



**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: Online Dispute Resolution**

**1. BACKGROUND AND RATIONALE**

The general context for this call for proposals is defined in section 3.10 of the 2018 CEF Telecom Work Programme<sup>1</sup> as published on the call page on the Innovation and Networks Executive Agency (INEA) website.<sup>2</sup> The background and rationale for this call for proposals are defined in section 3.10.1 of the 2018 Work Programme.

The European Online Dispute Resolution Platform (ODR platform) is provided by the European Commission to allow consumers and traders in the EU or Norway, Iceland, and Liechtenstein to resolve disputes relating to online purchases of goods and services without going to court. The ODR platform serves as a secure, confidential electronic space allowing consumers and traders easy access to the multitude of the alternative dispute resolution (ADR) entities competent for consumer disputes in all participating countries. The ADR entities listed on the platform have been verified by their national competent authorities for expertise, efficiency and independence. The ODR platform is adapted for accessibility and is available in all EU languages, as well as Norwegian and Icelandic.

The CEF eDelivery Building Block helps entities to exchange electronic data and documents with each other in an interoperable, secure, reliable and trusted way. An eDelivery network comprises a collection of distributed nodes, which are conformant to the same technical rules, using standard transport protocols and security policies, and are therefore capable of interacting with each other. eDelivery is based on the open and free

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<sup>1</sup> Commission Implementing Decision C(2018)568 of 5 February 2018

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

AS4 messaging protocol. Organisations must install an Access Point, or use a Service Provider, to exchange information with the AS4 messaging protocol.<sup>3</sup>

## **2. PRIORITIES & OBJECTIVES**

### **2.1 Priority outcomes**

The priority outcomes of this call for proposals are defined in section 3.10.2 of the 2018 Work Programme. Applicants who already received CEF funding under previous CEF Telecom Online Dispute Resolution (ODR) calls 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/ or 2.1) how their proposed Action will differ from the action(s) funded under the previous call(s).

CEF support is intended to facilitate handling of consumer disputes submitted to the ODR platform by ADR entities, traders, and e-commerce platforms, by using automated transmission based on the CEF eDelivery building block.

The interoperability between the ODR platform and the applicant's case management/complaints management software requires both deployment of eDelivery Access point (AP) and upgrade of the applicant's software in full consistency with the CEF eDelivery standards and the ODR platform's rules.

Proposals may address one or both Objectives below, and should clearly indicate which one(s) they address:

**Objective 1:** Deployment of eDelivery Access Point(s) (AP). An Access Point is an implementation of the AS4 Profile developed by e-SENS.<sup>4</sup> The operation of these AP(s) may also be supported for up to one year. The aim is that the IT systems of the entities concerned are able to connect/exchange information with the ODR platform in an interoperable, secure, reliable and trusted way.

The deployment comprises setting up an AS4 eDelivery Access Point including the configuration of the security certificates aligned with the ODR platform Access Point, and performing a basic connectivity testing with the ODR platform Access Point.

Costs of operation and maintenance of the AP by the beneficiary may be funded for a maximum of 12 months after deployment.

**Objective 2:** Upgrade of the case management/complaints management software in order to support, and duly comply with, the CEF eDelivery standards, and thereby ensuring interoperability with the ODR platform. The upgrade must ensure that the case/complaints management system is fully consistent with the ODR platform's technical rules and messaging protocol.

An applicant who already uses case management software conformant to Objective 2 may only ask funding for Objective 1. Furthermore, proposals addressing only Objective 2 may only be submitted by applicants who are able to use an existing AP conformant to

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<sup>3</sup> For more information on this CEF Building Block, please go to the CEF Digital website: <https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/eDelivery>

<sup>4</sup> <https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/eDelivery+AS4>

the Objective 1. In all cases, the proposal must clearly detail how interoperability will be achieved.

All proposed actions (addressing either Objective) should result in the successful completion of a) interoperability testing between the relevant beneficiary's system and the ODR platform, b) the relevant connectivity/conformance testing for eDelivery.

## **2.2 Results expected from the financial assistance**

The benefits and expected outcomes of this call for proposals are defined in sections 3.10.2.4 and 3.10.2.5 of the 2018 Work Programme.

The ADR entities will benefit from this call by streamlining their workload channelled via the ODR platform, as well as upgrading their own case management systems to fully benefit from the opportunities provided by the eDelivery building block.

The traders and e-commerce platforms will benefit from this call by being able to handle complaints submitted via ODR platforms in their backend systems, and to seamlessly refer unresolved disputes of their own complaint management system to the consumer quality ADR entities registered by national competent authorities and the European Commission.

Supporting the interoperability between the traders and e-commerce platforms, ADR entities and the ODR platform will facilitate the resolution of consumer disputes in a swift and secure manner, and will contribute to the efficiency and effectiveness of consumer redress in the EU. It will enhance the level of trust and consumer confidence in the Digital Single Market and promote fair competition among online traders.

## **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 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 Online Dispute Resolution generic services is EUR 400 000.

Proposals requesting a contribution in the order of EUR 25 000 are expected.

## **5. ADMISSIBILITY REQUIREMENTS**

Proposals must be:

- Submitted electronically in the TENtec Information System eSubmission module.<sup>5</sup> 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,<sup>6</sup> only those proposals submitted by the following types of applicants are eligible:

- **Alternative Dispute Resolution (ADR) entities from at least one Member State or EEA country** (*see EEA countries section below, in particular that for the purposes of this call Liechtenstein is considered a third country, not an EEA Country*): At least one national (ADR) entity for consumer disputes listed in accordance with Article 20(2) of Directive 2013/11/EU and registered electronically with the ODR platform in accordance with Article 5(6) of Regulation 524/2013/EU. The list of notified ADR entities is available on the ODR platform: <https://ec.europa.eu/consumers/odr/main/?event=main.adr.show2>.
- **Online traders and e-commerce platforms:** A public or private entity, which is a trader as defined in point b of Article 4(1) of Directive 2013/11/EU and sells goods or provides services online, or meets the definition of an online marketplace in point (f) of Article 4(1) of Regulation 524/2013/EU. Such entities must be established in a Member State of the EU or EEA country (*see EEA countries section below*).

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<sup>5</sup> 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-odr>.

<sup>6</sup> 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>

Online traders or online marketplaces that are only available to business users (business-to-business) are not eligible. All online traders or online marketplaces must download from the call webpage<sup>7</sup>, fill in, and upload as a supporting document the self-declaration stating that they are accessible to consumers, and are not limited to business users only.



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 agreement<sup>8</sup>.

### **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 participate<sup>9</sup> 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.<sup>10</sup>

### **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<sup>11</sup>. 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.

<sup>7</sup> <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2018-cef-telecom-call-odr>

<sup>8</sup> 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-odr>.

<sup>9</sup> 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.

<sup>10</sup> For the purposes of this call, Liechtenstein is considered a third country.

<sup>11</sup> At the time of call publication, Norway and Iceland only.

### **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,<sup>12</sup> 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,<sup>13</sup> 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;

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<sup>12</sup> 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>

<sup>13</sup> 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](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;<sup>14</sup>
- 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 Guidelines<sup>15</sup> 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.

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<sup>14</sup> 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>

<sup>15</sup> 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)<sup>16</sup> 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.

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:

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<sup>16</sup> 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>

## ***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* proposals<sup>17</sup> requiring prioritisation, starting with the highest scored group, and continuing in descending order:

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<sup>17</sup> Proposals with the same overall score

- 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 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.<sup>18</sup>

#### *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

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<sup>18</sup> 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.

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.<sup>19</sup>

#### **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.

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.<sup>20</sup>

#### **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

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<sup>19</sup> 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.

<sup>20</sup> The date when the proposal was last submitted in the TENtec eSubmission module will be considered as the submission date of the proposal.

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**

No prefinancing or interim payment will be made.

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 12 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-odr>

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-odr> 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 certificate<sup>21</sup> as defined by the eIDAS Regulation<sup>22</sup> 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.

### **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](mailto: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.

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<sup>21</sup> For a list of trusted certificate providers please see <https://ec.europa.eu/digital-single-market/en/eu-trusted-lists-trust-service-providers>

<sup>22</sup> 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](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-odr>. 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](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](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).