

HERCULE – III PROGRAMME 2014-2020

CALL FOR PROPOSALS – 2017

LAW TRAINING AND STUDIES

CALL TEXT:

DESCRIPTION OF THE ELIGIBLE ACTIONS AND FUNDING
CONDITIONS

DEADLINE: WEDNESDAY, 9 AUGUST 2017

The English version is the original

9 June 2017

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OUTLINE

The Hercule III Programme (“The Programme”) is an EU programme adopted by Regulation 250/2014¹ of the European Parliament and the Council. The general objective² of the Programme is to protect the Union’s financial interest and its specific objective³ is to prevent and combat fraud, corruption and any other illegal activities affecting the Union’s financial interests. The Programme is implemented by the European Anti-Fraud Office (OLAF) of the European Commission on the basis of annual work programmes. The annual work programme 2017 (AWP2017) was adopted by a Financing Decision 2017⁴ (FD2017) that provides –inter alia- for the organisation of a "Legal Training and Studies" Call for Proposals in 2017. The purpose of this call is to invite national and regional administrations as well as research and educational institutes and non-profit-making entities to submit applications for three topics⁵, aimed at:

1. Developing high-profile research activities, including studies in comparative law (including dissemination of the results and a concluding conference, where applicable);
2. Increasing cooperation and awareness among practitioners and academics (through conferences, including the organisation of the annual meeting of the presidents of the Associations for European Criminal Law and for the Protection of EU Financial Interests);
3. Developing periodical scientific publications and other tools for the dissemination of scientific knowledge.

The implementation of the specific actions shall contribute to the achievement of the programme's objectives. The overall budget in 2017 for "Law Training and Studies"⁶ amounts to EUR 500 000. The deadline for the submission of applications under this Call is: **Wednesday, 9 August 2017.**

The **maximum** EU funding for the proposed actions amounts to 80% of the eligible costs. This percentage may be increased to a maximum of 90%, in exceptional and duly justified cases as set out in section 6.2.4 of the AWP2017. The minimum budget of an action shall be EUR 40 000.

¹ Regulation (EU) No 250/2014 of 26 February 2014 of the European Parliament and of the Council establishing a programme to promote activities in the field of the protection of the financial interests of the European Union (“Hercule III” Programme) and repealing Decision No. 804/2004/EC, OJ L 84 of 20 March 2014.

² Article 3 of Regulation (EU) No. 250/2014.

³ Article 4 of Regulation (EU) No. 250/2014.

⁴ C(2017)1120 final of 22 February 2017, Commission Decision of 22 February 2017 concerning the adoption of the work programme for 2017 and the financing for the implementation of the Hercule III Programme (Financing Decision 2017 (FD2017) and Annual Work Programme 2017 (AWP2017)).

⁵ Actions 5 and 6 mentioned under section 6.2.1 "Training actions" of the AWP2017; the term "topic" replaces the term "specific action" used in the AWP2017.

⁶ This specific call is called "Law Training and Studies", replacing the terminology "Legal Training and Studies" used in the AWP2017.

1. INTRODUCTION – OLAF AND THE HERCULE III PROGRAMME

1.1 European Anti-Fraud Office (OLAF)

The European Anti-Fraud Office (OLAF) was established by Commission Decision of 28 April 1999⁷. OLAF is operationally independent but is nevertheless part of the European Commission and is, as such, bound by the administrative and legal provisions of the EU institutions. The mission of the European Anti-Fraud Office is to detect, investigate and stop fraud with EU funds. OLAF fulfils its mission by:

- carrying out independent investigations into fraud and corruption involving EU funds so as to ensure that all EU taxpayers' money reaches projects that can stimulate the creation of jobs and growth in Europe;
- contributing to strengthening citizens' trust in the EU institutions by investigating serious misconduct by EU staff and members of the EU institutions;
- developing a sound EU anti-fraud policy.

By performing its mission as effectively as possible, OLAF contributes to the efforts made by the EU institutions to guarantee that the best use is made of taxpayers' money.

1.2 Hercule III Programme

On 26 February 2014, the European Parliament and the Council of the European Union adopted Regulation (EU) No 250/2014⁸ establishing a programme to promote activities in the field of the protection of the financial interests of the European Union (Hercule III Programme, hereinafter referred to as "the Programme"). The Programme entered into force on 21 March 2014.

The general objective⁹ of the Programme "*shall be to protect the financial interests of the Union thus enhancing the competitiveness of the Union's economy and ensuring the protection of the taxpayers' money*". The specific objective¹⁰ shall be to prevent and combat fraud, corruption and any other illegal activities affecting the financial interests of the Union. The Programme is implemented by the European Anti-Fraud Office of the European Commission.

⁷ Commission Decision of 28 April 1999 establishing the European Anti-Fraud Office (OLAF) 1999/352/EC/ECSC, Euratom (OJ L 136, 31 May 1999, p.20) as amended by Commission Decision of 27 September 2013, 2013/478/EU (OJ L 257, 28 September 2013, p. 19).

⁸ Regulation (EU) No 250/2014 of 26 February 2014 of the European Parliament and of the Council establishing a programme to promote activities in the field of the protection of the financial interests of the European Union ("Hercule III" Programme) and repealing Decision No. 804/2004/EC, OJ L 84 of 20 March 2014.

⁹ Article 3 of Regulation (EU) no. 250/2014.

¹⁰ Article 4 of Regulation (EU) no. 250/2014.

The operational objectives¹¹ of the Programme are listed below:

- a) to improve the prevention and investigation of fraud and other illegal activities beyond current levels by enhancing transnational and multi-disciplinary cooperation;
- b) to increase the protection of the financial interests of the Union against fraud, facilitating the exchange of information, experiences and best practices, including staff exchanges;
- c) to strengthen the fight against fraud and other illegal activities providing technical and operational support to national investigation, and in particular customs and law enforcement, authorities;
- d) to limit the currently known exposure of the financial interests of the Union to fraud, corruption and other illegal activities with a view to reducing the development of an illegal economy in key risk areas such as organised fraud, including cigarette smuggling and counterfeiting;
- e) to enhance the degree of development of the specific legal and judicial protection of the financial interests of the Union against fraud by promoting comparative law analysis.

Article 11 of Regulation 250/2014 requires the Commission to adopt annual work programmes for the implementation of the Programme. The annual work programme 2017 (AWP2017) was adopted by a Commission Decision on 22 February 2017¹². The Programme is implemented in accordance with the Financial Regulation (FR)¹³ and its Rules of Application (RAP)¹⁴.

2. SUBJECT OF THIS CALL FOR PROPOSALS

2.1 Actions eligible for funding under the call for proposals

The Programme finances, among others, actions which enhance the degree of specific legal and judicial protection of the financial interests of the Union against fraud. The grants are awarded to applications under the conditions set out in this document.

The actions for which a grant is given must comply with the objectives of the Programme and the applicant has to **demonstrate** how this action will contribute to the achievement of the general, specific and operational objectives of the Programme.

¹¹ Article 5 of Regulation (EU) No. 250/2014.

¹² C(2017)1120 final of 22 February 2017, Commission Decision of 22 February 2017 concerning the adoption of the work programme for 2017.

¹³ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the European Union, in particular Title V (Public procurement) and Title VI (Grants)), as amended by Regulation (EU, Euratom) 2015/1929 of 28 October 2015, OJ L 286 of 30 October 2015.

¹⁴ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p.1) as amended by Commission Delegated Regulation 2015/2462 of 30 October 2015.

The AWP2017¹⁵ provides that the Commission launches a call for proposals for "Law Training and Studies" in 2017. Under this call, national and regional administrations as well as research and educational institutes and other non-profit making entities are invited to submit applications for three types of specific topics¹⁶:

1. Developing high-profile research activities, including studies in comparative law (including dissemination of the results and a concluding conference, where applicable);
2. Increasing cooperation and awareness among practitioners and academics (through conferences, including the organisation of the annual meeting of the presidents of the Associations for European Criminal Law and for the Protection of EU Financial Interests);
3. Developing periodical scientific publications and other tools for the dissemination of scientific knowledge.

2.2 Bodies and legal entities that can submit applications

The bodies eligible to receive grants under this call are¹⁷:

- National or regional administrations of a Member State which promote the strengthening of action at Union level to protect the European Union's financial interests;
- and
- Research and educational institutes and non-profit-making entities provided that they have been established and have been operating for at least one year, in a Member State and promote the strengthening of action at Union level to protect the financial interests of the Union.

Applications from third countries are subject to the conditions in Article 7 (2) of the Hercule III Regulation¹⁸.

3. EXPECTED RESULTS AND DELIVERABLES

3.1 Expected results

The applicant shall demonstrate how the expected results of the proposed action will be measured and how these results contribute to the achievement of the general, specific and operational objectives of the Hercule III Programme. Special attention shall be given to the expected results in the following areas:

¹⁵ C(2017)1120 final of 22 February 2017, in particular section 6.2 thereof.

¹⁶ Actions 5 and 6 mentioned under section 6.2.1 "Training actions" of the AWP2017.

¹⁷ Article 6 of Regulation 250/2014: "Bodies eligible for funding". The conditions for third country participation set out in the Regulation have not been met and that (therefore) only bodies located in Member States are eligible.

¹⁸ Article 7 (2) determines the conditions under which applicants from third countries may submit applications. At this moment, applicants from non-EU countries cannot submit applications.

1. Development of high-profile research activities, including comparative law studies;
2. Improved cooperation between practitioners and academics;
3. Increased awareness among the judiciary and other branches of the legal profession about the protection of the financial interests of the Union.

The above-mentioned list of results is not exhaustive and the applicants may indicate more than one category or add results it considers relevant in relation to the objectives of the Programme.

3.2 Deliverables

The results and achievements of the actions shall be reported in a **final technical report** and a **final financial report**¹⁹. These final reports shall be submitted at the latest 60 days²⁰ after the closing date indicated in the grant agreement and shall be accompanied by a letter requesting the balance payment.

The final technical report shall include:

- a) A qualitative description of the results mentioned under point 3.1 of this document. It shall contain, inter alia, information on the results achieved in relation to the initial objectives, the impact of the action and its added value in relation with the protection of the financial interests of the Union;
- b) A quantitative description of the action including information on materials distributed to participants, written outputs, agenda, list of participants and speakers, methods of dissemination, etc.;
- c) An evaluation of the event made by the beneficiary on the basis of the participants' evaluation form.

The final financial report shall include information on the financial implementation of the grant.

The results reported in the final technical report may be used by the Commission in its annual overview of the implementation of the Programme, as well as input for the final evaluation of the Programme. This annual overview is requested under Article 13 of Regulation 250/2014.

In case of conferences, six months after the event, the beneficiary shall submit a survey to the participants. The Commission will provide a set of questions for this survey (that can be extended by the beneficiary) that shall be sent to the participants, as well as a spreadsheet for processing the replies.

¹⁹ A template for both reports will be annexed to the Grant Agreement. An example of this Agreement can be downloaded from the OLAF' website, see:

http://ec.europa.eu/anti_fraud/policy/hercule/index_en.htm

²⁰ See: Article 15.4 of the grant agreement.

4. TIMETABLE

Stages	Indicative Dates
Publication of the call for proposals	June 2017
Last day for submission of questions on the call for proposals	Wednesday, 2 August 2017
Deadline for submitting the applications	Wednesday, 9 August 2017
Information to the applicants	End of October 2017 ²¹
Signature of first grant agreements	November 2017
Earliest possible date to start an action	1 December 2017 ²²
Latest date to finish an action	1 July 2019 ²³

5. PRE-CONDITIONS

The funding will be made available subject to the following pre-conditions:

- a) The overall budget in 2017 for Law Training and Studies amounts to EUR 500 000;
- b) The minimum threshold for **the total budget of an action** submitted in an application has been set at EUR 40 000. The application will be discarded if the budget of the action is lower than EUR 40 000;
- c) The Commission will award a grant to the successful applicants for the implementation of an action. This grant will not exceed 80% of the total eligible costs. The eligible costs are listed in Article 6 of the Grant Agreement and guidance is given in the "guidelines for the application form", which can be downloaded from the Commission's website. Applicants are advised to carefully examine the Guidelines before filling in the application form;
- d) In exceptional and duly justified cases, the financial support for an action may be increased to a maximum of 90% of the eligible costs. The criteria used to determine whether an action satisfies these conditions are set out in point 7.6;
- e) The applicant must indicate the source of funding for the costs of the action that are not covered by the grant. The co-financing may take the form of the beneficiary's own resources (applicant's contribution), income generated by the action (direct receipts from the action) and financial contributions from third parties (external contributions);
- f) The Commission reserves the right to award a grant that is lower than the amount requested by the applicant, if the costs of the action are considered to be too high, not justified or ineligible;

²¹ Article 128 (2) of the Financial Regulation requires the Commission to notify the applicants by 2 February 2018 at the latest on the outcome of the evaluation procedure, unless there is a large number of applications or delays attributable to applicants. Grant agreements shall be signed by 2 May 2018 at the very latest.

²² Applicants may start preparatory activities for the implementation of the action after the notification of the award of the grant. However, applicants cannot make any legal commitment or expenditures in relation to the action outside the eligibility period of the grant agreement.

²³ The end date of the action will be stipulated in the grant agreement, but the action shall not take more than 12 months for a conference and 18 months for a comparative law study.

- g) The Commission reserves the right not to award all available funds;
- h) Expenditures incurred outside the period specified in the grant agreement are not eligible and will not be taken into consideration in the determination of the final payment of the grant;
- i) The grant is given for a specific action and does not confer an obligation for the Commission to provide co-financing in subsequent years;
- j) The action has to start before the end of 2017 and shall not take more than 12 months for a conference and 18 months for a comparative law study/publication. The action must be ended by the closing date indicated in the grant agreement. An extension of the closing date will be given only in exceptional cases: the applicant should make sure that the action can be implemented within the specified timeframe.

6. PRIORITY TOPICS

The priority topics for law conferences, seminars and studies in 2017 are:

- 1) Future development of OLAF and other European bodies in charge with the protection of the financial interests of the EU, including:
 - a) the identification of new threats against the EU's financial interests (both revenues and expenditures) or as the result of new (policy) developments;
 - b) operational cooperation between OLAF, EUROJUST, EUROPOL and the future EPPO, and between them and other partners;
 - c) investigation and prosecution of criminal and administrative offences under federal systems and potential obstacles to cooperation with the future EPPO.
- 2) Gathering and use of forensic evidence in relation to the protection of the financial interests of the Union, in particular in relation to:
 - a) procedural criminal and administrative law requirements in the Member States and third countries with regard to securing digital forensic evidence in administrative and criminal investigations;
 - b) the admissibility of electronic evidence in court proceedings;
 - c) the use of audio and video recordings in administrative and criminal law investigations, especially to ensure the quality, validity and reliability of gathered evidence.
- 3) The relationship between the Union's competences to carry out on-the-spot checks and national procedural requirements applicable to administrative and criminal investigations.
- 4) The impact of discrepancies between Member States' national legal systems to combat financial cybercrime, for successfully fighting fraud, corruption and irregularities affecting the financial interests of the Union.
- 5) Legal provisions and best practices for the protection of whistle-blowers in the area of the protection of the Union's financial interests, and the impact of discrepancies between Member States' national legal systems to protect whistle-blowers and secure information and evidence from whistle-blowers and other information sources.

7. PROCEDURE FOR THE EXAMINATION OF THE APPLICATIONS

7.1 Evaluation Committee

The Commission will appoint an Evaluation Committee to examine the applications on the basis of the eligibility criteria (7.2), the operational capacity set out in the selection criteria (7.4) and the award criteria (7.5). The Evaluation Committee will adopt a list with applicants that it recommends for the award of a grant. Once this list is established, the Commission will verify the compliance with the exclusion criteria (7.3) and the financial capacity set out in the selection criteria (7.4). If an application does not successfully pass the examination of a set of criteria, it will be discarded and the applicant will be informed accordingly.

The Commission may ask an applicant to provide additional information or to clarify the supporting documents submitted in connection with the application, in particular in the case of manifest material errors.

7.2 Eligibility criteria²⁴

Eligibility criteria are used to determine whether an applicant is allowed to participate in this call for proposals. To **be eligible**, an application must:

- be submitted by an applicant as defined in point 2.2 of this document;
- be submitted by using the "Participants Portal" for non-H2020 programmes;
- propose an action having a budget of at least EUR 40 000;
- be submitted before the **deadline²⁵ of Wednesday, 9 August 2017**;
- be the **only** application submitted: a legal entity or body may submit only **one** application **under this call**.

For applicants located in the UK: Please be aware that the eligibility criteria must be complied with for the *entire* duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU derogating from that rule, you will cease to receive EU funding or be required to leave the project on the basis of Article 34.3.1 (change of the legal situation of the beneficiary) of the grant agreement.

7.3 Exclusion criteria²⁶

The Commission will **exclude** an application if the applicant is:

- **bankrupt**, being wound up, having its affairs administered by the courts, entered into an arrangement with creditors, suspended business activities or subject to any other similar proceedings or procedures under national law (including persons with unlimited liability for its debts);

²⁴ See section 5.1 (a) of the AWP2017.

²⁵ Applicants are strongly recommended to submit their application before this date to avoid any last-minute bottlenecks: after closure of the deadline, it is no longer possible to submit an application.

²⁶ See section 5.1 (b) of the AWP2017.

- declared in breach of **social security** or **tax** obligations by a final judgment or decision (including persons with unlimited liability for its debts);
- found guilty of grave **professional misconduct**²⁷ by a final judgment or decision (including persons having powers of representation, decision-making or control);
- convicted of fraud, corruption, involvement in a **criminal** organisation, money laundering, terrorism-related crimes (including terrorism financing), child labour or human trafficking (including persons having powers of representation, decision-making or control);
- shown significant deficiencies in complying with main obligations under a procurement contract, grant agreement or grant decision financed by the EU or Euratom budget (including persons having powers of representation, decision-making or control);
- found guilty of irregularities within the meaning of Article 1(2) of Regulation No 2988/95 (including persons having powers of representation, decision-making or control).

The verification of this requirement will be made by the Commission **after** the Evaluation Committee has adopted the lists of applicants it recommends for the award of a grant. The applicant has to fill in the declaration that will be made available on the Participant Portal.

7.4 Selection criteria²⁸

After verification of the eligibility criteria, the Evaluation Committee will examine each application to verify the **operational and technical capacity** of the applicant to implement the action proposed in the application. The applicant shall demonstrate that it has the **operational resources** (technical, management) and that its staff has the **professional skills, competences and qualifications** needed to successfully implement the proposed action. The applicant's staff must have a confirmed experience in the domain for which it proposes the action. This has to be demonstrated by providing the following information in the relevant sections of the application form:

- a short description of the applicant's main activities and the inclusion of an organisation chart of the organisation;
- an exhaustive list of received EU grants during the last 3 years (2014-2016);
- a short description of the team and its members that will be tasked with the implementation of the action, the allocation of tasks within the team and a description of the **relevant competences** of the team members;
- a list of projects carried out by the applicant that relate to the Hercule III programme's objectives (if applicable).

²⁷ 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 an advantage.

²⁸ See section 5.1 (c) of the AWP2017.

The examination of the **financial** capacity of the applicant will be carried out by the Commission **after** the Evaluation Committee has adopted the lists of applicants it recommends for the award of a grant.

7.5 Award criteria²⁹

The action proposed in the application has to fall in one of the categories mentioned under point 2.1 (Eligible actions), and will be examined on the basis of the following weighted award criteria (weight factors are indicated between parentheses):

1. **Added value** of the implementation of the action for the protection of the financial interests of the Union and the contribution it will make to the achievement of the general and specific objectives of the Hercule III Programme (4);
2. **Conformity with the operational objectives** of the Programme (2): Conformity of the aims of the action to one or more of the operational objectives, as described under point 1.2; the relevance of the issues addressed by the project as well as complementarity with other Union activities;
3. **Quality** (2): originality of the action; accuracy and coherence of the proposed methodology for implementing the action; organisation of work, the allocation of resources; consistency and feasibility of the planning for the implementation of the action as well as appropriateness of the envisaged activities;
4. **Value for money** (2).

Each application will be scored on a 10 points scale for each criterion. The individual scores for each criterion will be multiplied by the applicable weight factor and added. The minimum score for each criterion shall at least be 50% of the theoretical maximum score. The minimum score for the overall score shall be 60% of the theoretical maximum score. An application that does not obtain these minimum scores will be discarded. The applications with an aggregated score equal or higher than 60% of the maximum score will be ranked on the basis of their score and will be recommended for a grant, subject to the availability of sufficient financial resources.

The table below gives an overview of the average³⁰ minimum score applications must obtain.

Award criteria	Points	Weight	Threshold (minimum score)	Maximum score
Added value	1-10	4	20	40
Conformity	1-10	2	10	20
Quality	1-10	2	10	20
Value for Money	1-10	2	10	20
AND:				
Aggregated minimum score needed for all criteria: 60				

²⁹ See section 5.1 (d) of the AWP2017.

³⁰ The aggregated scores of the evaluators divided by the number of evaluators.

7.6 Criteria for co-financing grants up to 90% of the eligible costs

The Hercule III Regulation provides for the possibility to increase the maximum co-financing rate of grants from 80% to a maximum of 90% in *exceptional and duly justified cases*³¹. According to the Financing Decision 2017³², the criteria that will be used for the "Law Training and Studies" sector refer to *actions undertaken by scientific organisations that are specifically created for the promotion of studies in European criminal law and for supporting the creation of networks in this area, and have as an objective the protection of the financial interests of the Union*.

Please note that the Commission does not have an obligation to award a 90% grant, even if the applicant complies with all the criteria mentioned above.

8. SUBMISSION OF AN APPLICATION

The application has to be submitted by making use of the Participant Portal³³ developed by the Commission for the submission of applications³⁴. The "Hercule-III" section of the Participant Portal contains all relevant documents, such as the application form and the budget form as well as the facilities to upload any relevant document.

8.1 Content

The application shall be made by filling in Part A of the application form on the Participant Portal. In addition, the applicant shall fill in Part B of the application form³⁵ and shall upload the following documents:

- A scanned copy of Part B of the application form, giving full details of:
 - Description and justification of the action;
 - Timetable for the action;
 - Budget estimates, to be filled in the template spreadsheet file³⁶, with a detailed breakdown of forecasted expenditure and income. The expenditure forecasts shall be justified on the basis of direct quotes from suppliers or copies taken from suppliers' (internet) catalogues.

8.2 Language

The application may be submitted in one of the official languages of the European Union. If an application is submitted in a language other than English, German or French, a summary in English, French or German must be added.

³¹ Article 10 (4) of Regulation (EU) No. 250/2014.

³² C(2017)1120 final of 22 February 2017, section 6.2.4.

³³ <https://digit-efp-ppe.cc.cec.eu.int/acc/research/participants/portal/desktop/en/opportunities/herc/index.html>

³⁴ See: <http://ec.europa.eu/research/participants/portal/desktop/en/home.html> and:

<http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/herc/index.html>

³⁵ Part B of the application form can be downloaded from the Participant Portal.

³⁶ The template is given in a spreadsheet file that can be downloaded from the Participant Portal.

8.3 Deadline for the submission of applications

**THE DEADLINE FOR SUBMISSION OF THE APPLICATION UNDER THE
CALL FOR PROPOSALS LAW TRAINING AND STUDIES IS:
WEDNESDAY, 9 August 2017**

Once submitted, the Participant Portal will generate a receipt notification for the application, containing a reference number that shall be used in all correspondence with the Commission. The applicant is strongly recommended to submit its application a few days before the expiration of the deadline to avoid any last-minute bottlenecks.

Any other means of submission, such as delivery by hand to the premises of the European Anti-Fraud Office in Brussels, will not be accepted.

9. NOTIFICATION, IMPLEMENTATION AND PAYMENT

9.1 Notification

Applicants will be notified within a period of 6 months after the deadline mentioned under point 8.3 of the outcome of the evaluation procedure. If questions arise **as result of the examination of the eligibility, exclusion and/or selection criteria**, the Commission will contact the person indicated in the application form. The applicant is therefore strongly recommended to notify the Commission of any changes in the name(s) of the contact person(s).

If the Commission decides to award a grant to an application, the Commission will notify the applicant and will ask for a confirmation of its interest, to be given via the Participant Portal, **within 5 working days**³⁷. Upon receipt of this confirmation, a grant agreement will be prepared and signed, first by the beneficiary and then by the Commission. **The grant agreement only enters into force once the Commission has signed and applicants shall take account of this** in the planning of the action as financial commitments made for the implementation of the action before the entry into force, or after the closing date of the grant agreement, are not eligible for funding.

If an application was not successful, the applicant will receive information on the score it obtained for each criterion, its ranking as well as a short qualitative description of the justifications given by the Evaluation Committee for its score.

The examination of the applications will take place in and August-October 2017. This period may be extended if the Commission receives an unexpected high number of applications. In that case, the Commission will inform all applicants of the revised timetable for the evaluation of the applications.

³⁷ If the applicant does not confirm its interest within 5 working days, the Commission will assume that the applicant is no longer interested in receiving a grant.

9.2 Implementation

The beneficiaries undertake to carry out the action as it was presented in the application. The duration of the grant agreement shall not be longer than 12 months for a conference and 18 months for a comparative law study (from the signature of the grant agreement by both parties). **No modification to the action is permitted without the prior written approval of the Commission.**

The grant agreement must be signed by both parties before the beneficiary can make any financial commitments in order to implement the action.

9.3 Payment

An amount equivalent to 50% of the grant will be paid within 30 days of the date when the Commission signs the agreement. The balance will be paid within 60 days following receipt **and approval** of the final technical report and the final financial report. All reports have to be drafted on the basis of the templates provided.

If the eligible, incurred costs are lower than indicated in the grant agreement, the Commission will adjust the amount of the final payment accordingly by applying the co-financing rate indicated in the grant agreement. If this leads to an amount lower than the first payment of 50%, the Commission will issue a recovery order in respect of that part of the budget that is paid out but has not been used or evidenced. If the incurred costs are higher than indicated in the grant agreement, the excess will automatically be borne by the grant beneficiary and the co-financing rate will be reduced accordingly. The amount of the grant will never be increased if the incurred costs are higher than indicated in the grant agreement.

The grant may not have the purpose or effect of producing a profit for the beneficiary. Where a profit is made, the Commission shall be entitled to recover the percentage of the profit corresponding to the Union contribution to the eligible costs actually incurred by the beneficiary to carry out the action³⁸.

Within the framework of this agreement, the authorised representative of the applicant organisation must undertake to provide proof of the proper use of the grant and to allow the Commission to verify the use of the grant during the validity of the contract as well as for a period of five years from the date of payment of the balance. This may lead, where appropriate, to recovery decisions by the Commission³⁹.

³⁸ Article 125 FR.

³⁹ The Court of Auditors shall have the same rights as OLAF, notably right of access to sites and premises where the action is carried out and to all the information, including information in electronic format, needed in order to conduct checks and audits.

10. PUBLICITY

10.1 Publicity by the European Commission

All grants awarded in the course of a financial year shall be published in the Financial Transparency System (FTS⁴⁰) of the European Commission no later than the 30 June of the year following the financial year in which the grants were awarded⁴¹. The Commission shall on an on-going basis disseminate, including on relevant websites, the results of the activities supported under the Programme to increase transparency on the use of the funds⁴².

The European Commission will publish the following information:

- name of the beneficiary;
- address of the beneficiary when the latter is a legal person;
- subject of the grant;
- amount awarded.

Upon a reasoned and duly substantiated request by the beneficiary, the publication shall be waived if such disclosure risks threatening the rights and freedoms of individuals concerned as protected by the Charter of Fundamental Rights of the European Union or harm the commercial interests of the beneficiaries. The publication may also be waived if the disclosure of this information endangers operations or investigations undertaken by the beneficiary of the grant.

10.2 Publicity by the beneficiary of a grant

Under the terms of the publication and communication strategy, beneficiaries must:

- Create a link from the beneficiary's website (or dedicated website) to the Hercule III Programme website:
http://ec.europa.eu/anti-fraud/policy/hercule_en
- Insert the Commission/OLAF logo on all materials produced in relation to the action
- Mention the support from the Hercule III Programme:
 - In every publication (on the title page) or similar material (e.g. booklets, newsletters, leaflets) whether these are produced in hard copy or published electronically;
 - In electronic information (e.g. websites, audio-visual material, videos, software);
 - At information events (conferences, seminars), as follows:

"This (event, publication, conference, training session etc.) is supported by the European Union Programme Hercule III (2014-2020). This programme is implemented by the European Commission and it was established to promote activities in the field of the protection of the financial interests of the European Union. (for more information see http://ec.europa.eu/anti_fraud/about-us/funding/index_en.htm)"

⁴⁰ http://ec.europa.eu/contracts_grants/beneficiaries_en.htm,

and: http://ec.europa.eu/budget/fts/index_en.htm.

⁴¹ Art. 128(3) FR, 191(1) RAP.

⁴² Article 13(1) of Regulation (EU) No. 250/2014.

Any notice or publication by the beneficiary must specify, in whatever form and on/by whatever medium, including the internet, *"that it reflects the author's view and that the European Commission is not responsible for the views displayed in the publications and/or in conjunction with the activities for which the grant is used"*.

For publications, the following reference must also be included: *"The information contained in this publication does not necessarily reflect the position or opinion of the European Commission"*.

In the case of studies and other types of publications, the beneficiaries may be requested to provide the Commission with sufficient paper copies (if published on paper) and with an electronic version that the Commission may publish, under the conditions to be laid down in the grant agreement.

11. QUESTIONS

Questions and/or requests for additional information in relation to the submission of an application; the eligibility of an organisation; the planning of an action or the type of actions that are eligible for funding have to be transmitted by e-mail to the Participant Portal until Wednesday, 2 August 2017. The questions and answers may be anonymously published in the "Guidelines for filling in the Application" in the Participant Portal if they are relevant to other applicants. The Commission cannot guarantee that questions asked after Wednesday, 2 August 2017 will be answered before the deadline of Wednesday, 9 August 2017⁴³.

Any requests for additional information must be made in writing only to the e-mail address mentioned above (in view of the large number of enquiries, please do not telephone).

In the interest of equal treatment of applicants, the European Commission cannot issue a prior opinion on the eligibility of an applicant, an action or specific activities.

12. DATA PROTECTION

The follow-up of responses to the call for proposals will require the recording and further processing of personal data (e.g. name, address). All personal data (names, addresses, CVs, etc.) will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to processing of personal data by the institutions and bodies of the EU and on the free movement of such data⁴⁴.

Details concerning the processing of personal data are available on the privacy statement at: http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf

⁴³ The Commission will reply according to the Code of good administrative behaviour within 15 days from receipt of the question.

⁴⁴ European Union Official Journal L 8, 12.1.2001.

http://ec.europa.eu/anti_fraud/about-us/data-protection/processing-operations/not_subject_en.htm

Our replies to the questions in this form are necessary in order for your grant application to be assessed, and they will be processed solely for that purpose by the department responsible for the European Union grant Programme concerned.

On request, you may be sent personal data to correct or complete. If you have any questions relating to these data, please contact OLAF's data protection officer (DPO)⁴⁵. Beneficiaries may lodge a complaint against the processing of their personal data with the European Data Protection Supervisor⁴⁶ at any time.

Personal data may be registered in the Early Detection and Exclusion System (EDES). The EDES is the new system established by the Commission to reinforce the protection of the Union's financial interests and to ensure sound financial management. It replaces the Early Warning System and the Central Exclusion Database as of 1 January 2016. The EDES rules are found in the revised Financial Regulation⁴⁷ and are applicable since 1 January 2016 to all contracts, grant agreements, prizes, financial instruments and remunerated experts.

The information on early detection/exclusion/financial penalty may stem from:

- final judgment or final administrative decisions;
- facts and findings from the Anti-fraud office of the Commission (OLAF), Court of Auditors, audits or any other check, audit or control performed under the responsibility of the competent authorising officer;
- non-final judgments or administrative decisions;
- decisions of the European Central Bank (ECB), the European Investment Bank (EIB), the European Investment Fund or international organisations;
- cases of fraud and/or irregularity by national managing authorities under shared management;
- cases of fraud and/or irregularity by delegated entities under indirect management.

13. COMPLAINTS TO THE EUROPEAN OMBUDSMAN

At all stages of the administrative handling of the application, whenever persons or bodies involved consider that they are the victim of maladministration, they may, independently of any other avenue of appeal, submit a complaint to the European Ombudsman (<http://www.ombudsman.europa.eu>) in accordance with Article 228(1) of the Treaty on the Functioning of the European Union and as provided by the Parliament Decision of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties published in the Official Journal L 113 of 4 May 1994.

⁴⁵ OLAF-FMB-DPO@ec.europa.eu

⁴⁶ <http://www.edps.europa.eu>.

⁴⁷ Article 108 FR and Article 143 RAP.

14. ADDITIONAL INFORMATION

The following links containing useful information are available from the Commission's (OLAF) website⁴⁸ and the Participant Portal⁴⁹:

- a. the Financial Regulation 966/2012 (FR) as amended by Regulation 2015/1929 of 28 October 2015 and the Rules of Application, Commission Delegated Regulation 1268/2012 (RAP), as amended by Commission Delegated Regulation 2015/2462 of 30 October 2015;
- b. the beneficiaries of EU funding (Financial Transparency Scheme – FTS);
- c. EU funding (grants);
- d. the Hercule Programmes: Financing Decisions, Annual Work Programmes, Evaluation Report and other relevant documents;
- e. Ceilings for the reimbursement of incurred travel and subsistence costs, applicable to EU staff carrying out missions.

Applicants are advised to consult the Participant Portal in the period leading up to the submission deadline, in case announcements, updates or answers to questions (FAQs) are published.

⁴⁸ https://ec.europa.eu/anti-fraud/policy/hercule_en

⁴⁹ <https://digit-efp-ppe.cc.cec.eu.int/acc/research/participants/portal/desktop/en/opportunities/herc/index.html>