

## III

(Notices)

## COMMISSION

**PROGRAMME FOR POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS  
(PROGRAMME AGIS)****Annual work programme and call for applications for 2004 (Operating grants)**

(2003/C 308/13)

**I. INTRODUCTION**

Under Article 3(5) of the Council Decision 2002/630/JHA of 22 July 2002, establishing a framework programme on police and judicial cooperation in criminal matters <sup>(1)</sup>, the Commission can subsidise the activities of non-governmental organisations whose main activity contributes significantly to the implementation of the EU's priorities in the areas covered under Title VI of the Treaty on European Union.

**II. OBJECTIVES AND TARGET GROUPS**

Grants made available under this heading are not intended to co-finance the implementation of a particular project, but to support the activities of non-governmental organisations that contribute significantly to the implementation of the EU's priorities in the areas covered under Title VI of the Treaty on European Union.

Applications will be examined only from organisations or representative European networks of bodies which:

- have been legally established in accordance with the law of one of the Member States,
- are non-governmental,
- are non-profit-making,
- pursue activities with a European dimension and involve, as a general rule, at least eight Member States,
- have a work programme geared to the following objectives:
  - Improving the professional skills of magistrates and judicial practitioners and defining training curricula,
  - Cooperation between public authorities and associations in the field of victim assistance,

- Cooperation between public authorities and associations in the field of rehabilitation of offenders,
- Production and dissemination of information on access to interpretation and translation,
- Production and dissemination of information on access to legal assistance and advice,
- Development of restorative justice and mediation.

The total amount available for these grants is EUR 400 000.

**III. 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 50 % of total operating costs and the grant will not exceed EUR 50 000. In the framework of the improvement of the professional skills of magistrates and judicial practitioners, the European network for the training of magistrates could benefit from a maximum financial support of EUR 200 000 (70 % of total operating costs).

In the event of final approval by the Commission, a grant agreement, drawn up in euro and detailing the conditions and level of funding, will be concluded between the Commission and the beneficiary. This contract must be signed and returned to the Commission immediately. The beneficiary will receive a prefinancing payment of 80 % within 45 days of the date when the last of the two parties signs the agreement.

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 eligible costs actually incurred by the organisation in 2004 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 under the advance payment. 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.

<sup>(1)</sup> OJ L 203, 1.8.2002, p. 5.

The person in charge of the organisation must, by his 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 furnish in advance a guarantee from an approved bank or financial organisation based in one of the Member States or an audit report. 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. 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.

## **IV. ELIGIBILITY OF COSTS**

Grant applications must include an estimate in euro of the organisation's operating costs for 2004, based on the actual costs incurred in the previous year and on those required for carrying out the activity programme in 2004. The budget must be balanced and mention all sources of funding.

The activity programme and the financial section in the application will form an integral part of the contract, 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 in 2004. To this end, in February 2005, beneficiaries must submit a financial report showing their actual income and expenditure for 2004 and a report on their actual activities.

If at the end of the year the beneficiary has not carried out any 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.

### **1. 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 will be taken into consideration, i.e.:

- personnel costs,
- general rental and charges for services, 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.

The deadline for submitting an application being set at 15 January 2004, the grant will not cover costs that occur before 15 January 2004.

### **2. 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 indirect costs are no longer eligible when presenting applications for cofinancing of projects.

## **V. EVALUATION CRITERIA FOR PROPOSALS**

### **1. Criteria and eligibility**

To be eligible, a grant application must meet the following criteria:

- it must relate to one of the objectives listed in Section II,
- it must include a sufficiently clear description of the scope of intervention, the specific objectives, the activities foreseen by the organisation in that very same field of intervention,

- it must be submitted using the specific grant application form made available by the Commission in electronic format; no other form will be accepted; all sections of the form must be completed,
- it must meet the formal requirements and be accompanied by all the documents listed in Section VI,
- it must include a detailed budget of the operating costs (ordinary expenditure of the organisation); total anticipated operating costs must be equal to the total sources of financing including the grant request presented to the Commission under the AGIS Programme.

## 2. Exclusion criteria

Non-Governmental organisations shall be excluded from participating in this call for proposals if:

- 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,
- they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*,
- they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify,
- 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,
- 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,
- following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations,
- they are subject to a conflict of interest,
- they are guilty of misrepresentation in supplying the information required or fail to supply this information.

## 3. Selection criteria

The following elements will be examined:

- the non-governmental organisation' operational and professional capability, including evidence of its know-how,
- the non-governmental organisation' financial capability.

Only proposals which meet the above selection criteria will be examined in detail.

## 4. Award criteria

Proposals will be assessed on the basis of the following criteria:

- conformity with the programme's objectives (A),
- whether the activities have a European dimension and are open to participation by the candidate countries (B),
- compatibility with work undertaken or planned under the EU's policy priorities in the field of judicial cooperation on general and criminal-law matters (C),
- complementarity with other past, present or future activities (D),
- ability of the organiser to implement the activities (E),
- the inherent quality of the activities in terms of its conception, organisation, presentation and expected results (F),
- the amount of the subsidy requested under the programme and whether it is proportionate with the expected results (G),
- short-term results and impact in the medium-term (H).

Proposals will be ranked on the basis of points. The maximum allocation of points for each of the above criteria is described below.

Criterion	Maximum number of points
A	5
B	15
C	10
D	5
E	15
F	35
G	5
H	10

## VI. PRACTICAL INFORMATION ABOUT SUBMITTING AN APPLICATION

Applications must be submitted with the specific application form and model forward budget which are available on the Europa website.

[http://europa.eu.int/comm/justice\\_home/jai/prog\\_en.htm](http://europa.eu.int/comm/justice_home/jai/prog_en.htm)

The applicant must fill in the fields indicated and send back the document on a diskette or CD-ROM and in three paper copies.

Applications submitted on an application form that has been altered or used before, as well as forms completed by hand, will be disqualified.

### 1. Documents to be submitted

The following documents must be submitted in triplicate:

- the application form, duly completed, dated and signed by the person authorised to enter into legally binding commitments on behalf of the applicant,
- a forward budget, dated and signed, presented on the specific budget form for the programme, including a detailed breakdown of expected expenditure and revenue (the relevant budget form can be found on the Commission's website).

A single copy of the following documents is required:

- the financial identification form, dated and signed, and signed and stamped by the bank concerned,
- an external audit report produced by an approved auditor and certifying the organisation's annual accounts for the latest available financial year,
- the organisation's annual activity programme for 2004 describing the planned activities in detail,

- the activity report for the latest available year,
- an organisation chart and a description of the tasks of the staff, including the CVs of staff members responsible for carrying out the activities,
- evidence of legal status, as well as the status duly registered,
- the forward budget for 2004 showing a detailed breakdown of the association's expected expenditure and revenue.

Applicants are free to provide any other documentation which they consider appropriate in support of their application.

### 2. Deadline for submitting applications

Applications must be received in a sealed envelope by registered mail, by express messenger or by hand-delivery (a signed and dated certificate of receipt will be given to the deliverer) to:

Postal address

European Commission  
Directorate-General Justice and Home Affairs  
Unit B5: Management of Title VI programmes (Treaty on European Union)  
AGIS 2004 — Call for proposals/OG  
Office LX-46 3/159  
B-1049 Brussels

Address for hand delivery

European Commission  
Directorate-General Justice and Home Affairs  
AGIS 2004 — Call for proposals/OG  
Office LX-46 3/159  
Mail Department  
Rue de Genève 1  
B-1140 Brussels-Evere

Applications must be:

- either by registered mail, posted no later than 15 January 2004 (postmark),
- or by hand-delivery (in person or by an authorised representative or private courier service) not later than 15 January 2004 at 12.00 (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 received after the deadline will be automatically rejected.

### 3. Acknowledgement of receipt

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.

#### VII. FURTHER INFORMATION

Applicants are invited to consult the 'Guide for AGIS applicant' at the following address:

[http://europa.eu.int/comm/justice\\_home/jai/prog\\_fr.htm](http://europa.eu.int/comm/justice_home/jai/prog_fr.htm)

Questions may be sent by e-mail or by fax to the address or number listed below, indicating clearly the reference of the call for proposals:

e-mail address: JAI-AGIS@cec.eu.int

Fax (32-2) 299 82 15

#### VIII. TIMETABLE

The evaluation committee expects to complete pre-selection by the end of February 2004. The committee of representatives of the Member States set up by the Decision establishing the programme will then be consulted. The Commission will finalise pre-selection in April 2004.

All applicants will be informed in writing of the decision taken on their application by 30 April 2004 at the latest.

For beneficiaries of a grant agreement, a pre-financing payment of 80 % will be issued after the signature of the convention by both parties. The exact calculation of the final amount of the subvention will be done when the activities have ended, on the basis of supporting documents provided by the beneficiary. Expenditure incurred before 15 January 2004 is not considered eligible.

#### IX. EX-POST PUBLICITY

All grants awarded 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:

- (a) the name and address of the beneficiaries;
- (b) the subject of the grant;
- (c) the amount awarded and the rate of funding of the costs of the project or approved work programme.

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.

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