



**Contracting Authority:**

**European Union**

**Delegation of the European Union to India**

**Capacity-building Initiative in the Competition Area under  
Trade Development Programme in India**

Guidelines for grant applicants

BGUE-B2010-19.100101-C1-AIDCO

**Open Call for proposals**

**Reference: DCI-ASIE/2012/133-418/L/ACT/IN**

*Deadline for submission of proposals: 30 November 2012 by 16.00 hrs IST*

## NOTICE

This is an open Call for Proposals, where all documents are submitted at one stage (Concept Note and full proposal). However, in the first instance, only the Concept Notes will be evaluated. Thereafter, for the applicants whose Concept Notes have been pre-selected, evaluation of the full proposal will be carried out. Further to the evaluation of the full proposals, an eligibility check will be performed for those which are provisionally selected. This check will be undertaken on the basis of the supporting documents requested by the Contracting Authority and the signed "Declaration by the Applicant" sent together with the application.

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# **1. CAPACITY-BUILDING INITIATIVE IN THE COMPETITION AREA UNDER THE TRADE DEVELOPMENT PROGRAMME IN INDIA**

## **1.1 BACKGROUND**

The project is part of the broader EU-India programme "Capacity Building Initiative for Trade Development in India (CITD)". The overall objective of the CITD is to support India in strengthening its capacity to achieve economic growth and sustainable development, and ultimately poverty reduction, through further integration into the global trading system, by increasing the safety and quality of products by reducing costs and impediments to trade and promoting fair competition. The specific objectives of the CITD are (1) to enhance capacity of India's trade-related regulatory institutions and enforcement systems in order to meet international standards and requirements and business needs; and (2) to support India's trade-related training institutions in strengthening their capacities.

Over the past two decades India has taken a number of initiatives in deregulating the economy and liberalizing policies and procedures in several areas. The comprehensive liberalization process since 1991 has enabled the GDP to triple in less than two decades. The liberalization programme includes monetary policy aimed at providing stable macro-economic environment for growth; fiscal policy, with a view to ensuring that more resources are available for growth; trade and investment policies, to ensure that the benefits of international trade and best practices accrue to the domestic industry, and sectoral policies.

The Government of India (GoI) recognise its role to balance the interest of various sectors of society – the producer, the consumer, the workers, the rural sector, weaker sections and the like in the process of economic growth and the need to prevent anti-competitive practices, promote and sustain competition and to protect the interest of consumers. Keeping this in view, the GoI set up the following institutions:

### **Competition Commission of India (CCI)**

CCI was established by an Act (the Competition Act, 2002) of Parliament and became fully operational in 2009. CCI is responsible for the enforcement of the Competition Act. The key roles of the CCI include (a) to prevent practices having adverse effect on competition; (b) to promote and sustain competition in markets; (c) to protect the interests of consumers and (d) to ensure freedom of trade carried on by other participants in markets in India.

Since its inception, CCI has focused on setting up an appropriate organizational structure. CCI has established separate divisions for Anti-trust, Merger and Acquisitions; Law, Economics, Investigations and Capacity building and International Cooperation. More than 50 professionals have since been recruited. It is expected that CCI will recruit the entire staff very soon.

### **Indian Institute of Corporate Affairs (IICA)**

IICA was also established by the Ministry of Corporate Affairs, GoI for capacity building and training in various subjects and matters relevant to corporate regulation and governance such as corporate and competition law, accounting and auditing issues, compliance management, corporate governance, business sustainability through environmental sensitivity and social responsibility, e-governance and enforcement etc. The Institute has been designed with an eye to the future to provide a platform for dialogue, interaction and partnership between governments, corporate, investors, civil society, professionals, academicians and other stake holders.

The present IICA team consists of administrators, experts and young professionals acting under the guidance of Ministry of Corporate Affairs and the Board of Governors. The team is now in the process of establishing IICA as an institution of excellence for capacity building in corporate governance and regulation. This includes developing human resource policies, infrastructure and partnerships with other institutes in India and abroad to enable IICA to provide state of the art capacity building programmes in relevant areas and subjects.

Indian stakeholders in particular IICA are facing shortage of skills in competition area. Earlier (in 2010), based on the agreement between the officials of EU (DG Competition) and CCI and to meet the immediate requirements, the EU provided initial training and actual exposure to case work and procedures for the newly recruited officials of CCI in Brussels. Also follow up workshops were organised in Delhi.

The Action/activities of the Grant will aim at enhancing the capacity of the Indian stakeholders in particular the IICA and the CCI through international collaboration, research and partnerships including training, exchange visits, seminars and workshops to enhance public awareness on competition issues and the effective application of the Competition Act in India. The CCI will be closely associated to these activities.

## 1.2 OBJECTIVES OF THE PROGRAMME AND PRIORITY ISSUES

The **global objective** of this Call for Proposals is to support India in strengthening its capacity to achieve economic growth and sustainable development, and ultimately poverty reduction, through further integration into the global trading system, by increasing the safety and quality of products and by reducing costs and impediments to trade.

The **specific objective** of this Call for Proposals is to enhance the capacity of Indian stakeholders in particular the IICA and the CCI in relation to competition issues.

## 1.3 FINANCIAL ALLOCATION PROVIDED BY THE CONTRACTING AUTHORITY

The overall indicative amount made available under this Call for Proposals is EUR 700 000. The Contracting Authority reserves the right not to award all available funds.

### Size of grants

Any grant requested under this Call for Proposals must fall between the following minimum and maximum amounts:

- minimum amount: EUR 500 000
- maximum amount: EUR 700 000

Any grant requested under this Call for Proposals must fall between the following minimum and maximum percentages of total eligible costs of the action:

- Minimum percentage: 60% of the total estimated eligible costs of the action
- Maximum percentage: 80% of the total eligible costs of the action (see also Section 2.1.4).

Any grant requested under this Call for Proposal must further be limited to 80% of the estimated total accepted costs<sup>1 2 3</sup>

The balance (i.e. the difference between the total cost of the action and the amount requested from the Contracting Authority) must be financed from the applicant's or partners' own resources, or from sources other than the European Union budget or the European Development Fund<sup>4</sup>.

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<sup>1</sup> Estimated total accepted costs = estimated total eligible costs + taxes, including VAT, where the beneficiary can show it cannot reclaim them (unless one of the exceptions to the proof obligation apply).

<sup>2</sup> Note that this percentage must be lower than the one fixed above referring to total estimated eligible costs. For more information on the new approach for co-financing, see [http://ec.europa.eu/europeaid/work/procedures/faq/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/faq/index_en.htm)

<sup>3</sup> If there are no taxes or where they may be reclaimed, this percentage will apply to the total eligible costs to ensure the required co-financing.

<sup>4</sup> Where a grant is financed by the European Development Fund, any mention of European Union financing must be understood as referring to European Development Fund financing.

## 2. RULES FOR THIS CALL FOR PROPOSALS

These guidelines set out the rules for the submission, selection and implementation of actions financed under this Call, in conformity with the provisions of the Practical Guide to contract procedures for EU external actions, which is applicable to the present call (available on the Internet at this address: [http://ec.europa.eu/europeaid/work/procedures/implementation/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/index_en.htm)).

### 2.1 ELIGIBILITY CRITERIA

There are three sets of eligibility criteria, relating to:

- applicant(s) which may request a grant (2.1.1), and their partners (2.1.2);
- actions for which a grant may be awarded (2.1.3);
- types of cost which may be taken into account in setting the amount of the grant (2.1.4).

#### 2.1.1 *Eligibility of applicants: who may apply?*

(1) In order to be eligible for a grant, applicants **must**:

- be legal persons or an entity without legal personality<sup>5</sup> **and**
- be non profit making **and**
- be specific types of organisations such as: non-governmental organisations, public sector operators, local authorities, international (inter-governmental) organisations as defined by Article 43 of the Implementing Rules to the EC Financial Regulation<sup>6</sup> **and**
- be established in <sup>7</sup> a Member State of the European Union/EEA/an official candidate country, one of the SAARC Member States or any other eligible country stipulated in the EC regulation no. 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation. This obligation does not apply to international organisations **and**
- be directly responsible for the preparation and management of the action with their partners, not acting as an intermediary **and**
- be able to demonstrate to have regularly carried out activities in the field of trade development and corporate governance in the past three years **and**
- have excellent knowledge of competition policy, law and enforcement, government's role in the process of economic growth, roles and functions of the Competition Commission/Regulatory Authorities and Capacity-building institutions in the sector.

(2) Potential applicants may not participate in calls for proposals or be awarded grants if they are in any of the situations which are listed in Section 2.3.3 of the Practical Guide to contract procedures for EU external actions (available from the following Internet address:

[http://ec.europa.eu/europeaid/work/procedures/implementation/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/index_en.htm));

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5 Subject to the prior approval of the relevant services of the European Commission: [Grant applications may be eligible if submitted by entities which do not have legal personality under the applicable national law, provided that their representatives have the capacity to undertake legal obligations on their behalf, and assume financial liability].

6 International organisations are international public-sector organisations set up by intergovernmental agreements as well as specialised agencies set up by them; the International Committee of the Red Cross (ICRC) and the International Federation of National Red Cross and Red Crescent Societies, European Investment Bank (EIB) and European Investment Fund (EIF) are also recognized as international organisations.

7 To be determined on the basis of the organisation's statutes which should demonstrate that it has been established by an instrument governed by the national law of the country concerned. In this respect, any legal entity whose statutes have been established in another country cannot be considered an eligible local organisation, even if the statutes are registered locally or a "Memorandum of Understanding" has been concluded.

In Part B section 7 of the grant application form (“Declaration by the applicant”), applicants must declare that they do not fall into any of these situations.

### 2.1.2 *Partnerships and eligibility of partners*

Applicants may act individually or with partner organisations as specified hereafter.

- Partners

The grant contract will be awarded to a qualified consortium, involving as far as possible both European and local partners (minimum one partner) who will provide expertise and contributions for project planning, implementation, training, coordination, dissemination of information and project's visibility. Each member of the partnership must have a precise and clearly identified role in the implementation of the project.

Applicants' partners participate in designing and implementing the action, and the costs they incur are eligible in the same way as those incurred by the grant beneficiary. They must therefore satisfy the eligibility criteria as applicable on the grant beneficiary himself.

**The following are not partners and do not have to sign the “partnership statement”:**

- Associates

Other organisations may be involved in the action. Such associates play a real role in the action but may not receive funding from the grant with the exception of per diem or travel costs. Associates do not have to meet the eligibility criteria referred to in section 2.1.1. The associates have to be mentioned in Part B section 5 - “Associates of the Applicant participating in the Action” of the Grant Application Form.

- Contractors

The grant beneficiaries have the possibility to award contracts. Contractors are neither partners nor associates, and are subject to the procurement rules set out in Annex IV to the standard grant contract.

The grant beneficiaries may award financial support (sub-grants) to third entities (the sub-grantees). Sub-grantees are neither partners nor associates nor contractors. Sub-grantees are subject to the nationality and origin rules set out in Annex IV to the standard grant contract.

The applicant will act as the lead organisation and, if selected, as the contracting party (the "Beneficiary").

### 2.1.3 *Eligible actions: actions for which an application may be made*

#### Definition:

An action (or project) is composed of a set of activities.

#### Duration

The planned duration of an action may not exceed 56 months. In any case all the activities should be completed by 30 September 2017.

#### Sectors or themes

Trade development/Competition

#### Location

Actions must take place in one or more of the following countries:

Geographical area of intervention is India. Limited activities such as specific meetings/seminars/workshops and training may be held in the EU Member States.

#### Types of action

The Action will aim at enhancing the capacity of Indian stakeholders in particular the IICA and the CCI through international collaboration, research and partnerships including training, exchange visits, seminars and workshops to enhance public awareness on competition issues in India.

#### Types of activity

Indicative list of activities may include:

- Provide support in strengthening competition awareness among stakeholders.
- Support creating institutional network for research partnerships for research studies on relevant issues in competition regulation and enforcement.
- provide support/advice for capacity building of other stakeholders especially think-tank/academia.
- Support dissemination of knowledge and information.
- Support establishing network of global partnerships with government, institutions, corporate entities, academic and other institutions and stakeholders.
- Provide support in setting up appropriate organisational structure for IICA, and in very close association with the CCI, capacity building programmes for officials and faculties at different levels on various focused areas such as structured training programmes/ workshops/lectures on relevant areas. This could include exposure visits to Europe.
- Establish curricula and training programmes for IICA School of Competition Law. The curricula for the courses may cover:
  - (1) General Legal Framework in India including relevant aspects of Constitutional Law, Criminal Law and Procedure, and Contract Law;
  - (2) General Principles of Competition Law and Policy including a primer on Competition Law and Policy, such as objectives, structure and scope, relationship with other legislation, extraterritoriality and public undertakings,
  - (3) Specialized Aspects of Competition Law and Procedure including horizontal and vertical restrictions, IPR, merger review and procedures,
  - (4) Alternative Approaches to Sanctions including determination of fine levels, criminal sanctions and human rights issues,
  - (5) Leniency Programs: design, implementation and interplay with fines and other cartel detection methods,;
  - (6) Competition Act 2002 (amended 2007) – suggested topics: A primer on Indian Competition Act, Implementing Regulations of the Competition Commission India;
  - (7) Special topics in Competition Policy, Competition Economics including the Interface between Competition Policy and Intellectual Property Rights, International merger control regimes – a comparison of alternative substantive standards, Methodology of Competition Analysis, Quantitative Analysis for Competition Law and Policy, International Trade and Competition,
  - (8) Induction Courses for Regulators – suggested topics: Introductory Competition Law for Enforcers, Introductory Competition Law and Policy for Regulators;
  - (9) Refresher Courses for Enforcers on Investigative Methods and Competitive Assessment – suggested topics: Anticompetitive Agreements, Anti-cartel enforcement, Unilateral enforcement, Unilateral conduct, Analysing Combinations, Identifying the needs and Developing guidelines, regulations and Q&A on Regulations. (The applicant is expected to expand and develop these further).

The Project Steering Committee (PSC) of the overall CITD oversees and validates the overall direction and policy of the programme. PSC meets at the request of the Government of India or of the Delegation of the EU to India, following procedures agreed between the contracting authority and the beneficiary country. PSC comprises of:

- Representatives of the beneficiary country (Ministry of Commerce, CCI/IICA)
- Representatives of the European Union

The grant beneficiary will be invited to participate in the Project Steering Committee (PSC) meetings of the overall CITD in relation to the Action.

The project will have an inception period of maximum of 6 months from the signature of the grant contract. By the end of the inception period the beneficiary of the grant will have to submit overall Work Plan and



Budget after consultation with the Indian stakeholders, for discussion at the Steering Committee of the Programme and final approval of the EU Delegation, covering the actual implementation of the activities.

### Sub-granting

In order to **support the achievement of the objectives of the action**, and in particular where the **implementation of the action proposed by the applicant requires financial support to be given to third parties**, the applicant **may** propose awarding sub-grants. However, sub-granting may not be the main purpose of the action and it must be duly justified.

In case where the applicant foresees to award sub-grants, it has to specify in its application the total amount of the grant which may be used for awarding sub-grants as well as the minimum and maximum amount per sub-grant a list with the types of activity which may be eligible for sub-grants must be included in the application, together with the criteria for the selection of the beneficiaries of these sub-grants. The maximum amount of a sub-grant is limited to EUR 10.000 per third party while the total amount which can be awarded as sub-grants to third parties is limited to EUR 100.000.

Note that the applicant must comply with the objectives and priorities and guarantee the visibility of the EU-financing (see the Communication and Visibility Manual for EU external actions laid down and published by the European Commission at (see [http://ec.europa.eu/europeaid/work/visibility/index\\_en.htm](http://ec.europa.eu/europeaid/work/visibility/index_en.htm)).

The following types of action are ineligible:

- actions concerned only or mainly with individual sponsorships for participation in workshops, seminars, conferences, congresses;
- actions concerned only or mainly with individual scholarships for studies or training courses;
- actions which consist exclusively or primarily in capital expenditure, e.g. buildings, equipment;
- activities which fall under the scope of another EC-funded project under implementation, either bilateral or regional;
- revenue-producing activities;
- profit-making activities.

### Number of applications and grants per applicant

An applicant may not submit more than 1 application under this Call for Proposals.

An applicant may at the same time be partner in another application under this Call for Proposals.

An applicant may at the same time be partner in another application.

Partners may take part in more than one application.

#### *2.1.4 Eligibility of costs: costs which may be taken into consideration for the grant*

Only "eligible costs" can be taken into account for a grant. The categories of costs considered as eligible and non-eligible are indicated below. The budget is both a cost estimate and a ceiling for "eligible costs". Note that the eligible costs must be based on real costs based on supporting documents (except for subsistence costs and indirect costs where flat-rate funding applies)

Recommendations to award a grant are always subject to the condition that the checking process which precedes the signing of the contract does not reveal problems requiring changes to the budget (for instance arithmetical errors, inaccuracies or unrealistic costs and other ineligible costs). The checks may give rise to requests for clarification and may lead the Contracting Authority to impose modifications or reductions to address such mistakes or inaccuracies. The amount of the grant and the percentage of the EU co-financing as a result of these corrections may not be increased.

It is therefore in the applicant's interest to provide a **realistic and cost-effective budget**.

### Eligible direct costs

To be eligible under the Call for Proposals, costs must comply with the provisions of Article 14 of the General Conditions to the Standard Grant Contract (see Annex G of the Guidelines).

Note that taxes, including VAT will only be accepted as eligible costs when the Beneficiary (or, where applicable, its partners) can show it cannot reclaim them. Taxes shall in such case be included in the Budget of the Action under each heading Information on taxes can be found in Annex J to these Guidelines.

### Contingency reserve

A contingency reserve not exceeding 5% of the estimated direct eligible costs may be included in the Budget of the Action. It can only be used with the **prior written authorisation** of the Contracting Authority.

### Eligible indirect costs (overheads)

The indirect costs incurred in carrying out the action may be eligible for flat-rate funding fixed at not more than 7% of the estimated total eligible direct costs. Indirect costs are eligible provided that they do not include costs assigned to another heading of the budget of the standard grant contract. The applicant may be asked to justify the requested percentage before contracting. However, once the flat-rate has been fixed in the special conditions of the standard grant contract, no supporting documents need to be provided.

If the applicant is in receipt of an operating grant financed from the EU, no indirect costs may be claimed within the proposed budget for the action.

### Contributions in kind

Contributions in kind are not considered actual expenditure and are not eligible costs. The contributions in kind may not be treated as co-financing by the Beneficiary.

Notwithstanding the above, if the description of the action as proposed by the Beneficiary foresees the contributions in kind, such contributions have to be provided.

### Ineligible costs

The following costs are not eligible:

- debts and debt service charges
- provisions for losses or potential future liabilities;
- interest owed;
- costs declared by the beneficiary and covered by another action or work programme;
- purchases of land or buildings, except where necessary for the direct implementation of the action, in which case ownership must be transferred to the final beneficiaries and/or local partners, at the latest by the end of the action;
- currency exchange losses;
- credit to third parties.

## **2.2 HOW TO APPLY AND THE PROCEDURES TO FOLLOW**

Registration in PADOR is obligatory for all applicants and their partners.

PADOR is an on-line database in which organisations register themselves and update regularly their data, through the Europeaid website: [http://ec.europa.eu/europeaid/work/onlineservices/pador/index\\_en.htm](http://ec.europa.eu/europeaid/work/onlineservices/pador/index_en.htm)

Before starting the registration of your organisation in PADOR, please read the "Quick guide" available on the website. It explains the registration process.

You have to indicate on the paper version of the proposal the EuropeAid ID (EID). To get this identification, your organisation must register, save and "sign" (committing your responsibility) in PADOR obligatory data (on each screen the fields written in orange) and the related documents (see section 2.4).

Notwithstanding the above, if the organisation is in a situation where it is impossible to register in PADOR, it shall submit a justification proving that such impossibility is of a general nature and goes beyond the control of the applicant and or its partner(s). In this case, the applicant and/or the partners concerned shall

complete the "PADOR off-line form"<sup>8</sup> in annex of these Guidelines and send it by the submission deadline along with the application to the address indicated in sections 2.2.2 and 2.2.6. Subsequently, the registration in PADOR will be initiated by the European Commission. If, at a later stage, the organisation wishes to update itself its data, an access request will have to be sent to the PADOR helpdesk.

All questions related to the registration in PADOR should be addressed to the PADOR helpdesk at: [Europeaid-pador@ec.europa.eu](mailto:Europeaid-pador@ec.europa.eu).

### 2.2.1 *Application form*

Applications must be submitted in accordance with the instructions on the Concept Note and the Full application form included in the Grant Application Form annexes to these Guidelines (Annex A)

Applicants must apply in English.

Any error or major discrepancy related to the points listed in the instructions on the Concept Note or any major inconsistency in the application form (e.g. the amounts mentioned in the budget worksheets are inconsistent) may lead to the rejection of the application.

Clarifications will only be requested when information provided is unclear, thus preventing the Contracting Authority from conducting an objective assessment.

Hand-written applications will not be accepted.

Please note that only the application form and the published annexes which have to be filled in (budget, logical framework) will be evaluated. It is therefore of utmost importance that these documents contain ALL relevant information concerning the action. No additional annexes should be sent.

### 2.2.2 *Where and how to send the Applications*

Applications must be submitted in one original and three copies in A4 size, each bound. The complete application form (Part A: concept note and Part B: full application form), budget and logical framework must also be supplied in electronic format (CD-Rom) in a separate and unique file (e.g. the application form must not be split into several different files). The electronic format must contain **exactly the same** application as the paper version enclosed.

The Checklist (Section 6 of Part B the grant application form) and the Declaration by the applicant (Section 7 of Part B of the grant application form) must be stapled separately and enclosed in the envelope.

The outer envelope must bear the **reference number and the title of the Call for Proposals**, together with the full name and address of the applicant, and the words "Not to be opened before the opening session".

Applications must be submitted in a sealed envelope by registered mail, private courier service or by hand-delivery (a signed and dated certificate of receipt will be given to the deliverer) at the address below:

Postal address

Head of Finance, Contracts and Audits Section

Delegation of the European Union to India

65 Golf Links, New Delhi 110 003, INDIA

Applications sent by any other means (e.g. by fax or by e-mail) or delivered to other addresses will be rejected.

**Applicants must verify that their application is complete using the checklist (Section 6 of Part B of the grant application form). Incomplete applications may be rejected.**

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<sup>8</sup> Which corresponds to Sections 3 and 4 of Part B of the application form.

### 2.2.3 *Deadline for submission of Applications*

The deadline for the submission of applications is **30 November 2012** as evidenced by the date of dispatch, the postmark or the date of the deposit slip. In the case of hand-deliveries, the deadline for receipt is at 16.00 hours local time as evidenced by the signed and dated receipt. Any application submitted after the deadline will automatically be rejected.

However, for reasons of administrative efficiency, the Contracting Authority may reject any application received after the effective date of approval of the first evaluation step (i.e. Concept Note) (see indicative calendar under Section 2.5.2)

Any application submitted after the **last** deadline will automatically be rejected.

### 2.2.4 *Further information for the Application*

The date and time of an information session on this Call for Proposals will be announced on the website of the delegation. Questions may in addition be sent by e-mail [or by fax] no later than 21 days before the deadline for the submission of applications to the below address(es), indicating clearly the reference of the Call for Proposals:

E-mail address: DELEGATION-INDIA-PROPOSALS2012@eeas.europa.eu

Contracting Authority has no obligation to provide further clarifications after this date.

Replies will be given no later than 11 days before the deadline for the submission of applications.

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

Questions that may be relevant to other applicants, together with the answers, will be published on the internet at the EuropeAid website: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> [other website(s) as appropriate] It is therefore highly recommended to regularly consult the abovementioned website in order to be informed of the questions and answers published.

All questions related to PADOR registration should be addressed to the PADOR helpdesk:

[Europeaid-pador@ec.europa.eu](mailto:Europeaid-pador@ec.europa.eu)

## 2.3 EVALUATION AND SELECTION OF APPLICATIONS

Applications will be examined and evaluated by the Contracting Authority with the possible assistance of external assessors. All actions submitted by applicants will be assessed according to the following steps and criteria.

If the examination of the application reveals that the proposed action does not meet the eligibility criteria stated in paragraph 2.1.3, the application shall be rejected on this sole basis.

### (1) STEP 1: OPENING & ADMINISTRATIVE CHECKS AND CONCEPT NOTE EVALUATION

The following will be assessed:

- The submission deadline has been respected. If the deadline has not been respected the application will automatically be rejected.
- The Application Form satisfies all the criteria specified in points 1-5 of the Checklist (Section 6 of Part B) of the grant application form. If any of the requested information is missing or is incorrect, the application may be rejected on that sole basis and the application will not be evaluated further.

The evaluation of the Concept Notes that have passed the first administrative check will cover the relevance and design of the action.

The Concept Note will be given an overall score out of 50 points in accordance with the breakdown provided in the Evaluation Grid below. The evaluation shall also verify the compliance with instructions provided in the guidance for Concept Note.

The evaluation criteria are divided into headings and subheadings. Each subheading will be given a score between 1 and 5 in accordance with the following assessment categories: 1 = very poor; 2 = poor; 3 = adequate; 4 = good; 5 = very good.

**Scores**

<b>1. Relevance of the action</b>	Sub-score	<b>30</b>
1.1 How relevant is the proposal to the objectives and priorities of the Call for Proposals?*	5x2**	
1.2 How relevant to the particular needs and constraints of the target country(ies) or region(s) is the proposal? (including synergy with other EU initiatives and avoidance of duplication)	5x2*	
1.3 How clearly defined and strategically chosen are those involved (final beneficiaries, target groups)? Have their needs been clearly defined and does the proposal address them appropriately?	5	
1.4 Does the proposal contain specific added-value elements, such as environmental issues, promotion of gender equality and equal opportunities, needs of disabled people, rights of minorities and rights of indigenous peoples, or innovation and best practices and the other additional elements indicated under 1.2. of these guidelines?	5	
<b>2. Design of the action</b>	Sub-score	<b>20</b>
2.1 How coherent is the overall design of the action?  In particular, does it reflect the analysis of the problems involved, take into account external factors and relevant stakeholders?	5x2**	
2.2 Is the action feasible and consistent in relation to the objectives and expected results?	5x2**	

**TOTAL SCORE 50**

\*\* the scores are multiplied by 2 because of their importance

Once all Concept Notes have been assessed, a list will be established with the proposed actions ranked according to their total score.

First, only the Concept Notes which have been given a score of a minimum of 30 points will be considered for pre-selection.

Secondly, the list of Concept Notes will be reduced in accordance to the ranking to those whose sum of requested contributions amounts to twice the available budget for this Call for Proposals, taking into account the indicative financial envelopes foreseen by lot.

Following the Concept Note evaluation, the Contracting Authority will send a letter to all applicants, indicating whether their application was submitted prior to the deadline, informing them of the reference number they have been allocated and whether the Concept Note were evaluated and the results of that evaluation. The Evaluation Committee will subsequently proceed with the applicants whose proposals have been pre-selected.

**(2) STEP 2: EVALUATION OF THE FULL APPLICATION**

First, the following will be assessed:

- The full application form satisfies all the criteria specified in points 1-8 of the Checklist (Section 6 of Part B of the grant application form). If any of the requested information is missing or is incorrect, the application may be rejected on that **sole** basis and the application will not be evaluated further.

An evaluation of the quality of the applications, including the proposed budget, and of the capacity of the applicant and its partners, will be subsequently carried out in accordance with the evaluation criteria set out in the Evaluation Grid included below. There are two types of evaluation criteria: selection and award criteria.

**The selection criteria** are intended to help evaluate the applicants' financial and operational capacity to ensure that they:

- have stable and sufficient sources of finance to maintain their activity throughout the period during which the action is being carried out and, where appropriate, to participate in its funding;
- have the management capacity, professional competencies and qualifications required to successfully complete the proposed action. This also applies to any partners of the applicant.

**The award criteria** allow the quality of the applications submitted to be evaluated in relation to the set objectives and priorities, and grants to be awarded to actions which maximise the overall effectiveness of the Call for Proposals. They enable the selection of applications which the Contracting Authority can be confident will comply with its objectives and priorities. They cover such aspects as the relevance of the action, its consistency with the objectives of the Call for Proposals, quality, expected impact, sustainability and cost-effectiveness.

*Scoring:*

The evaluation criteria are divided into sections and subsections. Each subsection will be given a score between 1 and 5 in accordance with the following guidelines: 1 = very poor; 2 = poor; 3 = adequate; 4 = good; 5 = very good.

**Evaluation Grid**

<b>Section</b>	<b>Maximum Score</b>
<b>1. Financial and operational capacity</b>	<b>20</b>
1.1 Do the applicant and, if applicable, partners have sufficient experience of project management?	5
1.2 Do the applicant and, if applicable partners have sufficient technical expertise? (notably knowledge of the issues to be addressed.)	5
1.3 Do the applicant and, if applicable, partners have sufficient management capacity? (including staff, equipment and ability to handle the budget for the action)?	5
1.4 Does the applicant have stable and sufficient sources of finance?	5
<b>2. Relevance of the action</b>	<b>30</b>
<i>Score transferred from the Concept Note evaluation</i>	
<b>3. Effectiveness and feasibility of the action</b>	<b>20</b>
3.1 Are the activities proposed appropriate, practical, and consistent with the objectives and expected results?	5
3.2 Is the action plan clear and feasible?	5
3.3 Does the proposal contain objectively verifiable indicators for the outcome of the action? Is evaluation foreseen?	5
3.4 Is the partners' level of involvement and participation in the action satisfactory?	5
<b>4. Sustainability of the action</b>	<b>15</b>
4.1 Is the action likely to have a tangible impact on its target groups?	5
4.2 Is the proposal likely to have multiplier effects? (Including scope for replication and extension of the outcome of the action and dissemination of information.)	5
4.3 Are the expected results of the proposed action sustainable: - financially ( <i>how will the activities be financed after the funding ends?</i> ) - institutionally ( <i>will structures allowing the activities to continue be in place at the end of the action? Will there be local "ownership" of the results of the action?</i> ) - at policy level (where applicable) ( <i>what will be the structural impact of the action —</i>	5

<i>e.g. will it lead to improved legislation, codes of conduct, methods, etc?) - environmentally (if applicable) (will the action have a negative/positive environmental impact?)</i>	
<b>5. Budget and cost-effectiveness of the action</b>	<b>15</b>
5.1 Are the activities appropriately reflected in the budget?	5x2*
5.2 Is the ratio between the estimated costs and the expected results satisfactory?	5
<b>Maximum total score</b>	<b>100</b>

\*the scores are multiplied by 2 because of their importance

*Note on Section 1. Financial and operational capacity*

If the score is less than 12 points for section 1, the application will be rejected.

*Provisional selection*

Following the evaluation, a table listing the applications ranked according to their score and within the available financial envelope will be established as well as a reserve list following the same criteria.

### **(3) STEP 3: VERIFICATION OF ELIGIBILITY OF THE APPLICANT AND PARTNERS**

The eligibility verification, based on the supporting documents requested by the Contracting Authority (see Section 2.4) will only be performed for the applications that have been provisionally selected according to their score and within the available financial envelope.

- The Declaration by the applicant (Section 7 of Part B the grant application form) will be cross-checked with the supporting documents provided by the applicant. Any missing supporting document or any incoherence between the Declaration by the applicant and the supporting documents may lead to the rejection of the application on that sole basis.
- The eligibility of the applicant, the partners, and the action will be verified according to the criteria set out in Sections 2.1.1, 2.1.2 and 2.1.3.

Following the above analysis and if necessary, any rejected application will be replaced by the next best placed application in the reserve list that falls within the available financial envelope, which will then be examined for the eligibility of its applicant and the partners.

## **2.4 SUBMISSION OF SUPPORTING DOCUMENTS FOR PROVISIONALLY SELECTED APPLICATIONS**

Applicants who have been provisionally selected or listed under the reserve list will be informed in writing by the Contracting Authority. They will be requested to supply the following documents in order to allow the Contracting Authority to verify the eligibility of the applicants and their partners:<sup>9</sup>

Supporting documents may/must be provided through PADOR, see Section 2.2

1. The statutes or articles of association of the applicant organisation<sup>10</sup> and of each partner organisation. Where the Contracting Authority has recognized the applicant's eligibility for another call for proposals under the same budget line within 2 years before the deadline for receipt of applications, the applicant may submit, instead of its statutes, copy of the document proving the eligibility of the applicant in a former Call (e.g.: copy of the special conditions of a grant contract received during the reference period), unless a change in its legal status has occurred in the meantime.<sup>11</sup> This obligation does not apply to international organisations which have signed a framework agreement with the European Commission. A

<sup>9</sup> No supporting document will be requested for applications for a grant not exceeding EUR 25 000.

<sup>10</sup> Where the applicant and/or (a) partner(s) is a public body created by a law, a copy of the said law must be provided

<sup>11</sup> To be inserted only where the eligibility conditions have not changed from one call for proposals to the other.



list of the relevant framework agreements is available at the following address:  
[http://ec.europa.eu/europeaid/work/procedures/financing/international\\_organisations/other\\_international\\_organisations/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/financing/international_organisations/other_international_organisations/index_en.htm)]

2. Where the grant requested exceeds EUR 500 000 (EUR 100 000 for an operating grant), an external audit report produced by an approved auditor, certifying the applicant's accounts for the last financial year available.

This obligation does not apply to international organisations.

This obligation does not apply to public bodies.

This obligation does not apply to secondary and higher education establishments.

3. Copy of the applicant's latest accounts (the profit and loss account and the balance sheet for the previous financial year for which the accounts have been closed)<sup>12</sup>.
4. Legal entity sheet (see annex D of these Guidelines) duly completed and signed by the applicant, accompanied by the justifying documents which are requested therein. If the applicant has already signed a contract with the Contracting Authority, instead of the legal entity sheet and its supporting documents the legal entity number may be provided, unless a change in its legal status occurred in the meantime.
5. A financial identification form conforming to the model attached at Annex E of these Guidelines, certified by the bank to which the payments will be made. This bank must be located in the country where the applicant is registered. If the applicant has already signed a contract with the European Commission or where the European Commission has been in charge of the payments of a contract, a copy of the previous financial identification form may be provided instead, unless a change in its bank account occurred in the meantime.

This bank account must yield interest or equivalent benefits. If the costs for opening and/or maintaining such an account equals or exceeds the expected interest, applicants may be exempted from this obligation by submitting a declaration of honour to this fact.

6. List any other supporting documents required.

Where the requested supporting documents are not uploaded in PADOR they must be supplied in the form of originals, photocopies or scanned versions (i.e. showing legible stamps, signatures and dates) of the said originals. However, the Legal entity sheet and the financial identification form must always be submitted in original.

Where such documents are not in one of the official languages of the European Union a translation into English of the relevant parts of these documents, proving the applicant's eligibility, must be attached and will prevail for the purpose of analysing the application.

Where these documents are in an official language of the European Union other than the language of the call for proposals, it is **strongly** recommended, in order to facilitate the evaluation, to provide a translation of the relevant parts of the documents, proving the applicant's eligibility, into the language of the call for proposals.

If the abovementioned supporting documents are not provided before the deadline indicated in the request for supporting documents sent to the applicant by the Contracting Authority, the application may be rejected.

Based on the verification of the supporting documents by the Evaluation Committee it will make a final recommendation to the Contracting Authority which will decide on the award of grants.

## 2.5 NOTIFICATION OF THE CONTRACTING AUTHORITY'S DECISION

### 2.5.1 Content of the decision

Applicants will be informed in writing of the Contracting Authority's decision concerning their application and, in case of rejections, the reasons for the negative decision.

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<sup>12</sup> This obligation does not apply to natural persons who have received a scholarship, nor to public bodies nor to international organisations. It does not apply either when the accounts are in practice the same documents as the external audit report already provided pursuant to Section 2.4.2.

Applicants believing that they have been harmed by an error or irregularity during the award process may file a complaint. See further Section 2.4.15 of the Practical Guide.

**2.5.2 Indicative time table**

	<b>DATE</b>	<b>TIME*</b>
<b>Information meeting (if any)</b>	To be announced	To be announced
<b>Deadline for request for any clarifications from the Contracting Authority</b>	15 November 2012	16h00
<b>Last date on which clarifications are issued by the Contracting Authority</b>	26 November 2012	-
<b>Deadline for submission of Application Form</b>	30 November 2012	16h00
<b>Information to applicants on the opening &amp; administrative checks and concept note evaluation (step 1)</b>	15 January 2012	-
<b>Information to applicants on the evaluation of the Full Application Form (step 2)</b>	N/A	-
<b>Notification of award (after the eligibility check) (step 3)</b>	10 February 2013	-
<b>Contract signature</b>	February 2013	-

\***Provisional date.** All times are in the time zone of the country of the Contracting Authority

This indicative timetable may be updated by the Contracting Authority during the procedure. In such case, the updated timetable shall be published on internet at the EuropeAid web site <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>

**2.6 CONDITIONS APPLICABLE TO IMPLEMENTATION OF THE ACTION FOLLOWING THE CONTRACTING AUTHORITY'S DECISION TO AWARD A GRANT**

Following the decision to award a grant, the Beneficiary will be offered a contract based on the Contracting Authority's standard grant contract (see Annex G of these Guidelines). By signing the Application form (Annex A of these Guidelines), the applicant declares accepting, in case where it is awarded a grant, the Contractual conditions as laid down in the standard grant contract.

If the successful applicant is an international organisation, the model Contribution Agreement with an international organisation or any other contract template agreed between the international organisation concerned and the Contracting Authority will be used instead of the standard grant contract provided that the international organisation in question offers the guarantees provided for in the applicable Financial Regulation, as described in Chapter 6 of the Practical Guide to contract procedures for EU external actions.

Implementation contracts

Where implementation of the action requires the Beneficiary to award procurement contracts, it must award the contract to the tenderer offering the best value for money, that is to say, the best price-quality ratio, in compliance with the principles of transparency and equal treatment for potential contractors, care being taken to avoid any conflict of interests. To this end, the Beneficiary must follow the procedures set out in Annex IV to the standard grant contract.

**2.7 EARLY WARNING SYSTEM AND CENTRAL EXCLUSION DATABASE**

The applicants and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations mentioned in:

- the Commission Decision of 16.12.2008 on the Early Warning System (EWS) for the use of authorising officers of the Commission and the executive agencies (OJ, L 344, 20.12.2008, p.125) or

-the Commission Regulation of 17.12.2008 on the Central Exclusion Database (CED) (OJ L344, 20.12.2008, p.12),

their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the EWS only or both in the EWS and CED, and communicated to the persons and entities listed in the above-mentioned Decision and Regulation, in relation to the award or the execution of a grant agreement or decision.]

### 3. LIST OF ANNEXES

#### DOCUMENTS TO BE COMPLETED

ANNEX A: GRANT APPLICATION FORM (WORD FORMAT)

ANNEX B: BUDGET (EXCEL FORMAT)

[ANNEX C: LOGICAL FRAMEWORK (EXCEL FORMAT)<sup>13</sup>]

[ANNEX D: LEGAL ENTITY SHEET <sup>14</sup>]

[ANNEX E: FINANCIAL IDENTIFICATION FORM]

[ANNEX F: PADOR OFF-LINE FORM<sup>15</sup>]

#### DOCUMENTS FOR INFORMATION

ANNEX G: STANDARD GRANT CONTRACT

- ANNEX II: GENERAL CONDITIONS APPLICABLE TO EUROPEAN UNION-FINANCED GRANT CONTRACTS FOR EXTERNAL ACTIONS
- ANNEX IV: CONTRACT AWARD PROCEDURES
- ANNEX V: STANDARD REQUEST FOR PAYMENT
- ANNEX VI: MODEL NARRATIVE AND FINANCIAL REPORT
- [-ANNEX VII: MODEL REPORT OF FACTUAL FINDINGS AND TERMS OF REFERENCE FOR AN EXPENDITURE VERIFICATION OF AN EU FINANCED GRANT CONTRACT FOR EXTERNAL ACTIONS]
- [-ANNEX VIII: MODEL FINANCIAL GUARANTEE]
- [-ANNEX IX: STANDARD TEMPLATE FOR TRANSFER OF OWNERSHIP OF ASSETS]

ANNEX H: DAILY ALLOWANCE RATES (PER DIEM), available at the following address:  
[http://ec.europa.eu/europeaid/work/procedures/implementation/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/index_en.htm)

[ANNEX I: STANDARD CONTRIBUTION AGREEMENT, APPLICABLE IN CASE WHERE THE BENEFICIARY IS AN INTERNATIONAL ORGANISATION]

ANNEX J: INFORMATION ON THE TAX REGIME APPLICABLE TO GRANT CONTRACTS SIGNED UNDER THE CALL.

PROJECT CYCLE MANAGEMENT GUIDELINES

[http://ec.europa.eu/europeaid/multimedia/publications/publications/manuals-tools/t101\\_en.htm](http://ec.europa.eu/europeaid/multimedia/publications/publications/manuals-tools/t101_en.htm)

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<sup>13</sup> Optional where the total amount of the grants to be awarded under the Call for Proposals is EUR 100 000 or less.

<sup>14</sup> Only applicable where the European Commission is the Contracting Authority or will make the payments under the contracts to be signed.

<sup>15</sup> Only applicable in centralised calls where PADOR is made of use