted-lists-trust-service-providers>

¹⁸ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, see <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L.2014.257.01.0073.01.ENG>

applicant have any queries concerning the processing of his/her personal data, please address them to the entity acting as data controller within INEA.

The data subjects have the right of recourse at any time to INEA's Data Protection Officer (INEA-DPO@ec.europa.eu) or in case of conflict with the Controller or data protection officer concerning the processing of his/her personal data, an applicant has the right to submit a complaint at any time directly to the European Data Protection Supervisor (www.edps.europa.eu).

Details concerning the processing of an applicant's personal data are available in the privacy statement on the call webpage: <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2017-cef-telecom-call-ejustice-cef-tc-2017-1>.

Personal data included in the application (name, title, organisation, contact information) may be shared within the limits set forth by Regulation 45/2001 with external experts whose contribution is necessary for evaluation of proposals and grants and with the concerned Member State representatives in the CEF Coordination Committee on a need to know basis in view of their role in the approval of proposals selected for funding, as well as responsibilities under the CEF Regulation.

An applicant's personal data (name, given name if natural person, address, legal form, registration number and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered by the Accounting Officer of the Commission in the Early Detection and Exclusion System (EDES) established by the Commission pursuant to Article 108(1) of Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union, as amended by Regulation (EU, Euratom) No 2015/1929 (OJ L 286, 30.10.2015, p. 1).

For more information on EDES (including the grounds for being registered in the database), please see http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm and the privacy statement at http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_edes_en.pdf.

Applicants are informed that, to ensure that the EU's financial interests are protected, their personal data may be communicated to internal audit services, the European Commission, the European Court of Auditors, the body specialising in financial irregularities (Financial Irregularities Panel) or the European Anti-Fraud Office (OLAF).

The data of applicants in any of the situations referred to in Articles 106(1) and 107 of the Financial Regulation may be included in a central exclusion database and communicated to designated persons in the Commission, the other institutions, agencies, authorities and bodies referred to in Article 108(2) of the Financial Regulation. This also applies to those with powers of representation, decision-making power or powers of control in respect of such applicants. Following a request to the Commission's Accounting Officer, anyone registered in the database is entitled to be informed of the data recorded about them.

16. IMPORTANT DOCUMENTS

Please refer to all of the following documents, available on the call webpage, when preparing the application:

- 2017 Work Programme
- CEF Regulation
- Telecom Guidelines
- Application form (Parts A, B, C and D)
- Guide for Applicants
- FAQs published on the call page
- Model grant agreement
- Proposal checklist
- EU Financial Regulation and Rules of application
- Commission Decision on the reimbursement of personnel costs