



## **Call for proposals – HT.5115**

### **TRAINING OF NATIONAL JUDGES IN EU COMPETITION LAW**

#### **1. Introduction**

On 17 October 2013 the European Parliament and the Council adopted Regulation (EU) No 1382/2013<sup>1</sup> establishing a Justice Programme for the period 2014-2020. One of its specific objectives is to support and promote judicial training, including language training on legal terminology, with a view to fostering a common legal and judicial culture.

On 13 March 2017, the European Commission adopted the work programme for 2017 and the financing for the implementation of the Justice Programme<sup>2</sup> which, provides for the publication of a call for proposals to support national or transnational projects on judicial training in competition law. Thus, grants may be awarded to support and promote judicial training, including language training on legal terminology, with a view to foster a common legal and judicial culture of competition law.

The measures planned for the training of national judges and judicial cooperation will be referred to hereafter as the 'projects'.

Bodies which introduce proposals are referred to hereafter as the 'applicants'. Successful applicants which have been allocated a grant are described as the 'beneficiaries'.

#### **2. Objectives**

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

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

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<sup>1</sup> Regulation (EU) No 1382/2013 of the European Parliament and the Council of 17 December 2013 establishing a Justice Programme for the period 2014 to 2020, OJ L354/73, 28.12.2013

<sup>2</sup> C (2017) 1544 final, COMMISSION IMPLEMENTING DECISION of 13.3.2017 on concerning the adoption of the work programme for 2017 and the financing for the implementation of the Justice Programme

## 2.1 Scope and expected results

Projects must meet the above-mentioned objectives and clearly demonstrate their EU added-value. The European added value of actions, including that of small-scale and national actions, shall be assessed in the light of criteria such as their contribution to the consistent and coherent implementation of Union law and to wide public awareness about the rights deriving from it, their potential to develop mutual trust among Member States and to improve cross-border cooperation, their transnational impact, their contribution to the elaboration and dissemination of best practices or their potential to create practical tools and solutions that address cross-border or Union-wide challenges.

Contents of the projects should be tailored to the needs of the target audience. Projects should be designed using practice-oriented learning methods and/or innovative learning methods (including case studies, blended learning, and simulations). The results of the projects should have a broad and long-lasting effect.

## 2.2 Target audience

The target audience must consist of national judges dealing with competition cases, as defined in section 2 "Objectives", at national level. This also includes prosecutors, apprentice national judges, and the staff of the judges' offices or of national courts of eligible countries<sup>3</sup>.

The target audience as defined above is hereafter referred to as 'national judges'.

Judges from countries not listed as eligible countries and persons other than national judges may participate in the projects, provided that a significant proportion of the audience consists of national judges. However, the costs linked to their participation cannot be included as eligible costs.

## 3. Timetable and Budget available

	Stages	Indicative period
a)	Publication of the call	06/02/2018
b)	Deadline for submitting applications	16/04/2018
c)	Evaluation period	April - July 2018
d)	Information to applicants	August 2018
e)	Review of budgets	September - October 2018

<sup>3</sup> For the purposes of this Call, the term "eligible countries" shall mean the EU Member States with the exception of Denmark and the United Kingdom, and including the EU candidate country Albania. As mentioned in Recital 34 and 35 of Regulation 1382/2013, DK and UK have not taken part in the adoption of the aforementioned Regulation and are therefore not bound by it or subject to its application. As of 07/03/2017 Albania became one of the eligible countries within the Justice programme. If, before the deadline for submission of proposals, other countries (EEA countries, candidate countries) join the programme, a notification will be placed on the call website informing applicants that organisations from such countries can participate as applicants or partners.

f)	Signature of grant agreement and start date of the action	November - December 2018
g)	Info day in Brussels for successful applicants	November / December 2018

The total budget earmarked for co-financing projects submitted under this call is EUR 800.000.

The **maximum grant** that can be awarded is **EUR 400.000** and the **minimum is EUR 50.000**.

The Commission reserves the right not to distribute all the funds available.

#### 4. Subject-matter of the Projects

Projects should address in a tailored way the national judges, based on pre-identified training needs.

Training projects should ensure the active participation of national judges in their training activities, avoiding therefore mere lecturing.

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

##### 4.1. **There are two Areas, six Priorities and three Preferences suggested.**

Projects may address more than one Area, but must clearly indicate which one is the **main Area** and which is an **ancillary Area**.

Within an Area applicants must indicate clearly **which of the Priorities** mentioned below are addressed by their proposal. Projects should address at least one of the Priorities, but may address more than one.

Finally preference will be given to projects **considering the below stated Preferences**.

#### **Area 1: Improvement of knowledge, application and interpretation of EU competition law**

Projects should consist of training activities such as conferences, seminars, workshops, colloquia etc., as well as short or long term training courses on EU competition law. Projects under this priority should be rather oriented on advanced / in-depth trainings for national judges. Trainings should be hands-on oriented, include case studies, refer to the relevant case law of the European Court of Justice and include an analysis of relevant EU jurisprudence.

Within this area, the call focuses on the following priorities:

**Priority 1:** Training on the application of **Articles 101 and 102 TFEU** and relevant secondary Law, such as the block exemption regulations;

Applicants are invited to choose at least 3 out of the 6 topics listed below:

- a) Scope of application of Article 101 (concept of undertaking, concept of agreement and concerted practice;
- b) Restrictions by object and effect under Article 101;
- c) Concept of dominance under Article 102;
- d) Exclusionary and exploitative (in particular excessive pricing) abuses under Article 102;
- e) Concept of effect on trade between Member States;
- f) The Block exemptions for vertical agreements<sup>4</sup>, production and specialisation agreements<sup>5</sup>, R&D agreements<sup>6</sup> and technology transfer agreements<sup>7</sup>, including related guidelines.

**Priority 2:** Training activities focusing on national laws implementing **Directive 2014/104 on antitrust damages actions**<sup>8</sup>. The aim of these projects is to facilitate judges' ability to apply the new rules in an accurate and coherent manner.

Applicants are invited to choose at least 2 out of the 5 topics listed below:

- a) The disclosure of evidence in proceedings relating to an action for damages;
- b) The passing on of overcharges and the interplay between damages actions relating to the same infringement but instituted by injured parties on different levels of the supply chain;
- c) The quantification of antitrust harm in the framework of damages actions, including the application of the methods for quantification identified in the Commission's Practical Guide on the Quantification of Antitrust Harm<sup>9</sup>;
- d) The interaction between the public and the private enforcement of competition law, focussing on both the positive interaction (how can claimants benefit from enforcement action by competition authorities) and measures to avoid negative interactions (for example limits on the disclosure of evidence and on the joint and several liability);

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<sup>4</sup> Commission Regulation 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices

<sup>5</sup> Commission Regulation No 1218/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty to categories of specialisation agreements

<sup>6</sup> Commission Regulation No 1217/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the functioning of the European Union to categories of research and development agreements

<sup>7</sup> Commission Regulation (EU) No 316/2014 of 21 March 2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements

<sup>8</sup> European Parliament and Council Directive 2014/104/EU of 26 November 2014 on certain rules governing actions for damages under national law for infringements of competition law provisions of the Members States and of the European Union, OJ L 349, pp. 1-19 available at [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.349.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.349.01.0001.01.ENG).

<sup>9</sup> [http://ec.europa.eu/competition/antitrust/actionsdamages/quantification\\_guide\\_en.pdf](http://ec.europa.eu/competition/antitrust/actionsdamages/quantification_guide_en.pdf)

- e) Case management and best practices in dealing with questions of jurisdiction and applicable law and in dealing with the situation of parallel or subsequent proceedings in different Member States.

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

Applicants are invited to choose at least one topic:

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

**Priority 4:** Training activities focusing on the application of competition law in **regulated industries** (such as the energy, telecommunications or pharmaceutical sector).

Applicants are invited to choose at least one topic:

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

**Priority 5:** In the framework of State aid Modernisation and the new enforcement role of national courts, training activities focusing on **State Aid** are also recommended.

Applicants are invited to choose at least 2 out of the 4 topics listed below:

- a) Notion of aid<sup>10</sup> (including the method of financing of the aid through parafiscal levies and the Services of General Economic interest<sup>11</sup>);
- b) The regulations adopted in the framework of the State aid modernization exercise, i.e. mainly the De minimis Regulation<sup>12</sup> and the General Block Exemption Regulation<sup>13</sup>;

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<sup>10</sup> Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union; OJ C 262, 19.7.2016, p. 1–50.

<sup>11</sup> The legal framework on the Services of General Economic Interest includes the following instruments: Communication from the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest, OJ C 8, 11.01.2012, p. 4-14; Commission Decision of 20 December on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, OJ L 7, 11.01.2012, p. 3-10; Communication from the Commission, European Union framework for State aid in the form of public service compensation, OJ C 8, 11.01.2012, p. 15-22; Commission Regulation on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest, OJ L 114 of 26.4.2012, p. 8.

<sup>12</sup> Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, OJ L 352, 24.12.2013, p. 1-8.

- c) The role of national courts<sup>14</sup> in implementing State aid law (based on the notice on the enforcement of State aid law by national courts and on the Recovery notice<sup>15</sup>);
- d) The request for provisional measures brought before the courts and its interaction with the EU Court proceedings.

## AREA 2: Development of legal linguistic skills of national judges

The development of legal linguistic skills can be the main focus of a training programme.

**Priority 6:** Projects should cover legal linguistic training activities linked to the specific terminology used in the application of competition law. The main goal of the projects should be the overcoming of the geographical/linguistic barriers to the benefit of the creation of a common European judicial area.

### Distribution of financial support between different priorities and allocation of points

Please refer to the "Award Criteria Guidance HT.5115" published with this call.

#### **4.2. Preference** will be given to projects that:

- Provide for trainings foreseeing consecutive levels, building up one on another;
- Do not simply duplicate/overlap existing/planned training material or existing/future projects of other training providers at national level but that act in complementarity or that innovate;
- Address judges from several member states in one training and thus encourage networking;

## **5. Admissibility requirements**

Applications must be sent no later than the deadline for submitting applications referred to in section 3.

Applications must be submitted in writing and sent by post (see section 8) using the application form and its annexes available at [http://ec.europa.eu/competition/calls/proposals\\_open.html](http://ec.europa.eu/competition/calls/proposals_open.html).

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

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<sup>13</sup> Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 187, 26.6.2014, p. 1–78;

Commission Regulation (EU) 2017/1084 of 14 June 2017 amending Regulation (EU) No 651/2014 as regards aid for port and airport infrastructure, notification thresholds for aid for culture and heritage conservation and for aid for sport and multifunctional recreational infrastructures, and regional operating aid schemes for outermost regions and amending Regulation (EU) No 702/2014 as regards the calculation of eligible costs, OJ L 156, 20.6.2017, p. 1–18.

<sup>14</sup> Commission notice on the enforcement of State aid law by national courts, OJ C 85, 09.04.2009, p. 1–22

<sup>15</sup> Towards an effective implementation of Commission decisions ordering Member States to recover unlawful and incompatible State aid, OJ, C 272, 15.11.2007, p. 4–17

## 6. Eligibility, exclusion, selection and award criteria

### 6.1 Eligibility criteria

Projects must:

- (a) be submitted by authorities, public or private organisations duly established in one of the eligible countries, or an international organisation. Organisations of third countries may participate as associate partners but their costs cannot be considered as eligible. Furthermore they are not permitted to submit projects or to be co-applicants (co-beneficiaries). Organisations which are profit-oriented must submit applications in partnership with public entities or private non-for-profit-oriented organisations. Bodies set up by the European Union falling under Article 208 of the Financial Regulation<sup>16</sup> shall not be entitled to apply for a grant but may be associated to the application. However, their costs cannot be co-funded by the grant;
- (b) target the members of the target group as defined under point 2.2 of this call for proposal;
- (c) seek an EU grant that cannot be lower than EUR 50 000 or higher than EUR 400 000;
- (d) not be completed or have started prior to the date of submission of the grant application.

### 6.2 Exclusion criteria

#### 6.2.1 Exclusion from participation<sup>17</sup>

Applicants will be excluded from participating in this call for proposals if they are in any of the following situations:

- (a) the applicant is bankrupt, subject to insolvency or winding-up procedures, where its assets are being administered by a liquidator or by a court, where it is in an arrangement with creditors, where its business activities are suspended, or where it is in any analogous situation arising from a similar procedure provided for under national laws or regulations;
- (b) it has been established by a final judgment or a final administrative decision that the applicant is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;
- (c) it has been established by a final judgment or a final administrative decision that the applicant is guilty of grave professional misconduct by having violated applicable laws or

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<sup>16</sup> Regulation (EU, EURATOM) No 966/2012 of the EU Parliament and of the Council of 25/10/2012 on the financial rules (FR) applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 as amended.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:298:0001:0096:EN:PDF> and <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2015:286:FULL&from=FR>

Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application (RAP) 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, as amended. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012R1268&from=EN> and [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL\\_2015\\_342\\_R\\_0002&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_342_R_0002&from=EN)

<sup>17</sup> Art. 106.1 FR

regulations or ethical standards of the profession to which the applicant belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:

- (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract / grant agreement;
  - (ii) entering into agreement with other economic operators with the aim of distorting competition;
  - (iii) violating intellectual property rights;
  - (iv) attempting to influence the decision-making process of the contracting authority during the procurement / grant award procedure;
  - (v) attempting to obtain confidential information that may confer upon it undue advantages in the procurement / grant award procedure;
- (d) it has been established by a final judgment that the applicant is guilty of any of the following:
- (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the [Council Act of 26 July 1995](#);
  - (ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the [Council Act of 26 May 1997](#), and in Article 2(1) of [Council Framework Decision 2003/568/JHA](#), as well as corruption as defined in the law of the country where the contracting authority is located, the country in which the economic operator is established or the country of the performance of the contract;
  - (iii) participation in a criminal organisation, as defined in Article 2 of [Council Framework Decision 2008/841/JHA](#);
  - (iv) money laundering or terrorist financing, as defined in Article 1 of [Directive 2005/60/EC of the European Parliament and of the Council](#);
  - (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of [Council Framework Decision 2002/475/JHA](#), respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
  - (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of [Directive 2011/36/EU of the European Parliament and of the Council](#);
- (e) it has shown significant deficiencies in complying with main obligations in the performance of a contract / grant agreement financed by the budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been

discovered following checks, audits or investigations by an authorising officer, OLAF or the Court of Auditors;

- (f) it has been established by a final judgment or final administrative decision that the applicant has committed an irregularity within the meaning of Article 1(2) of [Council Regulation \(EC, Euratom\) No 2988/95](#).

#### 6.2.2 Exclusion from award<sup>18</sup>

Applicants will not be awarded a grant, in the course of the grant award procedure, if they:

- (a) are in an exclusion situation established in accordance with Article 106 of the Financial Regulation;
- (b) have misrepresented the information required as a condition for participating in the procedure or have failed to supply that information;
- (c) were previously involved in the preparation of procurement documents where this entails a distortion of competition that cannot be remedied otherwise.

Applicants must sign a declaration on their honour certifying that they are not in one of the situations referred to in Article 106.1 and 107 of the Financial Regulation. The declaration on honour is available on our website ([http://ec.europa.eu/competition/calls/proposals\\_open.html](http://ec.europa.eu/competition/calls/proposals_open.html)).

### 6.3 Selection criteria

Proposals that meet the eligibility criteria and do not fall under the exclusion criteria will be evaluated on the basis of their financial capacity and operational capacity.

#### 6.3.1 Financial capacity<sup>19</sup>

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the duration of the project and they must participate in its funding. Financial capacity will be assessed on the basis of the following supporting documents to be submitted with the application:

- a) Low value grants ( $\leq$  EUR 60 000): a declaration on their honour.
- b) Grants  $>$  EUR 60 000: a declaration on their honour and,

EITHER

the profit and loss account, the balance sheet for the last financial year for which the accounts were closed;

OR

for newly created entities, the business plan might replace the above documents.

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<sup>18</sup> Art. 107 FR

<sup>19</sup> Art. 131.3 and 132.1 FR, 202 RAP.

On the basis of these documents, if the European Commission considers that financial capacity is not proved in a satisfactory way, it may:

- request further information;
- propose a grant agreement without pre-financing;
- propose a grant agreement with a pre-financing paid in instalments;
- propose a grant agreement with a pre-financing covered by a bank guarantee<sup>20</sup>
- reject the application.

Verification of financial capacity does not apply to public bodies or international organisations.

### 6.3.2 Operational capacity<sup>21</sup>

Applicants must have the professional competencies and the qualifications necessary to complete the project or work programme. Applicants must submit a declaration on their honour, or the following supporting documents:

- the organisation's activity reports (if applicable);
- A short narrative description of which existent professional competencies/resources will be used to implement the project **and/or** curriculum vitae of the people primarily responsible for managing and implementing the operation;
- an exhaustive lists of previous projects and activities performed and connected to the policy field of a given call or to the actions to be carried out;
- an inventory of natural or economic resources involved in the project.

## 6.4 Award criteria

Only proposals meeting the above selection criteria will be evaluated. The award criteria aim to ensure that projects with a high inherent quality are selected, and that they meet as far as possible the objectives and priorities of this call in a cost effective manner. Care must be taken to seek synergies with other EU instruments and programmes and to avoid overlaps and duplications with ongoing activities.

All projects will be assessed against the following criteria:

### 1) **Relevance to the objectives, priorities and preferences of the Call (up to 30 points)**

- a) The extent to which the proposal matches the objectives of the call, the suggested relevant Areas, Priorities and Preferences announced in section 4 (up to 10 points)

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<sup>20</sup> Art. 134 FR, 206 RAP.

<sup>21</sup> Art. 131.3 and 132.1 FR, 202 RAP.

- b) Relevance of the issues addressed in relation to the geographical scope of the project and complementarity with other National/European activities, reference to a reliable needs assessment (up to 10 points)
- c) The extent to which the proposal matches the requirement of an European added value announced in section 2.1 (up to 10 points)

2) **Quality of the project as regards its design, presentation, organisation and implementation (up to 30 points)**

- a) Are the methodology (approach, detail and specificity of the proposed activities, appropriateness of the activities for the expected audience, quality of the speakers, monitoring systems etc.) and the timeframe suitable to achieve the desired outcome of the project? (up to 15 points)
- b) Does the project show the appropriate means (e.g. networks, partnership with relevant institutions, marketing strategy and capability) to successfully reach the target audience? (up to 15 points)

3) **Geographical scope of the project, expected results, dissemination and sustainability (up to 20 points).**

- a) How wide is the geographical impact in terms of expected results of the project in terms of partners, participants and the target group? (up to 10 points)
- b) Are the expected results achievable, relevant and likely to have a sustainable impact? (up to 10 points)

4) **Cost-effectiveness (up to 20 points)**

- a) Is the forward budget reasonable, given the expected results and in terms of cost per day of one trained judge (up to 10 points)?
- b) Do the costs allocated in each section of the budget represent a good value for money and a reasonable ratio between staff costs and overall costs of the project (in particular in view of the cost coverage foreseen for participants) (up to 10 points)?

To qualify for an award, the project must obtain at least 50% of the points available for criteria 1, 2 and 4 and at least 60 out of 100 points.

During the evaluation procedure the Commission may request additional documents/clarifications and necessary technical and financial adjustments. Once the evaluation procedure is completed, including the adoption of the Commission's award decision, the Commission will inform each applicant of the final decision taken and of the next steps and procedures for the preparation of the grant agreements.

## 7. Financial provisions<sup>22</sup>

- 7.1 In implementing the projects, beneficiaries should comply with the Financial Regulation (FR) (and in particular Title VI of Part One) and its Rules of Application (RAP) 2012 as amended<sup>23</sup>;
- 7.2 The grant provided by the Programme should not cover the entire cost of the action; the EU contribution is limited to maximum 80% and in exceptional and duly justified cases to maximum 90 % of the total eligible cost of the action, notably for: European, national or sub-national entities specifically created with the purpose of training national judges; European, national and sub-national associations of competition law judges; Applicants originating from EU Member States under financial assistance or surveillance (Cyprus, Greece, Ireland, Portugal, Romania and Spain).
- Consequently, at least 20% and in special cases 10% of the total eligible costs must be covered by the applicant, the partners or by another fund provider.
- 7.3 Non-cumulative award: Co-financing of a project under this Programme cannot be combined with any other co-financing by another Programme financed by the budget of the European Union;
- 7.4 The Project must not be completed or have started prior to the date of submission of the grant application;
- 7.5 Contributions in kind cannot be included in the project budget as an expense and are not accepted as co-financing, unless falling into the category introduced by recital (7) of Regulation 1382/2013;<sup>24</sup>
- 7.6 The rules on eligible costs are described in the general conditions of the draft grant agreement enclosed to this call for proposal;
- 7.7 For activities which can be carried out by both public and private bodies and entities, the non-deductible VAT incurred by public bodies and entities is to be eligible, in so far as it is paid in respect of the implementation of activities, such as training or awareness-raising, which cannot be considered as the exercise of the public authority;
- 7.8 The applicant must submit a balanced budget estimates in Euros presenting the sources of co-financing other than the budget of the EU;
- 7.9 **Costs for accommodation and meals/refreshments must be reimbursed on the basis of unit costs**, the amounts of which are established based on the accommodation and daily allowance scale for missions of the staff of the European Commission<sup>25</sup>. 50% daily rate will apply for half day seminars;

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<sup>22</sup> Additional provisions can be found in the draft Grant Agreement available on our website [http://ec.europa.eu/competition/calls/proposals\\_open.html](http://ec.europa.eu/competition/calls/proposals_open.html).

<sup>23</sup> See footnote 16.

<sup>24</sup> "The Union should facilitate training activities on the implementation of Union law by considering the salaries of participating judiciary and judicial staff incurred by the Member States' authorities as eligible costs or co-financing in kind, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ( 1 ) (the "Financial Regulation)".

<sup>25</sup> Information published with this call

- 7.10 The beneficiary (or co-beneficiaries in case of multiple beneficiaries) is the leader to whom the grant will be paid. All costs have to be incurred by the beneficiary in order to be eligible. Services/goods should be ordered by the beneficiary, and invoices issued in the name of the beneficiary. If services/goods are ordered and paid by other partners they are considered as contributions in kind, and can therefore not be included as eligible costs;
- 7.11 Projects shall not have the purpose or effect of producing profit. Profit is defined as any amount by which total real revenue for the project exceeds the total real costs. Any profit identified will entail an equivalent reduction in the final amount of the grant;
- 7.12 The Commission may award a grant lower than the amount requested. If the amount granted by the Commission is lower than the financial assistance sought by the applicant, it is up to the latter to find the necessary additional resources or to reduce the total cost of the project so as to ensure its viability without detracting from its objectives or its content. In other cases, it may be decided to grant aid only for part of the proposed activity. The Commission will not provide double financing for one and the same project;
- 7.13 The amount granted by the Commission will be proportionate to the estimated total cost of the project and will be reduced proportionally where the total real costs are lower than the total estimated costs;
- 7.14 Grants awarded shall be covered by a written agreement including the modalities for the reimbursement of a specified proportion of the eligible costs actually incurred. A grant agreement for an action with one beneficiary or with multiple beneficiaries will be used on a case by case basis, as appropriate. The agreement is a standard agreement, and its terms and conditions may not be altered or subject to negotiation;
- 7.15 Payment Conditions: as a general rule, the Commission grant is paid in two installments: a pre-financing payment (up to **50%** of the total grant) on signature of the grant agreement upon request from the beneficiary; and the balance on receipt and approval by the Commission of the final report and final financial statement of the project.

## 8. Submission of applications

- 8.1 Applications should be submitted following the standard application form accompanied by the required annexes listed in its part F.
- 8.2 The application must be signed by the person authorized to enter into legally binding commitments on behalf of the applicant.

- 8.3 Forms can be downloaded from the following website:  
[http://ec.europa.eu/competition/calls/proposals\\_open.html](http://ec.europa.eu/competition/calls/proposals_open.html)

Helpdesk: questions regarding the call for proposals may be sent by e-mail to the address COMP-TRAINING-JUDGES@ec.europa.eu.

- 8.4 Applications must be complete (**including all documents specified in Annex 'Check list for applicants'**), signed, dated and shall be submitted in duplicate (one signed original and one copy in electronic format) **no later than 16 April 2018 by post or express courier** (as evidenced by the postmark or by the acknowledgement of receipt of the express courier service):

If delivered by post to:

European Commission  
Directorate General for Competition – Unit A.4  
**HT.5115 - TRAINING OF JUDGES CFP**  
MADO 20/043  
1049 Brussels  
Belgium

If delivered by hand or express courier to:

European Commission  
Directorate General for Competition – Unit A.4  
**HT.5115 - TRAINING OF JUDGES CFP**  
Avenue du Bourget, 1  
1140 Evere  
Belgium

Please ensure that the mention: '**CALL FOR PROPOSALS – NOT TO BE OPENED BY THE REGISTRY**' is clearly mentioned on the envelope.

8.5 Applications may be submitted in one of the official languages of the European Union, but preferably in English, using the application form. If applications are submitted in a language other than English a summary must be added in English.

8.6 Applicants will be informed of the results of the assessment of their projects as soon as possible. However, applicants should be aware that the whole grant award procedure may take **up to 9 months** from the final date to submit proposals.

9. Kick-off meeting

The budget for the proposal must include travel costs to and from Brussels and 1 overnight stay (if necessary) for one or two representatives of the coordinating organisation (including at least the project coordinator, but ideally also the financial coordinator, unless this is the same person). These costs are to allow successful applicants to participate in the 1-day 'kick-off' meeting dedicated to project management, administrative aspects and reporting obligations.

10. Implementation period of the project and other aspects

10.1 Projects may have duration of maximum 24 months.

10.2 The draft grant agreement will become legally binding only after it has been countersigned by the Commission.

10.3 Once the project has been completed and within a period to be specified in the grant agreement, recipients must send the Commission, at the abovementioned address, a **final report** on the project consisting of a **final technical and financial report** accompanied by **the request for payment of the balance**. The final report should detail any obstacles encountered, the

assessment made by participants (e.g. through feedback forms), the results achieved, the dissemination of such results and the conclusions to be drawn.

- 10.4 Beneficiaries may be asked to make the results available to the Commission in a form that is usable and suitable for their dissemination and free of copyright, such as manuals, publications, software and internet websites.

## 11. Publicity

### 11.1 *By the European Commission:*

All grants awarded in the course of a financial year must be published on the Internet site of the Union institutions during the first half of the year following the closure of the budget year in respect of which they were awarded. The information may also be published using another appropriate medium, including the Official Journal of the EU. The Commission will publish the following information:

- Name and address of the beneficiary,
- Subject of the grant and final score
- Amount awarded.

Upon a reasoned and duly substantiated request by the beneficiary<sup>26</sup> at the moment of the application, 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.

### 11.2 *By the Beneficiaries:*

Beneficiaries must clearly acknowledge the European Union's contribution in all publications or in conjunction with activities for which the grant is used. In this respect, beneficiaries are required to give prominence to the name and emblem of the European Commission on all their publications, posters, programmes and other products realised under the co-financed project.

To do this they must use the text, the emblem and the disclaimer available at [http://europa.eu/about-eu/basic-information/symbols/flag/index\\_en.htm](http://europa.eu/about-eu/basic-information/symbols/flag/index_en.htm).

If this requirement is not fully complied with, the beneficiary's grant may be reduced in accordance with the provisions of the grant agreement or grant decision. In addition, he shall address an evaluation form to all participants of the project, the results of which are to be communicated to the Directorate General Competition of the European Commission.

## 12. Data protection

All personal data that will be included in the applications submitted will be processed by the Commission under Regulation No 45/2001 and according to the procedure announced with the relevant notifications submitted to the Commission's Data Protection Officer. A privacy statement

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<sup>26</sup> Art. 35 and 128.3 FR, art. 21 and 191 RAP.

informs all data subjects whose data are to be processed in the context of the proposal evaluation and ensuing grant agreement preparation, implementation and follow up.

Applicants are invited to check the [Legal Notice](http://ec.europa.eu/research/participants/portal/desktop/en/support/legal_notices.html) page ([http://ec.europa.eu/research/participants/portal/desktop/en/support/legal\\_notices.html](http://ec.europa.eu/research/participants/portal/desktop/en/support/legal_notices.html)) at regular intervals so as to be duly informed on possible updates that may occur by the deadline for submission of their proposals.