



# **Instrument on supporting ammunition production (ASAP)**

## Call for proposals

Call for proposals

focused on the increase of production capacities for missiles

(EDF-ASAP-2023-LS-MIS)

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**EUROPEAN COMMISSION**  
**DIRECTORATE-GENERAL FOR DEFENCE INDUSTRY AND SPACE**

Defence Industry

## **CALL FOR PROPOSALS**

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## 0. Introduction

This is a call for proposals for EU **action grants** under the **Instrument on supporting ammunition production (ASAP)**.

The regulatory framework for this EU Funding Programme is set out in:

- Regulation 2018/1046 ([EU Financial Regulation](#))
- Regulation 2023/1525 ([ASAP Regulation](#)<sup>1</sup>).

The call is launched in accordance with the 2023-2025 Work Programme<sup>2</sup> and will be managed by the **European Commission, Directorate-General for Defence Industry and Space (DG DEFIS)**.

The call covers the following **topic**:

- **EDF-ASAP-2023-LS-MIS-IPC: Increased production capacity for missiles**

Each project application under the call must address only one of these topics. Applicants wishing to apply for more than one topic, must submit a separate proposal under each topic. Proposals submitted in response to different topics cannot refer to each other and their implementation cannot be interdependent.

We invite you to read the **call documentation** carefully, and in particular this Call Document, the Model Grant Agreement, the [EU Funding & Tenders Portal Online Manual](#) and the [EU Grants AGA – Annotated Grant Agreement](#).

These documents provide clarifications and answers to questions you may have when preparing your application:

- the [Call Document](#) outlines the:
  - background, objectives, scope, activities that can be funded and the expected results (sections 1 and 2)
  - timetable and available budget (sections 3 and 4)
  - admissibility and eligibility conditions (including mandatory documents; sections 5 and 6)
  - criteria for financial and operational capacity and exclusion (section 7)
  - evaluation and award procedure (section 8)
  - award criteria (section 9)
  - legal and financial set-up of the Grant Agreements (section 10)
  - how to submit an application (section 11)
- the [Online Manual](#) outlines the:
  - procedures to register and submit proposals online via the EU Funding & Tenders Portal ('Portal')

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<sup>1</sup> Regulation (EU) 2023/1525 of the European Parliament and of the Council of 20 July 2023 on supporting ammunition production (ASAP) (OJ L 185, 24.7.2023).

<sup>2</sup> Commission Implementing Decision C(2023) 7320 final of 18.10.2023 on the financing of the instrument on supporting ammunition production (ASAP) established by Regulation (EU) 2023/1525 of the European Parliament and of the Council and the adoption of the work programme for 2023-2025.

- recommendations for the preparation of the application
- the AGA — Annotated Grant Agreement contains:
  - detailed annotations on all the provisions in the Grant Agreement you will have to sign in order to obtain the grant (*including cost eligibility, payment schedule, accessory obligations, etc.*).

## **1. Background**

The Instrument on supporting ammunition production (ASAP) establishes a set of measures and lays down a budget aimed at urgently strengthening the responsiveness and ability of the European Defence Technological and Industrial Base (EDTIB) to ensure the timely availability and supply of ground-to-ground and artillery ammunition as well as missiles in particular by means of the following:

- an instrument financially supporting industrial reinforcement for the production of relevant defence products in the Union, including through the supply of their components;
- the establishment of mechanisms, principles and temporary rules to secure the timely and lasting availability of relevant defence products to their acquirers in the Union.

## **2. Objectives — Themes and priorities — Activities that can be funded — Expected impact**

### **EDF-ASAP-2023-LS-MIS-IPC: Increased production capacity for missiles**

#### Objectives

The objective of the Instrument is to foster the efficiency and competitiveness of the European Defence Technological and Industrial Base (EDTIB) to support the ramp-up of the production capacity and timely delivery of relevant defence products (ground-to-ground and artillery ammunition as well as missiles) through industrial reinforcement.

The industrial reinforcement shall in particular consist of initiating and speeding up the adjustment of industry to the rapid structural changes imposed by the supply crisis affecting the relevant defence products which are necessary for the swift replenishment of the ammunition and missile stocks of the Member States, associated countries and of Ukraine. That shall include the improvement of the capacity of adaptation of supply chains for relevant defence products and the acceleration of such adaptation, the creation of manufacturing capacities or their ramp-up, and a reduction of the lead production time for relevant defence products throughout the Union, in particular through the intensification and widening of cross-border cooperation between the relevant entities.

#### Themes and priorities (scope)

Any eligible action as defined in Article 8 of ASAP Regulation (*see table below*), that addresses the increase of production capacities in the area of missiles, in particular assembly of final product and production of propulsion systems, and that aims at supporting the timely delivery of missiles.

Activities that can be funded (scope)

The following table lists the types of activities which are eligible, and whether they are mandatory or optional (see Article 8(3) ASAP Regulation):

Types of activities (art 8(3) ASAP Regulation)		Eligible?
(a)	<b>the optimisation, expansion, modernisation, upgrading or repurposing of existing, or the establishment of new, production capacities</b> , in relation to relevant defence products or their components and corresponding raw materials, insofar as those components and raw materials are used as direct input for the production of relevant defence products, in particular with a view to increasing production capacity or reducing lead production times, including on the basis of the procurement or acquisition of the requisite machine tools and any other necessary input;	Yes (mandatory)
(b)	<b>the establishment of cross-border industrial partnerships</b> , including through public private partnerships or other forms of industrial cooperation, in a joint industrial effort, including activities that aim to coordinate the sourcing or reservation of components and the corresponding raw materials insofar as those components and raw materials are used as direct input for the production of relevant defence products, as well as to coordinate production capacities and production plans;	Yes (optional)
(c)	the building-up and making available of <b>reserved surge manufacturing capacities</b> of relevant defence products, their components and corresponding raw materials, insofar as those components and raw materials are used as direct input for the production of relevant defence products, in accordance with ordered or planned production volumes;	Yes (optional)
(d)	<b>the testing</b> , including the necessary infrastructure, and, as appropriate, <b>reconditioning certification</b> of relevant defence products with a view to addressing their obsolescence and making them useable by end users;	Yes (optional)
(e)	the <b>training, reskilling or upskilling</b> of personnel in relation to the activities referred to in points (a) to (d);	Yes (optional)
(f)	the <b>improvement of the access to finance</b> for the relevant economic operators active in the production of or making available of relevant defence products, by means of the offset of any additional cost arising specifically from the defence industry sector, for investments related to activities referred to in points (a) to (e).	Yes (optional)

Expected impact

Adjustment of industry to the rapid structural changes imposed by the supply crisis affecting the relevant defence products which are necessary for the swift replenishment of the ammunition and missile stocks of the Member States, associated countries and of Ukraine.

**3. Available budget**

The estimated available call budget is **EUR 40 000 000**.

Specific budget information per topic can be found in the table below:

Topic	Estimated topic budget
EDF-ASAP-2023-LS-MIS-IPC	<b>EUR 40 000 000</b>

The availability of the call budget still depends on the adoption of the budget 2024 by the EU budgetary authority.

We reserve the right not to award all available funds or to redistribute them between the call priorities (i.e. topics), depending on the proposals received and the results of the evaluation.

#### 4. Timetable and deadlines

Timetable and deadlines (indicative)	
Call opening:	18 October 2023
Deadline for submission:	<u>13 December 2023 – 17:00:00 CET (Brussels)</u>
Evaluation:	December 2023-February 2024
Information on evaluation results:	March 2024
GA signature:	April/June 2024

#### 5. Admissibility and documents

Proposals must be submitted before the **call deadline** (see *timetable section 4*).

Proposals must be submitted **electronically** via the Funding & Tenders Portal Electronic Submission System (accessible via the Topic page in the [Search Funding & Tenders](#) section)). Paper submissions are NOT possible. ⚠️ **Classified information** (Part B of the Application Form and classified Annexes, if any) **must be specifically encrypted or submitted by post** (see *section 11*).

Proposals (including annexes and supporting documents) must be submitted using the forms provided *inside* the Submission System (⚠️ NOT the documents available on the Topic page — they are only for information).

Proposals must be **complete** and contain all the requested information and all required annexes and supporting documents:

- Application Form Part A — contains administrative information about the participants (future coordinator, beneficiaries, affiliated entities and associated partners) and the summarised budget for the project (*to be filled in directly online*)
- Application Form Part B — contains the technical description of the project (*to be downloaded from the Portal Submission System, completed and then assembled and re-uploaded*)
- **mandatory annexes and supporting documents** (*templates available to be downloaded from the Portal Submission System, completed, assembled and re-uploaded*):



- detailed budget table
- participant information (including previous projects, if any)
- cofinancing declarations
- ownership control declarations (not necessary for associated partners and subcontractors)
- FDI screening declarations

Please be aware that since the detailed budget table serves as the basis for fixing the lump sums for the grants (and since lump sums must be reliable proxies for the actual costs of a project), the costs you include **MUST** comply with the basic eligibility conditions for EU actual cost grants (see [AGA – Annotated Grant Agreement, art 6](#)). This is particularly important for purchases and subcontracting, which must comply with best value for money (or if appropriate the lowest price) and be free of any conflict of interests. If the budget table contains ineligible costs, the grant may be reduced (even later on during the project implementation or after their end).

Please note that the amounts entered into the summarised budget table (filled in directly online) must correspond to the amounts calculated in the detailed budget table. In case of discrepancies, the amounts in the online summarised budget table will prevail.

At proposal submission, you will have to confirm that you have the **mandate to act** for all applicants. Moreover, you will have to confirm that the information in the application is correct and complete and that the participants comply with the conditions for receiving EU funding (especially eligibility, financial and operational capacity, exclusion, etc). Before signing the grant, each beneficiary and affiliated entity will have to confirm this again by signing a declaration of honour (DoH). Proposals without full support will be rejected.

Your application must be **readable, accessible and printable**.

Proposals are limited to maximum **70 pages** (Part B). Evaluators will not consider any additional pages.

You may be asked at a later stage for further documents (*for legal entity validation, financial capacity check, bank account validation, etc*).

 For more information about the submission process (including IT aspects), consult the [Online Manual](#).

## 6. Eligibility

Applications will only be considered eligible if their content corresponds wholly (or at least in part) to the topic description for which it is submitted.

### Eligible participants (eligible countries)

In order to be eligible, the applicants (beneficiaries and affiliated entities) must:

- be legal entities (public or private bodies)
- be established in one of the eligible countries, i.e.:
  - EU Member States (including overseas countries and territories (OCTs))
  - non-EU countries:

- listed EEA countries ('ASAP associated countries'; see [list of participating countries](#))<sup>3</sup>
- have their executive management structure established in eligible countries
- must not be subject to control by a non-associated third country or non-associated third-country entity (unless they can demonstrate that they have already been subject to a FDI screening and, where necessary, to mitigation measures or they can provide guarantees (see *Annex*) approved by the Member State or ASAP associated country where they are established)

Beneficiaries and affiliated entities must register in the [Participant Register](#) – before submitting the proposal – and will have to be validated by the Central Validation Service (REA Validation). For the validation, they will be requested to upload documents showing legal status and origin.

Other entities may participate in other consortium roles, such as associated partners, subcontractors, third parties giving in-kind contributions, etc (see *section 13*).

### *Specific cases*

International organisations — International organisations are not eligible, unless they are international organisations whose members are exclusively Member States or ASAP associated countries and whose executive management structure is in a Member State or ASAP associated country.

Entities without legal personality — Entities which do not have legal personality under their national law may exceptionally participate, provided that their representatives have the capacity to undertake legal obligations on their behalf, and offer guarantees for the protection of the EU financial interests equivalent to that offered by legal persons<sup>4</sup>.

Associations and interest groupings — Entities composed of members may participate as 'sole beneficiaries' or 'beneficiaries without legal personality'<sup>5</sup>. ⚠ Please note that if the action will be implemented by the members, they should also participate (either as beneficiaries or as affiliated entities, otherwise their costs will NOT be eligible).

Countries currently negotiating association agreements — Beneficiaries from countries with ongoing negotiations (see *above*) may participate in the call and can sign grants if the negotiations are concluded before grant signature.

EU restrictive measures — Special rules apply for certain entities (e.g. *entities subject to EU restrictive measures under Article 29 of the Treaty on the European Union (TEU) and Article 215 of the Treaty on the Functioning of the EU (TFEU)*)<sup>6</sup>. Such entities are not eligible to participate in any capacity, including as beneficiaries, affiliated entities, associated partners, subcontractors or recipients of financial support to third parties (if any).

Measures for the protection of the Union budget against breaches of the principles of the rule of law in Hungary — Following the [Council Implementing Decision \(EU\) 2022/2506](#), as of 16 December 2022, no legal commitments can be entered into with Hungarian public interest trusts established under the Hungarian Act IX of 2021 or

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<sup>3</sup> For the purposes of the eligibility conditions, applicants established in ASAP Associated Countries or in countries negotiating association to ASAP will be treated as entities established in an Associated Country, if the ASAP association agreement with the third country concerned applies at the time of signature of the grant agreement.

<sup>4</sup> See Article 197(2)(c) EU Financial Regulation [2018/1046](#).

<sup>5</sup> For the definitions, see Articles 187(2) and 197(2)(c) EU Financial Regulation [2018/1046](#).

<sup>6</sup> Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

any entity they maintain. Affected entities may continue to apply to calls for proposals. However, as long as the Council measures are not lifted, such entities are not eligible to participate in any funded role (beneficiaries, affiliated entities, subcontractors, recipients of financial support to third parties, etc). In case of multi-beneficiary grant calls, applicants will be invited to remove or replace that entity and/or to change its status into associated partner. Tasks and budget may be redistributed accordingly.

 For more information, see [Rules for Legal Entity Validation, LEAR Appointment and Financial Capacity Assessment](#).

### Consortium composition

n/a

### Eligible actions and activities

Eligible actions and activities are the ones set out in section 2 above.

The following actions and activities are not considered as eligible for funding under this call:

- projects that do not implement the objectives set out in Article 4 of the ASAP Regulation
- projects that do not address identified bottlenecks in production capacities and supply chains with a view to securing and accelerating the production of relevant defence products in order to ensure their effective supply and timely availability
- projects that do not relate to at least one of the types of activities set out in Article 8(3) of the ASAP Regulation
- projects that do not cover the mandatory types of activities set out in section 2
- projects which do not exclusively benefit production capacities of relevant defence products, or of their components and corresponding raw materials insofar as they are intended or used wholly for the production of relevant defence products (i.e. ground-to-ground and artillery ammunition as well as missiles)
- projects that concern production of goods or delivery of services which are prohibited by applicable international law
- projects that concern the production of lethal autonomous weapons without the possibility of meaningful human control over selection and engagement decisions when carrying out strikes against humans
- the ramp-up of production capacities for relevant defence products that are subject to a restriction by a non-associated third country or a non-associated third country entity that limits Member States' ability to use them
- projects that use infrastructure, facilities, assets or resources which are not located on the territory of a Member State or ASAP associated country
- projects or parts thereof, that are already fully financed from other public or private sources


- actions completed before the signature of the grant agreement
- actions that started before 20 March 2023.

Projects must comply with EU policy interests and priorities (*such as environment, social, security, industrial and trade policy, etc.*).

Financial support to third parties is not allowed

#### Geographic location (target countries)

Proposals must relate to activities taking place in the eligible countries (*see above*).

 Please note that moreover, in ASAP, only infrastructure, facilities, assets and resources which are located or held in an eligible country may be used (*see Eligible actions and activities*).

#### Duration

Projects should normally last less than 24 months.

Projects of other duration may be accepted in duly justified cases. Extensions are possible, if duly justified and through an amendment.

#### Project budget

Project budgets (maximum grant amount):

- for topic EDF-ASAP-2023-LS-MIS-IPC: **up to EUR 10 000 000 per project**

The grant awarded may be lower than the amount requested.

#### Security

Projects involving EU classified information must undergo security scrutiny to authorise funding and may be made subject to specific security rules (detailed in a security aspects letter (SAL) which is annexed to the Grant Agreement).

These rules (governed by Decision [2015/444](#)<sup>7</sup> and its implementing rules and/or national rules) provide for instance that:

- projects involving information classified TRES SECRET UE/EU TOP SECRET (or equivalent) can NOT be funded
- classified information must be marked in accordance with the applicable security instructions in the SAL
- information with classification levels CONFIDENTIEL UE/EU CONFIDENTIAL or above (and RESTREINT UE/ EU RESTRICTED, if required by national rules) may be:
  - created or accessed only on premises with facility security clearance (FSC) from the competent national security authority (NSA), in accordance with the national rules
  - handled only in a secured area accredited by the competent NSA
  - accessed and handled only by persons with valid personnel security clearance (PSC) and a need-to-know


<sup>7</sup> See Commission Decision 2015/444/EU, Euratom of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

- at the end of the grant, the classified information must either be returned or continue to be protected in accordance with the applicable rules
- action tasks involving EU classified information (EUCI) may be subcontracted only with prior written approval from the granting authority and only to entities established in an EU Member State or in a non-EU country with a security of information agreement with the EU (or an administrative arrangement with the Commission)
- disclosure of EUCI to third parties is subject to prior written approval from the granting authority.

Please note that, depending on the type of activity, facility security clearance may have to be provided before grant signature. The granting authority will assess the need for clearance in each case and will establish their delivery date during grant preparation. Please note that in no circumstances can we sign any grant agreement until at least one of the beneficiaries in a consortium has facility security clearance.

Further security recommendations may be added to the Grant Agreement in the form of security deliverables (*e.g. create security advisory group, limit level of detail, use fake scenario, exclude use of classified information, etc*).

Beneficiaries must ensure that their projects are not subject to national/third-country security requirements that could affect implementation or put into question the award of the grant (*e.g. technology restrictions, national security classification, etc*). The granting authority must be notified immediately of any potential security issues.

 Please be aware that due to the specific security concerns of the ASAP Programme, the ASAP Programme Security Instructions ([ASAP PSI](#)) provide already that the Part B Application Form, once filled in, is classified at the level of RESTREINT UE/EU RESTRICTED and thus subject to specific procedures. Thus, for the submission you must follow a specific procedure (*see section 11*) and the consortium must commit to the non-disclosure of any of the proposal content (NDA declaration in section 10 of the Part B Application Form).

## 7. Financial and operational capacity and exclusion

### Financial capacity

Applicants must have **stable and sufficient resources** to successfully implement the projects and contribute their share. Organisations participating in several projects must have sufficient capacity to implement all these projects.

The financial capacity check will be carried out on the basis of the documents you will be requested to upload in the [Participant Register](#) during grant preparation (*e.g. profit and loss account and balance sheet, business plan, audit report produced by an approved external auditor, certifying the accounts for the last closed financial year, etc.*). The analysis will be based on neutral financial indicators, but will also take into account other aspects, such as dependency on EU funding and deficit and revenue in previous years.

The check will normally be done for all beneficiaries, except:

- public bodies (entities established as public body under national law, including local, regional or national authorities) or international organisations
- if the individual requested grant amount is not more than EUR 60 000.

If needed, it may also be done for affiliated entities.

If we consider that your financial capacity is not satisfactory, we may require:

- further information
- an enhanced financial responsibility regime, i.e. joint and several responsibility for all beneficiaries or joint and several liability of affiliated entities (*see below, section 10*)
- prefinancing paid in instalments
- (one or more) prefinancing guarantees (*see below, section 10*)

or

- propose no prefinancing
- request that you are replaced or, if needed, reject the entire proposal.

 For more information, see [Rules for Legal Entity Validation, LEAR Appointment and Financial Capacity Assessment](#).

### Operational capacity

Applicants must have the **know-how, qualifications** and **resources** to successfully implement the projects and contribute their share (including sufficient experience in projects of comparable size and nature).

This capacity will be assessed together with the 'Implementation' award criterion, on the basis of the competence and experience of the applicants and their project teams, including operational resources (human, technical and other) or, exceptionally, the measures proposed to obtain it by the time the task implementation starts.

If the evaluation of the award criterion is positive, the applicants are considered to have sufficient operational capacity.

Applicants will have to show their capacity via the following information:

- general profiles (qualifications and experiences) of the staff responsible for managing and implementing the project
- description of the consortium participants (including previous projects, if any)

Additional supporting documents may be requested, if needed to confirm the operational capacity of any applicant.

Public bodies, Member State organisations and international organisations are exempted from the operational capacity check.

### Exclusion

Applicants which are subject to an **EU exclusion decision** or in one of the following **exclusion situations** that bar them from receiving EU funding can NOT participate<sup>8</sup>:

- bankruptcy, winding up, affairs administered by the courts, arrangement with creditors, suspended business activities or other similar procedures (including procedures for persons with unlimited liability for the applicant's debts)
- in breach of social security or tax obligations (including if done by persons with unlimited liability for the applicant's debts)

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<sup>8</sup> See Articles 136 and 141 of EU Financial Regulation [2018/1046](#).

- guilty of grave professional misconduct<sup>9</sup> (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant)
- committed fraud, corruption, links to a criminal organisation, money laundering, terrorism-related crimes (including terrorism financing), child labour or human trafficking (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant)
- shown significant deficiencies in complying with main obligations under an EU procurement contract, grant agreement, prize, expert contract, or similar (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant)
- guilty of irregularities within the meaning of Article 1(2) of EU Regulation [2988/95](#) (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant)
- created under a different jurisdiction with the intent to circumvent fiscal, social or other legal obligations in the country of origin or created another entity with this purpose (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant).

Applicants will also be rejected if it turns out that<sup>10</sup>:

- during the award procedure they misrepresented information required as a condition for participating or failed to supply that information
- they were previously involved in the preparation of the call and this entails a distortion of competition that cannot be remedied otherwise (conflict of interest).

## 8. Evaluation and award procedure

The proposals will have to follow the **standard submission and evaluation procedure** (one-stage submission + one-step evaluation).

An **evaluation committee** will assess all applications. Proposals will first be checked for formal requirements (admissibility, and eligibility, *see sections 5 and 6*). Proposals found admissible and eligible will be evaluated (for each topic) against the operational capacity and award criteria (*see sections 7 and 9*) and then ranked according to their scores.

For proposals with the same score (within a topic or budget envelope) a **priority order** will be determined according to the following approach:

Successively for every group of *ex aequo* proposals, starting with the highest scored group, and continuing in descending order:

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<sup>9</sup> Professional misconduct includes: violation of ethical standards of the profession, wrongful conduct with impact on professional credibility, false declarations/misrepresentation of information, participation in a cartel or other agreement distorting competition, violation of IPR, attempting to influence decision-making processes or obtain confidential information from public authorities to gain advantage.

<sup>10</sup> See Article 141 EU Financial Regulation [2018/1046](#).



- 1) Proposals will be prioritised according to the scores they have been awarded for the criterion 'Reduction of lead production time', 'Increase in production capacity in the Union' and then 'Support to procurement'
- 2) If necessary, any further prioritisation will be based on the number of Member States or ASAP associated countries, in which applicants involved in the proposal are established.

All proposals will be informed about the evaluation result (**evaluation result letter**). Successful proposals will be invited for grant preparation; the other ones will be put on the reserve list or rejected. Proposals that are below the budget threshold (i.e. passed, but not ranked high enough to receive funding) will be awarded a [Seal of Excellence](#).

 No commitment for funding — Invitation to grant preparation does NOT constitute a formal commitment for funding. We will still need to make various legal checks before grant award: *legal entity validation, financial capacity, exclusion check, etc.*

**Grant preparation** will involve a dialogue in order to fine-tune technical or financial aspects of the project and may require extra information from your side. It may also include adjustments to the proposal to address recommendations of the evaluation committee or other concerns. Compliance will be a pre-condition for signing the grant.

If you believe that the evaluation procedure was flawed, you can submit a **complaint** (following the deadlines and procedures set out in the evaluation result letter). Please note that notifications which have not been opened within 10 days after sending will be considered to have been accessed and that deadlines will be counted from opening/access (see also [Funding & Tenders Portal Terms and Conditions](#)). Please also be aware that for complaints submitted electronically, there may be character limitations.

## 9. Award criteria

The **award criteria** for this call are as follows:

### 1. Increase in production capacity in the Union (5 points)

- Contribution to the increase, ramp-up or reservation of manufacturing capacities, their modernisation or the reskilling and upskilling of the related workforce in the Member States or ASAP associated countries

### 2. Reduction of lead production time (5 points)

- Contribution to the timely satisfaction of the demand expressed through procurement in terms of reduced production lead time, including via order reprioritisation mechanisms

### 3. Elimination of sourcing and production bottlenecks (5 points)

- Contribution to the swift identification and rapid and lasting elimination of sourcing (raw material and any other input) or production (manufacturing capability) bottlenecks

### 4. Resilience through cross-border cooperation (5 points)

- Contribution to the development and operationalisation of cross-border cooperation between undertakings established in different Member States or ASAP associated countries, involving in particular to a significant extent



SMEs or mid-caps as beneficiaries, affiliated entities, subcontractors or other undertakings in the supply chain

### 5. Support to procurement (5 points)

- Contribution to the link between the action and newly placed orders stemming from the joint procurement of relevant defence products by at least three Member States or ASAP associated countries especially if done in a Union framework

### 6. Implementation (5 points)

- Effectiveness and practicality of the structure of the work plan (work breakdown structure), including timing and inter-relation of the different work packages and their components (illustrated by a Gantt chart, Pert chart or similar)
- Usefulness and comprehensiveness of the milestones and deliverables of the project; coherence and clarity of the criteria for reaching the milestones, which should be measurable, realistic and achievable within the proposed duration
- Appropriateness of the management structures and procedures (if applicable), including decision-making mechanisms, to the complexity and scale of the project; quality of the risk management, including identification and assessment of the project specific critical risks, which could compromise the achievement of the stated project's objectives and detail of proposed risk treatments (*e.g. mitigation measures*)
- Appropriateness of the allocation of tasks and resources between consortium members, ensuring that all participants have a valid and complementary role; allocation of the work share that ensures a high level of effectiveness and efficiency for carrying out the project

Award criteria	Minimum pass score	Maximum score	Weighting
Increase in production capacity in the Union	n/a	5	2
Reduction of lead production time	n/a	5	3
Elimination of sourcing and production bottlenecks	n/a	5	1
Resilience through cross -border cooperation	n/a	5	1
Support to procurement	n/a	5	2
Implementation	n/a	5	2
<b>Overall weighted (pass) scores</b>	<b>36,5</b>	<b>55</b>	N/A

Maximum points: 55 points.

There is no minimum pass score for individual criteria.

Overall threshold: 36,5 points.

Proposals that pass the overall threshold will be considered for funding — within the limits of the available budget (i.e. up to the budget ceiling). Other proposals will be rejected.

## **10. Legal and financial set-up of the Grant Agreements**

If you pass evaluation, your project will be invited for grant preparation, where you will be asked to prepare the Grant Agreement together with the EU Project Officer.

This Grant Agreement will set the framework for your grant and its terms and conditions, in particular concerning deliverables, reporting and payments.

The Model Grant Agreement that will be used (and all other relevant templates and guidance documents) can be found on [Portal Reference Documents](#).

### Starting date and project duration

The project starting date and duration will be fixed in the Grant Agreement (*Data Sheet, point 1*). Normally the starting date will be after grant signature. A retroactive starting date can be granted, even before proposal submission date, back to 20 March 2023.

Project duration: *see section 6 above*.

### Milestones and deliverables

The milestones and deliverables for each project will be managed through the Portal Grant Management System and will be reflected in Annex 1 of the Grant Agreement.

The following deliverables will be mandatory for all projects:

- progress reports (every 6 to 12 months, to be agreed during grant agreement preparation)

### Form of grant, funding rate and maximum grant amount

The grant parameters (*maximum grant amount, funding rate, total eligible costs, etc*) will be fixed in the Grant Agreement (*Data Sheet, point 3 and art 5*).

Project budget (maximum grant amount): *see section 6 above*.

The grant will be a lump sum grant. This means that it will reimburse a fixed amount, based on a lump sum or financing not linked to costs. The amount will be fixed by the granting authority on the basis of the estimated project budget and a funding rate of up to **35%** (up to 100% for additional sector costs for access to finance).

You can apply for a higher project funding rate (up to **45%**) if your project is a 'priority action', i.e. concerns:

- new cross-border cooperation — a project creating a genuine new cross-border cooperation between entities established in Member States or ASAP associated countries, as described in Article 8(3)(b) ASAP Regulation; the new entity(ies) entering into the cooperation must have together a relevant role in the action (more than 10% of the total costs of the action)
- priority to common procurement — a project where the applicants commit to prioritise, for the duration of the action, orders stemming from the common procurement of relevant defence products (i.e. ground-to-ground and artillery)

ammunition as well as missiles) by at least three Member States or ASAP associated countries

- priority to procurement for Ukraine — a project where the applicants commit to prioritise, for the duration of the action, orders stemming from the procurement of relevant defence products (i.e. ground-to-ground and artillery ammunition as well as missiles) by at least one Member State which are intended for Ukraine
- SME/mid-cap action — a project where the majority (i.e. more than 50%) of beneficiaries participating in the consortium are SMEs or mid-caps established in Member States or ASAP associated countries.

Please note that, for the SME and midcap bonus, you need to have a positive SME<sup>11</sup>/Mid-cap<sup>12</sup> self-assessment result (for the current and 2 previous years). Please make sure that all your project participants fulfil these requirements ([Funding & Tenders Portal account](#) > My Organisations > Actions > Modify Organisation > SME tab > Start SME self-assessment (> Mid-cap self-declaration); for more information, see [IT How To](#)).

#### Budget categories and cost eligibility rules

The budget categories and cost eligibility rules are fixed in the Grant Agreement (*Data Sheet, point 3, art 6 and Annex 2*).

#### *Budget categories for this call:*

- Lump sum contributions<sup>13</sup>

#### *Specific cost eligibility rules for this call:*

- the lump sum amount must be calculated in accordance with the methodology set out in the lump sum authorising decision and using the detailed budget table provided
- the lump sum calculation should respect the following conditions:
  - for lump sums based on estimated project budgets: the estimated budget must comply with the basic eligibility conditions for EU actual cost grants (see [AGA – Annotated Grant Agreement, art 6](#)), in particular:
    - personnel costs:
      - SME owner/natural person unit cost<sup>14</sup>: Yes
    - subcontracting costs:
      - country restrictions for subcontracting costs: Yes, subcontracted work must be performed in the eligible countries
    - travel and subsistence unit cost<sup>15</sup>: No (only actual costs)

<sup>11</sup> 'SMEs' means small and medium-sized enterprises as defined in the Annex to [EU Recommendation 2003/361/EC](#).

<sup>12</sup> Middle-capitalisation company ('mid-cap') means an enterprise that is not an SME and that has up to 3 000 employees, where the staff headcount is calculated in accordance with Articles 3 to 6 of the Annex to [EU Recommendation 2003/361/EC](#).

<sup>13</sup> [Decision](#) of 16 October authorising the use of lump sum contributions for actions under the instrument on supporting ammunition production (ASAP).

<sup>14</sup> Commission [Decision](#) of 20 October 2020 authorising the use of unit costs for the personnel costs of the owners of small and medium-sized enterprises and beneficiaries that are natural persons not receiving a salary for the work carried out by themselves under an action or work programme (C(2020)7715).

- equipment costs:
  - full cost
- other cost categories:
  - costs for financial support to third parties: not allowed :
  - additional sector costs for access to finance: Yes, provided that these costs are charged to the beneficiary for the sole reason of the sector in which the beneficiary operates, i.e. defence. These costs must be calculated on the basis of the costs actually incurred and must fulfil the general eligibility conditions. Interest rates and other costs usually charged by financial organisations regardless of the operating sector (civil or defence) or linked to the financial situation of the beneficiary are ineligible.
- indirect cost:
  - flat-rate: 7% of the eligible direct costs (categories A-D))
- VAT: non-deductible VAT is eligible (but please note that since 2013 VAT paid by beneficiaries that are public bodies acting as public authority is NOT eligible)
- other:
  - in-kind contributions for free are allowed, but cost-neutral, i.e. they cannot be declared as cost
  - kick-off meeting: costs for kick-off meeting organised by the granting authority are eligible (travel costs for maximum 2 persons, return ticket to Brussels and accommodation for one night) only if the meeting takes place after the project starting date set out in the Grant Agreement; the starting date can be changed through an amendment, if needed
  - project websites: communication costs for presenting the project on the participants' websites or social media accounts are eligible; costs for *separate* project websites are not eligible
  - eligible cost country restrictions: Yes, only costs for activities carried out in eligible countries are eligible
  - other ineligible costs: Yes, costs related to the use of assets, infrastructure, facilities or resources located or held outside the eligible countries are not eligible
- for lump sums based on estimated project budgets: eligible cost country restrictions: Yes, only costs/contributions for activities carried out in eligible countries are eligible

### Reporting and payment arrangements

The reporting and payment arrangements are fixed in the Grant Agreement (*Data Sheet, point 4 and art 21 and 22*).

After grant signature, you will normally receive a **prefinancing** to start working on the project (float of normally **35%** of the maximum grant amount; exceptionally less or no prefinancing). The prefinancing will be paid 30 days from entry into force/starting date/financial guarantee (if required) — whichever is the latest.

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<sup>15</sup> Commission [Decision](#) of 12 January 2021 authorising the use of unit costs for travel, accommodation and subsistence costs under an action or work programme under the 2021-2027 multi-annual financial framework (C(2021)35).

For projects of more than 18 months, there may be one or more **additional prefinancing payments** linked to a prefinancing report and one or more **interim payments**.

In addition, you will be requested to submit one or more progress reports not linked to payments.

**Payment of the balance:** At the end of the project, we will calculate your final grant amount. If the total of earlier payments is higher than the final grant amount, we will ask you (your coordinator) to pay back the difference (recovery).

All payments will be made to the coordinator.

 Please be aware that payments will be automatically lowered if one of your consortium members has outstanding debts towards the EU (granting authority or other EU bodies). Such debts will be offset by us — in line with the conditions set out in the Grant Agreement (*see art 22*).

Please also note that you are responsible for keeping records on all the work done.

#### Prefinancing guarantees

If a prefinancing guarantee is required, it will be fixed in the Grant Agreement (*Data Sheet, point 4*). The amount will be set during grant preparation and it will normally be equal or lower than the prefinancing for your grant.

The guarantee should be in euro and issued by an approved bank/financial institution established in an EU Member State. If you are established in a non-EU country and would like to provide a guarantee from a bank/financial institution in your country, please contact us (this may be exceptionally accepted, if it offers equivalent security).

Amounts blocked in bank accounts will NOT be accepted as financial guarantees.

Prefinancing guarantees are normally requested from the coordinator, for the consortium. They must be provided during grant preparation, in time to make the prefinancing (scanned copy via Portal AND original by post).

If agreed with us, the bank guarantee may be replaced by a guarantee from a third party.

The guarantee will be released at the end of the grant, in accordance with the conditions laid down in the Grant Agreement (*art 23*).

#### Certificates

Depending on the type of action, size of grant amount and type of beneficiaries, you may be requested to submit different certificates. The types, schedules and thresholds for each certificate are fixed in the Grant Agreement (*Data Sheet, point 4 and art 24*).

#### Liability regime for recoveries

The liability regime for recoveries will be fixed in the Grant Agreement (*Data Sheet point 4.4 and art 22*).

For beneficiaries, it is one of the following:

- limited joint and several liability with individual ceilings — *each beneficiary up to their maximum grant amount*
- unconditional joint and several liability — *each beneficiary up to the maximum*

*grant amount for the action*

or

- individual financial responsibility — *each beneficiary only for their own debts*

In addition, the granting authority may require joint and several liability of affiliated entities (with their beneficiary).

*Provisions concerning the project implementation*

Security rules: *see Model Grant Agreement (art 13 and Annex 5)*

- specific national security framework under Article 27(4) of the EDF Regulation: No

Ethics rules: *see Model Grant Agreement (art 14)*

- specific ethics rules in Annex 5: No

IPR rules: *see Model Grant Agreement (art 16 and Annex 5):*

- list of background and background free from restrictions: No
- results free from restrictions: No
- ownership of results: No
- protection of results: No
- transfer and licensing of results: No
- rights of use on results: Yes
- for EDF Research Actions: access to results for policy purposes: No
- for EDF Research Actions: access to special report: No
- for EDF Research Actions: access rights to further develop results: No

Communication, dissemination and visibility of funding: *see Model Grant Agreement (art 17 and Annex 5):*

- additional communication and dissemination activities: Yes

Specific rules for carrying out the action: *see Model Grant Agreement (art 18 and Annex 5):*

- specific rules for EDF actions: No
- specific rules for ASAP actions: Yes
- specific rules for EDF PCP Grants for Procurement: No
- place of performance obligation for EDF PCP Grants for Procurement: No
- specific rules for EDF Grants for Financial Support: No
- specific rules for blending operations: No

*Other specificities*

n/a

*Non-compliance and breach of contract*

The Grant Agreement (chapter 5) provides for the measures we may take in case of breach of contract (and other non-compliance issues).

 For more information, see [AGA – Annotated Grant Agreement](#).

## 11. How to submit an application

All proposals must be submitted directly online via the Funding & Tenders Portal Electronic Submission System. Paper applications are NOT accepted (but see special procedure for classified information below).

Part B is classified at the level of RESTREINT-UE/EU-RESTRICTED, therefore each page of the documents must be marked accordingly, whereas the Annexes are expected to be unclassified. Submission is a **2-step process**:

### a) Create a user account and register your organisation

To use the Submission System (the only way to apply), all participants need to [create an EU Login user account](#).

Once you have an EU Login account, you can [register your organisation](#) in the Participant Register. When your registration is finalised, you will receive a 9-digit participant identification code (PIC).

### b) Submit the proposal


Access the Electronic Submission System via the Topic page in the [Search Funding & Tenders](#) section.

Submit your proposal in 2 parts, as follows:

- Part A includes administrative information about the applicant organisations (future coordinator, beneficiaries, affiliated entities and associated partners) and the summarised budget for the proposal. Fill it in directly online
- Part B (prior encryption with approved offline encryptors) and Annexes are uploaded in the Portal Submission System through a password-protected single zip archive:
  - Part B must be marked as follows: RESTREINT-UE/EU-RESTRICTED in header and footer, centred in every page of the document, Character 14, font Times New Roman.
  - In order to submit the Part B electronically, the Part B MUST be encrypted with approved offline encryptors (— prior contact with the Commission is required at least 10 days before the call deadline. Please send request to [DEFIS-ASAP-PROPOSALS@ec.europa.eu](mailto:DEFIS-ASAP-PROPOSALS@ec.europa.eu), copied to [DEFIS-DEFENCE-SECURITY@ec.europa.eu](mailto:DEFIS-DEFENCE-SECURITY@ec.europa.eu))
  - Annexes (not encrypted, see *section 5*) must be added to the zip archive as PDFs (— unless other format specified).
  - The zip archive with the Part B and the Annexes must be submitted password-protected (using AES-256 encryption method), with a size of less than 100 MB.

Passwords for all files should be sent before the deadline for submission to [DEFIS-ASAP-PROPOSALS@ec.europa.eu](mailto:DEFIS-ASAP-PROPOSALS@ec.europa.eu) (together with the proposal ID and the name of the file).

In case you deem necessary to include classified information in some of the Annexes or supporting documents, they need to bear the appropriate marking and have the appropriate encryption level.

 If you do not have appropriate encryption functionality, classified information (i.e. the Part B and classified annexes, if any) can be sent by registered post in electronic file in a USB, properly marked (R-UE/EU-R), in a double envelope (DHL preferred):

CALL FOR PROPOSALS  
ASAP  
European Commission  
Directorate General Defence Industry (DEFIS) DIR A/A4  
Avenue d'Auderghem 45  
1049 Brussels  
Belgium

For sending by post, the sending date must be before the deadline for submission of the proposals.

The proposal must keep to the **page limits** (see section 5); excess pages will be disregarded.

The proposal must be submitted **before the call deadline** (see section 4). After this deadline, the system is closed and proposals can no longer be submitted.

Once the proposal is submitted, you will receive a **confirmation e-mail** (with date and time of your application). If you do not receive this confirmation e-mail, it means your proposal has NOT been submitted. If you believe this is due to a fault in the Submission System, you should immediately file a complaint via the [IT Helpdesk webform](#), explaining the circumstances and attaching a copy of the proposal (and, if possible, screenshots to show what happened).

Details on processes and procedures are described in the [Online Manual](#). The Online Manual also contains the links to FAQs and detailed instructions regarding the Portal Electronic Exchange System.

## 12. Help

As far as possible, ***please try to find the answers you need yourself***, in this and the other documentation (we have limited resources for handling direct enquiries):

- [Online Manual](#)
- FAQs on the Topic page (for call-specific questions in open calls; not applicable for actions by invitation)
- [Portal FAQ](#) (for general questions).

Please also consult the Topic page regularly, since we will use it to publish call updates. (For invitations, we will contact you directly in case of a call update).

### Contact

For individual questions on the Portal Submission System, please contact the [IT Helpdesk](#).

Non-IT related questions should be sent to the following email address: [DEFIS-ASAP-PROPOSALS@ec.europa.eu](mailto:DEFIS-ASAP-PROPOSALS@ec.europa.eu).



Call: EDF-ASAP-2023-LS-MIS - Call for proposals focused on the increase of production capacities for missiles

EU Grants: Call document (ASAP): V1.1 – 23.10.2023

Please indicate clearly the reference of the call and topic to which your question relates (*see cover page*).

## 13. Important



### IMPORTANT

- **Don't wait until the end** — Complete your application sufficiently in advance of the deadline to avoid any last minute **technical problems**. Problems due to last minute submissions (*e.g. congestion, etc*) will be entirely at your risk. Call deadlines can NOT be extended.
- **Consult** the Portal Topic page regularly. We will use it to publish updates and additional information on the call (call and topic updates).
- **Funding & Tenders Portal Electronic Exchange System** — By submitting the application, all participants **accept** to use the electronic exchange system in accordance with the [Portal Terms & Conditions](#).
- **Registration** — Before submitting the application, all beneficiaries, affiliated entities and associated partners must be registered in the [Participant Register](#). The participant identification code (PIC) (one per participant) is mandatory for the Application Form.
- **Consortium roles** — When setting up your consortium, you should think of organisations that help you reach objectives and solve problems.

The roles should be attributed according to the level of participation in the project. Main participants should participate as **beneficiaries** or **affiliated entities**; other entities can participate as associated partners, subcontractors, third parties giving in-kind contributions. **Associated partners** and third parties giving in-kind contributions should bear their own costs (they will not become formal recipients of EU funding). **Subcontracting** should normally constitute a limited part and must be performed by third parties (not by one of the beneficiaries/affiliated entities). Subcontracting going beyond 30% of the total eligible costs must be justified in the application.

- **Coordinator** — In multi-beneficiary grants, the beneficiaries participate as consortium (group of beneficiaries). They will have to choose a coordinator, who will take care of the project management and coordination and will represent the consortium towards the granting authority. In mono-beneficiary grants, the single beneficiary will automatically be coordinator.
- **Affiliated entities** — Applicants may participate with affiliated entities (i.e. entities linked to a beneficiary which participate in the action with similar rights and obligations as the beneficiaries, but do not sign the grant and therefore do not become beneficiaries themselves). They will get a part of the grant money and must therefore comply with all the call conditions and be validated (just like beneficiaries); but they do not count towards the minimum eligibility criteria for consortium composition (if any).
- **Associated partners** — Applicants may participate with associated partners (i.e. partner organisations which participate in the action but without the right to get grant money). They participate without funding and therefore do not need to be validated.
- **Consortium agreement** — For practical and legal reasons it is recommended to set up internal arrangements that allow you to deal with exceptional or unforeseen circumstances (in all cases, even if not mandatory under the Grant Agreement). The consortium agreement also gives you the possibility to redistribute the grant money according to your own consortium-internal principles and parameters (for instance, one beneficiary can reattribute its grant money to another beneficiary). The consortium agreement thus allows you to customise the EU grant to the needs inside your consortium and can also help to protect you in case of disputes.

- **Balanced project budget** — Grant applications must ensure a balanced project budget and sufficient other resources to implement the project successfully (*e.g. own contributions, income generated by the action, financial contributions from third parties, etc*). You may be requested to lower your estimated costs, if they are ineligible (including excessive).
- **No-profit rule**— Grants may in principle NOT give a profit (i.e. surplus of revenues + EU grant over costs) and this will be checked by us during the evaluation, in order to fix the lump sum. Revenues in the form of proceeds from selling products that benefitted from the grant will however not be taken into account.
- **No double funding**— There is a strict prohibition of double funding from the EU budget(except under EU Synergies actions). Outside such Synergies actions, any given action may receive only ONE grant from the EU budget and cost items may under NO circumstances be declared to two different EU actions.
- **Completed/fully financed/ongoing projects** — Proposals for projects that have already been completed or are already fully financed from other public or private sources will be rejected; proposals for projects that have already started will be assessed on a case-by-case basis (in this case, no costs can be reimbursed for activities that took place before the project starting date).
- **Combination with EU operating grants**— Combination with EU operating grants is possible, if the project remains outside the operating grant work programme and you make sure that cost items are clearly separated in your accounting and NOT declared twice (*see [AGA – Annotated Grant Agreement, art 6.2.E](#)*).
- **Multiple proposals** — Applicants may submit more than one proposal for *different* projects under the same call (and be awarded a funding for them).  
Organisations may participate in several proposals.  
BUT: if there are several proposals for *very similar* projects, only one application will be accepted and evaluated; the applicants will be asked to withdraw one of them (or it will be rejected).
- **Resubmission** — Proposals may be changed and re-submitted until the deadline for submission.
- **Rejection** — By submitting the application, all applicants accept the call conditions set out in this this Call Document (and the documents it refers to). Proposals that do not comply with all the call conditions will be **rejected**. This applies also to applicants: All applicants need to fulfil the criteria; if any one of them doesn't, they must be replaced or the entire proposal will be rejected.
- **Cancellation** — There may be circumstances which may require the cancellation of the call. In this case, you will be informed via a call or topic update. Please note that cancellations are without entitlement to compensation.
- **Language** — You can submit your proposal in any official EU language (project abstract/summary should however always be in English). For reasons of efficiency, we strongly advise you to use English for the entire application. If you need the call documentation in another official EU language, please submit a request within 10 days after call publication (for the contact information, *see section 12*).

- **Transparency** — In accordance with Article 38 of the [EU Financial Regulation](#), information about EU grants awarded is published each year on the [Europa website](#).

This includes:

- beneficiary names
- beneficiary addresses
- the purpose for which the grant was awarded
- the maximum amount awarded.

The publication can exceptionally be waived (on reasoned and duly substantiated request), if there is a risk that the disclosure could jeopardise your rights and freedoms under the EU Charter of Fundamental Rights or harm your commercial interests.

- **Data protection** — The submission of a proposal under this call involves the collection, use and processing of personal data. This data will be processed in accordance with the applicable legal framework. It will be processed solely for the purpose of evaluating your proposal, subsequent management of your grant and, if needed, programme monitoring, evaluation and communication. Details are explained in the [Funding & Tenders Portal Privacy Statement](#).

## Annex

### Guarantees and FDI screening declaration pursuant to Article 10(2) of the ASAP Regulation

#### Security restrictions

All calls under the ASAP Programme are subject to ownership control restrictions for beneficiaries and affiliated entities, meaning that they exclude the participation of entities which are established in the EU territory or in an ASAP associated country, but are controlled by a non-associated third country or non-associated third country legal entity.

Thus, for the purposes of participating in ASAP actions, beneficiaries and affiliated entities must not be subject to control by a non-associated third country or non-associated third-country entity and undergo an ownership control assessment procedure before grant signature.

Entities that do not comply with this requirement may however exceptionally participate, if they can:

- demonstrate that they have already been subject to a foreign direct investment screening within the meaning of the FDI Screening Regulation [2019/452](#)<sup>16</sup>
- or
- provide guarantees approved by the Member State/EDF associated country in which they are established. Such guarantees must be provided at the latest by grant signature.

#### FDI screening

In case an entity has undergone an FDI screening (including, where necessary, mitigation measures), this should be flagged to the granting authority in the FDI screening declaration that must be submitted together with the proposal.

The granting authority will analyse the results of the screening and the mitigation measures to ensure the participation does not contravene the security and defence interests of the EU and its Member States as established in the framework of the Common Foreign and Security Policy (CFSP) pursuant to Title V of the TEU and the objectives set out in Article 4 of the ASAP Regulation.

If needed, the granting authority may cross-check the information provided by the applicants with the notifications provided by the Member States and may, if needed, request for additional information.

#### Guarantees

The guarantees must provide assurance to the granting authority that the participation of the entity will not contravene the security and defence interests of the EU and its Member States as established in the framework of the Common Foreign and Security Policy (CFSP) pursuant to Title V of the TEU, or the objectives set out in Article 4 of the ASAP Regulation.

They must in particular substantiate that, for the purposes of the action, measures are in place to ensure that:


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<sup>16</sup> Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I , 21.3.2019, p. 1).

- **control** over the legal entity is not exercised in a manner that would restrain or restrict its ability to carry out the action and to deliver results, that would impose restrictions concerning its infrastructure, facilities, assets, resources, intellectual property or knowhow needed for the purposes of the action, or that would undermine its capabilities and standards necessary to carry out the action
- **access** by a non-associated third country or non-associated third-country entity to sensitive information relating to the action is prevented and the employees or other persons involved in the action have national security clearance issued by a Member State or an ASAP associated country, where appropriate

The guarantees may refer to the fact that the legal entity's executive management structure is established in the EU/ASAP associated country or, if considered appropriate, to specific governmental rights in the control over the legal entity.

If considered appropriate by the Member State/ASAP associated country, additional guarantees may be provided.

 For more information, see also [Guidance on participation in DEP, HE, EDF and CEF-DIG restricted calls](#).