



Contracting Authority:
European Union represented by the European Commission

China-EU Access to Justice Programme

Guidelines
for grant applicants

Open Call for Proposals

Budget line: 19. 100 101

Reference: EuropeAid/133-442/L/ACT/CN

Deadline for submission of proposals:

01 February 2013

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.

This call for proposals is leading to the award of one single grant contract.

Table of contents

1. CHINA-EU ACCESS TO JUSTICE PROGRAMME	4
1.1 Background.....	4
1.2 Objectives of the programme and priority issues	5
1.3 Financial allocation provided by the contracting authority	5
2. RULES FOR THIS CALL FOR PROPOSALS	7
2.1 Eligibility criteria.....	7
2.1.1 Eligibility of applicants: who may apply?.....	7
2.1.2 Partnerships and eligibility of partners.....	8
2.1.3 Eligible actions: actions for which an application may be made.....	9
2.1.4 Eligibility of costs: costs which may be taken into consideration for the grant	11
2. how to apply and the procedures to follow	13
2.2.1 Application form	13
2.2.2 Where and how to send the Applications.....	13
2.2.3 Deadline for submission of Applications	14
2.2.4 Further information for the Application	14
2.3 Evaluation and selection of applications	16
2.4 Submission of supporting documents for provisionally selected applications	19
2.5 Notification of the Contracting Authority's decision	21
2.5.1 Content of the decision	21
2.5.2 Indicative time table	21
2.6 Conditions applicable to implementation of the action following the Contracting Authority's decision to award a grant	21
2.7 Early warning system and central exclusion database	22
3. LIST OF ANNEXES	23

1. CHINA-EU ACCESS TO JUSTICE PROGRAMME

1.1 BACKGROUND

Economic growth in China has been accompanied by the increasing importance of resolving disputes through legal means. The widening divide between the wealthy and the poor raises concern about the inequality of people before the law.

Legal aid is part of China's legal system. The regulations on legal aid, introduced in 2003, declare that it is the responsibility of the government – primarily of local governments at county and provincial levels – to provide free legal assistance.

However, the further development of legal aid is at present constrained by low awareness about legal aid services in general, their insufficient financing, the low quality of legal workers, the insufficient supervision of quality, the deficiency in incentives, and inadequate participation of other legal aid providers.

Although access to justice is widely considered as a fundamental right, the capacity to provide legal aid lags far behind demand. Second, the operation and quality of legal aid centres varies greatly from place to place. Lack of response to demand in rural areas is even higher compared to urban centres. Unlicensed, self-trained individuals are the only available legal advisers in some remote or rural areas.

Administratively, China's legal aid bodies are divided into four categories from the central to the local level, namely: the central, provincial (or autonomous region or metropolitan city directly under the central government), regional (municipality or prefecture) and county or district legal aid bodies. The entire country currently has 32 provincial legal aid centres; approximately three hundred regional legal aid centres; and around 1840 county legal aid centres. On the provincial level, each province (or autonomous region or metropolitan city directly under the central government) has one legal aid centre. The legal aid centres provide legal services for civil, criminal and administrative procedures or non-contentious cases.

The National Legal Aid Centre (NLAC) is a government body separate from, but coming under the supervision of the Ministry of Justice (MoJ). At central level the Legal Aid Centre (LAC) is responsible for publicizing legal aid; organising and implementing the legal aid training; assessing the quality of legal aid cases treated; cooperation on legal aid international projects; managing the national “148” legal aid special line; and carrying out theoretical study on legal aid, while the MoJ’s Legal Aid Department is responsible for guiding and controlling legal aid rules and laws application; for planning the development of legal aid policy; managing the administration of legal aid institutions and staff; for giving guidance to social organizations and volunteers in developing legal aid. Roughly the same division exists at province level. At city or county level, the LAC and MoJ subsidiaries may exist separately or as one entity depending on the level of development of the locality.

Against this background, the European Union (EU) and the Government of the People's Republic of China have agreed to implement a new programme promoting access to justice in the following three provinces/autonomous regions in China: Shanxi, Inner Mongolia and Henan. To that effect the EU and China signed a Financing Agreement "China-EU Access to Justice Programme" (hereafter: "the project").

The aim of this Project is to assist the Government of China in its efforts to provide quality legal aid in order to strengthen access to justice for disadvantaged groups and, if linked to a high level policy dialogue, also potentially contribute to enforce the Rule of Law in China.

This Call for Proposals is launched to select the Applicant that will receive funding for a proposed Action which contributes to the implementation of the said Financing Agreement.

The Action will target those who are most at risk and need the most help in accessing justice. By directly involving the appropriate instances (public interest law firms, universities, academies etc...) and by giving them a role in training government legal aid workers, the Project will greatly contribute to strengthen the role of civil society in China, which is fundamental to the protection and promotion of human rights.

Furthermore, as the Project aims to have a systemic effect on legal aid in China, the promotion of a high-level dialogue on the role of legal aid and its implementation is of course essential.

1.2 OBJECTIVES OF THE PROGRAMME AND PRIORITY ISSUES

The **global objective** of this Call for Proposals is: to support China's effort in strengthening access to justice to disadvantaged groups in regions with less developed legal infrastructure and in less economically developed areas.

The **specific objectives** of this Call for Proposals are to:

- a) enhance institutional capacity building to help the MoJ design and implement policies and actions in line with China's objectives with regard to legal aid (most notably those found in the 12th 5-year plan);
- b) improve the overall performance of legal aid delivery in China, through the governmental LACs and increased delivery by Civil Society Organisations (CSOs) and public interest and local law firms;
- c) promote capacity building and transfer of EU knowledge through policy discussion between Chinese and European policy-makers regarding the role of legal aid in improving equal access to justice for citizens;

In working directly with the high level Chinese stakeholders (principally but not exclusively with NLAC and MoJ) in the area of institutional capacity building the proposed Action should focus but not be limited to:

- standardise policies and regulations and expand their scope to improve the quality of legal aid;
- exchange information and discuss on EU's best practices in the field of legal aid to contribute to China's legal reform and to deepening the existing EU-China policy dialogue in the domain of the Rule of Law, access to justice and human rights;
- provide appropriate training for government representatives, legal workers and local law firms to build a cost-effective, replicable and adaptable system for professional training;
- provide appropriate attention to the level of representation of female participants and ethnic groups in project activities;
- contribute to raise awareness on the mechanisms to access legal aid, particularly amongst disadvantaged groups and the public in general via a clearly identified information and communication strategy on legal aid services;

The Applicant should demonstrate that the proposed intervention strategy is based on an up to date understanding of international best practices for legal aid and analysis of the legal aid situation at China's central and provincial level. Relevant Chinese stakeholders at the central and local level should be closely involved in this initial assessment which may be deepened through further review at the outset of the project implementation if and as needed.

The Applicant should demonstrate that the proposed strategy will create synergies among:

- (i) Local needs and priorities (e.g. at provincial level: worker rights, violation of environmental legislation, land disputes etc...), and
- (ii) Expertise of public interest lawyers and of Chinese judicial governmental institutions, and
- (iii) European and international best practice on legal aid as well as expertise of European practitioners.

The Proposal shall contain an indicative description of the envisaged operational priorities for each of the geographical levels of the intervention. The final planning will be discussed with the beneficiary and updated during the inception phase of the Project.

It is important to remind that the Project will work hand in hand with the MoJ at the central level and with the appropriate provincial institutions at the decentralised level although coordination among provinces, where possible, will be enhanced and coordination and synergy with the central level is compulsory. The role of civil society partners or private law firms will be fine tuned and detailed in coordination with the MoJ during the inception phase of the Project.

1.2.1 Project Advisory Committee

Without prejudice to the autonomy of the Grant Beneficiary in the management of this Action: a Project Advisory Committee will be set up to supervise, comment on and support the implementation of this programme. The Project Advisory Committee will be co-chaired by the Ministry of Commerce (MOFCOM) and the EU Delegation. It will meet at least once a year and be made up of minimum:

- A representative of the Ministry of Justice (MoJ);
- A representative of the Ministry of Commerce (MOFCOM);
- A representative of the EU Delegation;
- A representative of Chinese non-governmental organisation specialised in the sector (nominated by MoJ);
- A representative of the Grant Beneficiary.

There will also be scope for EU Member States participation in an observer capacity with a view to EU coordination and complementary. Observers can be invited upon mutual agreement between the co-chairs.

The Project will be paralleled by the related EU-China policy dialogue to which it will indirectly contribute.

1.2.2 Coordination with similar projects and EU Member States

The EU Delegation is very active in the coordination with Member States and non-Member States through various activities: rule of law roundtables, development and cooperation counsellors meeting, Member States human rights working group, etc.

This Project complies with the principles of ownership, alignment and harmonisation of the Paris Declaration on aid effectiveness and the Busan High level Forum on Aid Effectiveness, because it will support China's own reform agenda in the legal aid sector and contribute to enhanced donor coordination.

Between 2004 and 2009, the Canadian International Development Agency (CIDA) funded a legal aid training and development project in cooperation with the MoJ, and the national and provincial level LACs. The project provided training to government legal aid officials on case handling and case management. The most successful aspect of this project appears to have been the work on management. But, the case handling training failed to fully appreciate the extremely low base from which the training recipients were starting.

Canada's new project financial envelope counts with 4 to 4.5 million Canadian Dollars. This project aims at increasing the capacity of legal aid organisations in the pilot provinces in order to develop more effective and efficient legal aid services, including Public Legal Education (PLE) through increased planning capacity and the development and piloting of training modules in advocacy and by increasing the capacity of NLAC of the MoJ to support the legal aid work of the pilot provinces and other provinces across China through increased planning and training capacity. Project activities are expected to end by March 2014.

1.3 FINANCIAL ALLOCATION PROVIDED BY THE CONTRACTING AUTHORITY

The Action will be implemented through one single grant contract. The overall indicative amount made available under this Call for Proposals is EUR 4.8 million. 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 4.000.000
- maximum amount: EUR 4.800.000

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

- Minimum percentage: NA.
- Maximum percentage: **90%** of the total eligible costs of the Action (see also Section 2.1.4).

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 Fund¹.

¹ 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).

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 **and**
- be non profit making **and**
- be specific types of organisations such as: non-governmental organisations, public sector operators, universities, independent research organisations or associations, international (inter-governmental) organisations, as defined by Article 43 of the Implementing Rules to the EC Financial Regulation² **and**
- be established in³ a Member State of the European Union, **or** in an official candidate country as recognised by the EU, **or** in a member state of the EEA, **or** in the People's Republic of China (excluding Hong Kong, Macao, and Chinese Taipei), **or** in any other eligible country stipulated in the eligibility rules of the DCI Regulation⁴. This obligation does not apply to international organisations **and**
- be duly registered **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 experience and capacity to manage activities corresponding in scale and complexity with those for which the grant is requested. Namely:
 - have a minimum of five (5) years demonstrated experience in the legal aid field (at the date of publication of the guidelines of this call for proposals), and
 - have a minimum of three (3) years demonstrated experience in China collaborating/working directly or indirectly with the MoJ at central or provincial level (at the date of publication of the guidelines of this call for proposals)

(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);

2 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.

3 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

4 EC regulation no. 1905/2006 of 18 December 2006 (see List of Eligible Countries in Annex K)

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.

- (3) Potential applicants may not participate in calls for proposals or be awarded grants if they are in a situation of conflict of interest, as highlighted in Section 2.3.6 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)

A conflict of interest may arise where, for instance, an expert/entity has the possibility to obtain privileged information leading to unfair competition in subsequent or related procedures. Or where an expert/entity participating in the preparation of a project (e.g. drafting of the Guidelines) participates in calls for proposals based on this preparatory work, unless they can prove to the Contracting Authority that the involvement in previous stages of the project does not constitute unfair competition. Or where applicants are at the same time authorities from the Beneficiary country, i.e. a central or local government authority in PRC.

2.1.2 Partnerships and eligibility of partners

Applicants must act with minimum one (1) partner organizations as specified hereafter.

Partners

The minimum composition of the partnership consists of two members (one applicant and one partner).

At least one member of the Partnership has to be established in the People's Republic of China.

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 main Applicant.

They must therefore satisfy the eligibility criteria as applicable on the grant beneficiary himself.

Each member of the Partnership must have a precise and clearly identified role in the implementation of the action. The partnership should be composed in such a way as to allow for the achievement of the action's objectives in the most efficient manner.

Even though the European Union concludes a contract with the Beneficiary only (i.e. the Applicant), all partners should be shown to actively contribute to the implementation of the action. The applicant and its partners must draw up a written agreement defining the technical responsibilities and the financial rights and obligations of each partnership member. All members of the partnership must make a financial or in-kind contribution (please refer to point 2.1.4.)

Each partner must sign and date a Partnership Statement individually in the Application Form (Annex A, section 4.2).

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.

- Sub-grantees

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 the Action may not be lower than 36 months and shall not exceed 48 months

Sectors or themes

Among others and in line with the Project's specific objectives the sectors of intervention will contribute to reach the following outcomes:

- New policies and regulations have been adopted, inspired by European best practice, focused on improving and standardising the quality and scope of legal aid;
- Contributions have been made to the China-EU policy dialogue on Rule of Law and equal access to justice;
- Awareness about legal aid services and the rule of law in general among disadvantaged groups and in less developed regions has been enhanced;
- The government's understanding about the value of legal aid work provided by the private sector has improved and the experience of cooperation with the private sector has increased.

Location

The Action will be implemented in the People's Republic of China, at central level and local level. A limited number of activities such as study visits will be carried out in Europe

Activities will have to include and target the following three provinces/autonomous regions: Inner Mongolia, Henan and Shanxi.

The project team and experts should be based in Beijing but frequent travels to provinces/autonomous regions where activities will be implemented should be also envisaged.

Types of action

Specifically, the Action should reflect its direct contribution to strengthening the access to justice to disadvantaged groups and the capacity for reaching a positive, widespread and systemic effect on China's legal system by including the following two components:

Component 1: Training of government legal aid workers should focus on training of government legal aid workers in pilot provinces in order to test out new policies and build a cost-effective, replicable model of professional training for government legal aid workers in direct association with public interest and local law firms.

Component 2: Policy Dialogue on equal Access to Justice and Rule of Law should focus on working directly with high level Chinese stakeholders in the area of institutional capacity building principally in favour of MoJ, NLAC and others. This set of activities should result in policies and regulations that will help standardise and improve the quality of legal aid and expand its scope. Best practices of the EU's rich diversity and experience in the field of legal aid should be discussed as possible examples for China's legal

reforms. Moreover, this intervention should contribute to deepening the existing EU-China policy dialogue in the domain of Rule of Law, access to justice and human rights.

Types of activity

An initial in depth need assessment should design optimal delivery mechanisms in consultation with relevant professional bodies and institutions and, where indicated, with representatives of private law firms and civil society organisations. Therefore, applicants should also clearly indicate that the creation of curricula would be based on the results and recommendations of an in-depth needs' and demands' assessment carried out in coordination with the NLAC and the concerned PLACs.

The activities to be proposed by the applicants should be implemented at various levels and should rely on the widespread support and participation of all relevant Chinese stakeholders.

For component 1: Training of government legal aid workers should include raising awareness of access to and eligibility for legal aid amongst disadvantaged groups and should at least include the following set of activities:

- Baseline assessment in selected pilot provinces on handling rates and scope of legal aid;
- Assessment of local needs and selection of local law firms and staff of Chinese judicial governmental institutions to be trained as trainers;
- Creation of training curriculum with EU and Chinese legal aid experts, law firms, and Justice Bureaux/LACs;
- Carrying out of training;
- Promotion of awareness campaigns through locally available channels and with local media support;
- Evaluation of quality and quantity of case handling.

The applicant should outline a detailed programme for professional training activities, indicating potential target groups and the likely systemic impact of the training programme, including how this impact will be reliably verified and linked to the project.

For component 2: Policy Dialogue on equal Access to Justice and Rule of Law in view of enhancing Institutional Capacity, activities should comprise but not be limited to:

- Seminars or conferences to share best practices on legal aid with experts from around the world, including from other developing countries;
- Study assignments to EU involving among others and when appropriate high level Chinese officials, which should be implemented if and when directly related to a concrete and immediate result contributing to the achievement of the project's objectives.
- High-level policy dialogue with key EU and Chinese officials encompassing broad discussions on the Chinese legal system, Rule of Law and equal access to justice.

Proposed activities for both components must have the ambition and the approach aimed at optimising the long term impact of the efforts.

Monitoring

A clear mechanism, allowing measuring the quality of direct and non direct involvement and participation of the beneficiaries and to assess quantity and quality of the achievements and redress, if needed, the approach, should be identified by the applicants.

Equal Opportunities Policies

The lack of disaggregated data on legal aid workers in terms of gender and ethnicity could be considered as a possible area to be addressed by the project. Representation of female participants and ethnic groups in project activities should receive due – and, if need be, preferential – attention.

Therefore, any application should include proposals on how to facilitate the pro-active pursuit of policies ensuring equal opportunities and access to education for disadvantaged and underrepresented groups as well as gender mainstreaming.

Target groups and beneficiaries

The Ministry of Justice through the National Legal Aid Centre will be the main implementing counterparts and at the same time beneficiaries of the project .

Direct Beneficiaries of the project will be the Provincial Legal Aid Centers.

Indirect beneficiaries will be the Chinese population as a whole.

Target groups of the project will be the Provincial Legal Aid Centre, legal aid workers, senior officials and experts of the Ministry of Justice involved in policy and training at central, provincial and local levels in pilot regions.

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).

The communication and visibility plan should be an integral part of the action work plan, be developed and implemented alongside the project activity planning and reinforce the capacity of the action to achieve its targeted results.

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;

Number of applications and grants per applicant

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

An applicant may not be awarded more than **one** grant under this Call for Proposals.

An applicant **may not** at the same time be partner in another application

Partners may not 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.

Proposals are strongly encouraged to foresee a significantly large share of the budget resources for direct activity costs.

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

Prior registration in PADOR for this Call for Proposals is obligatory.

Registration 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

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"⁵ 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.

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 (3) 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.

⁵ Which corresponds to Sections 3 and 4 of Part B of the application form.

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 title the full name and address of the applicant, and the words:

"Not to be opened before the opening session" and “在启封会议之前不得启封”

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

Delegation of the European Union to China & Mongolia
Finance, Contracts and Audit Section
Ms Maria Luisa Wyganowski
15 Dongzhimenwai Dajie
Sanlitun
Beijing 100600
China

Address for hand delivery or by private courier service

Ms. Maria Luisa Wyganowski
Delegation of the European Union to China & Mongolia
Finance, Contracts and Audit Section
4th Floor, Qian Kun Mansion
6 Sanlitun Xi Liu Jie
Beijing 100027
China

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.

2.2.3 Deadline for submission of Applications

The deadline for the submission of applications is **01 February 2013** 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 Beijing 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).

2.2.4 Further information for the Application

An information session on this Call for Proposals will be held on **Tuesday 13 November 2012** at **10:00** Beijing time. Information regarding the venue of the information session will be provided in a notice that will be published in due time on the website at:

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>

Questions may in addition be sent by e-mail no later than 21 days before the deadline for the submission of applications to the below address, indicating clearly the reference of the Call for Proposals:

E-mail address: DELEGATION-CHINA-CALL-TENDER@eeas.europa.eu

The 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>

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

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.

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	
1. Relevance of the action		Sub-score	30
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?		5	
2. Design of the action		Sub-score	20
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

* Note: A score of 5 (very good) will only be allocated if the proposal specifically addresses more than the required minimum number of priorities as indicated in Section 1.2 (Objectives of the programme) of these guidelines.

** 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 **five times** 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.

(1) 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

Section	Maximum Score
1. Financial and operational capacity	20
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
2. Relevance of the action	30
<i>Score transferred from the Concept Note evaluation</i>	
3. Effectiveness and feasibility of the action	20
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
4. Sustainability of the action	15
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 — e.g. will it lead to improved legislation, codes of conduct, methods, etc?</i>) - environmentally (if applicable) (<i>will the action have a negative/positive environmental impact?</i>)	5
5. Budget and cost-effectiveness of the action	15
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
Maximum total score	100

*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:

Supporting documents must be provided through PADOR, see Section 2.2

1. The statutes or articles of association of the applicant organisation⁶ and of each partner organisation. This obligation does not apply to international organisations which have signed a framework agreement with the European Commission. A 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
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)⁷.
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.

⁶ 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

⁷ 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.

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. Certificate of registration of the legal entity to the national competent authorities wherever relevant.
7. Proofs of experience as required by the eligibility criteria in section 2.1.1:
 - Proof of a minimum of five (5) years demonstrated experience in the legal aid field (at the date of publication of the guidelines of this call for proposals), and
 - Proof of a minimum of three (3) years demonstrated experience in China collaborating/working directly or indirectly with the MoJ at central or provincial level (at the date of publication of the guidelines of this call for proposals)

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 or in the language of the country where the action is implemented, a translation into the language of the call for proposals 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.

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

	DATE	TIME*
Information meeting	13 November 2012	10:00 (Beijing Time)
Deadline for request for any clarifications from the Contracting Authority	10 January 2013	
Last date on which clarifications are issued by the Contracting Authority	21 January 2013	
Deadline for submission of Application Form	01 February 2013	16:00 (Beijing Time)
Information to applicants on the opening & administrative checks and concept note evaluation (step 1)	15 March 2013*	
Information to applicants on the evaluation of the Full Application Form (step 2)	11 April 2013*	
Notification of award (after the eligibility check) (step 3)	30 April 2013*	
Contract signature	31 May 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)

ANNEX D: LEGAL ENTITY SHEET

ANNEX E: FINANCIAL IDENTIFICATION FORM

ANNEX F: PADOR OFF-LINE FORM

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

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.

ANNEX K: LIST OF COUNTRIES ELIGIBLE UNDER DCI REGULATION (ANNEX I OF DCI REGULATION)
http://ec.europa.eu/europeaid/work/procedures/legislation/legal_bases/documents/dci_en.pdf

PROJECT CYCLE MANAGEMENT GUIDELINES
http://ec.europa.eu/europeaid/multimedia/publications/publications/manuals-tools/t101_en.htm