



EUROPEAN ANTI-FRAUD OFFICE

HERCULE III PROGRAMME 2014-2020

CALL FOR PROPOSALS - 2015 LEGAL TRAINING AND STUDIES

Deadline

Tuesday, 22 September 2015

The English version of the Call is the original

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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 2015 (AWP2015) was adopted by a Financing Decision 2015⁴ (FD2015) that provides –inter alia- for the organisation of a "Legal Training and Studies" Call for Proposals in 2015 to invite national and regional administrations as well as research and educational institutes and non-profit-making entities to submit applications for actions⁵ aimed at:

1. Developing high-profile research activities, including studies in comparative law;
2. Improving cooperation between practitioners and academics (e.g. through conferences, seminars and workshops), including organisation of the annual meeting of the Presidents of the Associations for European Criminal Law and for the Protection of EU Financial Interests;
3. Raising the awareness of the judiciary and other branches of the legal profession about protection of the financial interests of the Union, including the publication of scientific knowledge concerning such protection.

The implementation of the specific actions shall contribute to the achievement of the programme's objectives.

The overall budget in 2015 for "Legal Training and Studies" Call amounts to EUR 500,000.

The deadline for the submission of applications under this Call is set on: **Tuesday 22 September 2015.**

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% of the eligible costs, in exceptional and duly justified cases as set out in section 7.2.3 of the FD2015. 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(2015)2234 of 8 April 2015, Commission Decision of 8 April 2015 concerning the adoption of the work programme for 2015 and the financing for the implementation of the Hercule III Programme (Financing Decision 2015 (FD2015) and Annual Work Programme 2015 (AWP2015)).

⁵ Actions mentioned under section 7.2.1 "Specific actions for Legal training and studies" of the AWP2015.

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 1999⁶. OLAF is operationally independent but is nevertheless part of the European Commission and as such is 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 250/2014⁷ 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"). This programme entered into force on 21 March 2014.

The general objective⁸ 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 objective⁹ 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.

The operational objectives¹⁰ 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;

⁶ 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).

⁷ OJ L84, 20.3.2014, p. 6: <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2014:084:SOM:EN:HTML>.

⁸ Article 4 of Regulation (EU) no. 250/2014.

⁹ Article 4 of Regulation (EU) no. 250/2014.

¹⁰ Article 5 of Regulation (EU) no. 250/2014.

- 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 2015 (AWP2015) was adopted by a Commission Decision on 8 April 2015¹¹. The Programme is implemented in accordance with the Financial Regulation (FR)¹² and its Rules of Application (RAP)¹³.

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 these specifications.

The actions for which a grant is given must comply with the objectives of the Programme and the applicant has to **demonstrate** how the action it proposes will contribute to the prevention and combating of fraud affecting the Union's financial interests.

The AWP2015¹⁴ provides that the Commission launches a Call for Proposals "Legal Training and Studies" in 2015. 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 actions¹⁵:

1. Developing high-profile research activities, including studies in comparative law;
2. Improving the cooperation between practitioners and academics (through actions such as conferences, seminars and workshops), including the organisation of the annual meeting of the Presidents of the Associations for European Criminal Law and for the Protection of the EU Financial Interests;
3. Raising the awareness of the judiciary and other branches of the legal profession for the protection of the financial interests of the Union, including the publication of scientific knowledge concerning the protection of the financial interests of the Union.

¹¹ C(2015)2234 of 8 April 2015, Commission Decision of 8 April 2015 concerning the adoption of the work programme for 2015.

¹² 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 Union and repealing Council Regulation (EC, Euratom) No 105/2002 (OJ L 298, 26.10.2012, p.1), in particular Title V (Public procurement) and Title VI (Grants).

¹³ 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).

¹⁴ C(2015)2234 final of 8 April 2015, in particular section 7.2. thereof.

¹⁵ Actions mentioned under section 7.2.1 "Specific actions for Legal training and studies" of the AWP2015.

2.2 Bodies and legal entities that can submit applications

The bodies eligible to receive grants under the Programme are¹⁶:

- National or regional administrations of a Member State which promote the strengthening of action at Union level to protect the financial interests of the Union.

Or:

- 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 Regulation¹⁷.

3. Expected results

3.1 Expected results

The actions for which funding is provided shall contribute to the:

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

3.2 Reporting

The results and achievements of the actions shall be reported in a **final technical report** and a **final financial report**¹⁸. These final reports shall be submitted at the latest 60 days¹⁹ after the closing date indicated in the grant agreement.

Beneficiaries must send, together with the request for final payment, the European Commission the following documents: 1) final technical report; 2) final financial report; 3) request for payment of the balance.

The templates for the reports are annexed to the grant agreement.

The final technical report shall include:

- a) A qualitative description of the results mentioned under 3.1. 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.

¹⁶ 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.

¹⁷ Article 7 (2) determines the conditions under which applicants from third countries may submit applications. At this moment, none of the third countries satisfies these requirements.

¹⁸ 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.

¹⁹ See Article II.23.2 of the Annex II to the grant agreement.

- b) A quantitative description of the action including information on materials distributed to participants, written outputs, 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 action, such as invoices and proofs of payment for the incurred costs.

4. TIMETABLE

STAGES	INDICATIVE DATE
Publication of the Call for Proposals	End June 2015
Last day for submission of questions on the Call for Proposals	Tuesday 15 September 2015
Deadline for submission of applications	Tuesday 22 September 2015
Information to the applicants	December 2015 ²⁰
Signature of grant agreements	January - February 2016
Earliest possible date to start an action	1 January 2016 ²¹
Latest date to finish an action	1 April 2017

5. Funding conditions

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

- a) The overall budget in 2015 for Legal 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 total budget of an action for which a grant is requested shall not be lower than this threshold;
- 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 detailed description of eligible costs is given in the "guidelines for the application form", which can be downloaded, together with the "Application Form", 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). Contributions in kind will not be taken into account.

²⁰ Article 128 (2) of the Financial Regulation requires the Commission to notify the applicants by 22 March 2016 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 15 June 2016 at the very latest.

²¹ Applicants may start preparatory activities for the implementation of an after the notification 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.

- 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;
- g) The Commission reserves the right not to award all available funds. The level of grants awarded will vary, depending on factors such as the type of the project, and the number of participants and countries involved;
- h) 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). Contributions in kind will not be taken into account.
- i) When setting the start date of the action, the applicants should take account of the indicative timetable of the evaluation procedure (see section 4, indicative timetable). The actual start date of the project will be the date agreed by the European Commission during the preparation of the grant agreement. The action must be ended by the date in the grant agreement;
- j) 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;
- k) The grant is given for a specific action and does not confer an obligation for the Commission to provide co-financing in subsequent years.

6. Priority topics

The priority topics for 2015 funding are as follows:

1. Future development of OLAF and other European bodies in charge with the protection of the financial interests of the EU (past experience and forward-looking suggestions) including the identification of new threats against the EU's financial interests (both revenues and expenditures) as the result of new (policy) developments.
2. Law and administrative practices relating to:
 - cooperation between OLAF and all anti-fraud agencies, including the customs, police and judicial authorities;
 - the fight against fraud in the Member States, including inspections and penalties in relation to VAT, in particular cooperation between fiscal and judicial authorities to investigate VAT fraud;
 - OLAF investigations, with special reference to procedural guarantees;
 - fraud prevention and fraud awareness raising, in particular blacklisting and early-warning system procedures in the policy areas in which the European Union provides substantial financial support or in which the European Union plays a significant role, such as External Assistance and Research and Development;
 - the exchange of information on suspicious transactions and its effectiveness for anti-fraud purposes including banking secrecy, fiduciary secrecy and tax secrecy.
3. National and/or EU rules on evaluating the financial dimension of fraud against the Union's financial interests and recovery of funds.
4. Mechanisms to facilitate and improve the gathering, the quality and the reliability of evidence, both for and against ("à charge et à décharge") the person(s) under investigation during an investigation into and the trial of irregularities and suspected fraud against the financial interests of the EU.
5. Penalties and limitation periods:

- comparative law study on the impact of limitation periods on the protection of financial interests under criminal law, and the relation between criminal law procedures and limitation periods for recovery;
- administrative penalties, disciplinary penalties and criminal penalties notably in the field of customs and smuggling and the relationship between them and the procedures for applying them. In particular looking at how administrative penalties are taken into account in criminal law procedures and vice versa.

7. Procedure for the examination of the applications

7.1 Evaluation Committee

The Commission will appoint an Evaluation Committee to examine the applications and to verify the compliance of each application with the procedural requirements set out in the application form (such as the timely delivery and the completeness of the application).

The Evaluation Committee will examine each application on the basis of the eligibility criteria (7.2), the exclusion criteria (7.3) and the selection criteria (7.4). After these steps are successfully completed, the Evaluation Committee will examine the content of each application on the basis of the award criteria (7.5).



The Evaluation Committee 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 criteria²²

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

- submitted by an applicant as defined in point 2.2 of this Call. Supporting documents should be annexed to the requested legal entity form (e.g. the statutes or articles of association of the applicant organisation);
- submitted in both paper and electronic format no later than Tuesday 22 September 2015 (date of postmark/courier service receipt/deposit slip serving as evidence of timely delivery);
- be submitted in writing, using the official forms (including the application form, budget form and all supporting documents requested) without any alterations, as published on the OLAF website;
- drawn up in one of the official languages of the European Union;
- the budget of an action for which a grant is requested shall not be lower than EUR 40,000;

²² See section 5.1 (a) of the AWP2015.

- the proposed action must finish on or before 1 April 2017 at the latest;
- the only application submitted: a legal entity or body may submit only **one** application **under this Call**.

7.3 Exclusion criteria²³

Applicants will be **excluded from participating** if they are in any of the situations listed in Articles 106(1), 107 and 108 of the Financial Regulation²⁴.

Applicants **must sign a declaration on their honour** certifying that they are not in one of the situations referred to in the Articles in the first paragraph. This declaration is annexed to the application form. This requirement does not apply when such certification has recently been provided in another award procedure²⁵.

7.4 Selection criteria²⁶

In accordance with the Articles 132 of the Financial Regulation¹² and article 202 of the Rules of Application¹³, the applications shall be evaluated on the basis of the selection criteria mentioned below.

7.4.1 Financial capacity

Applicants must possess the financial capacity to perform the tasks involved in the project (stable and sufficient source of funding to maintain the activity for the duration of the project), as shown by the annual accounts (balance and profit and loss account) for the last financial year for which accounts have been closed and other financial information provided in the grant application form.

The financial capacity requirement does not apply to national and regional administrations.

Applicants must contribute to the implementation of the action either by way of own resources (applicant's contribution) or, partially, through a financial contribution from third parties (external contributions) or direct receipts from the action.

Applicants must submit and sign the following documents attesting to their financial capacity:

For grants below or equal to EUR 60,000:

- A **declaration on their honour** on the selection criteria (enclosed with the application form).

For grants exceeding EUR 60,000:

- a **declaration on their honour on the selection criteria** (enclosed with the application form);

²³ See section 5.1 (b) of the AWP2015.

²⁴ The situations referred to include bankruptcy, compulsory winding-up, being under court administration, in an arrangement with creditors or any other similar proceedings; convictions of professional misconduct; non-fulfilment of social security or tax payment obligations; convictions of fraud, corruption, involvement in a criminal organisation or any other illegal activity declared in serious breach of contract in relation to activities funded by the EU budget; subject to conflict of interest; guilty of misrepresentation in supplying the required information. See also Article 131.4 of the Financial Regulation (FR).

²⁵ Art. 131.4 FR.

²⁶ See section 5.1 (c) of the AWP2015.

- one copy of the profit and loss account for the last financial year for which the accounts were closed; and
- one copy of the balance sheet for the last financial year for which the accounts were closed.

7.4.2 Technical capacity

Applicants must possess the operational resources (technical, management) and the professional skills and qualifications needed to successfully implement the proposed action.

Applicants must have a strong track record of competence and experience in the field and in particular in the type of action proposed.

This needs to be demonstrated by:

- **Up-to-date CVs** (max. two pages each)²⁷ for staff (both internal and subcontracted) who will be responsible for carrying out the project, showing relevant professional experience; in particular:
 - Staff responsible for implementing the project must have two years of experience with similar tasks (e.g. accounting, secretarial tasks, training delivery);
 - Training managers should have at least three years of experience of organising training in an international, multi-disciplinary environment; and
 - Project managers should have at least three years of experience of managing projects in an international, multi-disciplinary environment.

The Commission strongly recommends that CVs be submitted in the Europass CV format.²⁸ All CVs should clearly indicate:

- job role/function in the project;
- the contracting organisation for which the person works; and
- relevant years of experience.
- A **list of projects** carried out by the applicant that relate to the Hercule III programme's objectives; and
- An **organisation chart** showing the structure of the applicant's organisation.

For low value grants, applicants are required to sign the declaration on the honour on the selection criteria enclosed to the application form.

7.5 Award criteria²⁹

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

- **Added value of the application for the protection of the financial interests of the Union (4);**

²⁷ Only the first two pages of the CV will be taken into consideration.

²⁸ <http://europass.cedefop.europa.eu>.

²⁹ See section 5.1 (d) of the AWP2015.

- **Conformity with the operational objectives of the Programme (2):**
Conformity of the action and its objectives to 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;
- **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;
- **Value for money (2).**

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

Award criteria	Points	Weight	Min. score	Max. 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
Aggregated minimum score needed			60	

Each application will be scored on a 10 points scale for each criterion. The score awarded by the evaluators for each criterion will be multiplied by the weight factor and added. An application must obtain at least 50% of the theoretical maximum score for each criterion as well as 60% or more of the theoretical maximum aggregated score on the four criteria. An application that obtained a lower score will be discarded. The applications obtaining a score equal or higher than this threshold will be ranked on the bases of their score and will be recommended for a grant, subject to the availability of sufficient financial resources.

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**³⁰. According to the Financing Decision 2015³¹, the criteria that will be used for the Legal 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.*

8. Submission of an application

The application must be delivered:

- **Paper copy by post/delivery service/hand delivery** to the addresses mentioned under point 8.4 and under the conditions set out in the application form.
- The applicant **must also send an electronic copy by e-mail** to the Functional Mail Box indicated under point 8.4.

³⁰ Article 10 (4) of Regulation (EU) No. 250/2014.

³¹ C(2015)2234 of 8 April 2015, section 7.2.3.

8.1 Content

The application has to be submitted by using the Application Form and budget template that can be downloaded from the Commission's website³² and it should include:

Two copies (original plus one copy) of the following documents:

- A letter expressing interest in obtaining a grant, duly dated and signed;
- An application form and the relevant annex(es), duly completed, dated and signed by the person authorised to commit the applicant legally;
- Budget form, dated and signed.

The following documents are required in **a single copy**:

- The form on the legal entity of the applicant, filled in and signed;
- The financial identification form, dated, signed and stamped by the bank;
- CV of persons to be performing work in connection with the operation;
- Any additional documents in support of the application.

8.2 Language

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

8.3 Deadline for the submission of applications

The deadline for submission of the application under this Call for Proposals is:
Tuesday, 22 September 2015.

If sent **by post** (date of postmark serving as evidence of timely delivery), the application has to be sent by registered mail (with receipt notification) on Tuesday, 22 September 2015 at the very latest.

If sent **by delivery service** (date of deposit slip serving as evidence of timely delivery), the application has to be sent on Tuesday, 22 September 2015 at the very latest.

For **hand delivery** (date of acknowledgement of receipt by the Commission serving as evidence of timely delivery), the applications **can only be submitted** at the Commission's Central Mail Department before 16.00h on Tuesday, 22 September 2015. Any other means of submission³³ will not be accepted.

An electronic copy of the application **has to be sent by e-mail** on Tuesday, 22 September 2015, in the functional mailbox mentioned in point 8.4.

Applicants are advised to keep proof that they sent their applications before the deadline. If applicants are asked to prove the date they sent the application and are not able to do so, the application will be considered as undelivered. The Commission cannot be held responsible for packages which are not addressed correctly or for proposals sent in several parts which are not marked clearly enough to allow them to be properly collated.

³² http://ec.europa.eu/anti_fraud/policy/hercule-iii/index_en.htm.

³³ Such as the hand delivery to the office of the European Anti-Fraud Office.

8.4 Submission address

The electronic copy of the grant application form and containing all necessary annexes **must** be sent by electronic mail to the following mailbox (if possible in archive file format ZIP): OLAF-FMB-HERCULE-LEGAL@ec.europa.eu

The applications should prominently display the words:
"HERCULE III PROGRAMME 2015"
APPLICATION FOR HERCULE III – LEGAL TRAINING AND STUDIES

and **must** be sent to the following address:

BY POST	European Commission – European Anti-Fraud Office (OLAF) For the attention of Ms Corinna ULLRICH Head of Unit D.1 "Policy Development & Hercule" Office : J-30- 12/73 B-1049 BRUSSELS (BELGIQUE/BELGIË)
BY DELIVERY SERVICE OR HAND DELIVERY	European Commission's Central Mail Department For the attention of Ms Corinna ULLRICH Head of Unit D.1 "Policy Development & Hercule" Office : J-30- 12/73 Avenue du Bourget, 1 B-1140 EVERE – (BELGIQUE/BELGIË)

9. Notification, Implementation and Payment

9.1 Notification

Once the Commission receives the application, the applicant will receive a receipt notification which contains its reference number.

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 **during the evaluation procedure**, the Commission will contact the person indicated under §I.1.4 of 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 send the applicant a grant agreement specifying the eligible costs, the amount of the grant in Euro, the co-financing percentage and the conditions for payment and utilisation. The grant agreement has to be signed by the applicant and returned to the Commission for signature. The grant agreement only enters into force once the Commission has signed. The latter should be taken into account in the planning of the action as financial commitments made for 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 total score it obtained 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 October and November 2015. 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.

9.2 Implementation

The beneficiaries undertake to carry out the action as it was presented in the grant application. **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 annexed to the grant agreement.

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 action³⁴.

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 Commission³⁵.

³⁴ Article 125 FR

³⁵ 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 (FTS³⁶) of the European Commission no later than the 30 June of the year following the financial year in which the grants were awarded³⁷. 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 funds³⁸.

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/about-us/funding/index_en.htm;
- Insert the OLAF logo
- 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)'

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**

³⁶ http://ec.europa.eu/contracts_grants/beneficiaries_en.htm,
and: http://ec.europa.eu/budget/fts/index_en.htm.

³⁷ Art. 128(3) FR, 191(1) RAP.

³⁸ Article 13(1) of Regulation (EU) No. 250/2014.

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'**.

Beneficiaries may be asked to make the results available to the Commission in a form that is usable and suitable for their dissemination and copyright free: i.e. manuals, publications, software and internet sites.

11. Questions

Questions and/or requests for additional information in relation to this Call have to be sent by e-mail to: OLAF-FMB-HERCULE-LEGAL@ec.europa.eu until Tuesday, 15 September 2015. The questions and answers may be anonymously published in the "Guidelines for filling in the Application Form" on the Commission's internet website if they are relevant to other applicants. The Commission cannot guarantee that questions asked after 15 September 2015 will be answered before the deadline of Tuesday, 22 September 2015³⁹.

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 data⁴⁰.

Details concerning the processing of personal data are available on the privacy statement at:

http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf

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). Beneficiaries may lodge a complaint against the processing of their personal data with the European Data Protection Supervisor⁴¹ at any time.

³⁹ The Commission will reply according to the Code of good administrative behaviour within 15 working days from receipt of the question.

⁴⁰ European Union Official Journal L 8, 12.1.2001.

⁴¹ <http://www.edps.europa.eu>.

Personal data may be registered in the Early Warning System (EWS) only or both in the EWS and Central Exclusion Database (CED) by the Accounting Officer of the Commission, should you be in one of the situations mentioned in:

- the Commission Decision 792/2014 on the Early Warning System — for more information on this, please see the privacy statement: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

or

- the Commission Regulation (EC, Euratom) No 1302/2008 on the Central Exclusion Database — for more information on this, please see the privacy statement: http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE

13. Complaints to the European Ombudsman

At all stages of the administrative handling of grant files, 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>).

This is in accordance with Article 228(1) of the Treaty on the Functioning of the European Union and as provided for by Decision 94/262/ECSC, EC, Euratom of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties (Official Journal L 113 of 4 May 1994).

14. Documents

The call documents are available on the website for the call for proposals: http://ec.europa.eu/anti_fraud/policy/hercule-iii/index_en.htm.

They are intended to assist applicants in preparing their proposals and include:

1. Application form (to be filled in by the applicant)
2. Budget form (to be filled in by the applicant)
3. Guidelines for the Application form and the Budget form
4. Financial Identification Form (for new applicants)
5. Legal Entity Form (for new applicants)
6. Grant agreement model
7. Links to the following internet pages with information on:
 - the Financial Regulation 966/2012 (FR) and the Rules of Application, Commission Delegated Regulation 1268/2012 (RAP);
 - the beneficiaries of EU funding (Financial Transparency Scheme – FTS);
 - EU funding (grants);
 - The Hercule Programmes: Financing Decisions, Annual Work Programmes, Evaluation Report and other relevant documents.

Applicants are advised to consult the website for the call for proposals regularly in the period leading up to the submission deadline, in case announcements or updates are published.