

## Programme

### CRIMINAL JUSTICE

### CALL FOR PROPOSALS 2008

#### Operating grants

#### 1. OBJECTIVES OF THE CRIMINAL JUSTICE PROGRAMME

The aims of the Criminal Justice programme, adopted by Council Decision No 2007/126/JHA on 12 February 2007<sup>1</sup>, include promoting judicial cooperation based on mutual recognition and mutual confidence, promoting the compatibility in rules applicable in the Member States as may be necessary to improve judicial cooperation and to improve the exchange of information. It supports non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the programme, which is the subject of this call for proposals. The amount available for operating grants to be awarded under this call for proposals will be **€500.000**.

#### 2. PROGRAMME ACTIVITIES

Operating grants may be awarded to non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the programme<sup>2</sup>. The following types of activities will be given priority:

- improving professional skills of legal practitioners and defining training curricula;
- cooperation between public authorities and associations in the fields of (1) judicial cooperation in criminal matters, (2) victim assistance and (3) rehabilitation of offenders;
- production and dissemination of information on how to access legal interpretation, translation and advice;
- cooperation between academics and researchers, and between them and EU Institutions, in the area of judicial cooperation in criminal matters;

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<sup>1</sup> OJ L 058, 24.02.2007, p.13, Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Fundamental Rights and Justice, the Specific Programme 'Criminal Justice, 2007/126/JHA

<sup>2</sup> According to Art. 162 of the Implementing Rules, Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 357, 31/12/2002), as last amended by Council Regulation No 1248/2006 of 7 August 2006, **a body pursuing an aim of general European interest is:**

**(a) an European body involved in education, training, information or research and study in European policies, any activities contributing to the promotion or citizenship or human rights, or a European standards body ;**

**(b) an European network representing non-profit bodies active in the Member States or in the candidate countries and promoting principles and policies consistent with the objectives of the Treaties.**

– networking of legal professionals with a view to improving defence rights in cross border cases.

### **3. ELIGIBLE ORGANISATIONS**

Proposals for operating grants will be examined only from non-governmental organisations or other entities pursuing an aim of general European interest, which:

- have been legally established in accordance with the law of one of the Member States;
- pursue activities as described in Section 2 on a European dimension;
- are non profit making;

International organisations and natural persons are not eligible for operating grants.

### **4. EVALUATION CRITERIA FOR PROPOSALS**

#### **4.1 Eligibility criteria**

To be eligible, applications for operating grants must meet **all** of the following criteria:

(a) They must be submitted by non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the objectives of the programme defined in section 1 and 2 above. International organisations and natural persons are not eligible for operating grants.

(b) They must be submitted using the specific application form for operating grants made available by the Commission in electronic format: no other form will be accepted; all sections of the form must be completed and the **form must be dated and signed** and it must be accompanied by all the documents listed under section 6.1.

(c) Applications must include a detailed budget of the operating costs in Euro, balanced in income and expenditure. All sections of the form must be completed including its Annex 1 "Simplified Balance Sheet" and Annex 2 "Simplified Profit and Loss Account"; the form must be **duly dated and signed** by the authorised signatory representing the organisation. The form to be used is made available by the Commission in electronic format.

(d) The requested amount of grant cannot exceed 70% of the operating costs of the functioning of the body during its financial year beginning in 2008.

(e) Applicants must respect the deadline for applications, which is **8 April 2008**.

#### **4.2 Exclusion criteria**

Candidates shall be excluded from participating in this call for proposals if:

(a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

(b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;

(c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;

(d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

(e) they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;

(f) that are guilty of misrepresentation in supplying the information required or fail to supply this information.

(g) they are subject to a conflict of interest

(h) they are currently the subject of an administrative penalty referred to in Article 96 (1)

Candidates must sign and date the declaration on the last page of the application form. Candidates who have been found guilty of making false declarations or have been found to have seriously failed to meet their contractual obligations in an earlier Community procurement or grant award procedure may be subject to administrative or financial penalties or exclusion from Community contracts and grants in accordance with Art. 133 IR<sup>3</sup>.

#### **4.3 Selection criteria**

The following elements will be examined:

– the applicants' operational and professional capacity, including evidence of its know-how. The examination will be based on the CVs of the persons involved, the activity reports and other documents submitted by the applicant;

– the applicants financial capacity to implement the activities described in its annual work plan; the organisation's financial capacity will be primarily examined based on the information submitted on the "Simplified Balance Sheet" and the "Simplified Profit and Loss account form" annexed to the budget form, other documents specified under Section 6 of this Call for proposal must be submitted to support the provided information;

#### **4.4 Award criteria**

Proposals that are eligible and meet the exclusion and selection criteria will be assessed by an evaluation committee and they will be ranked on the basis of the following award criteria:

(a) Consistency of the organisations proposed activities with the priorities set out in Section 2 above. (25/100 points)

(b) Quality of the proposed action (particularly regarding its conception, organisation, presentation and expected results). (25/100 points)

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<sup>3</sup> Art. 133, Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (Official Journal L 357, 31/12/2002), as last amended by Council Regulation No 1248/2006 of 7 August 2006.

(c) Likely multiplier effect on the public of these activities. (10/100 points)

(d) Geographic impact of the planned activities. (15/100 points)

(e) Citizen involvement in the organisation of the bodies concerned. (10/100 points)

(f) Value for money. Cost/benefit ratio of the proposed activity. (15/100 points)

## **5. GENERAL FINANCIAL RULES APPLICABLE TO THESE GRANTS**

Acceptance of an application by the Commission does not constitute an undertaking to award a financial contribution equal to the amount requested by the beneficiary. The awarding of a grant does not establish any entitlement for subsequent years.

The rate of Commission funding may not exceed 70% of total operating costs of the functioning of the body during its financial year beginning in 2008. The remaining amount shall be born by the beneficiary.

**Costs eligible for financing may neither have been incurred before the grant application was lodged with the Commission or before the start of the beneficiary's financial year.**

In the event of acceptance of an application by the Commission, a financial grant agreement, drawn up in Euro and detailing the conditions and level of funding, will be concluded between the Commission and the beneficiary. This grant agreement must be duly signed and returned to the Commission within the time limit set in the covering letter of the Commission. The beneficiary may receive a pre-financing payment not exceeding 80% within 45 days of the date when the last of the two parties signs the agreement and thus the agreement entered into force.

The Commission will establish the amount of the final payment to be made to the beneficiary on the basis of the final reports. If the accepted eligible costs actually incurred by the organisation are lower than anticipated, the Commission will apply its rate of funding to the actual costs, and the beneficiary will, where applicable, be required to repay any excess amount already transferred by the Commission as pre-financing. The Commission grant may not have the purpose or effect of producing a profit for the beneficiary. Profit is defined as a surplus of receipts over costs. The amount of the grant will be reduced by the amount of any surplus.

The person in charge of the organisation must, by his/her signature, undertake to provide proof of the correct use of the grant and enable the Commission and/or the European Court of Auditors, and any qualified external body designated by the Commission, to verify the organisation's accounts. To this end, supporting documents must be kept by the beneficiary for five years after the final payment.

The Commission can require any organisation which has been awarded a grant to submit an audit report showing the capacity to meet the contractual obligations or to furnish in advance a guarantee from an approved bank or financial organisation based in one of the Member States. The guarantee must be denominated in Euros.

### **Double financing**

Applicants may receive only one grant towards their operating costs from the budget of the European Institutions in one financial year. To ensure this, they must give details in their application form of any other grant requests which they have submitted or intend to submit to the European Institutions for the same year, stating in each case the budget heading, the Community programme and the amount requested.

### **5.1. Eligibility of costs**

Grant applications must include an estimate in Euro of the organisation's operating costs, based on the actual costs incurred in the previous year and on those required for carrying out the proposed activity programme for the applicant's financial year beginning in 2008. The budget must be balanced and all sources of funding mentioned.

The activity programme and the financial section in the application will form an integral part of the grant agreement, if a grant is awarded. Organisations are therefore asked to complete these sections clearly, fully and scrupulously. Since a grant must not give rise to any profit, the Commission will take account of all income used for funding both the organisation's actual operating costs and its activities. To this end, beneficiaries must submit a financial report showing their actual income and expenditure for the activities co-financed under this call for proposals and a report on their actual activities within three months from the end of the financial year.

If the beneficiary has not carried out a part of the activities envisaged in the application, the amount of the grant will be reduced in proportion to the quantity of activities not carried out and to the volume of budget used up.

### **5.2. Eligible expenditure**

For the purposes of fixing the maximum amount of the grant to be awarded, the Commission will take account of the operating budget presented by the applicant. In its analysis, only the costs anticipated by the organisation to cover its own normal activities incurred not before the submission of the application to the Commission nor before the start of the beneficiary's financial year will be taken into consideration, i.e.:

- personnel costs;
- general rental and property costs, equipment (in the case of purchases of durable equipment, only annual depreciation may be taken into account), telecommunications and postage, office supplies;
- travel and subsistence costs for the organisation's staff in relation to its statutory meetings and any other working meetings necessary for the organisation's normal activities;
- costs of meetings;
- publication, information and dissemination costs.

### **5.3. Ineligible expenditure**

The following costs will not be taken into account:

- expenditure on infrastructure purchases;

- expenditure not linked to the functioning or normal activities of the organisation;
- clearly unnecessary or excessive expenditure.

Organisations receiving an operating grant should note that none of their overheads will be treated as eligible costs in relation to an action grant awarded for individual projects.

## 6. PRACTICAL INFORMATION ABOUT SUBMITTING AN APPLICATION

Non compliance with the formal requirements described in this Section may result the rejection of the project due to not meeting the eligibility criteria described under Section 4.1. of this Call for proposals.

Applications must be submitted using the forms especially set for this call for proposals and published by the Commission in electronic format available on the Europa Web-site under the following address: [http://ec.europa.eu/justice\\_home/funding/jpen/funding\\_jpen\\_en.htm](http://ec.europa.eu/justice_home/funding/jpen/funding_jpen_en.htm)

The applicant must fill in all the fields indicated and send back the document on a diskette or **CD-ROM** and in three paper copies (one signed original plus two copies).

Applications submitted on an application form that has been altered or used before, as well as forms completed by hand (even if partially except the places for signature and initials), will be disqualified.

### 6.1 Documents to be submitted

The following documents must be submitted **in triplicate**

- the **application form** for an operating grant, duly completed, **dated and signed** by the person authorised to enter into legally binding commitments on behalf of the applicant.
- **a forward budget 2008, dated and signed**, presented on the above mentioned specific budget form, including a detailed breakdown of expected expenditure and revenue together with Annexes 1 and 2 and the summary timetable for implementation. All pages of the form have to be included.
- **an introduction of the organisation** ( **organisation chart, CVs of staff members** responsible for carrying out the activities, **statute of the organisation** describing its usual activities)
- the applicant's organisation's **annual activity programme for 2008** describing the planned activities in detail

A **single** copy of the following documents is required:

- an original financial identification form, dated and signed by the applicant, and signed and stamped by the bank concerned;
- an original legal entities form, dated and signed by the applicant;
- the latest financial statements (balance sheet, profit and loss account) including audited accounts when required under the national law;

- an external audit report by an approved auditor if the amount of grant exceeds 100.000 Euros; this audit report shall certify the account off the last financial year available;
- the activity report for the latest available year;
- evidence of legal status, including articles of association
- the overall forward budget for the financial year beginning in 2008 showing a detailed breakdown of the association’s expected expenditure and revenue;
- a copy of any official document (e.g. Official Gazette, Register of companies, etc) showing the contractor’s name and address and the registration number given to it by the national authorities;
- a copy of the VAT registration document if applicable and if the VAT number does not appear on the official document referred to above;
- evidence that the applicant can enter into financial commitments on behalf of the university (applicable only to universities or university departments);

Applicants are free to provide any other documentation which they consider appropriate in support of their application. Please do not bind or staple the documents along the spine (into a book) nor use plastic folders or separators.

## **6.2 Deadline for submitting applications**

Applications must be submitted in a sealed envelope by registered mail, by courier service, or by hand-delivery to the address indicated below:

### **By post, to:**

European Commission  
 Directorate-General Justice, Freedom, Security  
 Unit D4 Financial support  
 Programme “Criminal Justice – Operating grants”  
 Office LX-46 2/106  
 B-1049 Brussels

### **By courier service or by hand delivery, to**

European Commission  
 Directorate-General Justice, Freedom, Security  
 Unit D4 Financial support  
 Programme “Criminal Justice – Operating grants”  
 Office LX-46 2/106  
 Mail department  
 Avenue du Bourget 1  
 B-1140 Brussels (Evere)

Applications must be:

- sent by registered mail or by courier service, posted or dispatched no later than **8 of April 2008** (evidenced by the postmark or by the date or the deposit slip)

- received by hand-delivery (in person or by an authorised representative) no later than **8 of April 2008 at 15.00 (Brussels time)**, in which case a receipt must be obtained as proof of submission signed and dated by the official who took delivery.

**Any application sent after the deadline or at the wrong address will not be accepted.**

Following the opening of proposals, the Commission will send an acknowledgement of receipt to all applicants, indicating whether or not the application was received prior to the deadline and informing them of the reference number of their application.

## **7. FURTHER INFORMATION**

Questions may be sent by e-mail to the address or number listed below, indicating clearly the reference of the Call for proposals – operating grants:

e-mail address: [JLS-JPEN@ec.europa.eu](mailto:JLS-JPEN@ec.europa.eu)

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

The Commission may contact applicants to request additional information at any time prior to taking its decision. Failures to respond to such requests by the deadline set may lead to disqualification of the application. Applicants must take the necessary steps to ensure that they can be contacted rapidly up to the end of the selection process. Where the Commission contacts an applicant, this does not in any way constitute or reflect a pre-selection of the proposal on the part of the Commission.

In addition, the European Commission has the task of promoting equality between women and men and must aim in all its activities to eliminate gender inequalities (Articles 2 and 3 of the EC Treaty). In this context, women are particularly encouraged either to submit proposals or to be involved in their submission. The Commission would also like to draw your attention to the importance of a systematic breakdown by sex of all statistics used in research projects and studies and of an analysis of the potentially different impact of policies on women and men, even if they appear at first sight to be gender neutral.

## **8. TIMETABLE**

The evaluation committee expects to complete its report by the end of May 2008. The Commission will then consult the committee of representatives of the Member States set up by the Decision establishing the programme. It is envisaged that all applicants will be informed in writing of the decision taken on their application by the middle of July 2008.

## **9. EX-POST Publicity**

All grants awarded to in the course of a financial year must be published on the Internet site of the Community institutions during the first half of the year following the closure of the budget year in respect of which they were awarded. The information may also be published by any other appropriate medium, including the Official Journal of the European Union.

The following will be published with the agreement of the beneficiary:

1. the name and address of the beneficiaries;
2. the subject of the grant;

3. the amount awarded and rate of funding of the costs of the project.

The European Commission may waive the above obligations if publication of the information could threaten the safety of the beneficiaries or harm their business interests. Beneficiaries of grants must clearly display acknowledgement of the support received from the EU.

## **10. DATA PROTECTION**

The grant applications will be processed by computer. All personal data (such as names, addresses, CVs, etc.) will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>6</sup>. Your replies to the questions in this form are necessary in order to assess your grant application and they will be processed solely for that purpose by the department responsible for the Community grant programme concerned. On request, you may be sent personal data and correct or complete them. For any question relating to these data, please contact the Commission department to which the form must be returned. Beneficiaries may lodge a complaint against the processing of their personal data with the European Data Protection Supervisor at any time. If, at any stage of the administrative treatment of grant applications, the persons or entities concerned consider that they have been affected by an instance of maladministration, they may, irrespective of any other means of redress, make a complaint to the European Ombudsman in accordance with Article 195(1) of the EC Treaty and as provided by the Parliament Decision of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties published in Official Journal of the European Communities L 113 of 4 May 1994.