

SPECIFIC PROGRAMME "CIVIL JUSTICE" (2007-2013)

CALL FOR PROPOSALS JLS/CJ/2008-2 (Support to the activities of NGOs or other organisations through operating grants)

I. INTRODUCTION

On 25 September 2007, the European Parliament and the Council adopted Decision No 1149/2007/EC establishing for the period 2007-2013 the Specific Programme "Civil Justice" as part of the General Programme 'Fundamental Rights and Justice', in order to contribute to the strengthening of the area of Freedom, Security and Justice over the period of 2007 - 2013.

II. SCOPE OF THE CALL

Grants awarded under this call ('operating grants') are intended to support the functioning of non-governmental organisations (NGOs) or other entities pursuing an aim of general European interest or which have an objective forming part of a European Union policy, in accordance with the general and specific objectives of the Civil Justice Programme and the provisions set forth in this call for proposals.

NOTE: Unlike an EC grant for a transnational action ('action grants'), which helps to co-finance a one-off action over a given period (which has a budget that is specific to that action separate from the body's other activities), an operating grant has a broader scope. Its purpose, under this call for proposals, is to provide financial support for the existence and functioning of an organisation, in accordance with its annual work programme and for its financial accounting year starting in 2009.

III. GENERAL OBJECTIVES OF THE PROGRAMME

The Civil Justice Programme has the following **general objectives**:

- (a) to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence;
- (b) to promote the elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States;
- (c) to improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice;
- (d) to improve the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals.

IV. WHO CAN APPLY?

To be eligible for an operating grant, organisations must pursue an aim of general interest or have an objective forming part of a European Union policy. More specifically, the Civil Justice Programme will only consider proposals from organisations (NGOs, voluntary associations, foundations or similar bodies) that fulfil all of the following requirements:

- The organisation is non-profit making;
- The organisation is legally established in accordance with the law of one of the EU Member States (except Denmark)¹;
- The organisation pursues activities with a European dimension involving, as general rule, at least 13 EU Member States; and
- The organisation carries out activities that correspond to one or more objectives of the Specific Programme Civil Justice (see above under heading III).

For the purposes of this call for proposals, the definition of organisations that pursue activities with a European dimension is the following:

- Organisations that have a corporate or organisational structure in at least 13 EU Member States through their own offices or branches; or
- Organisations that work through a formalised cooperation with partner or member organisations in at least 13 EU Member States and whose work is coordinated either by a joint secretariat or by one of the member organisations; or
- Organisations that are active via an existing (formal or informal) network of organisations or resource persons (e.g., for research activities) that carry out work with a common objective in at least 13 EU Member States.

NOTE: The applicants must show in their application that they have pursued activities with a European dimension before the submission of the application. Potential networks or partnerships still to be set up will not be accepted.

V. BUDGET AND FINANCIAL ASPECTS

The indicative budget available for operating grants in 2009 is EUR 1.500.000.

5.1. Financial provisions

- ✓ The maximum individual grant amount is EUR 250,000. For grant requests above EUR 100,000, the applicant must submit an external audit report.
- ✓ The maximum rate of co-financing by the Commission is 80% of the total eligible costs of the relevant financial year 2009. The remaining funding of the organisation's operations for that year must come from other sources;
- ✓ Eligible expenditure² must be incurred in the applicant's financial year of 2009 (i.e., an accounting period of 12 months starting in 2009). See further paragraph 5.2.

¹ For the purposes of this point, the term "Member States" shall mean Member States with the exception of Denmark since, as mentioned in Recital 19 of the Decision n° 1149/2007/EC, Denmark did not take part in the adoption of the aforementioned Decision and is therefore not bound by it or subject to its application.

- ✓ Contributions in kind do not count as co-financing and are not taken into account in the calculation of the EC co-financing;
- ✓ Only one operating grant (i.e. grant meant to co-finance the 2009 annual work programme of the applicant) from the budget of the European Communities can be received by each applicant for any given financial year.

The applicant should immediately inform the Commission of any multiple applications for grants or award of grants related to the co-financing of his annual work programme in the financial year for which the grant under this call for proposals is requested.

- ✓ If an organisation realizes a surplus of income over expenditure at the end of the financial year, it will have to repay part of the grant paid to it by the Commission.
- ✓ If an operating grant is renewed (i.e. attributed to the same beneficiary for more than one consecutive term, irrespective under which Community Programme), the percentage of co-financing shall be gradually decreased every year.

5.2. Rules concerning eligible expenditure covered by an operating grant

Operating grants are intended to cover the normal operating expenses of an organisation that allow it to have an independent existence and to implement a range of activities that correspond to the pursuit of its statutory objectives and those of the Civil Justice Programme.

In view of the nature of the grant, the organisation's entire budget is involved, unless the organisation has developed several areas of activity, one or more of which are not connected with the activities for which the Commission wishes to provide financial support.

In practice, the costs which are likely to be eligible are those relating to staff costs, general administrative expenditure necessary for the running of the organisation (overheads), and expenses linked to its normal activities, as included in the annual work programme drawn up for the purposes of the grant.

- ✓ Eligible expenditure must be reasonable and justified and it must be in accordance with the principles of sound financial management, particularly in terms of value for money and cost effectiveness.
- ✓ Expenditure must be incurred during the applicant's financial year of 2009 (i.e., an accounting period of 12 months starting in 2009) and not prior to the date of submission of the grant application by the organisation concerned.
- ✓ Expenditure must be incurred by the beneficiary in any of the EU Member States (except Denmark) and recorded in its accounts or tax documents and it must be identifiable and verifiable.
- ✓ Community co-financing must respect the non-profit rule, i.e., the grant support may under no circumstances give rise to commercial activity or profit.

2 NOTE: Further information concerning eligible expenditure can be found in Council Regulation (EC) No 1525/2007 of 17 December 2007 amending Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (Official Journal L 343/2007 of 27 December 2007). Eligible costs are those necessary to enable the organisation to pursue its stated goals. The rules on eligible and ineligible costs are described in the standard grant agreement.

- ✓ Note that if an organisation has been awarded both an operating grant and an action grant for a transnational project covering the financial year 2009, the general administrative expenditure (overheads) incurred by the organisation when carrying out the various activities must be charged to the operating grant.

5.3. Payment conditions

As a general rule, the co-funding is provided in two instalments: a pre-financing payment (generally 50% of the total grant) on signature of the grant agreement, and the balance on receipt and approval by the Commission of the final report and final financial statement.

At the time of payment of the balance, the amount granted will be proportionate to the eligible costs and will be reduced proportionally where the final eligible costs are lower than the total estimated costs.

Sums due shall be paid within no more than forty-five calendar days (pre-financing)/ ninety calendar days (final payment) by the Commission. On expiry of the time-limit, the creditor shall be entitled to late payment interest.

VI. CRITERIA APPLICABLE FOR OPERATING GRANT SELECTION

6.1. EXCLUSION CRITERIA

Candidates shall be excluded from participation to a call for proposals if:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- (c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- (e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal work detrimental to the Communities' financial interests;
- (f) they are currently subject to an administrative penalty referred to in Article 96(1) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, as amended by Council Regulation (EC) No 1525/2007 of 17 December 2007 (Official Journal L 343/2007 of 27 December 2007), due to having been guilty of misrepresentation in supplying the information required by the contracting authority as a condition of

participation in another grant or procurement procedure or failing to supply this information or due to having been declared to be in serious breach of their obligations under contracts covered by the budget.

- (g) are subject to a conflict of interest;
- (h) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the grant procedure or fail to supply this information.

6.2. ELIGIBILITY CRITERIA

Proposals will be declared ineligible if they do not respect one of the following criteria. If a grant application is declared ineligible, it will not be considered for evaluation.

- (a) The grant application must concern an operating grant (i.e., a grant to support activities included in the applicant's 2009 annual work programme), and not a grant to co-finance a specific project;
- (b) The grant application must have been submitted by the deadline set for the call;
- (c) The applicant must be eligible to participate in operating grant call, i.e., non-governmental organizations (NGOs) or other entities pursuing an aim of general European interest duly constituted on the basis of the law of one of the EU Member States (except Denmark);
- (d) Eligible expenditure must be incurred in the applicant's financial year starting in 2009;
- (e) Organisations must carry out activities with a European dimension involving at least 13 EU Member States, not counting Denmark;
- (f) The aims of their activities must include one or more of the objectives of the Civil Justice Programme;
- (g) The application must have been presented on the standard request forms, completed in one of the official languages of the EU, signed by the person authorised and accompanied by the annexes required in the call for proposals. Any alterations made to the form will disqualify the application;
- (h) All of the required annexes must be attached to the Grant Application Form (see section VII);
- (i) The Community grant applied for must be lower or equal to 80% of the total eligible costs of the draft annual existing programme of the application and be for a maximum amount of EUR 250.000;
- (j) The applicant must have provided written proof, through the signed budget form and/or Co-financing Declaration(s), that it has secured co-financing of at least 20% of the total eligible costs (excluding contributions in kind).

6.3. SELECTION CRITERIA

Proposals which meet the eligibility criteria will be evaluated on the basis of the following selection criteria:

- a) The applicant's sufficient operational capacities to carry out the draft annual activity programme;
- b) The applicant's sufficient financial capacities to carry out the draft annual activity programme;
- c) The applicant's sufficient professional capacities to carry out the draft annual activity programme.

6.4. AWARD CRITERIA

Only proposals meeting the selection criteria described above will be subject to in-depth evaluation. The evaluation will be carried out according to the following criteria. Each criterion will be assessed against the maximum number of points indicated below, the maximum total for all the award criteria together being **100 points**:

- a) Relevance to the programme's objectives and complementarity with other Community activities, avoiding duplication with projects funded by other Community programmes. Ability of the annual work programme to attain the desired objective(s), particularly in terms of the relevance of the expected results and practical impact **(15 points)**;
- b) Quality of the proposed activities in terms of their design, organisation, presentation and expected results **(30 points)**;
- c) Amount requested for Community financing and its appropriateness in relation to expected results **(15 points)**;
- d) Geographical scope (European dimension) of the applicant's activities in terms of partners, participants and target group and/or its added value at European level. **(15 points)**;
- e) Sustainability of the project, i.e. likely impact of the expected results, measures planned for the dissemination of the results and to ensure adequate follow-up of project outputs. **(25 points)**.

Once the evaluation procedure is completed, including receipt of the Programme Committee's opinion and the Commission's decision, the Commission will inform each applicant of the final decision taken, including reasons for rejection, and of the next steps. The Commission will then set in motion the procedures necessary for preparation of the grant agreement (including dialogue with the applicant concerning any necessary technical and financial adjustments as well as procedures relating to expenditure commitments).

VII. APPLICATION PACKAGE

7.1. Documents to be submitted

The Commission will only consider as eligible applications that include the following documents (in the number of originals, paper copies and electronic versions, as indicated):

GRANT APPLICATION FORM		
Grant Application Form 2008-2	Completed by the applicant in WORD For practical reasons, the Commission strongly urges applicants to fill in their applications in English, French or German.	1 signed original + 2 photocopies + electronic version

ANNEXES 1 to 13 (all obligatory)		
<i>Annexes using Commission templates (published on the Civil Justice website)</i>		
1. Budget Form	Completed in EXCEL [Note that the form is protected and most calculations are automatic]	1 signed original + 2 photocopies + electronic version
2. Co-financing Declaration Form	One signed form for each source of co-financing other than from Applicant (completed in English, French or German) indicating the amount of financial contribution from that entity. [Note that applicants declare their co-financing by signing the Budget Form]	1 signed original + 2 photocopies for each source of funding
3. Financial Identification Form	Typewritten, signed and stamped by both the bank and the applicant's legal representative. The form can be downloaded from: http://ec.europa.eu/budget/execution/ftiers_en.htm [Note that the bank's stamp and signature are not required if a copy of a recent bank statement is attached. However, the signature of the account-holder is obligatory in all cases]	1 signed original
4. Legal entity form	Typewritten and signed by the applicant's legal representative The form can be downloaded from: http://ec.europa.eu/budget/execution/legal_entities_en.htm	1 signed original
5. Declaration on Exclusion Criteria	Completed (in English, French or German) and signed by applicant to certify that it is not in one of the situations listed under the Exclusion criteria	1 signed original
6. Curriculum vitae	The curriculum vitae of key staff performing the work in connection with the annual work programme of the organisation.	3 copies of each CV
<i>Annexes using the applicant's own format:</i>		
7. Applicant's financial capacity	Financial statements or equivalent reports.	1 paper copy + 1 electronic version
8. Applicant's Articles of Association or Statutes	This is to allow verification of the applicant's legal status and that it is properly constituted under the law	1 copy

9. Annual report / work programme for the last 3 years	Annual technical/narrative report or programme of the applicant organisation for the previous three years (2008, 2007 and 2006)	1 copy
10. Planned annual work programme for 2009	Annual work programme for the year for which support is requested (2009)	3 copies
11. Budget forecast for 2009	Annual budget which corresponding to the work programme for 2009, including the budget related to all the activities of the organisation.	3 copies
12. Organisation chart	This is to provide an overview of the organizational structure of the applicant	1 copy
13. Audit Report	For grants above 100.000 EUR , the most recent audit report by independent authorised firm of auditors is required.	1 copy
ADDITIONAL ANNEXES (if they exist)		
14. Certificate of legal registration of applicant organisation		1 copy
15. List of members of the Board of Directors or executive officers		1 copy

IMPORTANT NOTE – APPLICATION PACKAGE

The application package must be presented as follows:

I. ONE ORIGINAL SET that shall include the following documents (in the listed order and clearly separated – do not staple or bind them!):

- signed original of the Grant Application Form
- signed original of the Budget Form (Annex 1)
- signed original(s) of the Co-financing declaration(s) (Annex 2)
- signed original of the Financial Identification Form (Annex 3)
- signed original of the Legal Entity Form (Annex 4)
- signed original of the Declaration on Exclusion Criteria (Annex 5)
- photocopies of Annexes 6-13 (and Annexes 14-15 if they exist)

II. TWO SETS OF COPIES each containing photocopies of the following documents:

- Grant Application Form
- Budget Form (Annex 2)
- Curriculum Vitae (Annex 6)
- Planned Annual Work Programme for 2009 (Annex 10)
- Budget forecast for 2009 (Annex 11)

III. ONE ELECTRONIC VERSION (on CD/USB key) containing copies of the following documents:

- Grant Application Form
- Budget Form (Annex 2)
- Curriculum Vitae (Annex 6)
- Planned Annual Work Programme for 2009 (Annex 10)
- Budget forecast for 2009 (Annex 11)

Applicants must make sure that the electronic files are readable and not corrupted and that the content of the paper and electronic versions of their application are identical. In case of any discrepancy between the paper and electronic versions of the application, the paper version will be considered. It is advised to verify this before sending the application.

APPLICATIONS (PARTIAL OR ENTIRE) SENT BY E-MAIL OR BY FAX WILL NOT BE CONSIDERED!

7.2. Instructions for filling out the computerised Grant Application Form

- ✓ The form must be filled in using the Word programme of Microsoft Office (at least 97 or a more recent version), running under a Windows/PC environment. Macintosh systems are specifically excluded, since they do not allow automatic download of the data from the Application Form directly into the Civil Justice Programme database.
- ✓ You should complete all the empty grey fields.
- ✓ There is a grey field on the cover of the Application Form where your proposal number will be added by the Commission. You should not write on this field.
- ✓ To move from one field to another, you can use the following keys: *PageDown* or *Tab* will take you to the next field. *PageUp* or *Shift + Tab* will take you back to the previous field. You can also go into a given field by clicking on it with the mouse.
- ✓ There is only one type of field to be completed – a rectangle where you can type text. The field extends automatically as you type, except for fields where the number of lines is limited.
- ✓ You are not allowed to change the layout of the form, the numbering of the questions or the characteristics of the fields.
- ✓ When you have completed the Grant Application Form, print it out and check it very carefully, making any corrections before you print final copies that will be signed.
- ✓ The declaration by the applicant included at the end of the original Grant Application Form must be signed by the legal representative of the applicant.
- ✓ A checklist is provided as the last page of the Grant Application Form to enable applicants to check that the application package is complete.
- ✓ The Grant Application Form accompanied with all its annexes must be sent to the Commission in one envelope/package.
- ✓ For practical reasons, it is requested not to bind or staple the documents.

7.3. Instructions for filling out the computerised Budget Form

- ✓ As part of the application, the beneficiary must provide a detailed forward budget in Euro, with information on both planned expenditure and expected revenue (indicating the amount of co-financing requested from the Commission, own funding and any other funding).
- ✓ To this end, it is required to use the Budget Form published on the website. Financial contributions from the applicant, membership contributions and other sources must be taken into account in the appropriate headings and must be consistent with the Budget Form and/or the Co-financing Declaration Form.
- ✓ The Budget Form is an Excel document which applicants are required to complete to give full details of the budget. It consists of: a budget part with individual sheets for budget headings (staff costs, travel etc.) and a summary budget sheet.

PLEASE CHECK THIS BEFORE SENDING THE APPLICATION:

- Make sure you have **checked all conditions and criteria** set out in the 2009 call for proposals for operating grants under the Civil Justice Programme. Criteria and conditions may change from year to year, so make sure you are using the current information. Check the Civil Justice website at:

http://ec.europa.eu/justice_home/funding/civil/funding_civil_en.htm

- Make sure you are using the **correct forms**. Note that there are two calls for proposals each year, one for operating grants and one for action grants. The current forms are posted on the website. **The use of the incorrect forms may disqualify the application!**
- Make sure that the **application package** contains all the documents and is presented in the form indicated in paragraph 7.1 above (i.e., one original set, two sets of copies and one electronic version). **Missing documents may disqualify the application!**
- Make sure that all the required **originals are signed** by the authorised person. **Missing signatures may disqualify the application!**

VIII. SUBMITTING THE APPLICATION

The deadline for submitting the application is **13 November 2008**.

- ✓ Applications must be submitted in a sealed envelope/package by registered mail, private courier service or by hand-delivery at the address below.
- ✓ Applications must be sent to the Commission in one envelope/package.
- ✓ The envelope must be clearly marked:

"Application under the Specific Programme Civil Justice – Operating Grants – Call JLS/CJ/2008-2".

- ✓ Applications must be sent to the following address:

By registered mail or by courier service:

European Commission
DG Justice, Freedom and Security
Unit JLS/E/4
LX 46 07/122
B-1049 Brussels
Belgium

OR

By hand-delivery:

European Commission
Central Mail Department (Registered post)
Att: DG Justice, Freedom and Security
Unit JLS/E/4
Avenue du Bourget, 1
B-1140 Brussels (Evere)
Belgium

- ✓ If send by registered mail or by courier service, the application must be posted or dispatched not later than **13 November 2008** (as evidenced by the postmark or by the date of the deposit slip).
- ✓ If hand delivered (in person or by an authorised representative), the application must be delivered to the European Commission's Central Mail Department no later than 16.00 (Brussels time) on **13 November 2008**, in which case a receipt must be obtained as proof of submission, signed and dated by the official who took delivery.
- ✓ Any application sent, dispatched or hand delivered after the deadline or to the wrong address will not be accepted.

IX. WHERE TO GET FURTHER INFORMATION

Directorate General Justice, Freedom and Security website:
http://ec.europa.eu/dgs/justice_home/index_en.htm

The Civil Justice website:

http://ec.europa.eu/justice_home/funding/civil/funding_civil_en.htm

X. HELPDESK

Questions may be sent by e-mail to the address below:

JLS-FRAMEWORK-CIVIL@ec.europa.eu

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

In the interest of equal treatment of applicants, the Commission cannot give a prior opinion on the eligibility of an applicant, a partner or an action.

XI. APPROXIMATE TIMETABLE

The schedule of the call for proposals for operating grants will most probably be as follows:

Publication of the call for proposals on the Commission website:	Q3 – 2008
Deadline for submission of proposals:	13 November 2008
Eligibility verification and evaluation:	Q4 – 2008
Opinion of the Programme Committee:	Q4 – 2008
Commission Award Decision:	Q1 – 2009

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