Ref. Ares(2022)5456547 - 29/07/2022

Single Market Programme

Call for proposals

Support to joint enforcement actions

SMP-IMA-2021-3-JA-2731-12302

Version 1.0
July 2022

HISTORY OF CHANGES			
Version	**Publication Date**	**Change**	**Page**
1.0	07.2022	▪ Initial version	
		▪	
		▪	

EUROPEAN INNOVATION COUNCIL AND SMES EXECUTIVE AGENCY (EISMEA)

SMP/Internal Market and Consumers

CALL FOR PROPOSALS

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0. Introduction

This is a call for proposals for EU **action grants** in the field of Market Surveillance under the Internal Market, Standardisation, Consumers and other financial services end-users part of the **Single Market Programme.**

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 2021 SMP Work Programme[2] and will be managed by the **European Innovation Council and SMEs Executive Agency (EISMEA)** (the 'Agency').

The call covers the following **topic:**

- **SMP-IMA-2021-3-JA-2731-12302 - EU support to joint enforcement actions.**

Each project application under the call must address this topic.

We invite you to read the **call documentation** carefully and in particular this Call Document and the Model Grant Agreement.

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

- the Call Document outlines the:
  - background, objectives, scope, activities that can be funded and the expected results (sections 1 and 2)
  - timetable and available budget (sections 3 and 4)
  - admissibility and eligibility conditions (including mandatory documents; sections 5 and 6)
  - criteria for financial and operational capacity and exclusion (section 7)
  - evaluation and award procedure (section 8)
  - award criteria (section 9)
  - legal and financial set-up of the Grant Agreements (section 10)
  - how to submit an application (section 11)

[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. 1-47).

[2] Annex 1 of Commission Implementing Decision C(2021)3046 final of 06.05.2021 concerning the adoption of the work programme for [2021-2024] and the financing decision for the implementation of the Programme for Single Market, competitiveness of enterprises, including small and medium sized enterprises, and European Statistics, as amended by Commission Implementing Decision C(2021)6940 of 29.9.2021.

- the MGA — Model Grant Agreement contains:
    - detailed information on all the provisions in the Grant Agreement you will have to sign in order to obtain the grant *(including cost eligibility, payment schedule, accessory obligations, etc)*.

1. Background

The free movement of products is the most developed and best established of the four freedoms making up the EU Single Market. It is easier than ever before to buy and sell in and across 27 Member States with a combined population of approximately 446 million. Consumers and other users have a wide choice and are able to shop around for the best offers, safe in the knowledge that the products they buy have been rigorously tested to ensure they are safe. Producers can reap the economies of scale that ensue from the world's biggest market. A well-functioning Single Market is vital for Europe's prosperity.

Harmonisation rules have been put in place for most products, but a good legislative framework is only as effective as those using it allow it to be. The Single Market can only be fair for people and businesses if all market players play by the rules. Alongside responsible economic operators, prepared to adapt their methods and incur the costs necessary to comply with the law, there will always be those that distort competition by unscrupulous behaviour. Unfortunately, unsafe and non-compliant products still find their way onto the market. People and Consumers still suffer harm and harmful products still pollute the environment.

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

Topic - SMP-IMA-2021-3-JA-2731-12302 - EU support to joint enforcement actions

Objectives

Objective 1 - Keep non-compliant products from the Single Market

Products which are non-compliant with Union harmonisation legislation keep finding their way on the Single Market. Market surveillance authorities sometimes lack the resources to finance product testing and other activities to promote compliance. The first objective of this call for proposals is to support authorities of the Member States of the Union in their market surveillance activities related to product testing aimed at assessing product compliance with respect to EU harmonised legislation.

The products concerned by this objective fall within the scope of one or more of the legal instruments covered by Annex I of Regulation (EU) 2019/1020[3].

Objective 2 - Support the implementation of Regulation (EU) 2019/1020

The second objective of this call for proposals is to support horizontal actions aimed at contributing to an efficient implementation of Regulation (EU) 2019/1020, and in

[3] The provisions on market surveillance of Regulation (EU) 2019/1020 cover products that are subject to the Union harmonisation legislation listed in Annex I concerning manufactured products other than food, feed, medicinal products for human and veterinary use, living plants and animals, products of human origin and products of plants and animals relating directly to their future reproduction. This ensures a uniform framework for market surveillance of those products at Union level and will help to increase the confidence of consumers and other end users in products placed on the Union market. If new Union harmonisation legislation is adopted in the future, it will be for that legislation to specify whether this Regulation is also to apply to that legislation.

particular its Article 9, which states that:

Article 9 - *Joint activities to promote compliance*

1. Market surveillance authorities may agree with other relevant authorities or with organisations representing economic operators or end users on the carrying out of joint activities that have the aim of promoting compliance, identifying non-compliance, raising awareness and providing guidance in relation to the Union harmonisation legislation with respect to specific categories of products, in particular categories of products that are often found to present a serious risk, including products offered for sale online.

2. The market surveillance authority in question and the parties referred to in paragraph 1 shall ensure that the agreement on joint activities does not lead to unfair competition between economic operators and does not affect the objectivity, independence and impartiality of the parties.

3. A market surveillance authority may use any information resulting from joint activities carried out as part of any investigation regarding non-compliance that it undertakes.

4. The market surveillance authority in question shall make the agreement on joint activities, including the names of the parties involved, available to the public and shall enter that agreement in the information and communication system referred to in Article 34. At the request of a Member State, the Network established under Article 29 shall assist in the drawing up of the agreement on joint activities.

Activities that can be funded (scope)

The following types of activities are eligible under this call for proposals: **Joint Activities.**

Activity description: A joint activity is an activity covered by Article 9 of Regulation (EU) 2019/1020 which fulfils all the following criteria:

a. at least one market surveillance authority is involved;

b. at least one other relevant authority and/ or organisation is involved;

c. the aim of the joint activity must cover one or more of the following goals:

I. promoting compliance;

II. identifying non-compliances;

III. raising awareness;

IV. providing guidance in relation to the Union harmonisation legislation;

d. the joint activity shall include cooperative elements between the involved parties in order to obtain a common outcome and the involved parties jointly contribute to the outcome of the initiative.

See for more details the **Annex** on 'GUIDANCE ON THE APPLICATION OF ARTICLE 9 2019/1020 REGARDING JOINT ACTIVITIES TO PROMOTE COMPLIANCE'.

Deliverables: activity reports, data input in ICSMS[4] if non-compliance cases are identified.

3. Available budget

The available call budget is **EUR 530 000.**

We expect to fund in total 2-3 projects (i.e. 2-3 joint activities).

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

4. Timetable and deadlines

Timetable and deadlines (indicative)	
Call opening:	1 August 2022
Deadline for submission:	30 September 2022 – 17:00:00 CET (Brussels)
Evaluation:	October 2022
Information on evaluation results:	November 2022
GA signature:	November/December 2022

5. Admissibility and documents

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

Proposals must be submitted **electronically (see section 11) to the functional mailbox** **EISMEA-MSJA-NON-FOOD-PRODUCTS-2021@ec.europa.eu**. Proposals may only be submitted **electronically following the procedure described in section 11 below.**

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

- Application Form contains:
  - Part A: administrative information about the participants (future coordinator, beneficiaries and affiliated entities) and the summarised budget for the project;
  - Part B: Technical description of the project;
- **mandatory annexes and supporting documents** *(to be submitted)*:
  - Detailed budget table;

[4] ICSMS - European Commission (europa.eu)

- Co-financing statement form;
- CVs;
- Declaration of Honour;
- Joint activity agreement (one for each joint activity)[5]

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 technical part, description of the action). 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)*.

Proposals must be submitted by a registered applicant. Please check if your organisation is already registered or register it before submitting the proposal.

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

If the proposal is not drafted in English, a translation of the full proposal would be of assistance to the evaluators.

An English summary of those proposals (not drafted in English) of maximum five pages shall be included in each proposal.

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):
  - non-profit organisation (private or public);
  - public authorities (national, regional, local);
- be established in one of the eligible countries, i.e.:
  - EU Member States (including overseas countries and territories (OCTs));
  - Members of the European Free Trade Association, which are members of the European Economic Area, in accordance with the conditions laid down in the Agreement on the European Economic Area;
  - Other non-EU countries:
    - associated to the Single Market Programme or countries which are in ongoing negotiations for an association agreement and where the

[5] see the agreement in the annex 'GUIDANCE ON THE APPLICATION OF ARTICLE 9 2019/1020 REGARDING JOINT ACTIVITIES TO PROMOTE COMPLIANCE'.

agreement enters into force before grant signature (list of participating countries)

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). *The Participant Register is the Commission online tool to register and manage the data of the organisations participating in the EU programmes. It allows consistent handling of the participants` official data and avoids multiple requests to enter the same information.* **If applicants want to participate in this call for proposals, their organisation needs to be self-registered** in the Participant Register **– before the submission of the proposal - and have obtained a 9-digit Participant Identification Code (PIC).** For the validation, participants 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.

International organisations — International organisations are NOT eligible.

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

Entities without legal personality — Entities which do not have legal personality under their national law may exceptionally participate, provided that their representatives have the capacity to undertake legal obligations on their behalf and offer guarantees for the protection of the EU financial interests equivalent to that offered by legal persons[6].

Associations and interest groupings — Entities composed of members may participate as 'sole beneficiaries' or 'beneficiaries without legal personality'[7]. ⚠ 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 — Applicants 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)[8] and entities covered by Commission Guidelines No 2013/C 205/05[9])*. Such entities are not eligible to participate in any capacity, including as beneficiaries, affiliated entities, associated partners, third parties giving in-kind contributions, subcontractors or recipients of financial support to third parties (if any).

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6 See Article 197(2)(c) EU Financial Regulation 2018/1046.

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

8 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.

9 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).

For more information, *see* *Rules for Legal Entity Validation, LEAR Appointment and Financial Capacity Assessment*.

Consortium composition

Proposals must be submitted by a consortium of at least **2 applicants** (beneficiaries; not affiliated entities).

By way of exception, an application may be submitted by one applicant, whether established specifically or not for the action, provided that:

- it is formed of minimum 3 legal entities complying each with the admissibility, eligibility, non-exclusion and selection criteria set out in this call for proposals, and implementing together the proposed action;
- the application clearly identifies the said entities.

  In that case for the purpose of declaring eligible costs as specified under section 11, the entities composing the applicant shall be treated as affiliated entities in accordance with Article 187 of the Financial Regulation.

Eligible activities

Eligible activities are the ones set out in section 2 above. Projects must comply with EU policy interests and priorities (such as environment, social, security, industrial and trade policy, etc).

Financial support to third parties is not allowed.

Duration

Projects are expected to run for **24 months maximum**.

Applications for projects scheduled to run for a longer period than 24 months will not be accepted.

Project budget

Project budgets (maximum grant amount) are expected to be of up to **EUR 265 000**.

Proposals with an EU co-financing beyond the above maximum amount will not be eligible.

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:

- general profiles (qualifications and experiences) of the staff responsible for managing and implementing the project
- description of the consortium participants
- list of previous projects (key projects for the last 4 years).

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. In case of doubt, the granting authority will however undertake an operational capacity check.

Exclusion

Applicants, which are subject to an **EU exclusion decision** or in one of the following **exclusion situations** that bar them from receiving EU funding can NOT participate[10]:

- 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 misconduct[11] (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant)
- committed fraud, corruption, links to a criminal organisation, money laundering, terrorism-related crimes (including terrorism financing), child labour or human trafficking (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant)
- shown significant deficiencies in complying with main obligations under an EU procurement contract, grant agreement, prize, expert contract, or similar (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant)
- guilty of irregularities within the meaning of Article 1(2) of 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 that[12]:

- 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

[10] See Articles 136 and 141 of EU Financial Regulation 2018/1046.

[11] 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.

[12] See Article 141 EU Financial Regulation 2018/1046.

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 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) The ex aequo proposals 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'.

2) 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.

Applicants will be informed in writing about the evaluation results at the email address indicated in the Application form (**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 agreement.

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).

9. Award criteria

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

- **Relevance of the actions in view of the objectives of the call (15 points):** clarity and consistency of project, objectives and planning; extent to which they match the themes and priorities and objectives of the call; contribution to the EU strategic and legislative context; European/trans-national dimension; impact/interest for a number of countries (EU or eligible non-EU countries); possibility to use the results in other countries; potential to develop mutual trust/cross-border cooperation:
    - How well does the project fit with the expectations/needs of the identified target group?
    - How strategically chosen are the project partners (relevance of the partners to the project)?

- To what extent do the proposed activities, composition of the partnership and the selected target group(s) demonstrate a European added value?
- Is there any complementarity between the proposed project and other actions being taken at European level?

- **Quality:**
  - **Project design and implementation (55 points):** technical quality; logical links between the identified problems, needs and solutions proposed (logical frame concept); methodology for implementing the project (concept and methodology, management, procedures, timetable, risks and risk management, monitoring and evaluation); feasibility of the project within the proposed time frame; cost effectiveness (sufficient/appropriate budget for proper implementation; best value for money);
    - How clear, coherent and ambitious is the work plan?
    - To what extent is the work plan clearly defined in terms of schedule, milestones and deliverables?
    - To what extent can the methodology and management set up be effective and ensure the high quality of the action proposed? To what extent is the budget clear and detailed, as well as effective, to implement the action?
    - To what extent is the proposed expenditure necessary for the implementation of the project?
    - Do the expected results stand in a reasonable relationship to the amount of the grant? Does the budget seem justified when compared to the expected impact?
    - To what extent the detailed budget is coherent with the work plan of the proposal? Does the breakdown of the budget, category by category, offer a way of ensuring that the amount of the grant awarded is reasonable in relation to the expected results?
  - **Project team and cooperation arrangements (15 points):** quality of the consortium and project teams; appropriate procedures and problem-solving mechanisms for cooperating within the project teams and consortium:
    - To what extent do the cooperation agreements ensure coverage of the different supply chains, including 'brick and mortar' shops, distance sales and products entering the EU?
    - How suitable is the contribution of each partner to the activities proposed?
    - Is the level of effort (hours and budget) appropriate, per work package, per task and per partner considering their skills and responsibilities?

  - To what extent can the methodology and management set up be effective and ensure the high quality of the action proposed?

- **Impact (15 points):** ambition and expected long-term impact of results on target groups/general public; appropriate dissemination strategy for ensuring sustainability and long-term impact; sustainability of results after EU funding ends:
- To what extent is the project likely to have a tangible impact on the target groups?
- How effective, innovative and convincing are the promotional and communication activities? Does the proposal contain a comprehensive communication strategy?
- Are the expected multiplying effects reasonable? To what extent does the proposal include elements of follow-up and transferability (including lessons learnt and good practices) at EU level?

Award criteria	Minimum pass score	Maximum score
Relevance	7.5	15
Quality – Project design and implementation	27.5	55
Quality –Project team and cooperation arrangements	7.5	15
Impact	7.5	15
Overall (pass) scores	60	100

Maximum points: 100 points.

Individual thresholds per criterion: 7.5/15, 27.5/55, 7.5/15, 7.5/15

Overall threshold: 60/100

Proposals that pass all 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.

Two copies of the original agreement must be signed first by the beneficiary or coordinator on behalf of the consortium and returned to the Agency immediately. The Agency will sign it last.

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

Milestones and deliverables

The milestones and deliverables for each project will be reflected in Annex 1 of the Grant Agreement taking into account the required deliverables as set out under section 2.

Form of grant, funding rate and maximum grant amount

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

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

The grant will be a budget-based mixed actual cost grant (actual costs, with unit costs). 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 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%**).

Grants may NOT produce a profit (i.e. surplus of revenues + EU grant over costs). For-profit organisations must declare their revenues and, if there is a profit, we will deduct it from the final grant amount *(see art 22.3)*.

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, 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/natural person beneficiaries without salary
- 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 cost[13]: Yes
- travel and subsistence unit cost[14]: Yes
- equipment costs: depreciation
- other cost categories:
  - costs for financial support to third parties: not allowed
- 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
  - 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 **pre-financing** to start working on the project (float of normally **50%** of the maximum grant amount; exceptionally less or no pre-financing). The pre-financing 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)*.

[13] 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).

[14] 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).

Please also note that you are responsible for keeping records on all the work done and the costs declared. The Grant Agreement contains additional record-keeping rules *(Data Sheet, point 3 and art 20)*.

Pre-financing guarantees

If a pre-financing 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 pre-financing 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.

Pre-financing 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 pre-financing (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

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

Ethics rules: *see Model Grant Agreement (art 14 and Annex 5, if any)*

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

- list of background: Yes
- rights of use on results: Yes

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

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

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

- No

Other specificities

n/a

Non-compliance and breach of contract

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

For more information, *see AGA — Annotated Grant Agreement*.

11. How to submit an application

All proposals must be submitted **electronically via the email** EISMEA-MSJA-NON-FOOD-PRODUCTS-2021@ec.europa.eu.

Applications sent by fax or paper submission will not be accepted.

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

Applications must be submitted in the correct form, duly completed dated, and signed by the person authorised to enter into legally binding commitments on behalf of the applicant organisation.

Submission is a **2-step process**:

a) **create a user account and register your organisation**

All participants need to create an EU Login user account.

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

b) **submit the proposal**

Submit your proposal, as follows:

- Application form (Part A & B). Fill it in and submit it as a PDF file.
- Annexes (*see section 5*). Submit them as PDF files, with the exception of the Detailed budgetary table, which can be submitted in excel format.

The size limit of a single message (email message) is 30 MB including its attachments. However on iPhone and iPad, the message size limit with the native email client is 10 MB, due to technical constrains.

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

The complete proposal must be submitted **before the call deadline** (*see section 4*).

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 an IT problem, you should immediately file a complaint via the functional mailbox EISMEA-MSJA-NON-FOOD-PRODUCTS-2021@ec.europa.eu, explaining the circumstances and attaching a copy of the proposal (and, if possible, screenshots to show what happened).

12. Help

Contact

Call and application related questions should be sent to the following email address: EISMEA-MSJA-NON-FOOD-PRODUCTS-2021@ec.europa.eu until 21/09/2022.

Please indicate clearly the reference of the call 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. Please allow some time to submit, in particular if documents are voluminous. In case of doubts, the time of submission will be considered as the one posted on the applicant's email.
- **Consult** the Call page on the EISMEA website regularly. We will use it to publish updates and additional information on the call (call updates).
- **Registration —** Before submitting the application, all beneficiaries, affiliated entities and associated partners must be registered in the Participant Register. The participant identification code (PIC) (one per participant) is mandatory for the Application Form.
- **Consortium roles —** When setting up your consortium, you should think of organisations that help you reach objectives and solve problems.

  The roles should be attributed according to the level of participation in the project. Main participants should participate as **beneficiaries** or **affiliated entities**; other entities can participate as associated partners, subcontractors, third parties giving in-kind contributions. **Associated partners** and third parties giving in-kind contributions should bear their own costs (they will not become formal recipients of EU funding). **Subcontracting** should normally constitute a limited part and must be performed by third parties (not by one of the beneficiaries/affiliated entities). Subcontracting going beyond 30% of the total eligible costs must be justified in the application.
- **Coordinator —** In multi-beneficiary grants, the beneficiaries participate as consortium (group of beneficiaries). They will have to choose a coordinator, who will take care of the project management and coordination and will represent the consortium towards the granting authority. In mono-beneficiary grants, the single beneficiary will automatically be coordinator.
- **Affiliated entities** — Applicants may participate with affiliated entities (i.e. entities linked to a beneficiary which participate in the action with similar rights and obligations as the beneficiaries, but do not sign the grant and therefore do not become beneficiaries themselves). They will get a part of the grant money and must therefore comply with all the call conditions and be validated (just like beneficiaries); but they do not count towards the minimum eligibility criteria for consortium composition (if any).
- **Associated partners** — Applicants may participate with associated partners (i.e. partner organisations which participate in the action but without the right to get grant money). They participate without funding and therefore do not need to be validated.
- **Consortium agreement** — For practical and legal reasons it is recommended to set up internal arrangements that allow you to deal with exceptional or unforeseen circumstances (in all cases, even if not mandatory under the Grant Agreement). The consortium agreement also gives you the possibility to redistribute the grant money according to your own consortium-internal principles and parameters (for instance, one beneficiary can reattribute its grant money to another beneficiary). The consortium agreement thus allows you to customise the EU grant to the needs inside your consortium and can also help to protect you in case of disputes.

- **Balanced project budget —** Grant applications must ensure a balanced project budget and sufficient other resources to implement the project successfully *(e.g. own contributions, income generated by the action, financial contributions from third parties, etc)*. You may be requested to lower your estimated costs, if they are ineligible (including excessive).

- **No-profit rule —** Grants may 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 be 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). Applicants can send several proposals, with each proposal containing one project.

  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. In case of resubmission you need to clearly indicate which proposal or parts of the proposal are concerned (clear reference to sender, title of message, date and time of submission).

- **Rejection —** By submitting the application, all applicants accept the call conditions set out in 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 set out in this Call; if any one of them doesn't, they must be replaced or the entire proposal will be rejected.

- **Cancellation —** There may be circumstances which may require the cancellation of the call. In this case, you will be informed via a call or topic update. Please note that cancellations are without entitlement to compensation.

- **Language —** You can submit your proposal in any official EU language (project abstract/summary should however always be in English). For reasons of efficiency, we strongly advise you to use English for the entire application. If you need the call documentation in another official EU language, please submit a request within 10 days after call publication (for the contact information, *see section 12*).

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

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

  The publication can exceptionally be waived (upon 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. Such data will be processed pursuant to Regulation (EU) No 2018/1725 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies and agencies and on the free movement of such data. 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. Unless indicated otherwise, the questions and any personal data required to evaluate the application in accordance with the call for proposals will be processed solely for that purposes by Head of Unit, EISMEA Unit I.03/SMP/Internal Market and Consumers acting as the data controller of the granting authority for this processing (email: EISMEA-MSJA-NON-FOOD-PRODUCTS-2021@ec.europa.eu).

  Personal data may be registered in the Early Detection and Exclusion System by the Commission, should the beneficiary be in one of the situations mentioned in Articles 136 and 141 of Regulation (EU, Euratom) 2018/1046. For more information see the Data Protection Notice on: https://eismea.ec.europa.eu/system/files/2021-04/EISMEA-DPN-calls.pdf.

  The beneficiaries must process personal data under the Grant Agreement in compliance with the applicable EU, international and national law on data protection (in particular, Regulation 2016/679).

  They must ensure that personal data is:

  - processed lawfully, fairly and in a transparent manner in relation to the data subjects;
  - collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
  - adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
  - accurate and, where necessary, kept up to date;
  - kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data is processed and;
  - processed in a manner that ensures appropriate security of the data.

  The beneficiaries may grant their personnel access to personal data only if it is strictly necessary for implementing, managing and monitoring the Grant Agreement.

  The beneficiaries must ensure that the personnel is subject to adequate confidentiality obligation.

  The beneficiaries must inform the persons whose data are transferred to the granting authority.

  Consequences of non-compliance

  If a beneficiary breaches any of its obligations under the Grant Agreement, the grant may be reduced.

Electronically signed on 28/07/2022 21:13 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121