



Call for proposals HT.5763

TRAINING OF NATIONAL JUDGES IN EU COMPETITION LAW

1. INTRODUCTION

On 17 October 2013 the European Parliament and the Council adopted Regulation (EU) No 1382/2013¹ establishing a Justice Programme for the period 2014-2020. One of its specific objectives is to support and promote judicial training, including language training on legal terminology, with a view to fostering a common legal and judicial culture.

On 5 November 2019, the European Commission adopted the work programme for 2020 and the financing for the implementation of the Justice Programme² which provides for the publication of a call for proposals to support national or transnational projects on judicial training in competition law. Thus, grants may be awarded to support and promote judicial training with a view to foster a common legal and judicial culture of competition law.

The measures planned for the training of national judges and judicial cooperation will be referred to hereafter as the 'projects'.

Bodies which introduce proposals are referred to hereafter as the 'applicants'. Successful applicants which have been allocated a grant are described as the 'beneficiaries'.

2. OBJECTIVES

The objective of this call for proposals is to co-finance projects aiming to train national judges in the context of enforcing European competition rules. This includes public and private enforcement of both the Antitrust rules and the State aid rules. The final aim is to ensure a coherent and consistent application of EU competition law by national courts.

These objectives can best be achieved through projects which specifically focus on the role of national judges in the application of EU competition law, their particular needs and work environments and pre-existing training and knowledge.

2.1. Scope and expected results

Projects must meet the above-mentioned objectives and clearly demonstrate their EU added-value, i.e. that Union intervention in the form of funding through this grant programme can bring additional value

¹ Regulation (EU) No 1382/2013 of the European Parliament and the Council of 17 December 2013 establishing a Justice Programme for the period 2014 to 2020, OJ L354/73, 28.12.2013.

² C (2019) 7825 final, COMMISSION IMPLEMENTING DECISION of 5.11.2019 on the financing of the Justice Programme and the adoption of the work programme for 2020.

compared to the action of Member States alone. The European added value of actions, including that of small-scale and national actions, shall be assessed in the light of criteria such as their contribution to the consistent and coherent implementation of Union law its potential to develop mutual trust among Member States and to improve cross-border cooperation, its transnational impact, its contribution to the elaboration and dissemination of best practices or its potential to create practical tools and solutions that address cross-border or Union-wide challenges.

Contents of the projects should be tailored to the needs of the target audience. Projects should be designed using practice-oriented learning methods and/or innovative learning methods (including case studies, blended learning, and simulations). The results of the projects should have a broad and long-lasting effect.

2.2. Target audience

The target audience must consist of national judges dealing with competition cases, as defined in section 2 *Objectives*, at national level. This also includes prosecutors, apprentice national judges, and the staff of national courts of eligible countries³.

The target audience as defined above is hereafter referred to as 'national judges'.

Judges from countries not listed as eligible countries and persons other than national judges may participate in the projects, provided that a significant proportion of the audience consists of national judges. However, the costs linked to their participation cannot be included as eligible costs.

3. TIMETABLE AND BUDGET AVAILABLE

	Stages	Indicative period
a)	Publication of the call	15 September 2020
b)	Deadline for submitting applications	15 January 2021
c)	Evaluation period	February – June 2021
d)	Information to applicants	July 2021
e)	Review of budgets	July – August 2021
f)	Signature of grant agreement and start date of the action	September – October 2021
g)	Info day in Brussels for successful applicants	October / November 2021

Applicants will be informed of the results of the assessment of their projects as soon as possible. However, applicants should be aware that the whole grant award procedure may take up to 9 months from the final date to submit proposals.

³ For the purposes of this Call, the term "eligible countries" shall mean the EU Member States with the exception of Denmark and including the EU candidate countries Albania and Montenegro. As mentioned in Recital 34 and 35 of Regulation 1382/2013, DK has not taken part in the adoption of the aforementioned Regulation and are therefore not bound by it or subject to its application. If, before the deadline for submission of proposals, other countries (EEA countries, candidate countries) join the programme, a notification will be placed on the call website informing applicants that organisations from such countries can participate as applicants or partners.

The total budget earmarked for the co-financing of projects submitted under this call is estimated at **EUR 900.000**.

The **maximum grant** that can be awarded is **EUR 300.000** and the **minimum is EUR 30.000**.

The Commission reserves the right not to distribute all the funds available.

4. SUBJECT-MATTER OF THE PROJECTS

Projects should include tailored training activities on EU competition law such as:

- conferences;
- interactive, practice-oriented seminars and workshops;
- multilateral exchanges between national judges;
- joint study visits to EU courts;
- creation of training materials and tools for face-to-face training, blended learning or e-learning such as handbooks, manuals, case-law databases, train-the-trainer events, networking platforms, videos, podcasts, etc. in combination with organisation of training activities.

Projects should provide **advanced and in-depth training activities** for national judges. Trainings should be hands-on oriented, include case studies, refer to the relevant case law of the European Court of Justice and include an analysis of relevant EU jurisprudence.

The environment in which participative training for national judges takes place must be made sufficiently secure to enable participants to freely exchange views and experiences and to learn from one another, without external monitoring or interference. Projects are therefore at best exclusively addressed to national judges.

4.1. Thematic Priorities

Projects should address at least one of the priorities listed below but may address more than one.

Priority 1: Training on the application of **Articles 101 and 102 TFEU** and relevant secondary law, such as the block exemption regulations.

Applicants are invited to choose at least 3 out of the 6 topics listed below:

- a) Scope of application of Article 101 (concept of undertaking, concept of agreement and concerted practice);
- b) Restrictions by object and effect under Article 101;
- c) Concept of dominance under Article 102;
- d) Exclusionary and exploitative (in particular excessive pricing) abuses under Article 102;
- e) Concept of effect on trade between Member States;

- f) The Block exemptions for vertical agreements⁴, production and specialisation agreements⁵, R&D agreements⁶ and technology transfer agreements⁷, including related guidelines.

Priority 2: Training activities focusing on national laws implementing **Directive 2014/104 on antitrust damages actions**⁸. The aim of these projects is to facilitate judges' ability to apply the new rules in an accurate and coherent manner.

Applicants are invited to choose at least 2 out of the 5 topics listed below:

- a) The disclosure of evidence in proceedings relating to an action for damages;
- b) The passing on of overcharges and the interplay between damages actions relating to the same infringement but instituted by injured parties on different levels of the supply chain;
- c) The quantification of antitrust harm in the framework of damages actions, including the application of the methods for quantification identified in the Commission's Practical Guide on the Quantification of Antitrust Harm⁹;
- d) The interaction between the public and the private enforcement of competition law, focussing on both the positive interaction (how can claimants benefit from enforcement action by competition authorities) and measures to avoid negative interactions (for example limits on the disclosure of evidence and on the joint and several liability);
- e) Case management and best practices in dealing with questions of jurisdiction and applicable law and in dealing with the situation of parallel or subsequent proceedings in different Member States.

Priority 3: Training activities focusing on underlying **economic principles of competition law**.

Applicants are invited to choose at least one topic:

- a) Economic principles and economic reasoning (e.g., supply and demand, cost analysis, substitution and strategic interactions in different competition environments, market definitions, horizontal and vertically related markets, market power);
- b) Assessment of economic evidence/studies in litigation and its procedural handling, including a review of currently used estimation methods (qualitative and quantitative), underlining

⁴ New block exemption regulation replacing Commission Regulation 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices to be adopted in 2022.

⁵ New block exemption regulation replacing Commission Regulation No 1218/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty to categories of specialisation agreements to be adopted in 2022.

⁶ Commission Regulation No 1217/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the functioning of the European Union to categories of research and development agreements.

⁷ Commission Regulation (EU) No 316/2014 of 21 March 2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements.

⁸ European Parliament and Council Directive 2014/104/EU of 26 November 2014 on certain rules governing actions for damages under national law for infringements of competition law provisions of the Members States and of the European Union, OJ L 349, pp. 1-19 available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.349.01.0001.01.ENG.

⁹ http://ec.europa.eu/competition/antitrust/actionsdamages/quantification_guide_en.pdf.

advantages and limits of them, as well as the importance of consistency, robustness and duplicability of results.

Priority 4: Training activities focusing on the application of **competition law in regulated industries** (such as the energy, telecommunications or pharmaceutical sector).

Applicants are invited to choose at least one topic:

- a) Scope of application of competition law in regulated sectors;
- b) Concepts of an undertaking and of an association of undertakings applied to public bodies (i.e. public bodies as undertakings vs public bodies as regulatory bodies).

Priority 5: Training activities focusing on how to apply the traditional competition law concepts in Articles 101 and 102 to **digital markets**.

Applicants are invited to choose at least 1 out of the 3 topics listed below:

- a) Market definition in digital markets (including two or multisided markets, zero price markets);
- b) Assessment of market power and dominance in digital markets (including direct and indirect network effects, dynamic efficiencies, importance of access to data, single- and multi-homing);
- c) Recent case law and decisional practice regarding digital markets and more generally potential theories of harm including new forms of collusion (use of algorithms), refusal to provide access to infrastructure (big data).

Priority 6: Training on State Aid, in light of State Aid Modernisation and the enforcement role of national courts.

Applicants are invited to choose at least 2 out of the 4 topics listed below:

- a) Notion of aid¹⁰ (including the method of financing of the aid through parafiscal levies and the Services of General Economic interest¹¹);
- b) The regulations adopted in the framework of the State aid modernization exercise, i.e. mainly the De minimis Regulation¹² and the General Block Exemption Regulation¹³;

¹⁰ Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union; OJ C 262, 19.7.2016, p. 1–50.

¹¹ The legal framework on the Services of General Economic Interest includes the following instruments: Communication from the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest, OJ C 8, 11.01.2012, p. 4-14; Commission Decision of 20 December on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, OJ L 7, 11.01.2012, p. 3-10; Communication from the Commission, European Union framework for State aid in the form of public service compensation, OJ C 8, 11.01.2012, p. 15-22; Commission Regulation on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest, OJ L 114 of 26.4.2012, p. 8.

¹² Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, OJ L 352, 24.12.2013, p. 1-8.

- c) The role of national courts in implementing State aid law (based on the notice on the enforcement of State aid law by national courts¹⁴ and on the Recovery notice¹⁵). Particular attention should be paid to the use of cooperation tools¹⁶ available to national courts;
- d) The request for provisional measures brought before the courts and its interaction with the EU Court proceedings.

Proposals outside of the priority topics

The above policy priorities are indications of possible topics for supported projects. Proposals not in line with these topics, may still be awarded grants if the applicants can justify their suggested training topics by a convincing evidence-based training needs assessment, demonstrating that more training is needed for the proper application of EU competition law in the suggested field.

4.2. Preferences

Preference will be given to projects that:

- a) Provide for trainings foreseeing consecutive levels, building up one on another;
- b) Do not simply duplicate/overlap existing/planned training material or existing/future projects of other training providers at national level but that act in complementarity or that innovate;
- c) Address judges from several member states in one training and thus encourage networking¹⁷.

5. ADMISSIBILITY REQUIREMENTS

In order to be admissible, applications must be:

- sent no later than the deadline for submitting applications referred to in section 15.4;
- submitted in writing and sent by post (see section 15) using the application form and its annexes available at http://ec.europa.eu/competition/calls/proposals_open.html;
- drafted in one of the EU official languages (for reasons of efficiency, the Commission advises applicants to use English).

Failure to comply with those requirements will lead to the rejection of the application

¹³ Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 187, 26.6.2014, p. 1–78;

Commission Regulation (EU) 2017/1084 of 14 June 2017 amending Regulation (EU) No 651/2014 as regards aid for port and airport infrastructure, notification thresholds for aid for culture and heritage conservation and for aid for sport and multifunctional recreational infrastructures, and regional operating aid schemes for outermost regions and amending Regulation (EU) No 702/2014 as regards the calculation of eligible costs, OJ L 156, 20.6.2017, p. 1–18.

¹⁴ Commission notice on the enforcement of State aid law by national courts, OJ C 85, 09.04.2009, p. 1–22.

¹⁵ Towards an effective implementation of Commission decisions ordering Member States to recover unlawful and incompatible State aid, OJ, C 272, 15.11.2007, p. 4–17.

¹⁶ See in particular Article 29 of the Procedural Regulation 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union, OJ L 248, 24.9.2015, p. 9–29.

¹⁷ This last preference does not exclude the possibility to organise national trainings in selected eligible countries.

6. ELIGIBILITY CRITERIA

Projects must:

- (a) be submitted by authorities, public or private organisations duly established in one of the eligible countries, or an international organisation. Organisations of third countries may participate as associate partners but their costs cannot be considered as eligible. Furthermore, they are not permitted to submit projects or to be co-applicants (co-beneficiaries). Organisations which are profit-oriented must submit applications in partnership with public entities or private non-for-profit-oriented organisations. Bodies set up by the European Union falling under Article 70 of the Financial Regulation (FR)¹⁸ shall not be entitled to apply for a grant but may be associated to the application. However, their costs cannot be co-funded by the grant. Natural persons are not eligible;
- (b) target the members of the target group as defined under point 2.2 of this call for proposal;
- (c) seek an EU grant that cannot be lower than EUR 30 000 or higher than EUR 300 000;
- (d) not be completed or have started prior to the date of submission of the grant application.

7. EXCLUSION CRITERIA

7.1. *Exclusion*

The authorising officer shall exclude an applicant from participating in call for proposals procedures where:

- (a) the applicant is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended, or it is in any analogous situation arising from a similar procedure provided for under EU or national laws or regulations;
- (b) it has been established by a final judgment or a final administrative decision that the applicant is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
- (c) it has been established by a final judgment or a final administrative decision that the applicant is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the applicant belongs, or by having engaged in any wrongful intent or gross negligence, including, in particular, any of the following:
 - (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the performance of a contract, a grant agreement or a grant decision;

¹⁸ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012.

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2018.193.01.0001.01.ENG&toc=OJ:L:2018:193:TOC.

- (ii) entering into agreement with other applicants with the aim of distorting competition;
 - (iii) violating intellectual property rights;
 - (iv) attempting to influence the decision-making process of the Commission during the award procedure;
 - (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- (d) it has been established by a final judgment that the applicant is guilty of any of the following:
- (i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;
 - (ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, or corruption as defined in the applicable law;
 - (iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;
 - (iv) money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;
 - (v) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
 - (vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;
- (e) the applicant has shown significant deficiencies in complying with main obligations in the performance of a contract, a grant agreement or a grant decision financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an authorising officer, OLAF or the Court of Auditors;
- (f) it has been established by a final judgment or final administrative decision that the applicant has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;
- (g) it has been established by a final judgement or final administrative decision that the applicant has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations of mandatory application in the jurisdiction of its registered office, central administration or principal place of business;
- (h) it has been established by a final judgement or final administrative decision that an entity has been created with the intent referred to in point (g);
- (i) for the situations referred to in points (c) to (h) above, the applicant is subject to:
- (i) facts established in the context of audits or investigations carried out by European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office or the internal auditor, or any other check, audit or control performed under the

responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;

- (ii) non-final judgments or non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
- (iii) facts referred to in decisions of persons or entities being entrusted with EU budget implementation tasks;
- (iv) information transmitted by Member States implementing Union funds;
- (v) decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law; or
- (vi) decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

7.2. Remedial measures

If an applicant declares one of the situations of exclusion listed above, it must indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to correct the conduct and prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to the declaration. This does not apply for situations referred in point (d) of section 7.1.

7.3. Rejection from an award procedure

The authorising officer shall not award a grant to an applicant who:

- (a) is in an exclusion situation established in accordance with section 7.1; or
- (b) has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information; or
- (c) was previously involved in the preparation of documents used in the award procedure where this entails a breach of the principle of equal treatment, including distortion of competition, that cannot be remedied otherwise.

Administrative sanctions (exclusion) may be imposed on applicants if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

7.4. Supporting documents

Applicants must provide a declaration on their honour certifying that they are not in one of the situations referred to in Articles 136(1) and 141 FR, by filling in the relevant form attached to the application form accompanying the call for proposals and available at:

http://ec.europa.eu/competition/calls/proposals_open.html

8. SELECTION CRITERIA

Proposals that meet the eligibility criteria and do not fall under the exclusion criteria will be evaluated on the basis of their financial capacity and operational capacity.

8.1. *Financial capacity*

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the duration of the grant and to participate in its funding. The applicants' financial capacity will be assessed on the basis of the following supporting documents to be submitted with the application:

- a) Low value grants (\leq EUR 60 000): a declaration on their honour.
- b) Grants $>$ EUR 60 000: a declaration on their honour and,

EITHER

- the profit and loss account, the balance sheet for the last financial year for which the accounts were closed;

OR

- for newly created entities, the business plan might replace the above documents.

The financial capacity assessment does not apply to public bodies (e.g. ministry, local, regional, national or federal government authority, municipality or other public body or a public university) and to international organisations.

On the basis of the documents submitted, if the Commission considers that financial capacity is weak, s/he may:

- request further information;
- decide not to give pre-financing;
- decide to give pre-financing paid in instalments;
- decide to give pre-financing covered by a bank guarantee;
- where applicable, require the joint and several financial liability of all the co-beneficiaries.

If the authorising officer considered that the financial capacity is insufficient s/he will reject the application.

8.2. *Operational capacity*

Applicants must have the professional competencies and the appropriate qualifications necessary to complete the proposed action. In this respect, applicants must submit a declaration on their honour and the following supporting documents:

- the organisation's activity reports (if applicable);
- a short narrative description of which existent professional competencies/resources will be used to implement the project **and/or** curriculum vitae of the people primarily responsible for managing and implementing the operation;

- an exhaustive list of previous projects and activities performed and connected to the policy field of a given call or to the actions to be carried out;
- an inventory of natural or economic resources involved in the project (if applicable).

9. AWARD CRITERIA

Only proposals meeting the above selection criteria will be evaluated. The award criteria aim to ensure that projects with a high inherent quality are selected, and that they meet as far as possible the objectives and priorities of this call in a cost-effective manner. Care must be taken to seek synergies with other EU instruments and programmes and to avoid overlaps and duplications with ongoing activities.

All projects will be assessed against the following criteria:

- 1) **Relevance to the objectives, priorities and preferences of the Call (up to 30 points)**
 - a) To which extent the proposal matches the objectives of the call, the suggested relevant Priorities and Preferences announced in section 4 or provides for a convincing evidence-based training needs assessment for topic not indicated among the priority topics? (up to 15 points).
 - b) To which extent the proposal matches the requirement of a European added value announced in section 2.1? (up to 15 points).
- 2) **Quality of the project as regards its design, presentation, organisation and implementation (up to 30 points)**
 - a) Is the methodology (approach, detail and specificity of the proposed activities, appropriateness of the activities for the expected audience, quality of the speakers, monitoring systems etc.) and the timeframe suitable to achieve the desired outcome of the project? (up to 15 points).
 - b) Does the project show the appropriate means (e.g. networks, partnership with relevant institutions, marketing strategy and capability) to successfully reach the target audience? (up to 15 points).
- 3) **Geographical scope of the project, expected results, dissemination and sustainability (up to 20 points)**
 - a) How wide is the geographical impact of the project in terms of the target group and partners? (up to 10 points).
 - b) Are the expected results achievable, relevant and likely to have a sustainable impact? (up to 10 points).
- 4) **Cost-effectiveness (up to 20 points)**
 - a) Is the requested amount appropriate in relation to the scale and type of the activities, the expected results and the size of the target audience? (up to 10 points)

- b) Do the costs allocated in each section of the budget represent a good value for money and a reasonable ratio between staff costs and overall costs of the project¹⁹? (up to 10 points).

To qualify for an award, the project must obtain at least 50 % of the points available for criteria 1, 2 and 4 and at least 60 out of 100 points.

During the evaluation procedure the Commission may request additional documents/clarifications and suggest technical and financial adjustments. Once the evaluation procedure is completed, including the adoption of the Commission's award decision, the Commission will inform each applicant of the final decision taken and of the next steps and procedures for the preparation of the grant agreements. In the event of a grant awarded by the Commission, a grant agreement, drawn up in euro and detailing the conditions and level of funding, will be sent to the applicant, as well as the information on the procedure to formalise the agreement of the parties. Two copies of the original agreement must be signed first by the beneficiary and returned to the Commission immediately. The Commission will sign as last party.

10. FINANCIAL PROVISIONS²⁰

- 10.1 In implementing the projects, beneficiaries should comply with the Financial Regulation (FR) (and in particular Title VIII)²¹.
- 10.2 The grant provided by the Programme should not cover the entire cost of the action; the EU contribution is limited to maximum 90% of the total eligible cost of the action. At least 10% of the total eligible costs must be covered by the applicant, the partners or by another fund provider.

Co-financing of the action may take the form of:

- the beneficiary's own resources,
- income generated by the action,
- financial contribution from third parties.

- 10.3 Non-cumulative award: an action may only receive one grant from the EU budget.
- 10.4 Non-retroactivity: No grant may be awarded retrospectively for actions already completed.
- 10.5 Contributions in kind cannot be included in the project budget as an expense and are not accepted as co-financing, unless falling into the category introduced by recital (7) of Regulation 1382/2013²².

¹⁹ Staff costs should remain within 50% of the total eligible costs in order to have a reasonable level of cost efficiency. Projects with very high costs for staff will score low under the cost effectiveness criterion. Applicants are advised to foresee in the estimated budget an adequate amount for covering the travel and accommodation costs for participants.

²⁰ Additional provisions can be found in the draft Grant Agreement available on our website http://ec.europa.eu/competition/calls/proposals_open.html.

²¹ See footnote 18.

²² "The Union should facilitate training activities on the implementation of Union law by considering the salaries of participating judiciary and judicial staff incurred by the Member States' authorities as eligible costs or co-financing in kind, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (1) (the "Financial Regulation)".

- 10.6 The rules on eligible costs are described in the general conditions of the draft grant agreement enclosed to this call for proposal. The applicants understand that submission of a grant application implies acceptance of the general conditions attached to this call for proposals.
- 10.7 For activities which can be carried out by both public and private bodies and entities, the non-deductible VAT incurred by public bodies and entities is to be eligible, in so far as it is paid in respect of the implementation of activities, such as training or awareness-raising, which cannot be considered as the exercise of the public authority.
- 10.8 The applicant must submit a balanced budget estimate in euros presenting the sources of co-financing other than the budget of the EU.
- 10.9 **Costs for accommodation and subsistence must be reimbursed on the basis of unit costs**, the amounts of which are published with this Call.
- 10.10 The beneficiary (or the coordinator in case of multiple beneficiaries) is the entity to whom the grant will be paid. All costs have to be incurred by the beneficiary in order to be eligible. Services/goods should be ordered by the beneficiary, and invoices issued in the name of the beneficiary. If services/goods are ordered and paid by other partners they are considered as contributions in kind, and can therefore not be included as eligible costs.
- 10.11 Projects shall not have the purpose or effect of producing profit. Profit is defined as a surplus, calculated at the payment of the balance, of receipts over the eligible costs of the action or work programme, where receipts are limited to the Union grant and the revenue generated by that action or work programme. Any profit identified will entail an equivalent reduction in the final amount of the grant. The no-profit principle does not apply to low-value grants, defined as grants of EUR 60 000 or less.
- 10.12 The Commission may award a grant lower than the amount requested. If the amount granted by the Commission is lower than the financial assistance sought by the applicant, it is up to the latter to find the necessary additional resources or to reduce the total cost of the project so as to ensure its viability without detracting from its objectives or its content. In other cases, it may be decided to grant aid only for part of the proposed activity. The Commission will not provide double financing for one and the same project.
- 10.13 The amount granted by the Commission will be proportionate to the estimated total cost of the project and will be reduced proportionally where the total real costs are lower than the total estimated costs.
- 10.14 Grants awarded shall be covered by a written agreement including the modalities for the reimbursement of a specified proportion of the eligible costs actually incurred. A grant agreement for an action with one beneficiary or with multiple beneficiaries will be used on a case by case basis, as appropriate. The agreement is a standard agreement, and its terms and conditions may not be altered or subject to negotiation.
- 10.15 **Payment Conditions:** as a general rule, the Commission grant is paid in two installments: a pre-financing payment (up to 50% of the total grant) on signature of the grant agreement upon request from the beneficiary; and the balance on receipt and approval of the final report and final financial statement of the project by the Commission.

11. KICK-OFF MEETING

The budget for the proposal must include travel costs to and from Brussels and 1 overnight stay (if necessary) for one or two representatives of the beneficiary (including at least the project coordinator, but ideally also the financial coordinator, unless this is the same person). These costs are to allow successful applicants to participate in the 1-day 'kick-off' meeting dedicated to project management, administrative aspects and reporting obligations.

12. IMPLEMENTATION PERIOD OF THE PROJECT AND OTHER ASPECTS

- 12.1 Projects may have duration of maximum 24 months.
- 12.2 The draft grant agreement will become legally binding only after it has been countersigned by the Commission.
- 12.3 Once the project has been completed and within a period to be specified in the grant agreement, recipients must send the Commission, a **final report** on the project consisting of a **final technical and financial report** accompanied by **the request for payment of the balance**. The final report must detail the results achieved, the dissemination of such results, the conclusions to be drawn, the assessment made by participants (e.g. through feedback forms) and any obstacles encountered.
- 12.4 Beneficiaries may be asked to make the results available to the Commission in a form that is usable and suitable for their dissemination and free of copyright, such as manuals, publications, software and internet websites.

13. PUBLICITY

13.1. By the European Commission

All grants awarded in the course of a financial year must be published on the Internet site of the European Union institutions no later than the 30 June of the year following the financial year in which the grants were awarded.

The Commission will publish the following information:

- name and address of the beneficiary,
- subject of the grant,
- amount awarded.

Upon a reasoned and duly substantiated request by the beneficiary at the moment of the application, the publication shall be waived if such disclosure risks threatening the rights and freedoms of individuals concerned as protected by the Charter of Fundamental Rights of the European Union or harm the commercial interests of the beneficiaries.

13.2. By the Beneficiaries

Beneficiaries must clearly acknowledge the European Union's contribution in all publications or in conjunction with activities for which the grant is used. In this respect, beneficiaries are required to give prominence to the name and emblem of the European Commission on all their publications, posters, programmes and other products realised under the co-financed project.

To do this they must use the text, the emblem and the disclaimer available at http://europa.eu/about-eu/basic-information/symbols/flag/index_en.htm.

If this requirement is not fully complied with, the beneficiary's grant may be reduced in accordance with the provisions of the grant agreement. In addition, the beneficiary shall address an evaluation form to all participants of the project, the results of which are to be communicated to the Directorate General Competition of the European Commission.

14. PROCESSING OF PERSONAL DATA

The reply to any call for proposals involves the recording and processing of personal data (such as name, address and CV). Such data will be processed pursuant to Regulation (EU) No 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. Unless indicated otherwise, the questions and any personal data requested that are required to evaluate the application in accordance with the call for proposal will be processed solely for that purpose by the Commission.

Personal data may be registered in the Early Detection and Exclusion System by the Commission, should the beneficiary be in one of the situations mentioned in Articles 136 and 141 of Regulation (EU, Euratom) 2018/1046²³. For more information see the Privacy Statement on:

https://ec.europa.eu/info/data-protection-public-procurement-procedures_en.

15. PROCEDURE FOR THE SUBMISSION OF APPLICATIONS

15.1 Applications should be submitted following the standard application form accompanied by the required annexes listed in its part F.

15.2 The application must be signed by the person authorised to enter into legally binding commitments on behalf of the applicant.

15.3 Forms can be downloaded from the following website:
http://ec.europa.eu/competition/calls/proposals_open.html.

Helpdesk: questions regarding the call for proposals may be sent by e-mail to the address COMP-TRAINING-JUDGES@ec.europa.eu.

15.4 Applications must be complete (**including all documents specified in Annex 'Check list for applicants'**), signed, dated and shall be submitted in duplicate (one signed original and one copy in electronic format) **no later than 15 January 2021 by post or express courier** (as evidenced by the postmark or by the acknowledgement of receipt of the express courier service):

²³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1046>.

If delivered by post to:

European Commission
Directorate General for Competition – Unit A.4
TRAINING OF JUDGES CFP HT.5763
MADO 20/043
1049 Brussels
Belgium

If delivered by hand or express courier to:

European Commission
Directorate General for Competition – Unit A.4
TRAINING OF JUDGES CFP HT.5763
Avenue du Bourget, 1
1140 Evere
Belgium

Please ensure that the mention: ' CALL FOR PROPOSALS – NOT TO BE OPENED BY THE REGISTRY ' is clearly mentioned on the envelope.
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