



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

CEF TELECOM CALLS 2019

CEF-TC-2019-2: European e-Justice

1. BACKGROUND AND RATIONALE

The general context for this call for proposals is defined in section 3.13 of the 2019 Connecting Europe Facility (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 3.13.1 of the 2019 – 2020 Work Programme.

2. PRIORITIES & OBJECTIVES

2.1 Priority outcomes

The priority outcomes of this call for proposals are defined in section 3.13.2.2 of the 2019 – 2020 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

¹ Commission Implementing Decision C(2019)1021 final of 14 February 2019 on establishing a Multi-Annual Work Programme 2019 and 2020 for financial assistance in the field of Connecting Europe Facility (CEF) Telecommunications sector, amended by Commission Implementing Decision C(2019)2782 final of 16 April 2019.

² <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2019-ejustice>

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 Access Point deployment.

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 connection to the e-Evidence Platform**

Member States have to take all the organisational and technical steps to establish a connection to the European e-Evidence Platform.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 connection to the e-Evidence Platform.

Only applications submitted by at least one public authority competent for e-Evidence will be eligible for funding. Applicants must 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 part D in this regard.

Actions selected under 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 an e-Delivery Access Point 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 must 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 establishing the generic service. A clear explanation must be provided under section 2.5 of application form part D in this regard.

³ A decentralised network of national portals communicating with each other via the e-CODEX system, also known as the “e-Evidence Digital Exchange System”

Actions selected under 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 new participants from eligible countries⁴ to join the European Order for Payment (EOP), the European Small Claims (ESC), and iSupport⁵ use cases. With regard to the EOP and ESC use cases, applications are particularly welcomed 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, a proposal must cover **one or more** of the activities below:

- Activities related to deployment, configuration, testing and operation of an **eDelivery Access Point**. 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 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 the eligible use cases as a single application.

Actions selected under this generic service will include mandatory conformance testing provided by the Core Service Platform. In the case of iSupport, beneficiaries will be asked to provide proof of the successful execution of conformance testing carried out by them.

For the EOP and ESC use cases, the connection will be considered achieved 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 that it is 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.

⁴ Non-EU Member States are excluded from *Access to e-CODEX* for these judicial procedures, which only apply to the EU Member States (EOP and ESC). This restriction does not apply to the iSupport use case.

⁵ iSupport is a system coordinated by the Hague Conference, and constitutes an electronic case management and secure communication system for the cross-border recovery of maintenance obligations under the EU 2009 Maintenance Regulation and the 2007 Hague Child Support Convention. It is identified as a priority e-CODEX use case in the Multiannual e-Justice Action Plan 2019-2023 (2019/C 96/05).

For all 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 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 must 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 part D in this regard.

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

Under the Regulation on Public Documents (Regulation (EU) 2016/1191)⁶, 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 Definitions (XSDs).

Only applications submitted by at least one public authority competent for issuing or receiving public documents⁷, central authorities⁸, or other public authorities in charge of the implementation of the Regulation on Public Documents will be eligible for funding. In this regard, applicants must submit a self-declaration confirming their competence. Applications may include additional applicants other than public authorities on the

⁶ Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R1191>

⁷ As defined in Article 3 (1) (a) of Regulation (EU) 2016/1191.

⁸ As defined in Article 3 (6) of Regulation (EU) 2016/1191.

condition that their participation is necessary for establishing the generic service. A clear explanation must be provided under section 2.5 of application form part D in this regard.

Actions selected under this generic service will include mandatory conformance testing provided by the Core Service Platform.

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 Digital Service Infrastructure (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 Platform in the context of specific modules. Furthermore, it only aims to fund a limited range of activities, i.e., Actions aiming 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

Applicants who already received funding under the CEF 2016-2, 2017-1 and 2018-4 European e-Justice Portal calls⁹ and/or the DG Justice and Consumers' "Action grants to

⁹ See list of funded actions here: <https://ec.europa.eu/inea/connecting-europe-facility/cef-telecom/projects-by-dsi>

support national or transnational e-Justice projects" calls (JUST-JACC-AG-2018, 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/or 2.1) how their proposed Action will build on and/or differ from those Action(s) funded under either of the aforementioned calls.

The deployment of an eDelivery Access Point can be part of the proposal.

2.2 Results expected from the financial assistance

The benefits and expected outcomes of this call for proposals are defined in section 3.13.2.3 of the 2019 – 2020 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 & Access to e-CODEX:** The electronic exchange of data in the context of e-CODEX and e-evidence can significantly increase the efficiency of justice in a cross-border context, offering a cheaper, faster and more secure medium than paper transmission.
- **Interconnection of Insolvency Registers:** Although Member States have a statutory obligation to complete the interconnection of their insolvency registers by 2019, in reality for many of them this represents a substantial financial, technical, or organisational challenge. This system would benefit citizens, businesses and creditors operating across European borders, who often need legal certainty and swift access to current information and certainty as part of their economic activities.
- **Integration of electronic multilingual standard forms into national e-Government systems:** having standardised electronic representation of the public document forms would allow for an economy of scale. Moreover, this activity would lead to a prompt national capability for the efficient electronic generation of such forms by national systems – offering a clear benefit in the context of free movement of citizens in the Union.

3. TIMETABLE

Date of publication of call for proposals	Thursday 4 July 2019
Deadline for the submission of proposals	Thursday 14 November 2019 (17:00.00 Brussels time)
Evaluation of proposals	December 2019 – February 2020 (indicative)
Consultation of the CEF Committee	April 2020 (indicative)
Adoption of the Selection Decision	May 2020 (indicative)
Preparation and signature of grant agreements	Between May and August 2020 (indicative)

4. BUDGET AVAILABLE

The total budget earmarked for the co-financing of projects under this call for proposals is estimated at €3 million.

The Commission reserves the right not to distribute all the funds available.

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

5. ADMISSIBILITY REQUIREMENTS

In order to be admissible, proposals must be:

- Submitted no later than the deadline for submitting applications referred to in section 3 on Timetable;
- Submitted in writing (see section 14), using the application forms¹⁰ and electronic submission system available at <https://webgate.ec.europa.eu/tentec/grant/esubmission>.¹¹ In this respect, proposals or part(s) of proposals submitted by e-mail or hard copy will not be admissible;
- Complete, i.e. all parts of the application form (A, B, C or D) are complete and uploaded in TENtec;
- Duly signed by the applicant(s).

Failure to comply with any of these requirements will lead to the rejection of the application.

¹⁰ Application forms (A, B, C and D) provided on the call webpage or (for application form part A) generated by the TENtec eSubmission module.

¹¹ 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/2019-ejustice>

6. ELIGIBILITY CRITERIA

6.1 Eligible applicants

In accordance with the 2019 – 2020 Work Programme and pursuant to Article 9 of the CEF Regulation,¹² 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,¹³ or public or private undertakings or bodies established in Member States.

Consortium requirements

In order to be eligible, proposals must be submitted by at least one authority competent for the respective e-Justice generic service module, and may also include other organisations supporting the authority/ies.

Each competent authority must download from the call webpage¹⁴, fill in, and upload as a supporting document the self-declaration, stating that it is competent for the specific e-Justice generic service module that the proposal addresses.

EEA countries

In accordance with section 5.3.1 of the 2019 - 2020 Work Programme, European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA) may participate¹⁵ 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.



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.¹⁶

¹² 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>

¹³ 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>

¹⁴ <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2019-ejustice>

¹⁵ 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.

¹⁶ The model grant agreement is available on the call webpage: <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2019-ehealth>

Third countries and third country entities

With the exception of the iSupport e-CODEX use case, only EU Member States, Iceland, and Norway can apply for the generic services under this call for proposals.

In the case of the iSupport e-CODEX use case, and 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.

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 187 of the Financial Regulation, 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 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.

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

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

Implementation period

The Action may not start before the date of submission of the application.¹⁸

Indicative duration

The indicative duration of an Action proposed under this call is 2 years.

7 EXCLUSION CRITERIA

7.1 Exclusion

An applicant shall be excluded from participating in call for proposals procedures where:

- (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 applicable law;
- (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 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 eligibility or selection criteria or in the performance of a contract, a grant agreement or a grant decision;
 - (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 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council and Article 1 of the Convention

(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>

¹⁸ The date when the proposal was last submitted in the TENtec eSubmission module will be considered as the submission date of the proposal.

- 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 4(2) of Directive (EU) 2017/1371 or 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, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, or corruption as defined in the applicable law;
 - (iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;
 - (iv) money laundering or terrorist financing, within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;
 - (v) terrorist 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 offences concerning trafficking in human beings as referred to 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) it has been established by a final judgement or final administrative decision that the applicant has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations of mandatory application in the jurisdiction of its registered office, central administration or principal place of business;
 - (h) it has been established by a final judgement or final administrative decision that an entity has been created with the intent referred to in point (g);
 - (i) for the situations referred to in points (c) to (h) above, the applicant is subject to:
 - (i) facts established in the context of audits or investigations carried out by European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office or the internal auditor, 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 judgments or 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) facts referred to in decisions of persons or entities being entrusted with EU budget implementation tasks;
 - (iv) information transmitted by Member States implementing Union funds;

- (v) decisions of the Commission relating to the infringement of the Union's competition law or of a national competent authority relating to the infringement of Union or national competition law; or
- (vi) decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

7.2 Remedial measures

If an applicant/affiliated entity declares one of the situations of exclusion listed above (see section 7.1), it must 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 correct the conduct and prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions. 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) of section 7.1.

7.3 Rejection from the call for proposals

The authorising officer shall not award a grant to an applicant who:

- (a) is in an exclusion situation established in accordance with section 7.1; or
- (b) has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information; or
- (c) was previously involved in the preparation of documents used in the award procedure where this entails a breach of the principle of equal treatment, including 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 sanctions (exclusion) may be imposed on applicants, or affiliated entities where applicable, if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

7.4 Supporting documents

Applicants and affiliated entities must provide a declaration on their honour certifying that they are not in one of the situations referred to in Articles 136(1) and 141 FR, by filling in application form Part B1 (for applicants) or B2 (for affiliated entities) accompanying the call for proposals and available at under the "Application Forms" section of the call webpage: <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2019-ejustice>.

8. 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.

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)¹⁹ in which at least one member is a public sector body, and Joint Undertakings.

Applicants are requested to register in the [Participant Register](#) and provide a Participant Identification Code (PIC, 9-digit number), serving as the unique identifier of their organisation. More information is available in the guidance on "Rules on Legal Entity Validation, LEAR appointment and Financial Capacity Assessment"²⁰ and in the instructions indicated in the Application Form Part B template.

8.1 Financial capacity

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the duration of the grant and to participate in its funding. The applicants' financial capacity will be assessed on the basis of the supporting documents requested by the Commission services:

- a) Low value grants (\leq EUR 60 000):
 - a declaration on their honour.
- b) Grants $>$ EUR 60 000:
 - a declaration on their honour, and
 - the profit and loss account as well as the balance sheet for the last 2 financial years for which the accounts were closed;
 - for newly created entities: the business plan might replace the above documents;
- c) Grants for an action $>$ EUR 750 000:
 - (i) the information and supporting documents mentioned in point b) above, and
 - (ii) **an audit report** produced by an approved external auditor certifying the accounts for the last 2 financial years available, where such an audit report is available or whenever a statutory report is required by law.
If the audit report is not available AND a statutory report is not required by law, a self-declaration signed by the applicant's authorised representative certifying the validity of its accounts for the last 2 financial years available must be provided.
In the event of an application grouping several applicants (consortium), the above thresholds apply to each applicant.

More comprehensive information on the documents to submit can be found at:

http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/lev/h2020-rules-lev-lear-fvc_en.pdf

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

¹⁹ 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>

²⁰ http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/lev/h2020-rules-lev-lear-fvc_en.pdf

as the pre-financing payment to be made.

8.2 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.

9. AWARD CRITERIA

Proposals will be evaluated against the following award criteria, which are defined in Annex 2 of the 2019 – 2020 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 EU long-term policy objectives, 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* proposals²¹ 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.

10. LEGAL COMMITMENTS

In the event of a grant awarded by the Commission, the 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, as well as the information on the procedure to formalise the agreement of the parties. 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

²¹ Proposals with the same overall score

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.

Two copies of the original agreement must be signed first by the beneficiary in case of mono-beneficiary grants or the coordinator on behalf of the consortium and returned to INEA immediately.

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.

11. FINANCIAL PROVISIONS

11.1 Forms of the grant

11.1.1 Reimbursement of costs actually incurred²²

The grant will be defined by applying a maximum co-financing rate of 75% to the eligible costs and which are:

(a) actually incurred and declared by the beneficiary and its affiliated entities.

(b) a flat rate of 7 % of the eligible direct costs ('reimbursement of flat-rate costs') for the following categories of costs: indirect costs minus subcontracting costs within the meaning of Article II.10 and costs of financial support to third parties within the meaning of Article II.11 ("reimbursement of flat-rate costs").

For details on eligibility of costs, please refer to section 11.2.

11.2 Eligible costs

11.2.1 Eligible direct costs

Eligible costs are costs actually incurred by the beneficiary of a grant, which meet all the criteria laid down in Article 186 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.

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

²² 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.

this call.

Costs may be eligible at the earliest from the date on which an application is submitted²³.

VAT

In line with the first subparagraph of Article 8(7) of the CEF Regulation and Article 186(4) (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.

11.3 Reporting and 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 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.

²³ The date when the proposal was last submitted in the TENtec eSubmission module will be considered as the submission date of the proposal.

11.4 Other financial conditions

a) Non-cumulative award

An Action may only receive one grant from 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.

b) Non- retroactivity

No grant may be awarded retrospectively for Actions already completed.

A grant may be awarded for an Action which has already begun only where the applicant can demonstrate in the grant application the need to start the Action before the grant agreement is signed.

In such cases, costs eligible for financing may not have been incurred prior to the date of submission of the grant application.

c) No-profit

In accordance with Article 192 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, 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.

12. PUBLICITY

12.1 By the beneficiary

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

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

12.2 By the Commission

All information relating to grants awarded in the course of a financial year shall be published on an internet site of the European Union institutions no later than the 30 June of the year following the financial year in which the grants were awarded.

13. 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 (EU) 2018/1725²⁴ on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. Unless indicated otherwise, the questions and any personal data requested that are required to evaluate the application in accordance with the call for proposal will be processed solely for that purpose by INEA.

Personal data may be registered in the Early Detection and Exclusion System by the Commission, should the beneficiary be in one of the situations mentioned in Articles 136 and 141 of Regulation (EU, Euratom) 2018/1046²⁵. For more information, see the Privacy Statement on:

<https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2019-ejustice>.

14. PROCEDURE FOR THE SUBMISSION OF PROPOSALS

Proposals must be submitted by the deadline set out under section 3.

No modification to the application is allowed once the deadline for submission has elapsed. However, if there is a need to clarify certain aspects or to correct clerical mistakes, the Commission may contact the applicant during the evaluation process.

Applicants will be informed in writing about the results of the selection process.

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 2019 – 2020 Work Programme, and other relevant documents on the call webpage:

<https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2019-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).

14.1 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.

²⁴ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39–98).

²⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1046>

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 187 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.

14.2 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/2019-ejustice>

before the call deadline: **14 November 2019 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 INEA services upon request.

Advanced electronic signatures based on a qualified certificate²⁶ as defined by the eIDAS Regulation²⁷ 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.

²⁶ For a list of trusted certificate providers please see <https://ec.europa.eu/digital-single-market/en/eu-trusted-lists-trust-service-providers>

²⁷ 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=urisrv%3A0J.L_.2014.257.01.0073.01.ENG

15. 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:

- 2019 – 2020 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
- Checklist of documents to be provided
- 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 **24 October 2019** to ensure sufficient time for the last update of the FAQs by **7 November 2019**. 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.