



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

CEF TELECOM CALLS 2018

CEF-TC-2018-4: European e-Justice Portal

1. BACKGROUND AND RATIONALE

The general context for this call for proposals is defined in section 3.14 of the 2018 CEF Telecom Work Programme¹ as published on the call page on the Innovation and Networks Executive Agency (INEA) website.² The background and rationale for this call for proposals are defined in section 3.14.1 of the 2018 Work Programme.

2. PRIORITIES & OBJECTIVES

2.1 Priority outcomes

The priority outcomes of this call for proposals are defined in section 3.14.2.2 of the 2018 Work Programme. The goal is to continue to develop new generic services that expand the area of coverage of the various e-Justice Core Service Platform modules. This evolution is essential to the usefulness of each service.

Each application **must** address:

- **Only one** of the generic services described in sections 2.1.1 to 2.1.4, and
- The requirements described in section 2.1.5 General Provisions

The details of the generic services depend on the nature of the Core Service Platform module to which it has to be connected. These are described in sections 2.1.1 to 2.1.4. Where relevant, applications may include e-Delivery deployment.

¹ Commission Implementing Decision C(2018)568 of 5 February 2018

² <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2018-cef-telecom-call-ejustice>

Applicants who have already received CEF funding under previous CEF Telecom e-Justice calls, and who plan to apply again under this call, must provide a clear and detailed explanation in the relevant section of application form part D of their proposal (notably section 1 and/or 2.1) how their proposed Action will differ from the action(s) funded under the previous call(s).

All applications submitted should aim to achieve full implementation of one of the generic services listed below. Where some activities towards the establishment of the relevant generic service have already been carried out, applications must include a clear distinction between what has already been implemented and what will be implemented as part of the scope of the proposed Action.

2.1.1 E-evidence

- **Establish participation in the e-Evidence Digital Exchange System.**

Member States have to take all the organisational and technical steps to establish their participation in the e-Evidence Digital Exchange System.³ This connection could be established either by way of modifications of existing national portals or by deployment of the e-Evidence reference portal implementation provided by the European Commission. Activities related to the deployment of an e-CODEX access point, or modifications to an existing e-CODEX deployment, will also be supported to the extent that they concern Member State participation in the e-Evidence Digital Exchange platform.

Only applications submitted by at least one public authority competent for e-Evidence will be eligible for funding. Applicants shall submit a self-declaration confirming that they are competent public authorities for e-Evidence. Applications may include additional applicants other than public authorities on the condition that their participation is necessary for establishing the generic service. A clear explanation must be provided under section 2.5 of application Form D in this regard.

Selected actions covering this generic service will include mandatory conformance testing defined in the context of the Core Service Platform.

2.1.2 Interconnection of Insolvency Registers (IRI)

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

The national insolvency registers have to implement the agreed web service specification necessary for communication with the Core Service Platform either via synchronous web services or by leveraging e-Delivery for the same purpose.

Only applications submitted by at least one public authority competent for or operating insolvency or commercial registers will be eligible for funding. Applicants shall submit a self-declaration confirming that they are competent public authorities for or operating insolvency or commercial registers. Applications may include additional applicants other than public authorities on the condition that their participation is necessary for

³ A decentralised network of national portals communicating with each other via the e-CODEX system.

establishing the generic service. A clear explanation must be provided under section 2.5 of Application Form D in this regard.

Selected actions covering this generic service will include mandatory conformance testing provided by the Core Service Platform.

2.1.3 Access to e-CODEX

Access to e-CODEX supports EU Member States⁴ to join the European Order for Payment (EOP) and the European Small Claims (ESC) use cases as parties able to receive claims from users of the European e-Justice Portal. Priority will be given to the applications that also propose to support sending back replies from the national court(s) via e-CODEX to the users of the European e-Justice Portal.

To achieve implementation for Access to e-CODEX, Member States are invited to submit a proposal that must cover one or more of the activities below:

- Activities related to deployment, configuration, testing and operation of an eDelivery platform. This will also contribute to the compliance with the requirements set out in the eIDAS Regulation;
- Activities 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: generation of the necessary evidence of reception, signature validation, message packaging, and other relevant tasks;
- One set of activities per judicial workflow for tasks related to the connection of the national case management infrastructure to the e-Delivery platform, the 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 the 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.

Selected actions covering this generic service will include mandatory conformance testing provided by the Core Service Platform.

The connection will be considered achieved if and only if, for the judicial workflow(s) included in the proposal, the users of the 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 included in its application, the Member State will also have to prove being able to send back all forms meant to be sent from the court to the claimant. The transmission is to be made using the technologies and standards described above or compatible ones.

For both workflows, as a minimum both a TEST and a PRODUCTION system must be set up by the applicant. For both systems, functional, non-functional and system

⁴ Non-EU Member States are excluded from *Access to e-CODEX* since the concerned judicial procedures only exist in the EU Member States.

integration tests must be successfully carried out before the connection is considered achieved.

Only applications submitted by at least one public authority competent for the specific module will be eligible for funding. Applicants shall submit a self-declaration confirming that they are competent public authorities for the national participation in the e-CODEX system. Applications may include additional applicants other than public authorities on the condition that their participation is necessary for establishing the generic service. A clear explanation must be provided under section 2.5 of application Form D in this regard.

2.1.4 Integration of electronic multilingual standard forms into national e-Government systems

Under the Regulation on Public Documents, a citizen who requests from a Member State authority a public document (for example, a birth certificate) to be presented in another Member State can also request a multilingual standard form. This form must be issued by a Member State authority and be attached to the public document as a translation aid. The objective of the form is to avoid the receiving Member State authority requesting the citizen to provide a translation of the public document. The format and the standard content of the forms are laid down in the Regulation on Public Documents. The forms will be available in electronic form in the European e-Justice Portal to allow Member State issuing authorities can fill and print them out, but the e-forms can also be integrated in national e-Government systems so that:

- Member State authorities can issue the forms directly from their national IT systems having access to all the information stored there; and
- Member State authorities who elect to support electronic versions of public documents and multilingual standard forms suitable for electronic exchange could:
 - Implement the necessary structured data functionalities and support enabling these electronic exchanges;
 - Provide support for sending and/or receiving electronic public documents and multilingual standard forms issued and signed electronically by other Member State authorities.

Irrespective of whether Member State authorities generate e-forms in structured or non-structured format, the e-forms must follow the rules defined as part of the common XML schemas.

Only applications submitted by at least one public authority competent for issuing or receiving public documents⁵, central authorities⁶, or other public authorities in charge of the implementation of Regulation (EU) 2016/1191 will be eligible for funding. In this regard, applicants shall submit a self-declaration confirming their competence. Applications may include additional applicants other than public authorities on the condition that their participation is necessary for establishing the generic service. A clear explanation must be provided under section 2.5 of application Form D in this regard.

Selected actions covering this generic service will include mandatory conformance testing provided by the Core Service Platform.

⁵ As defined in Article 3 (1) (a) of Regulation (EU) 2016/1191.

⁶ As defined in Article 3 (6) of Regulation (EU) 2016/1191.

2.1.5 General provisions

Each generic service may include up to three types of activities:

Hook-up: covers all the activities linked to the development of specific connection software, modifications and adaptations of existing information systems for the purposes of the hook-up. For example: 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, applications which aim to substantially increase the scope and/or the added value of an in situ generic service may also apply for hook-up activities.

Operation: covers operational costs such as hosting, acquisition of certificates or software licenses, technical support, etc.

Maintenance: covers any activity required for maintaining the specific connection software and associated configuration in good working order. This includes 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).

This DSI is established specifically to help increase the service coverage of European e-Justice, and therefore is targeted only at applications seeking to develop a technical connection to the European e-Justice Portal or the e-Evidence Digital Exchange System in the context of specific modules. Furthermore, it only aims to fund a limited range of activities, i.e., actions looking to connect an otherwise existing system and/or set of data using the specific interfaces mandated by the European e-Justice Portal or the e-Evidence Digital Exchange System. It cannot be used to fund the development of the system itself or the collection/production of the data. For all other types of e-Justice projects the appropriate funding tool is the annual call for "Action grants to support national or transnational e-Justice projects" managed by the European Commission Directorate-General (DG) for Justice and Consumers.

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

- Support to generic services that are already operational (fully implemented) before the launch of this call
- Use of Access to e-CODEX for purposes others than those defined in section 2.1.3 above

In case of oversubscription, applications for the e-Evidence module will be considered as having first priority, applications for the Interconnection of Insolvency Registers (IRI) will be considered as having second priority, and applications for any of the other modules will be considered as having third priority.

Applicants who already received funding under the CEF 2016-2 and 2017-1 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-AG-2017, 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.

2.2 Results expected from the financial assistance

The benefits and expected outcomes of this call for proposals are defined in sections 3.14.2.4 and 3.14.2.5 of the 2018 Work Programme. It seeks to increase the access to European e-Justice Portal by extending the service coverage of the modules e-Evidence, Interconnection of Insolvency Registers (IRI), Access to e-CODEX and the integration of electronic multilingual standard forms into e-Government systems. This includes:

- E-evidence: The e-Evidence platform will offer a secure channel and standardised workflow for using the European Investigation Order in order to obtain data coming from electronic communication tools such as social media, webmail, messaging services and apps for law enforcement and judicial authorities in the European Union.
- 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 2015/848 on insolvency proceedings.
 - Interconnecting Member State insolvency registers via the European e-Justice Portal.
- Access to e-CODEX: Enlarging the Member State coverage where electronic use of the EOP and the ESC cross-border legal instruments is possible, and thus enabling judicial authorities to interact electronically and efficiently among each other, with citizens, business and legal practitioners across the EU.
- Integration of electronic multilingual standard forms into national e-Government systems: In the context of the Regulation on Public Documents, integrating the electronic versions of the multilingual standard forms into national IT systems (instead of Member States issuing the forms from the European e-Justice Portal) will make their issuance cheaper and faster, and benefit both Member State administrations and citizens.

3. TIMETABLE

Date of publication of call for proposals	28 June 2018
Deadline for the submission of proposals	22 November 2018 (17:00.00 Brussels time)
Evaluation of proposals	December – February 2019 (indicative)
Consultation of the CEF Committee	April 2019 (indicative)
Adoption of the Selection Decision	April 2019 (indicative)
Preparation and signature of grant agreements	between April and August 2019 (indicative)

4. BUDGET

The indicative amount to be allocated on the basis of this call for proposals to projects of common interest in the field of generic services for the European e-Justice Portal is €4 million.

5. ADMISSIBILITY REQUIREMENTS

Proposals must be:

- Submitted electronically in the TENtec Information System eSubmission module.⁷ In this respect, proposals or part(s) of proposals submitted by e-mail or hard copy will not be admissible.
- Submitted by the submission deadline (*see sections 3 on Timetable and 12.2 on Submission process*).
- Complete, i.e. all parts of the application form (A, B, C or D) are complete and uploaded in TENtec.
- Submitted using only the application forms (A, B, C and D) provided on the call webpage or (for application form part A) generated by the TENtec eSubmission module).
- Duly signed by the applicant(s).

Failure to comply with any of these requirements will lead to the rejection of the application. The use of the application form (parts A, B, C and D) templates provided on the call webpage or generated by the TENtec eSubmission module is compulsory.

6. ELIGIBILITY CRITERIA

6.1 Eligible applicants

In accordance with the 2018 Work Programme and pursuant to Article 9 of the CEF Regulation,⁸ only those proposals submitted by 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,⁹ or public or private undertakings or bodies established in Member States.

⁷ 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/2018-cef-telecom-call-ejustice>.

⁸ 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>

⁹ For the purposes of this call, a Joint Undertaking means a joint undertaking established by the EU for the efficient execution of EU research, technological development and demonstration programmes, as referred to 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>

- Proposals must be submitted by at least one public authority. All public authorities must download from the call webpage¹⁰, fill in, and upload as a supporting document the self-declaration, stating that the authority is competent for the specific e-Justice Core Service Platform generic service module that the proposal addresses.



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.16.3.1 (a) (*change of the legal situation of the beneficiary*) of the grant agreement¹¹.

EEA countries

In accordance with section 5.3.1 of the 2018 Work Programme, European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA) may participate¹² 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.¹³

Third countries and third country entities

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 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 a declaration from the European partner involved in the proposal on why the participation of the third country applicant is indispensable. Applicants that are entities established in a third country must also provide proof of the support of the third country authorities concerned by the action.

¹⁰ <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2018-cef-telecom-call-ejustice>

¹¹ The model grant agreement is available on the call webpage: <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2018-cef-telecom-call-ejustice>.

¹² 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

¹³ For the purposes of this call, Liechtenstein is considered a third country

Applicants without legal personality

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.

Natural persons

Proposals submitted by natural persons are not eligible.

Affiliated entities

Applicants may designate affiliated entities within the meaning of Article 122(2)(b) of the Financial Regulation,¹⁴ for the purpose of supporting the implementation of the action submitted for funding. Such affiliated entities must comply with the eligibility criteria for applicants.

Member State agreement

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

6.2 Exclusion criteria

In line with Articles 106 to 108 and 131 of the Financial Regulation and Article 141 of the Rules of Application,¹⁵ applicants will be excluded from participating in the call for proposals procedure if they are in any of the following situations:

- (a) the applicant 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 applicant 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;
- (c) it has been established by a final judgment or a final administrative decision that the applicant 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, a grant agreement or a grant decision;

¹⁴ 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 (i.e. "Financial Regulation"), see <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32012R0966>

¹⁵ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012, 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

- (ii) entering into agreement with other applicants with the aim of distorting competition;
 - (iii) violating intellectual property rights;
 - (iv) attempting to influence the decision-making process of the Commission/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 judgment that the applicant 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 applicant has shown significant deficiencies in complying with 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 the applicant 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.

Remedial measures

If an applicant/affiliated entity declares one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to the declaration. This does not apply for situations referred in point (d) above.

Rejection from the call for proposals

Grants will not be awarded to applicants who:

- a) are in an exclusion situation established in accordance with the list above;¹⁶
- b) have misrepresented the information required as a condition for participating in the procedure or has failed to supply that information;
- c) were previously involved in the preparation of call for proposal documents where this entails a distortion of competition that cannot be remedied otherwise.

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

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

6.3 Eligible actions

In line with Article 7 of the CEF Regulation, only actions contributing to "projects of common interest" as identified in the Telecom Guidelines¹⁷ shall be eligible for support through EU financial aid in the form of grants.

Please note that failure to comply with any of the eligibility criteria indicated above will lead to the rejection of the application.

7. SELECTION CRITERIA

The selection criteria are referred to in Annex 2 of the Work Programme. The financial and operational capacity of applicants and designated affiliated entities will be assessed as specified below.

¹⁶ Article 106 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>

¹⁷ 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>

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

Exceptions: 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 Groupings (EEIG)¹⁸ in which at least one member is a public sector body and Joint Undertakings.

7.1 Financial capacity

Applicants must have stable and sufficient sources of funding to maintain the proposed activities 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, according to the amount of CEF funding requested:

- 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.

¹⁸ Established in line with Council Regulation (EEC) 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.

7.2 Operational capacity

Applicants must have the professional competencies and appropriate qualifications necessary to complete the proposed Action for which the grant is sought. To assess this capacity, applicants must provide the following documents:

- description of the profiles of the people primarily responsible for managing and implementing the action (e.g. accompanied by a *curriculum vitae*);
- the organisation's activity reports for at least the last year;
- a list of previous actions and activities carried out in equivalent actions in related fields

If compliant with the above-mentioned requirements, information submitted by applicants who have benefited from CEF Telecom support since 2014 may be taken into account in the evaluation of their operational capacity.

8. AWARD CRITERIA

Proposals will be evaluated against the following award criteria, which are defined in Annex 2 of the 2018 Work Programme. These three criteria are **Relevance, Quality and efficiency of the implementation** and **Impact and sustainability** and are 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 2 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. Only proposals with a score on or above these thresholds (individual and overall) may be recommended for funding.

Ranking list

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* proposals¹⁹ requiring prioritisation, starting with the highest scored group, and continuing in descending order:

- i. 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).
- ii. Proposals identified under (i), if any, will 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 in the evaluation report.

9. COMPLIANCE WITH EU LAW

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

10. FINANCIAL PROVISIONS

10.1 General principles

10.1.1 Other sources of financing

Pursuant to Article 129 of the Financial Regulation, an action may only receive one grant from the EU budget. Under no circumstances will the same costs be financed twice by

¹⁹ Proposals with the same overall score

the EU budget.

To ensure this, applicants must indicate in the application the sources and amounts of EU funding received or applied for the same action or part of the action, as well as any other funding received or applied for the same action.

In this respect, any proposed Action or part(s) thereof that receives or has received EU funding under the CEF or other EU Programmes (e.g. European Structural and Investment Funds (ESIF), Horizon 2020, etc.) will not be funded under this call.

10.1.2 No-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/INEA will 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.²⁰

10.1.3 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.

10.2 Form of the grant

10.2.1 Reimbursement of costs actually incurred

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.²¹

Co-funding rate

In line with Article 10(4) of the CEF Regulation, the EU financial assistance to be granted under this call for proposals shall not exceed 75% of the total eligible costs of the action.

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

10.2.2 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.

²⁰ 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.

²¹ Notwithstanding the form of grant, personnel costs may be declared on the basis of average costs calculated in accordance with the beneficiary's usual costs accounting practices, in compliance with the conditions laid down in Commission Implementing Decision C(2016)478 on the reimbursement of personnel costs of beneficiaries of the Connecting Europe Facility.

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

The same criteria apply to the costs incurred by designated affiliated entities and implementing bodies.

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

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.

Costs may be eligible at the earliest from the date on which an application is submitted.²²

VAT

In line with the first 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.

Financial support to third parties

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

Detailed information on eligible and ineligible costs is included in Article II.19 of the model grant agreement, which is available on the call webpage.

10.3 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, must be provided by an approved bank or financial institution established in one of the EU Member States. When the beneficiary is

²² The date when the proposal was last submitted in the TENtec eSubmission module will be considered as the submission date of the proposal.

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.

10.4 Indicative duration

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

11. GRANT AGREEMENT

Applicant(s) will be invited by INEA to sign a grant agreement drawn up in euro and detailing the conditions and level of CEF funding, if the proposal is selected for funding. The standard model grant agreement, available on the call page, is not negotiable and will be signed in English.

Submitting an application implies the acceptance of the terms and conditions of the model grant agreement. Applicants are recommended to carefully read this document and its annexes before submitting an application.

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.

12. 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 2018 Work Programme, and other relevant documents on the call webpage:

<https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2018-cef-telecom-call-ejustice>

Applicants are requested to carefully read all call-related documents, including the detailed instructions given in the Guide for Applicants on how to complete their

applications and other guidance documents and information, in particular the Frequently Asked Questions (FAQ).

12.1 Application forms

Proposals must be submitted using the application forms provided on the call webpage at the link above. Applicants are strongly encouraged to submit their applications in English.

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.

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

12.2 Submission process

Proposals must be submitted electronically using the TENtec eSubmission module, accessible via the following link:

<https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2018-cef-telecom-call-ejustice> before the call deadline: **22 November 2018 at 17:00.00 Brussels time** (*see also section 5 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, these 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 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/INEA services upon request.

Advanced electronic signatures based on a qualified certificate²³ as defined by the eIDAS Regulation²⁴ and which comply with the signature formats specified in Commission

²³ For a list of trusted certificate providers please see <https://ec.europa.eu/digital-single-market/en/eu-trusted-lists-trust-service-providers>

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.

13. INFORMATION FOR APPLICANTS

Further information or clarifications on the call for proposals will be published on the call webpage. Please refer to all of the following documents, available on the call webpage, when preparing the application:

- 2018 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

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

Questions related to this call must 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 **8 November 2018** to ensure sufficient time for the last update of the FAQs by **15 November 2018**. However, individual technical questions related to TENtec eSubmission module will be treated until the call deadline.

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.

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

14. PROCESSING OF PERSONAL DATA

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.

²⁴ 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

Unless indicated otherwise, the questions and any personal data requested will be processed solely for the purpose of evaluation of proposals in accordance with the call for 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. 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.

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/2018-cef-telecom-call-ejustice>.

An applicant's personal data (e.g. 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 in the Early Detection and Exclusion System (EDES) established by the Commission, should the beneficiary be in one of the situations mentioned in Article 106(1) and 107 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_e_des_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).