

## **ANNEX B – REMARKS ON THE CONTRACTING RULES and TYPES OF ACTIVITIES ELIGIBLE FOR SUB-GRANTING**

**Grant giver – European Citizen Action Service, Belgium (ECAS)**  
**The Sub-grant Beneficiaries – selected pilot projects**

### **A. Selection of sub-grant Beneficiaries**

Following the project proposal approved by the European Commission, participation in this tender procedure is open on equal terms to all organizations working in the beneficiary countries mentioned, where up to two projects will be selected per country<sup>1</sup>.

In order to select the most suitable sub-grant beneficiary, ECAS has to evaluate the proposals following the principles of transparency, fairness and non-discrimination, which should be reflected in the selection criteria in a justifiable and well documented manner. The evaluation process of a sub-grant Beneficiary must be well documented. Once proposals for sub-granting have been assessed, a list will be established for every beneficiary country, with the proposed actions ranked according to their total score.

### **B. Implementing modalities**

- Implementation period: 1<sup>st</sup> December 2013 – 30<sup>th</sup> November 2014.
- Maximum amount of sub-granting in Euro: 10 000 €  
(Please find attached a copy of the budget (Annex A) with a clear reference to the budget items sub-granted. Applicants are reminded that they need to fill out the budget accordingly.)
- Activity and financial reporting requirements: the selected sub-grant Beneficiary will be required to submit a final narrative and financial report to ECAS (a template for the report will be delivered to the sub-grant Beneficiary no later than 3 months before the end of the project implementation)
- The selected sub-grant beneficiary will also be required to submit a mid-term report covering the first six months of activities which will be due by 30 June 2014.
- Payment arrangements: 80% of the amount sub-granted will be delivered within one month upon approval of the project. The remaining 20% will be delivered after the submission and approval of the final narrative and financial report by ECAS.
- Any publication or information on the project should be agreed in advance between the two parties.
- Should the sub-grant Beneficiary fail to implement the approved activities explained in the project proposal and with a view to achieving the objectives laid down therein, a recovery order of the sub-granted amount will be enforced.

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<sup>1</sup> With exception of Croatia, where up to 6 pilot-projects will be selected, with additional financial support by the *National Foundation for Civil Society Development*.

- In order to provide ECAS with a reasonable assurance that the sub-grant Beneficiary is able to carry out the agreed upon actions, the rules mentioned in the **Article 45 of Directive 2004/18/EC are applicable to the sub-grant Beneficiary** and the authorized signatory of the sub-grant Beneficiary will be asked to certify that the organization he/she is running is not in one of the situations listed below and signed on behalf of the sub-grant holder. At the approval stage ECAS will ensure that this declaration is provided by the sub-grant Beneficiary:
  - 1. Any candidate or tenderer who has been the subject of a conviction by final judgment of which the contracting authority is aware for one or more of the reasons listed below shall be excluded from participation in a public contract:
    - (a) participation in a criminal organisation, as defined in Article 2(1) of Council Joint Action 98/733/JHA(20);
    - (b) corruption, as defined in Article 3 of the Council Act of 26 May 1997(21) and Article 3(1) of Council Joint Action 98/742/JHA(22) respectively;
    - (c) fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities(23);
    - (d) money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering(24).
  - 2. Any economic operator may be excluded from participation in a contract where that economic operator:
    - (a) is bankrupt or is being wound up, where his affairs are being administered by the court, where he has entered into an arrangement with creditors, where he has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations;
    - (b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;
    - (c) has been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning his professional conduct;
    - (d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;
    - (e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
    - (f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
    - (g) is guilty of serious misrepresentation in supplying the information required under this Section or has not supplied such information.

- Intellectual property in any materials, whatever their form, produced under the sub-grant shall vest jointly in ECAS and the sub-grant Beneficiary. The European Commission shall also have the right to use freely and as it sees fit any materials deriving from the sub-grant, whatever their form.
- Pursuant to the grant awarded by the European Commission to the Triple A project, the ECAS shall undertake that the conditions applicable to it, especially under Articles 1, 3, 4, 5, 6, 7, 8, 10 and 16 of the General Conditions applicable to European Union-financed grant contract for external action<sup>2</sup> shall also apply to its sub-grant Beneficiary. ECAS shall include provisions to that effect as appropriate in its formal agreement with the sub-grant Beneficiary so as to ensure the proper execution of the EC grant contract.
- The Partner is also required to give prominence to the name and logo of the European Commission and the name and logo of the Programme financed by the Community on all their publications, posters, programs and other products produced under the co financed action. Communication and Visibility Manual for EU External Actions laid down and published by the European Commission can be found at:
  - [http://ec.europa.eu/europeaid/work/visibility/index\\_en.htm](http://ec.europa.eu/europeaid/work/visibility/index_en.htm)

Moreover, the sub-grant Beneficiaries shall mention the Action and the European Union's financial contribution in information given to the final recipients of the Action, in its internal and annual reports, and in any dealings with the media. It shall display the EU logo wherever appropriate.

In addition, the sub-grant Beneficiaries will promote the Triple A project in all the results achieved and materials produced. The logo and the website of the Triple A project will be made available to the sub-grant Beneficiaries in due time.

**C. The following types of activity (the list is not exhaustive) may qualify to be eligible for sub-granting:**

- Advocacy tasks promoting the Triple A project concept and desired outcomes. This may include one of the following:
  - facilitating contacts, consultation and discussion between different stakeholders;
  - communication and information activities aimed at supporting consultation with stakeholders involved in the field of free legal aid services;
  - promotion of the implementation of adopted laws and regulations, the revision of existing legislation and adoption of new legislation in accordance with EU and international standards as needed.
- Public awareness-raising campaigns, informing the citizens about their rights;
- Publication of leaflets, manuals on best practice for the services providing free legal aid;
- Providing information about citizens' rights and obligations - for example by

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<sup>2</sup> This document is available on the Europa website under “Grants Annexes” folder (e3h2\_gencond\_en.doc).

[http://ec.europa.eu/europeaid/work/procedures/implementation/practical\\_guide/previous\\_versions/january\\_2012/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/previous_versions/january_2012/index_en.htm)

- offering on-line information, telephone helplines and/or email-based information about citizen's rights; or by providing community-based legal education; Providing advice on how rights might be exercised or how citizens might obtain redress - for example by supplying citizens with personalised advice either face-to-face, by email or by telephone;
- Providing assistance in exercising rights or obtaining redress – for example by helping citizens to write letters of complaints, to complete forms for claiming benefits, to find the right government official / department to contact, to apply for and access legal aid, or to find pro bono legal representation;
- Providing legal assistance - retaining a lawyer, free legal representation before the courts or setting up a network to refer cases to providers legal aid who can represent citizens before the courts; Promoting the provision of the access to information, advice, legal help and/or advocating for those services in some new, innovative ways;
- Developing systems to collate evidence on casework from providers of Triple A services to advocate for changes to law and policy.