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## Step 2: Check the compliance with the programme criteria

When developing their project and before applying for EU support, participating organisations must verify that the project respects the following criteria: eligibility, exclusion, selection and award.

### Eligibility criteria

The eligibility criteria mainly relate to the type of project and activities (including, where relevant, duration, participating organisations, etc.), the target group (e.g. status and number of participants involved) and the conditions for submitting a grant request for such a project (e.g. deadlines for submission, completeness of the application form, etc.).

To be eligible, the project must meet all the eligibility criteria relating to the Action under which the proposal is submitted. If the project does not meet these criteria at application stage, it will be rejected without being further evaluated. As an exception, in case of mobility activities and EMJMD Scholarships supported under Key Action 1 or Key Action 2, some eligibility criteria (e.g. duration, profile of participants, etc.) may only be verified during the stage of project implementation or at final report stage (not at application stage). At application stage, the applicants will be asked to declare that these criteria will be met by the project. However, if it appears at implementation or final report stage that these criteria have not been fulfilled, the participants or the activity may be considered ineligible with a consequent reduction/recovery of the EU grant initially awarded to the project.

**For British applicants**, please be aware that eligibility criteria must be complied with for the entire duration of the grant. If the United Kingdom withdraws from the European Union during the grant period without concluding an agreement with the European Union ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of the relevant provisions of the grant agreement on termination.

The specific eligibility criteria applying to each of the Actions implemented through the Erasmus+ Programme Guide are described in Part B of the Guide.

### Exclusion criteria

An applicant will be excluded from participating in calls for proposals under the Erasmus+ Programme or will be rejected from the award procedure if it is found in one of the situations described below, in accordance with articles 136-140 and/or 141 of EU Financial Regulation<sup>1</sup>:

- a. the applicant is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business

- activities are suspended, or it is in any analogous situation arising from a similar procedure provided for under Union or national law;
- b. a final judgement or a final administrative decision has established that the applicant is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
  - c. a final judgement or a final administrative decision has established that the applicant is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the applicant belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
    - i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment eligibility or selection criteria or in the performance of the legal commitment;
    - ii. entering into agreement with other persons or entities with the aim of distorting competition;
    - iii. violating intellectual property rights;
    - iv. influence the decision-making of the authorising officer responsible during the award procedure;
    - v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
  - d. a final judgement has established that the applicant is guilty of any of the following:
    - i. fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council<sup>2</sup> and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995<sup>3</sup>;
    - ii. corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997<sup>4</sup>, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA<sup>5</sup>, or corruption as defined in other applicable laws;
    - iii. conduct related to a criminal organisation as referred to in Article 2 of Council Framework Decision 2008/841/JHA<sup>6</sup>;
    - iv. money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council<sup>7</sup>;
    - v. terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA<sup>8</sup>, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
    - vi. child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council<sup>9</sup>;
  - e. the applicant has shown significant deficiencies in complying with main obligations in the performance of a legal commitment financed by the budget which has:
    1. led to the early termination of a legal commitment;
    2. led to the application of liquidated damages or other contractual penalties; or;
    3. been discovered by an authorising officer, OLAF or the Court of Auditors following checks, audits or investigations;
  - f. a final judgment or final administrative decision has established that the applicant has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95<sup>10</sup>;

- g. a final judgment or final administrative decision has established that the applicant has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business;
- h. a final judgment or final administrative decision has established that an entity has been created with the intent referred to in point (g);
- i. in the absence of a final judgement or where applicable a final administrative decision, the applicant is in one of the cases provided in (c), (d), (f) and (g) above based in particular on :
  - i. facts established in the context of audits or investigations carried out by EPPO, for those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, the Court of Auditors, OLAF or the internal auditor, or any other check, audit or control performed under the responsibility of the authorising officer;
  - ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
  - iii. facts referred to in decisions of persons and entities implementing Union funds pursuant to point (c) of the first subparagraph of Article 62(1);
  - iv. information transmitted in accordance with point (d) of Article 142(2) of EU Financial Regulation by entities implementing Union funds pursuant to point (b) of the first subparagraph of Article 62(1) of EU Financial Regulation.
  - v. decisions of the Commission relating to the infringement of the Union competition law or of a national competent authority relating to the infringement of Union or national competition law.
  - vi. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.
- j. a applicant referred to in Article 135(2) where:
  - 1. a natural or legal person who is a member of the administrative, management or supervisory body of the applicant referred to in Article 135(2), or who has powers of representation, decision or control with regard to that applicant, is in one or more of the situations referred to in points (c) to (h) above;
  - 2. a natural or legal person that assumes unlimited liability for the debts of the applicant referred to in Article 135(2) is in one or more of the situations referred to in point (a) or (b) above;
  - 3. a natural person who is essential for the award or for the implementation of the legal commitment is in one or more of the situations referred to in points (c) to (h) above;

If an applicant is in one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. They may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. This does not apply for the situations referred in point (d) of this section.

In the cases provided in (c) to (h) above, in the absence of a final judgement or where applicable a final administrative decision, the National or Executive Agency may exclude an applicant provisionally from participating in a call for proposals where their participation would constitute a serious and imminent threat to the Union's financial interests.

If the action for which the applicant has submitted its proposal foresees particular provisions for the participation of affiliated entities, the same exclusion criteria apply to affiliated entities.

Rejection from this procedure and administrative sanctions (exclusion or financial penalty) may be imposed on applicants or affiliated entities where applicable, if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

The National or Executive Agency may publish on its internet site the following information related to the exclusion and, where applicable, the financial penalty in the cases referred to in points (c) to (h) above:

- a. the name of the applicant concerned;
- b. the exclusion situation;
- c. the duration of the exclusion and/or the amount of the financial penalty.

These exclusion criteria apply to applicants under all Actions of the Erasmus+ Programme. To certify that they are not in one of the situations mentioned above, applicants for an EU grant must provide a declaration on their honour certifying that they are not in any of the situations referred above. This declaration of honour constitutes a specific section or an annex of the application form.

In case of proposals submitted on behalf of a consortium of partners, the criteria described above apply to all participating organisations involved in the project.

In accordance with Articles from 136 to 142 of the EU Financial Regulation, administrative and financial penalties may be imposed on applicants who are guilty of misrepresentation or are found to have seriously failed to meet their contractual obligations under a previous grant award procedure<sup>11</sup>.

Furthermore, the Commission considers that for the implementation of Actions covered by the Programme Guide, the following organisations are or could be in a situation of conflict of interest and therefore are or could be not eligible to participate:

- National Authorities in charge of supervising National Agencies and the implementation of the Erasmus+ Programme in their country cannot apply or participate in any Action managed by National Agencies in any country, but may apply for participation (as applicants or partners) in Actions managed by the Executive Agency or by DG EAC unless that is explicitly excluded for the Action concerned (as indicated in Part B of the Guide);
- National Agencies (sole activity of their legal entity) or National Agencies departments of legal entities dealing with activities outside the remit of National Agencies cannot apply or participate in any Action implemented through this Guide;
- Structures and networks identified or designated in the Erasmus+ Programme or in any Annual Commission Work programme adopted for the implementation of the Erasmus+ Programme for specifically receiving a financial contribution from the Commission under the implementation of the Erasmus + Programme, which are hosted by the legal entity that also hosts the National Agency, cannot apply or participate in any Action managed by Erasmus + National Agencies in any country, but may apply for participation (as applicants or partners) in Actions managed by the Executive Agency or by DG EAC unless that is explicitly excluded for the Action concerned (as indicated in Part B of the Guide); they should be able to demonstrate, before being awarded a grant or a contract, that they are not in a conflict of interest either because precautionary measures are taken by them or because their internal organisation is such that there is a clear separation of interests. Furthermore, costs and revenues of each action or activity for which the EU funds are awarded must be identified. The decision for admitting there is sufficient assurance they are not in an actual conflict of interest is taken by the Executive Agency or by DG EAC, under their own responsibility and accountability, to

which they apply;

- Legal entities hosting the Erasmus+ National Agencies but dealing with other activities inside or outside the remit of the Erasmus + Programme, as well as entities affiliated to these legal entities, cannot apply or participate in any Action managed by National Agencies in any country, but may in principle apply for participation in Actions managed by the Executive Agency or DG EAC unless that is explicitly excluded for the Action concerned (as indicated in Part B of the Guide). However, they have to demonstrate, before being awarded a grant or a contract, they are not in a conflict of interest either because precautionary measures are taken by them or because their internal organisation is such that there is a clear separation of interests.(e.g. a minimum separation of accounts, separation of reporting and decision making lines, measures to prevent access to privileged information). Furthermore, costs and revenues of each action or activity for which the EU funds are awarded must be identified. The decision for admitting there is sufficient assurance they are not in an actual conflict of interest is taken by the Institution, under their own responsibility and accountability, to which they apply.

## **Selection criteria**

Through the selection criteria, the National or Executive Agency assesses the applicant's financial and operational capacity to complete the proposed project.

## **Financial capacity**

Financial capacity means that the applicant has stable and sufficient sources of funding to maintain its activity throughout the period during which the project is being carried out or the year for which the grant is awarded and to participate in its funding.

The verification of the financial capacity does not apply to:

- public bodies, including Member States organisations<sup>12</sup>;
- international organisations.

In case of EU grant requests submitted by other types of organisations (i.e. other than those mentioned above) and not exceeding 60 000 EUR, applicants must provide a declaration on their honour certifying that they have the financial capacity to implement the project. This declaration of honour constitutes a specific section of the application form.

In case of EU grant requests submitted by other types of organisations and exceeding 60 000 EUR, the applicant must submit, in addition to the declaration of honour, the following documents through the Participant Portal:

- For Actions managed by the National Agencies: the applicant's profit and loss account and the balance sheet for the last financial year for which accounts were closed;
- For Actions managed by the Executive Agency: a Financial Capacity Form filled in with the relevant statutory accounting figures and the financial statements (including the profit and loss account, the balance sheet, and other annexes if relevant) for the last two financial years for which accounts were closed;
- For entities which cannot provide the above documents because they are newly created, a financial declaration or an insurance declaration stating the applicant's professional risks may

replace the above documents.

Organisations must upload these documents in the Participants Portal either at the time of their registration in the Portal (see section "Step1: Register in the Participants Portal" above) or when contacted by the EU validation services requesting the applicant to provide the necessary supporting documents. In case of centralised actions, this request will be sent via the messaging system embedded in the participant register.

Following a risk-assessment carried out by the National Agency and in case of doubt on the financial capacity of any of the participating organisations involved in a project if the proposal is submitted on behalf of a consortium of partners, the same documents may be requested from the participating organisations by the National Agency or the Executive Agency, even if the granted amount is below the threshold of 60 000 EUR or if the cumulated granted amount to the same organisation exceeds the threshold of 60 000 EUR.

Where the application concerns grants for a project for which the amount exceeds 750 000 EUR, in addition to the above, an audit report produced by an approved external auditor may be requested. That report shall certify the accounts for the last financial year available.

If, following the analysis of these documents, the National or Executive Agency concludes that the required financial capacity has not been proved or is not satisfactory, then they may:

- ask for further information;
- offer a grant agreement or decision with a pre-financing covered by a financial guarantee<sup>13</sup>;
- offer a grant agreement or grant decision without pre-financing or with a reduced pre-financing;
- offer a grant agreement or grant decision with pre-financing based on several instalments;
- reject the application.

## **Operational capacity**

Operational capacity means that the applicant has the necessary professional competencies and qualifications to carry out the proposed project. Applicants must provide a declaration on their honour certifying that they have the operational capacity to implement the project. In addition, if required in the application form and if the grant exceeds 60 000 EUR, applicants may be asked to submit the CVs of the key persons involved in the project to demonstrate their relevant professional experience or other supporting documents such as:

- A list of relevant publications of the main team;
- An exhaustive list of previous projects and activities performed and connected to the policy field or to this specific action.

## **Award criteria**

The award criteria allow the National or Executive Agency to evaluate the quality of the project proposals submitted in the framework of the Erasmus+ Programme.

Within the limits of the budget available for each Action, grants will be awarded to those projects

which respond to these qualitative criteria in the best way.

The full set of award criteria applying to each of the Actions implemented through the Erasmus+ Programme Guide are described in Part B of the Guide.

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- 1.
  2. DIRECTIVE (EU) 2017/1371 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 5 JULY 2017 ON THE FIGHT AGAINST FRAUD TO THE UNION'S FINANCIAL INTERESTS BY MEANS OF CRIMINAL LAW (OJ L 198, 28.7.2017, P. 29).
  3. OJ C 316, 27.11.1995, P. 48.
  4. OJ C 195, 25.6.1997, P. 1.
  5. COUNCIL FRAMEWORK DECISION 2003/568/JHA OF 22 JULY 2003 ON COMBATING CORRUPTION IN THE PRIVATE SECTOR (OJ L 192, 31.7.2003, P. 54).
  6. COUNCIL FRAMEWORK DECISION 2008/841/JHA OF 24 OCTOBER 2008 ON THE FIGHT AGAINST ORGANISED CRIME (OJ L 300, 11.11.2008, P. 42).
  7. DIRECTIVE (EU) 2015/849 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 20 MAY 2015 ON THE PREVENTION OF THE USE OF THE FINANCIAL SYSTEM FOR THE PURPOSES OF MONEY LAUNDERING OR TERRORIST FINANCING, AMENDING REGULATION (EU) NO 648/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, AND REPEALING DIRECTIVE 2005/60/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AND COMMISSION DIRECTIVE 2006/70/EC (OJ L 141, 5.6.2015, P. 73).
  8. COUNCIL FRAMEWORK DECISION 2002/475/JHA OF 13 JUNE 2002 ON COMBATING TERRORISM (OJ L 164, 22.6.2002, P.3).
  9. DIRECTIVE 2011/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 5 APRIL 2011 ON PREVENTING AND COMBATING TRAFFICKING IN HUMAN BEINGS AND PROTECTING ITS VICTIMS, AND REPLACING COUNCIL FRAMEWORK DECISION 2002/629/JHA (OJ L 101, 15.4.2011, P. 1).
  10. COUNCIL REGULATION (EC, EURATOM) NO 2988/95 OF 18 DECEMBER 1995 ON THE PROTECTION OF THE EUROPEAN COMMUNITIES FINANCIAL INTERESTS (OJ L 312, 23.12.1995, P. 1).
  11. Except for actions implemented by National Agencies
  12. Including schools, higher education institutions and organisations in the fields of education, training, youth and sport that have received over 50 % of their annual revenue from public sources over the last two years shall be considered as having the necessary financial, professional and administrative capacity to carry out activities under the Programme.
  13. The guarantee may be replaced by a joint guarantee, or from several guarantees from the participating organisations who are co-beneficiaries of the project.

