



Single Market Programme (SMP Competition)

Call for proposals

TRAINING OF NATIONAL JUDGES IN EU COMPETITION LAW
(SMP-COMP-JUDG-2022)

Version 1.0
03 May 2022





EUROPEAN COMMISSION
Directorate-General for Competition

COMP.A – Policy and Strategy
COMP.A.04 – European Competition Network and Private Enforcement

CALL FOR PROPOSALS

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0. Introduction

This is a call for proposals for EU **action grants** under the Competition policy part of the **Single Market Programme (SMP Competition)**.

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

- Regulation 2018/1046 ([EU Financial Regulation](#))
- the basic act (SMP Regulation [2021/690](#)¹).

The call is launched in accordance with the 2022 Work Programme² and will be managed by the **European Commission, DG Competition (DG COMP)**.

The call covers the following **topic**:

SMP-COMP-JUDG-2022 — Training of National Judges in EU Competition Law

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)

¹ Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021 establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) (OJ L 153, 3.5.2021, p. 1).

² Commission Implementing Decision C(2021) 3046 final of 6 June 2021 concerning the adoption of the work programme for 2021-2024 and the financing decision for the implementation of the Single Market Programme.

- 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')
 - 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

One of the strands of the SMP Programme focuses on making the internal market more effective, including through enhanced competition policy.

Under this strand, each year, calls for proposal are launched in the area of EU competition law training.

The present call concerns national or transnational training projects in the area of EU competition law. Action grants may be awarded under the present call to support and promote judicial training with a view to foster a common legal and judicial culture of competition law.

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

SMP-COMP-JUDG-2022 — Training of National Judges in EU Competition Law

Objectives

The objective of this call for proposals is to co-finance projects aiming to train national judges in the context of enforcing European competition rules. This includes public and private enforcement of both the Antitrust rules and the State aid rules, thereby increasing the knowledge and know-how of national judges. The final aim is to ensure a coherent and consistent application of EU competition law by national courts.

These objectives can best be achieved through projects which specifically focus on the role of national judges in the application of EU competition law, their particular needs and work environments and pre-existing training and knowledge.

Themes and priorities (scope)

Projects must meet the above-mentioned objective and clearly demonstrate their EU added-value, i.e. that Union intervention in the form of funding through this grant

programme can bring additional value compared to the action of Member States alone.

The target audience must consist of national judges dealing with competition cases, as defined in the section Objectives. This also includes prosecutors, apprentice national judges, and the staff of national courts.

The target audience as defined above is hereafter referred to as 'national judges'. Training projects not addressing national judges from an eligible country are not within the scope of the present call.

Projects should address at least one of the thematic priorities listed below but may address more than one.

Priority 1: Training on the application of Articles 101 and 102 TFEU and relevant secondary law. Applicants are invited to choose at least 3 out of the 6 topics listed below:

- a) Scope of application of Article 101 (concept of undertaking, concept of agreement and concerted practice);
- b) Restrictions by object and effect under Article 101;
- c) Concept of dominance under Article 102;
- d) Exclusionary and exploitative abuses under Article 102;
- e) Concept of effect on trade between Member States;
- f) The Block exemptions for vertical agreements³, production and specialisation agreements⁴, R&D agreements⁵ and technology transfer agreements⁶, including related guidelines.

Priority 2: Training activities focusing on national laws implementing Directive 2014/104 on antitrust damages actions⁷. Applicants are invited to choose at least 2 out of the 5 topics listed below:

- a) The disclosure of evidence in proceedings relating to an action for damages;

³ Commission Regulation 330/2010 of 20 April 2010 on the [application of Article 101\(3\) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices](#).

⁴ Commission Regulation No 1218/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty to categories of specialisation agreements.

⁵ Commission Regulation No 1217/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the functioning of the European Union to categories of research and development agreements.

⁶ Commission Regulation (EU) No 316/2014 of 21 March 2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements.

⁷ European Parliament and Council Directive 2014/104/EU of 26 November 2014 on certain rules governing actions for damages under national law for infringements of competition law provisions of the Members States and of the European Union, OJ L 349, pp. 1-19 available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.349.01.0001.01.ENG.

- b) The passing on of overcharges and the interplay between damages actions relating to the same infringement but instituted by injured parties on different levels of the supply chain;
- c) The quantification of antitrust harm in the framework of damages actions, including the application of the methods for quantification identified in the Commission's Practical Guide on the Quantification of Antitrust Harm⁸;
- d) The interaction between the public and the private enforcement of competition law, focussing on both the positive interaction (how can claimants benefit from enforcement action by competition authorities) and measures to avoid negative interactions (for example limits on the disclosure of evidence and on the joint and several liability);
- e) Case management and best practices in dealing with questions of jurisdiction and applicable law and in dealing with the situation of parallel or subsequent proceedings in different Member States.

Priority 3: Training activities focusing on underlying economic principles of competition law.

Applicants are invited to choose at least one topic:

- a) Economic principles and economic reasoning (e.g., supply and demand, cost analysis, substitution and strategic interactions in different competition environments, market definitions, horizontal and vertically related markets, market power);
- b) Assessment of economic evidence/studies in litigation and its procedural handling, including a review of currently used estimation methods (qualitative and quantitative), underlining advantages and limits of them, as well as the importance of consistency, robustness and duplicability of results.

Priority 4: Training activities focusing on the application of competition law in regulated industries (such as the energy, telecommunications or pharmaceutical sector). Applicants are invited to choose at least one topic:

- a) Scope of application of competition law in regulated sectors;
- b) Concepts of an undertaking and of an association of undertakings applied to public bodies (i.e. public bodies as undertakings vs public bodies as regulatory bodies).

Priority 5: Training activities focusing on how to apply the traditional competition law concepts in Articles 101 and 102 to digital markets. Applicants are invited to choose at least 1 out of the 3 topics listed below:

- a) Market definition in digital markets (including two or multisided markets, zero price markets);

⁸ http://ec.europa.eu/competition/antitrust/actionsdamages/quantification_guide_en.pdf.

- b) Assessment of market power and dominance in digital markets (including direct and indirect network effects, dynamic efficiencies, importance of access to data, single- and multi-homing);
- c) Recent case law and decisional practice regarding digital markets and more generally potential theories of harm including new forms of collusion (use of algorithms), refusal to provide access to infrastructure (big data).

Priority 6: Training on State Aid, in light of State Aid Modernisation and the enforcement role of national courts. Applicants are invited to choose at least 2 out of the 4 topics listed below:

- a) Notion of aid⁹ (including the method of financing of the aid through parafiscal levies and the Services of General Economic interest¹⁰);
- b) The regulations adopted in the framework of the State aid modernization exercise, i.e. mainly the De minimis Regulation¹¹ and the General Block Exemption Regulation¹²;
- c) The role of national courts in implementing State aid law (based on the notice on the enforcement of State aid law by national courts¹³ and on the Recovery

⁹ Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union; OJ C 262, 19.7.2016, p. 1–50.

¹⁰ The legal framework on the Services of General Economic Interest includes the following instruments: Communication from the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest, OJ C8, 11.01.2012, p. 4–14; Commission Decision of 20 December on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, OJ L7, 11.01.2012, p. 3–10; Communication from the Commission, European Union framework for State aid in the form of public service compensation, OJ C8, 11.01.2012, p. 15–22; Commission Regulation on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest, OJ L 114 of 26.4.2012, p. 8. Commission Regulation (EU) 2018/1923 of 7 December 2018 amending Regulation (EU) No 360/2012 as regards its period of application Official Journal L 313 of 10.12.2018, p.2-3; Commission Regulation (EU) 2020/1474 of 13 October 2020 amending Regulation (EU) No 360/2012 as regards the prolongation of its period of application and a time-bound derogation for undertakings in difficulty to take into account the impact of the COVID-19 pandemic, Official Journal L 337 of 14.10.2020, p. 1–2.

¹¹ Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, OJ L 352, 24.12.2013, p. 1–8.

¹² Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 187, 26.6.2014, p. 1–78;

Commission Regulation (EU) 2017/1084 of 14 June 2017 amending Regulation (EU) No 651/2014 as regards aid for port and airport infrastructure, notification thresholds for aid for culture and heritage conservation and for aid for sport and multifunctional recreational infrastructures, and regional operating aid schemes for outermost regions and amending Regulation (EU) No 702/2014 as regards the calculation of eligible costs, OJ L 156, 20.6.2017, p. 1–18 ; Commission Regulation (EU) 2020/972 of 2 July 2020 amending Regulation (EU) No 1407/2013 as regards its prolongation and amending Regulation (EU) No 651/2014 as regards its prolongation and relevant adjustments - Official Journal L 215, 7.7.2020, p. 3–6; Commission Regulation (EU) 2021/1237 of 23 July 2021 amending Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 270, 29.7.2021, p. 39–75.

¹³ Commission notice on the enforcement of State aid rules by national courts, OJ C 305, 30.7.2021, p. 1–28.

notice¹⁴). Particular attention should be paid to the use of cooperation tools¹⁵ available to national courts;

- d) The request for provisional measures brought before the courts and its interaction with the EU Court proceedings.

Activities that can be funded (scope)

Projects must include tailored training activities on EU competition law such as:

- conferences;
- interactive, practice-oriented seminars and workshops;
- joint study visits to EU courts;
- creation of training materials and tools for face-to-face training, blended learning or e-learning such as handbooks, manuals, case-law databases, train-the-trainer events, networking platforms, videos, podcasts, etc. in combination with organisation of training activities listed above.

Trainings should be hands-on oriented, include case studies, refer to the relevant case law of the European Court of Justice and include an analysis of relevant EU jurisprudence.

The environment in which participative training for national judges takes place must be made sufficiently secure to enable participants to freely exchange views and experiences and to learn from one another, without external monitoring or interference. Projects are therefore at best exclusively addressed to national judges.

Expected impact

Projects funded under the present call should contribute to the following impacts:

- Improved coherent and consistent application of EU competition laws by national courts in the member states, including State Aid rules through the number of national judges with increased knowledge and know-how.
- Strengthened cooperation and networking possibilities among member states judges reached by the training and awareness raising activities in relation to commonly applicable EU competition laws. Enabling national judges to strive for a coherent jurisprudence when confronted with developments at the interface between competition law and new legal or economic developments.

3. Available budget

The available call budget is **EUR 1 000 000**. This budget might be increased by maximum 20%.

¹⁴ Commission Notice on the recovery of unlawful and incompatible State aid, OJ C 247, 23.7.2019, p. 1–23.

¹⁵ See in particular Article 29 of the Procedural Regulation 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union, OJ L 248, 24.9.2015, p. 9–29.

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

4. Timetable and deadlines

Timetable and deadlines (indicative)	
Call opening:	17 May 2022
Deadline for submission:	<u>26 July 2022 – 17:00:00 CET</u> (Brussels)
Evaluation:	August – October 2022
Information on evaluation results:	October - December 2022
GA signature:	December 2022 – March 2023

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.

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 and affiliated entities) 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** (*to be uploaded*):
 - detailed budget table (*template available in the Submission System*)
 - CVs (standard of core project team)
 - activity reports of last year
 - list of previous projects (key projects for the last 4 years) (*template available in Part B*)


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

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 and countries associated to the Single Market Programme or countries which are in ongoing negotiations for an association agreement and where the agreement enters into force before grant signature ([list of participating countries](#)).
 - Countries currently negotiating association agreements — For the purposes of the eligibility conditions, applicants established in third countries negotiating association to the Single Market Programme (see above) will be treated as entities established in countries already associated to the Single Market Programme if the programme association agreement with the third country concerned applies at the time of the signature of the grant agreement.
- For private bodies: be non-profit making entities

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

Natural persons — Natural persons are NOT eligible (with the exception of self-employed persons, i.e. sole traders, where the company does not have legal personality separate from that of the natural person).

International organisations — International organisations are eligible. The rules on eligible countries do not apply to them.

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 persons¹⁶.

EU bodies — EU bodies (with the exception of the European Commission Joint Research Centre) can NOT be part of the consortium.

Associations and interest groupings — Entities composed of members may participate as 'sole beneficiaries' or 'beneficiaries without legal personality'¹⁷. ⚠ 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 (with retroactive effect, if provided in the agreement).

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)¹⁸ and entities covered by Commission Guidelines No [2013/C 205/05](#)¹⁹). 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).

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

Consortium composition

n/a

Eligible activities

Eligible activities are the ones set out in above under section 2. *Objectives*.

Projects should take into account the results of projects supported by other EU funding programmes. The complementarities must be described in the project proposals (*Part B of Annex I Description of the Action*).

Projects must comply with EU policy interests and priorities outlined above under section 2. *Objectives*

Financial support to third parties is not allowed

Geographic location (target countries)

¹⁶ See Article 197(2)(c) EU Financial Regulation [2018/1046](#).

¹⁷ For the definitions, see Articles 187(2) and 197(2)(c) EU Financial Regulation [2018/1046](#).

¹⁸ 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](#).

¹⁹ Commission guidelines No [2013/C 205/05](#) on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards (OJEU C 205 of 19.07.2013, pp. 9-11).

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

Duration

Projects should normally be 24 months (extensions are possible, if duly justified and through an amendment).

Project budget

Project budgets (maximum grant amount) are expected to range between EUR 50 000 and EUR 300 000 per project.

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 'Quality' 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:

- a narrative description of the existent professional competencies/ resources that will be used to implement the project, curriculum vitae (qualifications and experiences) of the staff responsible for managing and implementing the project
- description of the consortium participants (if applicable)
- applicants' activity reports of last year
- an exhaustive list of previous projects and activities performed that are connected to the policy fields and priorities of the call.

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 participate²⁰:

- 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)
- guilty of grave professional misconduct²¹ (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

²⁰ See Articles 136 and 141 of EU Financial Regulation [2018/1046](#).

²¹ 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.

- 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 Regulation No [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 refused if it turns out that²²:

- 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 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 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:

- 1) Projects focusing on a theme that is not otherwise covered by higher ranked projects will be considered to have the highest priority.
- 2) The *ex aequo* proposals within the same topic will be prioritised according to the scores they have been awarded for the award criterion 'Relevance'. When these scores are equal, priority will be based on their scores for the criterion 'Impact'. When these scores are equal, priority will be based on their scores for the criterion 'Quality'.
- 3) If this does not allow to determine the priority, a further prioritisation can be done by considering the overall project portfolio and the creation of positive synergies between projects, or other factors related to the objectives of the call. These factors will be documented in the panel report.
- 4) After that, the remainder of the available call budget will be used to fund projects across the different topics in order to ensure a balanced spread of the geographical and thematic coverage and while respecting to the maximum

²² See Article 141 EU Financial Regulation [2018/1046](#).

possible extent the order of merit based on the evaluation of the award criteria.

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.

 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 are 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:

- **Relevance:** extent to which the proposal matches the objectives of the call and addresses the thematic priorities listed above in *section 2.*; addresses the clearly defined target group (national judges, includes prosecutors, apprentice national judges, and the staff of national courts); and demonstrates the EU added value i.e. that Union intervention in the form of funding through this grant programme can bring additional value compared to the action of Member States alone as outlined under *themes and priorities* (up to 30 points)
- **Quality**
 - Project design and implementation, organisation and cooperation arrangements:** Quality of the methodology for implementing the project (management, organisation, network, partnership as a means to successfully reach the expected target audience; quality of speakers, timetable of delivery and monitoring system); feasibility of the project within the proposed time frame (up to 30 points).
 - Value for money:** Appropriate budget for proper implementation of the project in relation to the total number of activities and themes, the type of the activities, expected size of the target audience, and the expected results corresponding to those outlined in *section 2.* That the costs allocated in each section of the budget represent a good value for money and a reasonable ratio between staff costs and overall costs of the project (up to 30 points).
- **Impact:** extent to which the proposal contributes to the *expected impact* outlined in *section 2.*, and the expected results are achievable, relevant and likely to have a sustainable impact, an appropriate dissemination strategy for ensuring sustainability of the results after EU funding ends (up to 10 points).

Award criteria	Minimum pass score	Maximum score
Relevance	20	30
Quality	40	60
Impact	n/a	10
Overall (pass) scores	60	100

Maximum points: 100 points.

Individual thresholds per criterion: 20/30 and 40/60 points.

Overall threshold: 60 points.

Proposals that pass the individual thresholds AND the overall threshold will be considered for funding — within the limits of the available call budget. 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. Retroactive application can be granted exceptionally for duly justified reasons — but never earlier than the proposal submission date.

Project duration: 24 months (extensions are possible, if duly justified and through an amendment).

Milestones and deliverables

Milestones are not applicable for SMP COMP calls. Screens/sections related to milestones can be left empty.

The 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:

- lists of participants/attendance lists
- event evaluation forms filled-in by the participants on the last day of an event
- event feedback form with the summary of scores from participants' feedback

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 awarded may be lower than the amount requested.

The grant will be a budget-based mixed actual cost grant (actual costs, with unit cost and flat-rate elements). This means that it will reimburse ONLY certain types of costs (eligible costs) and costs that were *actually* incurred for your project (NOT the *budgeted* costs). For unit costs and flat-rates, you can charge the amounts calculated as explained in the Grant Agreement (*see art 6 and Annex 2 and 2a*).

The costs will be reimbursed at the funding rate fixed in the Grant Agreement (**90%**).

Moreover, please be aware that the final grant amount may be reduced in case of non-compliance with the Grant Agreement (*e.g. improper implementation, breach of obligations, etc*).

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:

- A. Personnel costs
 - A.1 Employees,
 - A.2 Natural persons under direct contract,
 - A.3 Seconded persons
 - A.4 SME owners and natural person beneficiaries
- B. Subcontracting costs
- C. Purchase costs
 - C.1 Travel and subsistence
 - C.2 Equipment
 - C.3 Other goods, works and services
- E. Indirect costs

Specific cost eligibility conditions for this call:

- personnel costs:
 - SME owner/natural person unit cost²³: Yes
- travel and subsistence unit cost²⁴: Yes
- equipment costs: depreciation
- other cost categories:
 - costs for financial support to third parties: not allowed

²³ 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).

²⁴ 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).

- indirect cost flat-rate: 7% of the eligible direct costs (categories A-D, except volunteers costs and exempted specific cost categories, if any)
- 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
 - other ineligible costs: No.

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 **50%** of the maximum grant amount; exceptionally less or no prefinancing). The prefinancing will be paid 30 days from entry into force/10 days before starting date/financial guarantee (if required) — whichever is the latest.

There will be no **interim 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 and the costs declared.

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 formally NOT linked to individual consortium members, which means that you are free to organise how to provide the guarantee amount (*by one or several beneficiaries, for the overall amount or several guarantees for partial amounts, by the beneficiary concerned or by another beneficiary, etc*). It is however important that the requested amount is covered and that the guarantee(s) are sent to us 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.

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

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

- rights of use on results: Yes
- access rights to ensure continuity and interoperability obligations: No.

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

- communication and dissemination plan: No
- additional communication and dissemination activities: Yes.

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

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.

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 EULogin 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 (or, for calls sent by invitation to submit a proposal, through the link provided in the invitation letter).

Submit your proposal in 3 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 (description of the action) covers the technical content of the proposal. Download the mandatory word template from the Submission System, fill it in and upload it as a PDF file.
- Annexes (*see section 5*). Upload them as PDF file (single or multiple depending on the slots). Excel upload is sometimes possible, depending on the file type.

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

Documents must be uploaded to the **right category** in the Submission System otherwise the proposal might be considered incomplete and thus inadmissible.

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:

COMP-TRAINING-JUDGES@ec.europa.eu.

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** (*n/a IBA named beneficiary calls*) — 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 NOT give a profit (i.e. surplus of revenues + EU grant over costs). This will be checked by us at the end of the project.
- **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 declared to two different EU actions.
- **Completed/ongoing projects** — Proposals for projects that have already been completed 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/proposal submission).
- **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 Model 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 — 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](#).