

## **CEF TELECOM – CALLS FOR PROPOSALS:**

- CEF-TC-2020-2 – Business Registers Interconnection System (BRIS)
- CEF-TC-2020-2 – Cybersecurity
- CEF-TC-2020-2 – eArchiving
- CEF-TC-2020-2 – eHealth
- CEF-TC-2020-2 – eProcurement
- CEF-TC-2020-2 – European Digital Media Observatory (EDMO)
- CEF-TC-2020-2 – European Platform for Digital Skills and Jobs
- CEF-TC-2020-2 – Public Open Data (POD)

## **FREQUENTLY ASKED QUESTIONS**

### **General – 20 July 2020 version**

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#### *Notes:*

- *All replies in blue text have been added or updated since the previous version.*
- *Any references to EEA countries below only refer in this case to Norway and Iceland. See the individual call texts for more information.*

## **1. DEFINITIONS**

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### **1.1. What is the "CEF"?**

The Connecting Europe Facility (CEF) is an EU funding programme which aims to support and accelerate investment in the field of trans-European networks in the transport, energy and

telecommunications sectors and to leverage funding from both the public and private sectors. The legal basis of the programme is Regulation (EU) No 1316/2013 (see <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32013R1316>).

### **1.2. What is a "beneficiary"?**

A "beneficiary" is any entity which signs directly or through a mandate to the coordinator a grant agreement with INEA, whether or not the beneficiary requests funding from the EU. Applicants, whose proposals are selected for funding by the Commission, are expected to become the beneficiaries of the financial aid awarded for the selected Action. Affiliated entities, implementing bodies or sub-contractors are not beneficiaries in the sense of the grant agreement.

### **1.3. What is an "implementing body"?**

An implementing body is a public or private undertaking or body that may be designated by a beneficiary, where the beneficiary is a Member State/EEA country or an international organisation, to implement the proposed Action. Such designation should be decided upon by the beneficiary under its own responsibility, and, if it requires the award of a procurement contract, in compliance with the applicable EU and national public procurement rules.

Implementation by a third party (rather than an implementing body) of tasks forming part of the Action is subcontracting, which is explained in section 13 of this document.

(Please note that implementing bodies are not considered as applicants in a proposal. In case a call includes consortium composition criteria, implementing bodies are not taken into account as part of the required number of consortium members.)

### **1.4. The Guide for Applicants notes that milestones are "one-off events and therefore the means of verification should be easy and concrete. Examples of milestones include: publication of a tender, signature of contract, purchase of equipment, completion of dissemination measure, etc." What could be an example of a "means of verification"?**

Milestones will be established in the grant agreement in relation to the activities of the action. Some examples (not exclusive) of verification of milestones:

- For a signature of a contract: copy of the signed contract or communication of the protocol number of the contract
- For purchase of equipment: copies of invoice(s) and a list of the purchased items
- For the creation/operation of a website: Internet address of the website, screenshot of the website, quarterly website statistics on page views.

Major events in the project lifecycle represent a milestone. Means of verification can be any objective elements that prove that the milestone has been reached. For more information and examples, please refer back to the Guide for Applicants.

### **1.5. What is a "Member State"?**

A Member State is a State, which is a member of the European Union. As an applicant, a Ministry would be a part of the government entitled to represent the Member State authority **at the international level**.

### **1.6. What is an "in-kind contribution from a third party"?**

An in-kind contribution refers to cases in which a (third) party makes available some of its resources for the purposes of the proposed Action, which may consist of personnel, contributed equipment, infrastructure or other assets or contributed goods or services.

Please note that in CEF Telecom, in-kind contributions are not possible and the value of such contributions will not be taken into account. See also Q11.1B.

### **1.7. What is meant by "public sector body/undertaking"?**

In the context of the CEF Telecom calls, please refer to the definition a public sector body/undertaking provided here:

[https://ec.europa.eu/research/participants/data/ref/h2020/grants\\_manual/lev/h2020-rules-lev-lear-fvc\\_en.pdf](https://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/lev/h2020-rules-lev-lear-fvc_en.pdf)

Please note that Ministries are omitted from this definition as they are considered as an entirely separate category, which is "Member State". However, any another public entity (such a national environmental agency) that has independent legal personality from a Ministry would be considered as being a public sector body governed by public law.

### **1.8. What is a "public administration"? Is it the same as a "public body"?**

For purposes of the call, any public body shall be considered a public administration. See Q1.7 above for the definition of a public body. Therefore, applicants that fall in the legal status categories of either "Member State" or "Public sector body" (see application form part A2.1) will be considered as public administrations where proposals by "public administrations" are required.

### **1.9. In the Guide for Applicants, there are some explanations of the nature of deliverables. What would be a specific example of a "demonstrator" and a "specification"?**

A "demonstrator" could include a pilot, a prototype, or design plans. A "specification" is of a more technical nature, and could include programming codes, architecture requirements, or algorithms.

### **1.10. What is an "affiliated entity"?**

An affiliated entity is an entity affiliated to the beneficiary within the meaning of Article 187 of the Financial Regulation, available at the following link: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32018R1046>. Examples of affiliated entities could be:

- Entities directly or indirectly controlled by the beneficiary (daughter companies or first-tier subsidiaries)
- Entities directly or indirectly controlling the beneficiary (parent companies)
- Entities under the same direct or indirect control as the beneficiary (sister companies)

Applicants of the CEF Telecom calls may designate affiliated entities to support the implementation of the proposed Action. Such designated affiliated entities must comply with the eligibility and selection criteria for applicants and declare that they do not fall within one of the exclusion situations referred to in section 7 of the call text.

**1.11. What is the PIC (Participant Identification Code)? Is it compulsory for all applications? How participants can receive a PIC number for their application?**

The Participant Identification Code (PIC number) is a 9-digit number serving as a unique identifier for organisations (legal entities) participating in EU funding programmes. To participate in an Action, each applicant should be registered in the Participant Register. The Participant Register is an online web interface offering registration and data update services for all participants of EU programmes via the Funding & Tenders Portal. By registering to this facility, the applicant will obtain a PIC number. It is highly encouraged that applicants do this before the call deadline and enter the resulting PIC number in the relevant box of application form part A.

It is also necessary that each applicant submit the necessary supporting documents, if requested to do so by the EU Validation Services (Research Executive Agency Validation Services, appointed as central validation body). In line with the Rules on Legal Entity Validation, LEAR appointment and Financial Capacity Assessment, a set of documentation must be uploaded in the Participant Register to process:

- a. The verification of the legal existence and status of the organisation
- b. The financial capacity assessment
- c. The appointment of a "Legal Entity Appointed Representative" (the so-called "LEAR")

Funding will depend on a positive evaluation of the proposal; therefore contacts with the EU Validation Services or with the Agency in relation to the registration process cannot in any way be regarded as an offer to fund the Action.

Please be informed that the Agency may refuse to sign the grant agreement, if the requested valid documentary evidence is not provided by the deadlines given to you by the Research Executive Agency Validation Services.

**1.12. Does every applicant in a consortium application need to have a PIC number and a LEAR assigned please in the portal?**

To participate in a call for proposals, each participating organisation should register their organisation through the Participant Register. Please see Q1.11 above for further details.

You may check if your organisation has a PIC number on this hyperlink: <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register>.

You should update the information on your organisation in the Participant Register whenever this is necessary.

Parallel to the validation of the participating organisations in the Participant Register, its legal representative(s) must nominate a Legal Entity Appointed Representative (LEAR). The LEAR role is key as once validated by the EU Validation Services, the LEAR will be authorised to:

- manage the legal and financial information about the organisation;
- manage access rights of persons in the organisation (but not at the project level); and
- appoint representatives of the organisation to electronically sign grant agreements or financial statements.

**1.13 Does the LEAR contact from a previous application apply for this new, current one or do we need to register a new LEAR contact for each applicant?**

If the LEAR contact person did not change, then the LEAR remains the same. However, if a new LEAR has been appointed, the details of the new LEAR need to be updated accordingly.

## **2. CALL FOR PROPOSALS/GUIDANCE INFORMATION**

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**2.1. Where can I find the documents, including the Guide for Applicants, related to the ongoing calls for proposals?**

All documents related to the 2020 CEF Telecom calls for proposals are published on the INEA website's individual call webpages, accessible here: <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2020-cef-telecom-calls-proposals>.

**2.2. Is there a contact point in INEA for the current open call for proposals with whom I could get in touch with directly?**

All call-related questions must be addressed to the call helpdesk (inea-cef-telecom-calls AT ec.europa.eu) while the call is open. To respect the principle of equal treatment of all applicants, INEA does not reply individually to applicants' questions. Questions received will be made anonymous as required and published with their respective answers in these FAQs.

Nevertheless, INEA will respond bilaterally to questions relating to technical problems with the TENTec eSubmission module as necessary and up to the call deadline. Other general questions not related to the call will be forwarded internally to the competent services for follow-up.

**2.3. Where can I find information about my national contact point for my call area?**

The list of national contact points for CEF Telecom is available on each call webpage in the "Background documents & useful info" section. For some Member States, a breakdown of contacts per DSI area is included; for others it is not. Please contact the person(s) listed for your country for more information. See also section 6 below.

**2.4. Is the CEF Regulation also the legal basis for CEF Telecom, in addition to CEF Transport and CEF Energy?**

Yes. The CEF Regulation (No 1316/2013) (see <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32013R1316>) establishes the Connecting Europe Facility (CEF), which sets the conditions, methods and procedures for providing funding to support projects of interest to the EU in the transport, telecommunications and energy infrastructure sectors. It seeks to speed up investment in trans-European networks and to leverage funding from the public and private sectors, as well as setting out the amount of money to be made available from 2014-2020. It is also the legal basis for the CEF Telecom calls.

**2.5. Can an application for an open CEF Telecom call be submitted after the deadline for consideration at a later stage? Is there a second round of applications?**

An application for a CEF Telecom call must be completed and submitted before the call deadline, as specified in the respective call text. Any applications submitted after the call deadline will be considered inadmissible. Future calls may differ as far as the objectives and call scope are concerned, therefore proposals prepared for current calls may no longer meet the requirements, objectives and conditions of future calls.

Any proposal saved in the TENtec eSubmission system which is still in DRAFT status at the time of the call deadline (i.e. it has not been submitted or it has been withdrawn or reopened after submission and not re-submitted) will not be considered for evaluation.

**2.6. Are there any standard forms or templates to be used in the applications for these calls?**

Yes. The CEF Telecom call uses a four-part application form which applicants must complete and submit electronically using the TENtec eSubmission module. A link to the application forms and the TENtec module is also provided on each individual call webpage, accessible via the following link: <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/apply-funding/2020-cef-telecom-calls-proposals>. The Guide for Applicants, also available on each call webpage, provides step by step information about how to complete each part of the application.

The four parts of the application form are as follows:

1. *Part A* identifies the main characteristics of the proposal (e.g. summary of the proposed Action and description of its activities, contact details and characteristics of the applicants, as well as information related to the costs, funding requested etc.)
2. *Part B* provides administrative information about the applicants, their designated affiliated entities and/or implementing bodies, as well as their financial and operational capacity
3. *Part C* provides information on the compliance of the proposed Action with EU law and other sources of EU funding
4. *Part D* provides technical and financial information on the proposed Action submitted for funding

See also FAQ section 15 for questions pertaining to how to fill the application form and individual sections.

**2.7. Do the CEF Telecom calls also cover projects of an R&D nature, such as innovative technology developments?**

CEF Telecom does not cover research and innovation projects. As indicated in section 2.2 of the Work Programme, "CEF focuses on providing operational services which are **ready to be deployed** and which will be sustainable and maintained over time."

**2.8. Are the statistics on funding requests/selected proposals publicly available?**

After the call closure, statistics including the number of proposals received and the total requested funding are published on the INEA website. Please regularly check the News section of the website and follow us on Twitter (@inea\_eu) to see when this information is available.

Information about the selected proposals is also available on the main call webpage after the selection Decision is published, and eventually in the Projects section of the website.

### **3. ELIGIBILITY CRITERIA/APPLICANTS**

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#### **3A. CONSORTIA**

**3A.1. Can a public body (for example a governmental agency) be one of the partners in a project consortium?**

Yes. There are no restrictions for public entities - either national, local or regional ones - to participate in proposals under these calls, provided they meet the applicable eligibility and selection criteria as specified in the respective call texts.

**3A.2. In case of a multi-applicant proposal, do all applicants or only the coordinating applicant have to sign application form part A2.2?**

Application form part A2.2 must be completed and validated (dated and signed) by **each** applicant of a proposal, and **each** form must be scanned and uploaded in the TENtec eSubmission module. Any applicant(s) which fail(s) to do so will not be considered admissible.

**3A.3. What is the ideal size of a consortium?**

There is no ideal size of a consortium, as this depends on various factors such as the call to which the application is submitted, the activities planned to meet the objectives of the call, and the amount of CEF funding being requested. When formulating a proposal, applicants must however respect any specific eligibility criteria regarding the consortium outlined in section 6.1 "Eligible applicants" of the call text.

**3A.4. Does the involvement of a government in a consortium increase the chance of the proposed Action being funded?**

No. As required by the CEF Regulation and the call, a proposed Action must demonstrate Member State support through the signature of application form part A2.3. In addition, question 2.8 of application form part D requires the applicant to describe the extent to which the proposed Action demonstrates support from national authorities, industries and NGOs when relevant. Having a government entity as an applicant and member of the consortium may make this support easier to justify. However, the fact that a government is an applicant in a proposal does not itself influence the evaluation of the proposal.

**3A.5. Can a Member State Ministry which is also an official contact point for the certification of applicants participate in a call as a member of a consortium?**

Yes. Member States are eligible to apply for calls under the CEF Telecom programme. There is no conflict of interest for a Member State Ministry to both grant approvals for call applicants (i.e. application form part A2.3) and participate as an applicant under the same call.

**3A.6. Is a consortium application the same as a multi-applicant proposal? In other words, should each member of a consortium be treated as an applicant in their own right?**

Yes, a consortium application is the same as a multi-applicant proposal. Each member is to be treated as an applicant in their own right. A consortium of applicants may wish to draw up a consortium agreement that will be used to regulate relations between beneficiaries in the consortium during the implementation of the project, if the application is selected for funding.

**3A.7. Can two Ministries of the same Member State submit a joint application under this call? Should one take the role of Lead Partner and the other remain a Partner?**

Under CEF Telecom calls, the terms such as joint application or "Lead Partner" are not used. A proposal can however be submitted by two Ministries of the same Member State, where both Ministry act as applicants - such a proposal is referred to as a "multi-applicant proposal". One of the Ministries will have to carry out the role of the project coordinator. See Section II.1.3 of the model grant agreement which outlines the general obligations of this role.

**3A.8. What are the requirements/eligibility criteria for an organisation to be a partner of a consortium (i.e. one of the applicants in a multi-applicant proposal)? Are there any limitations regarding which organisation can be a consortium member?**

Applications for the 2020 CEF Telecom calls can be presented by the following types of applicants:

- One or more EU Member States, Norway or Iceland
- With the agreement of the Member States concerned (or Norway or Iceland), international organisations, Joint Undertakings (within the meaning of Article 187 of the TFEU), or public or private undertakings or bodies established in Member States (or Norway or Iceland).

Participation of applicants from third countries is only possible under certain conditions (see also Q3B.13).

Applicants must also comply with the selection criteria by demonstrating they have the financial and operational capacity to carry out the proposed Action, where relevant (see section 7 of this FAQ).

Please note that the section 5 and 6 of the call texts may include additional specific admissibility and eligibility criteria requirements applicable for applicants or consortia.

***3A.9. The call for which we are applying has a consortium requirement. Do we need to form a separate legal entity for a consortium in order to carry out the proposed Action?***

No, it is not necessary for the consortium of applicants to establish a separate legal entity. However, entities forming the consortium must apply as applicants in the proposed Action to be counted towards a consortium requirement (legal entities participating as implementing bodies will not be counted to fulfil any minimum consortium requirements – see Q5.8).

A consortium of several applicants may wish to consider drawing up a consortium agreement, which is a contract that will be used to regulate relations between beneficiaries during the implementation of the project, if the application is selected for funding. See also Q18.4 and Q18.22.

***3A.10. We have two public entities in our consortium. One is controlled by the other (i.e. is the other's "daughter company"). Is it possible to have two entities of the same "family" in the consortium? If so, should both applicants designate each other as an affiliated entity? Or would this only be applicable if the designated affiliated entity would not claim any costs and receive funding?***

Yes, it is possible to have affiliated entities of the same family in a consortium and as part of the grant agreement. Two different options are possible:

a. One applicant is a beneficiary of the grant and the other one is indicated as an entity affiliated to that beneficiary under Article 7 of the model grant agreement. Costs incurred by affiliated entities which meet the criteria as laid down in Article II.19.1 of the model grant agreement are eligible.

b. These two entities are both beneficiaries.

It is up to the applicant to decide the best configuration in terms of overall organisation of the proposal and the work to be carried out. See also Q1.10, Q3B.11, Q13.5, Q15.11 for more information about affiliated entities.

***3A.11. Can we apply to the call as a consortium, without having a defined project coordinator for the budget distribution?***

No. For multi-beneficiary actions, an applicant must designate itself or another applicant as coordinating applicant. Should the proposal be selected for funding, the coordinating applicant becomes the project coordinator by default, although any other beneficiary signing the agreement



may take on this role as well, as appropriate. Please see section II.1.3 of the model grant agreement for more information about the general obligations and role of the coordinator.

**3A.12. In a multi-beneficiary consortium, is it possible to have a coordinator whose only task is project coordination (i.e. not participating in the development of the services)? If so, would this cost be funded and at which rate?**

Yes. Project management costs including staff costs would generally be considered as eligible costs, provided they comply with general conditions for eligibility of costs outlined in Article II.19 of the model grant agreement (available on each individual call webpage) for more information.

Project management costs are an example of "transversal activities". The direct costs of transversal activities can be presented as an entire, separate activity in the application, as long as they are clearly identified.

Please bear in mind that during the evaluation process the proportionality of proposed activities and estimated costs will be thoroughly analysed and inconsistencies may lead to low scoring against the "Quality and efficiency of implementation" criterion.

**3A.13. What are the responsibilities of the project coordinator?**

As indicated in article II.1.3 of the model grant agreement, the general obligations and role of the project coordinator is as follows:

- (a) monitor that the action is implemented in accordance with the Agreement;*
- (b) be the intermediary for all communications between the beneficiaries and the Agency, except where provided otherwise in the Agreement, and, in particular, the coordinator shall:*
  - (i) immediately provide the Agency with the information related to any change in the name, address, legal representative as well as in the legal, financial, technical, organisational or ownership situation of any of the beneficiaries or of its affiliated entities, or to any events or circumstances likely to affect or delay the implementation of the action, of which the coordinator is aware;*
  - (ii) bear responsibility for supplying all documents and information to the Agency which may be required under the Agreement, except where provided otherwise in the Agreement; this includes responsibility for submitting the deliverables identified in Annex I, in accordance with the timing and conditions set out in it; where information is required from the other beneficiaries, the coordinator shall bear responsibility for obtaining and verifying this information before passing it on to the Agency;*
- (c) make the appropriate arrangements for providing any financial guarantees required under the Agreement;*
- (d) establish the requests for payment in accordance with the Agreement;*
- (e) ensure that all the appropriate payments are made to the other beneficiaries without unjustified delay;*
- (f) bear responsibility for providing all the necessary documents in the event of checks and audits initiated before the payment of the balance, and in the event of evaluation in accordance with Article II.27.*

*The coordinator shall not subcontract any part of its tasks to the other beneficiaries or to any other party.*

**3A.14. Is it preferable to apply within a consortium?**

Consortia may reduce administrative overhead for both the applicants and the European Commission, and the pooling of resources and know-how can lead to applications that take advantage of economies of scale, benefit from increased expertise and aim at generating better

added value. However, all applications whether single applicant or multi-applicant consortia, will be treated and followed up equally.

***3A.15. Can a public entity and a private entity which already have a contractual relationship for another project be part of the same consortium?***

Yes. Entities having a contractual relationship which is not related to the proposed Action can be applicants as part of the same consortium.

***3A.16. In case a consortium is composed of both public and private entities, is there any requirement on who should be the coordinating applicant or the coordinator of the Action (e.g. preference for the public entity)?***

There is no requirement or preference concerning the applicant who can be the coordinating applicant in a multi-applicant proposal, provided such applicant meets the eligibility and selection criteria specified in the call text.

If the proposal is selected for funding, this is also the case for the role of coordinator that can be taken by any of the beneficiaries signing the agreement. The general obligations and the role of the coordinator are explained in Article II.1.3 of the model grant agreement.

***3A.17. If there are two companies, and the CEO of the first company is member of the board of the second company, may both companies participate in the proposal?***

Yes, in this situation both companies may participate in the proposal.

***3A.18. Can consortia comprising participants from various EU Member States apply for funding?***

Yes, unless the call text places restrictions on the types of applicants/consortia in Section 6.1 'Eligible applicants'.

**3B. OTHER**

***3B.1. Is the eligibility of applicants limited only to organisations currently participating in similar projects funded by the European Commission?***

No, there is no such limitation.

***3B.2. Are there any specific requirements for Member States to be eligible for CEF funding, specifically in terms of content and delivery?***

There are no specific requirements for Member States as such. Like all of the other applicants of a call, Member States must also be able to comply with the eligibility criteria for actions as laid down in the work programme and the calls for proposals (see section 6 of the call texts) and must meet the objectives of the call.

***3B.3. Can regional and local governments apply for the call? Would they still need the explicit support at the national (Member State) level?***

Both regional and local governments may apply for funding, as long as they comply with the eligibility criteria for applicants and actions proposed for funding, as laid down in the Work Programme and the call for proposals.

In both cases, the approval of the relevant Ministry (application form part A2.3) is necessary. See also section 6 below.

***3B.4. Can proposals be submitted by entities which do not have legal personality under the applicable national law?***

Yes. Section 6.1 "Eligible applicants" of the call texts states in line with Article 9 of the CEF Regulation: "Proposals may be submitted by entities which do not have legal personality under the applicable national law, provided that their representatives have the capacity to undertake legal obligations on their behalf and offer guarantee for the protection of the EU's financial interests equivalent to that offered by legal persons. Proposals submitted by natural persons are not eligible."

***3B.5. What would be the role of SMEs as participants in CEF projects?***

There is no specific role or conditions for SMEs under the CEF Programme. SMEs are treated as any other applicants and must respect the eligibility criteria of the call.

***3B.6. Are public research organisations considered to be public administrations? Or are they representatives of public administrations and then eligible as proposers?***

This depends on the organisation's own acts of establishment, which indicate what type of organisation it is, and how it fits in the organisational structure of a public administration. Under the CEF Telecom calls, there is no specific legal entity category for public administrations. Instead, entities may be defined as public bodies. See also Q1.7.

***3B.7. Can research institutions participate in the CEF Telecom calls? And if so how can they find partners?***

Research institutions may apply for funding, as long as they comply with the eligibility criteria for applicants and actions proposed for funding as laid down in the work programme and the call for proposals. Research activities *per se* are however not funded under the CEF programme. See INEA's LinkedIn page on "CEF Telecom calls for proposals: Build A Consortium!" (<https://www.linkedin.com/groups/8552837/profile>) and the CEF Digital website's Community section (<https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/CEF+Digital+Home>) for more information on reaching out to potential partners and/or contacts.

***3B.9. Are separate departments of the same Ministry considered to be separate entities, especially if they have different roles in a proposed Action?***

Regardless of the role they play in a proposed Action, two (or more) departments under the same Ministry will not be counted as separate entities since they share the same legal identity as the Ministry. As such, they also will not be considered as separate applicants for other purposes, i.e. meeting the eligibility criteria in section 6 of the call text regarding consortium composition.

***3B.10. Can an entity participate in two different calls at the same time?***

Yes. There is no restriction on the number of calls in which an entity can participate, as long as the requisite eligibility criteria and conditions of the calls are met. It should be noted however, that the entity should provide evidence that they have the operational capacity to carry out different actions at the same time. See section 4.3 of application form part B for more information.

**3B.11. Can a private undertaking and its fully-owned subsidiary apply: a) as an applicant with an affiliated entity (i.e. just one applicant in a consortium) or b) as two separate applicants (i.e. count as two applicants)?**

Both options are possible.

**3B.12. Our Ministry is planning to apply for a call and will use another government agency to carry out some activities related to the proposed Action. Our Ministry will sign a contract with this agency. Would this be considered as sub-contracting, or given that we are working together with the agency should the agency be considered as an applicant in the proposal?**

A Member State Ministry has the option to designate an implementing body to implement the proposed Action on its behalf. The implementing body, or the agency in this case, does not need to be an applicant in the proposal. The agency may of course also apply as a separate entity. The designation of an implementing body will be decided by the Member State under its own responsibility and, if it requires the award of a procurement contract, in compliance with the applicable EU and national public procurement rules.

Depending on the nature of the contractual relation, a contract for the implementation of specific activities may be considered as procurement or subcontracting in accordance with Articles II.9 and II.10 of the model grant agreement. Information on any activities to be procured or subcontracted would need to be provided in application form parts A and D. See section 4.2 of the Guide for Applicants for more information.

It is up to the applicants to determine which practical arrangement best corresponds to the needs of the project.

**3B.13. What are the conditions of third countries to participate in the calls?**

Section 6.1 of the call text outlines the participation of third countries/third country entities in the calls. Third country/third country entities may only participate in the calls as part of a consortium with applicants from EU Member States/EEA countries. The application must contain the agreement of the Member State concerned by the proposed Action and an explanation (application form part B4) from a European partner in the proposal on why the participation of the third country applicant is necessary and/or indispensable. See the Guide for Applicants for more information.

**3B.14. Are private entities from acceding states and candidate countries eligible to apply for CEF Telecom grants?**

Section 6.1 of the call text states that *"acceding states and candidate countries benefiting from a pre-accession strategy may also participate in [CEF Telecom] in accordance with agreements signed with the EU. As at the time of the publication of this call, no such agreements have been signed, the same conditions as for third countries apply to acceding states and candidate countries."*

Entities from acceding states and candidate countries may therefore participate under the same conditions as third countries and third country entities, where their participation is necessary and/or indispensable to achieve the project objectives and where duly motivated. According to the CEF Regulation, third country entities may not receive funding, except where their participation is deemed indispensable to achieve the objectives of a given project of common interest. See also Q3B.13 above.

### **3B15. Is Switzerland eligible to participate in these calls?**

Switzerland is considered as a **third country** in these calls, meaning that its participation follows the guidelines for third country applicants. Section 6.1 of the call text states: *"Third countries and entities established in third countries may only participate as part of a consortium with applicants from EU/EEA countries. The application must contain the agreement of the Member State concerned by the proposed Action and an explanation from the European partner involved in the proposal on why the participation of the third country applicant is indispensable. Applicants that are entities established in a third country must also provide proof of the support of the third country authorities concerned by the Action."*

Third country applicants must also supply the agreement of an EU Member State/EEA country concerned by the proposed Action. In addition, application form part B3 – the proof of support of the third country authorities for entities established in third countries – must be completed. Application form part B4 – the explanation justifying the necessary and/or indispensable participation of the third country applicant – must also be completed and signed by a European partner in the proposal. See the Guide for Applicants for more information.

For calls with consortium requirements, Switzerland, as a third country, must be counted in addition to any Member State minimum. For example, for a call requiring a consortium of a minimum of three different Member States and/or EEA countries, Switzerland does not replace a Member State/EEA country – the consortium would have to consist of three Member States/EEA countries + Switzerland as the minimum.

### **3B16. Who is responsible for determining the legal status of applicants?**

It is the responsibility of the applicant to verify its legal status against the applicable national legislation and the definitions provided in the Guide for Applicants. Should clarifications on the legal status be necessary, applicants may be contacted during the evaluation of proposal.

### **3B17. Can an applicant participate in a proposed Action, even though the proposed Action is not taking place in the country where this applicant is established?**

Yes. There is no restriction for entities to participate only in proposed Actions implemented in the country of their establishment. In any case, the agreement of the Member State concerned by the proposed Action is compulsory. See section 6 of this FAQ for more information on Member State approval.

### **3B18. Our public district authority is the only organisation allowed to receive and manage EU funding, i.e. it distributes the EU funding individually to the public entities which are under its responsibility. If we, as one of the public entities, will bear the actual implementation costs (staff costs, subcontracting, etc.), who should apply for the funding in the first place?**

There are different options that can be envisaged in your situation. It is your responsibility as an applicant to carefully weigh these options and determine the respective role of the entities involved in the proposed Action's implementation, taking into account *inter alia* the costs and eligibility conditions as laid down in the model grant agreement.

1. The first option would be to appoint the public district authority as coordinator and the public entities as co-beneficiaries. Keep in mind that there are a number of tasks that the coordinator may not subcontract to the other beneficiaries or to any other party. These tasks, which are indicated in Article II.1.3 of the model grant agreement, include for example implementation monitoring and serving as the intermediary for all communications between the beneficiaries and the Agency.

2. If your public district authority is a Member State (i.e. a ministry which is entitled to represent the Member State at the international level) or an international organisation, the second option is for the public district authority to be the beneficiary of the grant and the public entities to be designated as implementing bodies to implement the proposed Action (see Article 8 of the model grant agreement). (For the definition of "implementing body", see Article 2(11) of the CEF Regulation, as well as the glossary in the Guide for Applicants.)

However, if the public district authority is not a Member State or an international organisation (e.g. it is a regional or local authority) it cannot designate implementing bodies on its behalf and therefore this option would not be feasible.

3. In case the role of the coordinator related to ensuring that all the appropriate payments are made to the other beneficiaries (cf. Article II.1.3 of the model grant agreement) can be assumed by public entities different from the public district authority but where the payment of EU subsidies can only be made to the bank account of the public district authority, there is a third option. In this option, only the public entities would be included as beneficiaries of the grant - and not the public district authority. One public entity would be selected to serve as coordinator (see section 11 of the relevant call text), and the coordinator could designate the bank account of the public district authority under Article 5 of the model grant agreement. This decision remains the responsibility of the coordinator. In accordance with Article II.1.3 (c), the coordinator is responsible for ensuring that all the appropriate payments to the other beneficiaries are made without unjustified delay. (Please note that in the event of a recovery, the Agency will always issue the debit note to the legal entity (i.e. coordinator/beneficiary) of the grant agreement, irrespective of the bank account on which the payment was made.

What would not be a viable option is to submit a proposal in which the public district authority is the sole applicant, who will then transfer the funding to the public entities. As noted in section 11.2 of the call text, financial support to third parties is not allowed under the calls.

***3B19. Can a company with its own legal personality and established in an EU Member State but owned by a parent company situated in a third country participate in the calls?***

Yes, it may participate in the calls, in line with section 6.1 (eligible applicants) of the call text.

***3B20. Are the following organisations considered as international organisations under the CEF Telecom calls?***

- ***Council of Europe***
- ***World Customs Organization***

Yes. According to Article 156 of Commission Regulation (EU) No 2018/1046 (Financial Regulation), international organisations are:

- a) international public sector organisations set up by international agreements, and specialised agencies set up by such organisations
- b) the International Committee of the Red Cross (ICRC)
- c) the International Federation of National Red Cross and Red Crescent Societies
- d) other non-profit organisations assimilated to international organisations by a Commission decision

***3B21. Is there a limit to the number of proposals that can be submitted by the same company?***

There is no limit to the number of proposals that can be submitted by the same company/entity.

**3B22. Is a consultancy firm permitted to be the coordinating applicant of a proposal submitted to this call?**

Yes, provided that the consultancy firm is eligible to apply to the call and has the intention to be one of the beneficiaries of the grant. In line with section 6.1 of the call text, private undertakings or bodies established in a Member State or EEA country may submit an application, as long as they have secured the agreement of the Member State(s) or EEA countr(y)ies concerned. However, please note that certain calls (or objectives within calls) may have specific eligibility conditions restricting the types of entity that may apply.

**3B23. Can a private non-profit association coordinate and receive funding with a consortium composed of its own members, which pay a membership fee (this is the association's main source of financing)?**

Yes. A private entity can be the coordinating applicant of an Action and can receive funding as part of a consortium composed of its own members, whether the entity is a profit or non-profit organisation and regardless of its source of financing.

In all cases, private entities must demonstrate the agreement of the Member State(s) concerned by the proposed Action (application form part A2.3 duly signed) and comply with other applicable provisions, notably in respect of their operational and financial capacity.

#### **4. ELIGIBILITY CRITERIA/PROJECTS**

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**4.1. Can my organisation submit more than one proposal (with the same or different partners) per call?**

Yes. There is no limit to the number of proposals which can be submitted by the same organisation as long as this organisation is eligible to apply under the respective calls and has the financial and operational capacity to carry out all of the proposed Actions. Please note however that the same application cannot be submitted under different calls.

**4.2. Is there a list of projects of common interest for the CEF Telecom call?**

Please see the Annex of the CEF Telecom Guidelines (Regulation (EU) No 283/2014 – available on the call webpages) for a list of the projects of common interest for digital service infrastructures (DSIs) covered by the CEF Telecom programme.

#### **5. IMPLEMENTING BODIES/AFFILIATED ENTITIES**

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**5.1. In case of a multi-applicant proposal, can one applicant designate another to be the implementing body for an activity?**

The possibility to designate implementing bodies only applies to applicants that are Member States/EEA countries and international organisations, which may not implement an Action themselves. Other types of applicants may not designate implementing bodies.

In case of a multi-applicant proposal, an organisation that is an applicant and a partner in the consortium cannot be designated as implementing body by another applicant in the same proposal.

**5.2. Does an implementing body need to submit application form parts A2.1, A2.2, A2.3, the legal entity form, financial entity form and/or application form part B1 required of applicants?**

The above-mentioned forms A2.1, A2.2, the legal entity form, financial entity form and/or application form part B1 are NOT required for an implementing body.

However, the Member State/EEA country which is designating the implementing body must include the implementing body's administrative information in application form part A2.3.

***5.3. Is a tendering process necessary for the designation of an implementing body by a beneficiary and should it have already been carried out before the proposal is submitted?***

Whether a tendering process is necessary for the designation of an implementing body depends on the national public procurement laws of the individual Member States. See also Q5.4 below.

***5.4. If a tendering process for an implementing body is necessary but has not yet been completed before the proposal is submitted, can the resulting implementing body be added later?***

An implementing body may be added during the preparation of the grant agreement or after the signature of the grant agreement. If the award of a contract is expected, information on the ongoing tendering process must be provided in the application. See also Q5.3 above and Article II.9 of the model grant agreement.

***5.5. Is an implementing body required to provide cost statements in the application?***

No. This is not required since the costs should already be indicated by the Member State submitting the application as part of the proposed Action's budget.

***5.6. Can a Member State delegate project management to an implementing body?***

Yes. An implementing body is a public or private undertaking or body designated by a beneficiary, where the beneficiary is a Member State or an international organisation, to implement the action concerned. Implementation could cover activities including project management. The designation of an implementing body will be decided upon by the Member State under its own responsibility and, if it requires the award of a procurement contract, in compliance with the applicable EU and national public procurement rules. See section 4.2 of the Guide for Applicants for more information.

However, please note that an implementing body may not undertake the project coordination tasks specified in Article II.1.3 of the model grant agreement.

***5.7. Can an entity which is subcontracted by a Member State for providing IT maintenance be recognised as implementing body?***

A Member State is at liberty to designate any implementing body it wishes in order to implement the tasks for which the Member State is responsible - including project management. However, the responsibility of the correct implementation of the project remains with the Member State. The Member State is also under the obligation to apply any appropriate procurement procedures, if applicable.

***5.8. Could the implementing bodies indicated in the proposal be counted as "consortium members" in order to fulfil the minimum number of consortium members required in a call?***

An implementing body will not be considered as a separate applicant, and therefore will not be counted as such to fulfil any requirements in terms of number of consortium members.



An implementing body is a public or private undertaking or body that may be designated by a beneficiary, where the beneficiary is a Member State/EEA country or an international organisation, to implement the proposed Action. Such designation should be decided upon by the beneficiary under its own responsibility, and, if it requires the award of a procurement contract, in compliance with the applicable EU and national public procurement rules.

***5.9. Can an applicant participate in a proposed Action, even though the proposed Action is not taking place in the Member State where this applicant is established? Can affiliated entities be established in a Member State different than the Member State participant in the proposal?***

Yes. There is no restriction for entities to participate only in proposed Actions implemented in the territory of the Member State of their establishment, or in case of affiliated entities in the territory of the Member State where the applicant is established. In any case, the agreement of the Member State concerned by the proposed Action is compulsory.

***5.10. In the case that an association wishes to form a consortium together with its members, would the members be beneficiaries to the grant or affiliated entities of the association?***

It is possible either to have applicants that are members of an association as beneficiaries to the grant, or one applicant as beneficiary and the others as affiliated entities. These options are further described in Q3A.10 and Q3B.11. Affiliated entities must comply with the eligibility and selection criteria for applicants and declare that they do not fall within one of the exclusion situations referred to in section 7 of the call text.

It is up to the applicant to decide the best configuration in terms of the overall organisation of the proposal. Please note however that affiliated entities are not taken into account when assessing if any minimum consortium composition requirements have been fulfilled. Only applicants of the proposed Action count towards consortium composition requirements.

## **6. MEMBER STATES' SUPPORT**

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***6.1. Which authority in the Member State provides approval for proposals under CEF Telecom?***

Applications under CEF Telecom must obtain the support of the Ministry competent in the area of the given policy and/or CEF Telecom. Note that a Member State may have a particular process in place for providing its approval for proposals under CEF Telecom. A list of Member State contact points designated for this purpose is available on each of the individual call webpages.

***6.2. What does the Member State approval of the application imply?***

Under Article 9 of the CEF Regulation, Member States are requested to provide proof of their agreement for the submission of the proposals asking for CEF funding which do not originate from their administrations. Such agreement allows the Commission to make sure that the Member State(s) concerned by a given proposal is duly informed of the proposal that is to be, or is being implemented, on its territory and/or implemented by a beneficiary established therein. The Member State approval therefore constitutes an endorsement of the application.

***6.3. What is the actual role and obligation of a Member State government when it gives its approval to an applicant/proposal?***

As noted in section 4.2 of the Guide for Applicants, the Member State agreement constitutes neither a commitment of the Member State(s) concerned to financially support the proposed Action proposed nor does it make the Member State legally or financially liable in case the beneficiary does not comply with the terms of the grant agreement. See also Q6.2 above.

**6.4. Do Member States have any procedures for private sector entities to obtain their endorsement?**

Each Member State may have a specific procedure in place for the endorsement of proposals submitted under CEF Telecom, regardless of the nature of applicants in a proposal. Any potential applicants should contact their Member State contact point (list available on each call webpage) for more information.

**6.5. Is the person indicated on the Member State contact points list the exact same person who is approving the proposals on behalf of the Member State?**

As explained in Q6.1 above, each Member State may have a particular process in providing the approval of CEF Telecom proposals, including determining who is providing the signature on relevant parts of the application form. In some cases, the person listed on the contact points list (available on all of the call webpages) may not be the same person actually signing the proposal(s). Therefore, applicants should check with their relevant national contact person to understand what the specific process is – and who is responsible for it – in their respective countries.

**6.6. Do applicants which are not Member States have to obtain the endorsement of a Member State to be eligible?**

Yes. All applicants that are not Member States, Norway or Iceland, must obtain the agreement of a Ministry through signature of the application form part A2.3. See Q6.8 below.

**6.7. Our agency, which is in the administrative body of a Member State Ministry, has its own legal personality. Would we be considered as a Member State or a public sector undertaking or body established in the EU/EEA, and in this case need Member State approval for our application?**

Since the agency has its own legal personality separate from the Ministry, it cannot be considered as part of the Ministry. Therefore it would be considered as a public sector undertaking or body established in the EU/EEA, and require Member State approval (application form A2.3) for the application.

**6.8. For which type of applicants is the application form part A2.3 mandatory? Do all applicants need approval of an EU Member State?**

Member State/EEA country approval – i.e. application form part A2.3 - is required for each applicant if it is a **third country, a public or private undertaking or body established in a EU Member State/EEA or in a third country, an international organisation, a Joint Undertaking or EEIG.**

Application form part A2.3 must be completed and signed by the concerned EU Member State/EEA country for each applicant (as noted above), even if there is more than one applicant from the same country. It must be scanned and uploaded as a supporting document before proposal submission.

In order to reduce the administrative burden, a Member State may provide one approval for all applicants from its Member State, as long as it is possible to verify for which applicants the approval applies.

This can be done, for example, by attaching a letter explaining which applicants are covered by the signature on a signed A2.3 form. Alternatively, the applicants may use the Word version of the A2.3 form to include the details of all applicants that the Member State is providing its approval to and have this version of the form signed by the Member State.

If application form part A2.3 is not signed and supplied by the concerned Member State (or the verification included with the application as described above), the proposal will be considered not compliant with the eligibility criteria specified in section 6 of the call text and will not be evaluated. In the case of a multi-applicant proposal, the applicant concerned may be excluded from the proposal.

Please see the Guide for Applicants for more information.

***6.9. Is there any other formal procedure to demonstrate a Member State's endorsement other than completing application form part A2.3 and including a dated and signed form with the application?***

The only mandatory procedure for Member State endorsement is related to the signature of the application form A2.3 (see Q6.8 above and relevant sections of the Guide for Applicants).

***6.10. Does the Member State administrative information need to be completed for each applicant?***

Yes, the details of the Ministry providing Member State support must be completed per applicant in the "Applicants" section of the TENtec eSubmission module.

***6.11. Are all parts of application form part A2.3 compulsory?***

The purpose of application form part A2.3 is to collect different types of information required by the CEF Regulation. In the TENtec eSubmission module, the sections to be filled in will appear based on the legal status of the applicant:

1. In cases which the applicant is a Member State or an international organisation that decides to designate a public or private undertaking or body to implement the action concerned on its behalf ("implementing body"), details of the implementing body should be provided. This section of the application form only needs to be filled in if an implementing body is designated.
2. In case the applicant is not a Member State/EEA country, the section on the agreement of the Member State/EEA country concerned must be filled in. Any applicants that do not provide the agreement of the Member State concerned will not be considered eligible.

See also the other questions in this section.

***6.12. My proposal concerns several EU Member States. Does application form part A2.3 have to be signed by all of the concerned countries or only by the contact point in the EU Member State where the coordinating applicant is established?***

Section 6.1 of the call text stipulates that each applicant must obtain the approval of a Member State concerned. As noted in the Guide for Applicants, this approval is given through the application form part A2.3 being completed and signed by the concerned EU Member State **per applicant**. See also Q6.8 above and the Guide for Applicants for detailed information on the approval process.

While in most cases, the "concerned Member State" will be the Member State of the establishment of an applicant, in cases which an applicant takes part in a proposal located in a different Member State, the approval should be sought from the Member State where the proposal is being implemented.

In multi-applicant proposals which also concern several Member States, it is sufficient that each applicant seeks only an endorsement of the Member State where it is established.

If, however, there are no applicants established in one of the concerned Member States, the coordinating applicant must also seek the endorsement of this concerned Member State.

***6.13. Our company is part of a consortium which includes a Member State Ministry as one of the partners. Are we still entitled to get the approval of this Ministry and submit application form part A2.3?***

Yes. All applicants that are not Member States, Norway or Iceland must obtain the agreement of the Ministry through the signature of application form A2.3 - even if this Ministry is represented in the same consortium as an applicant.

***6.14. Our consortium includes applicants from different Member States. Does application form part A2.3 need to be signed by each Member State as represented by the applicants? Or can just one Member State approve the participation of all of the applicants in a consortium, even if they are from another eligible country?***

In respect of the CEF Regulation, EACH applicant – except for Member State/EEA governments – must obtain the approval of the concerned EU Member State for the application to be eligible (application form part A2.3). The "concerned Member State/EEA country" is usually considered to be each Member State/EEA country in which the entity is established, however the Member State in which the proposed Action is to be implemented may also provide the required approval.

Usually, an applicant will request the endorsement of the Member State in which it is established. However, if this applicant is going to be implementing the Action in a different Member State, this particular Member State may be requested to provide its endorsement of the action and the individual applicants' participation. Where there is more than one applicant, the approval can be given to several applicants by the means of a single list regrouping the applicants that the Member State is endorsing.

***6.15. We would like to submit application form part A2.3 to our Ministry for its endorsement, however the form has DRAFT across the front. Will this form be accepted?***

Yes. As long as the application form part A2.3 is duly completed and signed by the Member State representative, this form is accepted with the DRAFT watermark.

***6.16. Our consortium consists of two private entities from two different Member States, plus a private entity from a third country. The work in our proposed Action will be carried out in all three countries. Does our third country partner need to submit an A2.3 form from both of the Member States in the consortium, or can it just select one of the Member States to provide its approval (i.e on application form part A2.3)?***

In this case, your third country partner will need to provide application form part A2.3 from just one of the Member States. (See Guide for Applicants pages 15-17 for more information).

Additionally, it must also provide the proof of support of its own authorities (application form part B3) and the explanation from one of the European partners in the proposal on why its participation is necessary and/or indispensable to achieve the objectives of the DSI (application form part B4).

## **7. COMPLIANCE WITH EU LAW**

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### ***7.1 What does it mean that the proposal must include the evidence of compliance with EU law?***

All proposed Actions in the CEF Programme must present information regarding their compliance with EU policies and law. In the case of CEF Telecom, this involves providing information on EU law on public procurement and the accumulation of EU funding sources as part of application form part C. Note that it is only requested for the proposed Action itself and not for any activities that go beyond its scope. However, if needed, additional documentation or information going beyond the proposed Action may be submitted with application form part C, if such documentation or information is relevant for the assessment of the proposed Action.

## **8. SELECTION CRITERIA: FINANCIAL AND OPERATIONAL CAPACITY**

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### ***8.1. Must documents proving financial capacity be submitted with the proposal?***

No. Please see section 4 of the Guide for Applicants and section 1 of application form part B for more information.

### ***8.2. Do all applicants have to demonstrate their operational capacity?***

No. The requirement for applicants to demonstrate their operational capacity does not apply to Member States, public sector undertakings or bodies established in the EU/EEA countries (Norway and Iceland), third countries, international organisations, European Economic Interest Groupings (EEIG) in which at least one member is a public sector body, and Joint Undertakings in line with eligibility criteria established under Article 187 of the Treaty on the Functioning of the European Union.

The requirement to demonstrate operational capacity also applies to affiliated entities only where, according to the proposal, the affiliated entity(ies) will be the only one(s) implementing the proposed Action.

### ***8.3. How to proceed if an applicant that must demonstrate its operational capacity has only recently come into existence, and therefore has neither activity reports for the last year, nor a list of previous actions and activities carried out in equivalent actions in related fields?***

In this case, in addition to a description of the profiles of the people primarily responsible for managing and implementing the operation accompanied by a curriculum vitae, a description of the recently-established organisation should be provided. This should be accompanied by a list of previous equivalent actions in related fields, if any, carried out:

- by staff of the recently-established organisation who will be implementing the action
- by organisations related to the recently-established organisation

## **9. AWARD CRITERIA**

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### ***9.1. Can you explain the award criteria against which the proposals will be evaluated?***

The award criteria for the evaluation of proposals are explained in section 9 of the call text. The three award criteria are:

- Relevance
- Quality and efficiency of the implementation
- Impact and sustainability

A score is applied by the independent experts to each of the three award criteria on a scale from 0 (insufficient) to 5 (excellent). The threshold for each individual criterion is 3. The overall threshold, applying to the sum of the three individual scores, is 10. Only proposals with a score on or above these thresholds (individual and overall) may be recommended for funding.

At the end of the evaluation by independent experts, all evaluated proposals will be ranked, according to the scores obtained for each of the award criteria as indicated above.

See also section 4.5 of the Guide for Applicants, which provides more detailed information about the award criteria as the basis of application form part D.

## **10. FORM OF GRANT**

### **10.1. Where can I find the form of grant applicable to the call for proposals?**

The applicable form of grant is referred to in section 11.1 of each individual call for proposals.

### **10.2. Is there any difference between co-funding rates applicable to private/public entities and NGOs?**

No. Regulation (EU) No 2013/1315 and Regulation (EU) No 2014/283, which form the legal basis of the current calls for proposals, do not differentiate co-funding rates by legal status or type of applicants.

## **11. ELIGIBLE COSTS**

*NB:* Article II.19.2 "Eligible direct costs" and Article II.19.3 "Indirect costs" of the model grant agreement (*available on each call webpage*) provide detailed descriptions of what is considered to be an eligible and an indirect cost, as well as the specific eligibility conditions linked to these costs.

**The following table is provided to give a quick indication of commonly asked questions related to eligible costs. It should be used as information only – please consult the model grant agreement where referenced for more details.**

**Eligible costs** are costs actually incurred by the beneficiary(ies), affiliated entities and/or implementing bodies which:

- Are incurred during the duration of the proposed Action
- Are necessary for the implementation of the proposed Action
- Are identifiable and verifiable
- Are indicated in Annex III of the model grant agreement
- Must meet the general conditions for eligibility of costs as outlined in Article II.19 of the model grant agreement
- Comply with tax and social obligations
- Are reasonable, justified and comply with sound financial management principles

	<b>Item</b>	<b>ELIGIBLE</b>	<b>INELIGIBLE</b>	<b>NOTES</b>
<b>11.1A</b>	<b>Staff/personnel costs</b>	<b>X</b>		
<b>11.1B</b>	<b>In-kind contributions from third parties</b>		<b>X</b>	See Article II.19 (4)(i) of the model grant agreement
<b>11.1C</b>	<b>Management costs (project manager etc.)</b>	<b>X</b>		

	<b>Item</b>	<b>ELIGIBLE</b>	<b>INELIGIBLE</b>	<b>NOTES</b>
<b>11.1D</b>	<b><i>Equipment costs (such as IT hardware)</i></b>	<b>X</b>		Article 11.2 of the call texts specify that the full costs of purchase of equipment and infrastructure which is treated as capital expenditure is an eligible cost based on Article 8.4 of the CEF Regulation, provided such costs meet the general conditions of the eligibility of costs as laid down in Article II.19 of the model grant agreement.  Depreciation costs however are not eligible for purchased equipment.
<b>11.1E</b>	<b><i>Financial support to third parties</i></b>		<b>X</b>	These costs are not eligible under CEF Telecom.
<b>11.1F</b>	<b><i>General costs such as energy, rent, phone/Internet, salaries</i></b>	<b>X</b>		Article II.19.1 of the model grant agreement defines the conditions for the eligibility of costs. According to Article II.19.2 of the model grant agreement, salaries are eligible direct costs, provided that they satisfy the conditions of eligibility set out in Article II.19.1 as well as the conditions laid down in paragraph (a) of Article II.19.2 of the model grant agreement. According to Article II.19.3 of the model grant agreement eligible indirect costs shall be declared on the basis of a flat rate of 7% of the total eligible costs minus subcontracting costs within the meaning of Article II.10 and costs of financial support to third parties within the meaning of Article II.11 of the model grant agreement. Rent, phone, internet would normally be considered as indirect costs.
<b>11.1G</b>	<b><i>Coordination costs of the consortium coordinator</i></b>	<b>X</b>		During the evaluation processes the proportionality of proposed activities and estimated costs will be thoroughly analysed and inconsistencies may lead to low scoring against the criterion of quality and efficiency of implementation.
<b>11.1H</b>	<b><i>Software licenses</i></b>	<b>X</b>		Under the conditions of Article II.19 of the model grant agreement

	<b>Item</b>	<b>ELIGIBLE</b>	<b>INELIGIBLE</b>	<b>NOTES</b>
<b>11.1I</b>	<b><i>VAT claimed by a public body</i></b>		<b>X</b>	In line with the second subparagraph of Article 8(7) of the CEF Regulation and Article 186(4)(c) of the Financial Regulation, VAT paid by beneficiaries of grants awarded following this call for proposals is eligible except: <ul style="list-style-type: none"> <li>• deductible VAT (VAT paid by the beneficiary for the implementation of taxed activities or exempt activities with right of deduction);</li> <li>• VAT paid for the implementation of activities engaged in as a public authority by the beneficiary where it is a Member State, regional or local government authority of a Member State or another body governed by public law of a Member State.</li> </ul>
<b>11.1J</b>	<b><i>Preparation of the proposal by an external consultant</i></b>		<b>X</b>	Costs may only be eligible at the earliest from the latest date on which the application was submitted
<b>11.1K</b>	<b><i>Overheads</i></b>	<b>X</b>		Indirect costs – costs which are not identifiable as direct costs but which have nevertheless been incurred in connection with eligible direct costs of the action – are eligible. Indirect costs will be reimbursed on the basis of a 7% flat rate of all eligible direct costs (except subcontracting costs).  Examples: IT support given to a beneficiary, rental of office space not only used for the purpose of the Action
<b>11.1L</b>	<b><i>Communication activities</i></b>	<b>X</b>		Costs of communication activities could be considered as costs arising directly from requirements imposed by the grant agreement (e.g. dissemination of information) or as a transversal activity.
<b>11.1M</b>	<b><i>Costs incurred under a maintenance contract for some particular ICT solutions (e.g. small-scale application upgrade etc.)</i></b>	<b>X</b>		Must be specified as subcontracting costs. According to Article II.19 of the model grant agreement, costs of contracts for goods, works or services or of subcontracts are considered to be incurred when the contract or subcontract (or a part of it) is executed, i.e. when the goods, works or services (including studies) are supplied, delivered or provided, and not the date of the invoice.
<b>11.1N</b>	<b><i>Legal advice and/or accompanying legal studies</i></b>	<b>X</b>		



	Item	ELIGIBLE	INELIGIBLE	NOTES
11.1O	<b>Non-technical training activities</b>	X		Check the call text to see if these types of activities would fall under the scope of the call, as this will impact whether they are considered as eligible costs.
11.1P	<b>Organizing a conference or collaboration/ideas exchange initiative</b>	X		Check the call text to see if these types of activities would fall under the scope of the call, as this will impact whether they are considered as eligible costs.
11.1Q	<b>Personnel costs of people hired by public authorities using the following types of term contract: "Contratto a progetto" (co.co.pro.), "Contratto di collaborazione coordinata e continuativa" (co.co.co.), "assegno di ricerca"</b>	X		Natural persons contracted by a public administration for the implementation of an action and which comply with the provisions of Article II.19.2 of the model grant agreement can be considered as direct eligible costs.
11.1R	<b>Hackathons or other events based on the use of data</b>	X		<p>Check the call text to see if these types of activities would fall under the scope of the call, as this will impact whether they are considered as eligible costs. If such events are linked to the activities of the proposed Action and necessary for its implementation, relevant costs incurred within the dates indicated in the grant agreement could be considered as eligible.</p> <p>Services for these activities could also be subcontracted under the provisions of Article II.10 of the model grant agreement.</p>
11.1S	<b>Time spent on preparation of the final reports</b>	X		Article II.19.1 (a) of the model grant agreement indicates that eligible costs must be incurred in the period set out in Article 2.2, with the exception of costs relating to the request for payment of the balance and the corresponding supporting documents referred to in Article II.23.2 of the model grant agreement.
11.1T	<b>Travel costs</b>	X		

### 11.2 What is the period of the eligibility of costs?

The conditions on the eligibility of costs are included in section 11.2 of the call texts. Costs incurred between the date of submission of the application and the completion date of the proposed Action may be considered as eligible.

During the implementation of the Action, an extension of its duration may be considered in reasonable and duly justified cases, subject to the assessment by the Agency/the Commission and in line with the provisions of the grant agreement.

For proposed Actions that have already started by the time the application is submitted, costs incurred before the date of submission will not be considered as eligible.

**11.3. Could you specify how to calculate indirect costs (overheads): should they be a percentage of direct costs (and what percentage) or something else?**

Indirect costs are calculated on the basis of a **fixed flat rate of 7% of all the direct eligible costs minus subcontracting costs**.

In the table on the indicative breakdown of estimated eligible costs of the proposed Action in the "Costs" section of the TENtec eSubmission module, indirect costs per activity will be calculated automatically once direct eligible costs per activity, per year, and subcontracting costs are entered in the table.

**11.4. Our project was launched before the official call opening. Can we still apply for funding to cover the development and activities that we have already carried out?**

As specified in section 11.2 of the call text, costs may be eligible at the earliest from the latest date on which an application is submitted. The principle of non-retroactivity is explained section 11.4 of each individual call text. It notes that *"No grant may be awarded retrospectively for Actions already completed. A grant may be awarded for an Action which has already begun only where the applicant can demonstrate in the grant application the need to start the Action before the grant agreement is signed."*

In this case, an applicant may still apply for funding for the project, but the earliest date from which the costs may be eligible is the latest date on which an application is submitted.

**11.5. What is considered an average budget for a coordinator in a proposal? Would €300,000 be an adequate amount?**

There is no baseline figure for the budget reserved for the tasks of coordinator of a proposal. The amount of budget requested by a coordinator depends on its own overall tasks and the activities proposed Action intends to cover.

**11.6. Is it possible for one of the applicants in a multi-applicant proposal not to contribute any of its own funds to the eligible costs of the proposed Action? Would it be possible for a private body not to contribute any funds but to request 100% of co-financing for the costs it incurs, while a public body would contribute own resources and request a lower percentage of co-financing?**

Yes, it is possible for an applicant to participate in a proposal without contributing any of its own resources to the overall eligible costs of a proposal. Please note that applicants which do not request any funding still must submit all of the necessary documents/approvals with the application.

In application form part A3.2, CEF Telecom financing and at least one other source of financing for the entire proposal must be indicated. The final distribution of CEF funds among applicants is up to the consortium itself. For more information about the implementation of action tasks by beneficiaries which do not receive EU funding, please refer to Article 18 of the model grant agreement.

**11.7. How are project management costs handled under CEF calls? Can these costs be built into the actual costs for activities or could project management be a separate activity?**

These types of costs are an example of "transversal activities". The direct costs of transversal activities can be presented as a separate activity or as part of other activities, as long as they are clearly identified. This is a choice to be made by the applicant, depending on which option would better suit the structure of the proposed Action.

Please bear in mind that during the evaluation process the proportionality of proposed activities and estimated costs will be thoroughly analysed and inconsistencies may lead to low scoring against the "Quality and efficiency of the implementation" criterion.

**11.8. When defining the percentage of requested funding per activity, is it possible to request a percentage higher than the maximum co-funding rate allowed by the call text for some activities and lower for others, as long as the overall requested funding does not exceed the maximum percent of the total eligible cost?**

No. The requested funding rate for an activity must not exceed the maximum co-funding rate specified in section 11.1.1 of the specific call text.

**11.9. If one of the applicants in our proposal wishes to employ someone to carry out a particular activity, should the employment procedure be carried out by that applicant or the project coordinator? Which applicant would claim this as eligible costs?**

The personnel costs should be claimed by the entity which incurs them and in all logic, that same entity would also carry out the employment procedure. In accordance with Article II.19 of the model grant agreement, "eligible costs" of the action are costs actually incurred by the beneficiary. This includes the cost of personnel working under an employment contract or an equivalent appointing act.

The costs of contracts of natural persons working under a contract with the beneficiary other than an employment contract may be assimilated to personnel costs provided that three conditions are fulfilled:

1. The natural person works under the instructions of the beneficiary
2. The result of the work belongs to the beneficiary
3. The costs are not significantly different from the costs of staff performing similar tasks under an employment contract with the beneficiary.

Please read the detailed provisions of the model grant agreement and especially Article II.19 to better understand the rules on eligibility of costs under the grant agreement.

**11.10. We understand that costs may only be eligible from the latest submission date of the application, and not before. However, we feel that some of the preparatory work we have carried out should be included in the application. Can we still include these tasks as eligible costs in the application?**

As specified in section 11.2 of the call text, costs may be eligible at the earliest from the latest date on which an application is submitted.

The costs of any preparatory activities carried out before the submission of application should not be included in the eligible costs of the proposed Action.

However, you may deem these preparatory activities as important background for assessing the proposed action and as such may be referred to in the relevant section of application form part D. See also Q11.4.

**11.11. Is there a maximum amount of funding which can be requested by each proposal?**

This depends on the call in question. If there are maximum amounts, these will be clearly indicated in the call text. In any case, the requested funding must be proportionate to the scope of activities addressed by the proposal.

**11.12. What is the expected amount of funding that a proposal can request?**

The size of the proposal and the requested CEF Telecom funding must be commensurate to the activities of the proposed Action and will be assessed under the 'Quality and efficiency of the implementation' criterion.

**11.13. There is €X million of funding available in a call. Does this mean that €X million will be given to only one successful proposal i.e. "winner takes all" or is this total available for all applicants?**

As indicated in section 4 of the respective call texts, the indicated budget available is the total budget for all of the selected proposals of a given call or objective.

**11.14. A governmental institution from my Member State plans to submit a proposal. Can it ask for 100% financing?**

No. The maximum amount of CEF co-financing under the 2020-1 calls is 75% for all DSI listed, except Safer Internet where the maximum amount of CEF co-financing is 50%. This means that project implementers have to provide 25% of the budget for these proposed Actions or 50% for the Safer Internet proposed Actions. See section 11.1.1 of the respective call texts for more information.

In the 'Costs' section of the TENtec eSubmission module, applicant(s) must indicate the financial contribution to the proposed Action from all applicable sources of financing, including applicant's own budget, state and regional/local budgets, other sources (e.g. contributions from third parties other than state or regional/local budgets) in addition to the amount of CEF Telecom funding requested.

**11.15. We use an analytical accounting system, which allows us to justify and identify our actual indirect costs as being incurred in direct relationship with the eligible costs attributed to the project. Can we - in derogation to the regular rules - charge the actual indirect costs instead of the flat-rate overhead costs?**

No. Article 11.1.1.b of the call texts and Articles 3 (a)(iv) and II.19.3) of the model grant agreement provides for indirect costs to be reimbursed on the basis of a fixed flat-rate funding of 7% of the total eligible direct costs (minus subcontracting costs and costs of financial support to third parties). The model grant agreement is standard and cannot be modified under any circumstances for the sake of equal treatment of beneficiaries.

As such, there is no possibility to declare actual indirect costs – even if they can be identified and justified by an accounting system – as this would not be compatible with the flat-rate approach confirmed by the Commission. In other words, all beneficiaries will declare by default an amount for indirect costs corresponding to 7% of the total eligible direct costs (minus subcontracting costs and costs of financial support to third parties). No derogation is thus foreseen in the model grant agreement as approved by the Commission services.

**11.16. Is there a special funding rate for research institutes under the CEF for these calls?**

No. Regulation (EU) No 2013/1315 and Regulation (EU) No 2014/283, which form the legal basis of the current calls for proposals, do not differentiate co-funding rates by legal status or type of applicants. Funding rate requested by research institutes cannot exceed the maximum funding rate applicable under the specific call area. See section 11.1.1 of the respective call texts for more information, as well as Q3B.7. Please also keep in mind that the CEF does not cover research and innovation projects – see Q2.7.

**11.17. We plan to acquire certain services or products from the providers (e.g. services for development of an information system, products for malware detection or translation services, etc.), but we will remain overall responsible for those tasks (i.e. drafting of procurement documents, implementation of public procurement procedures, supervision of provided services, testing and accepting of final products). Should those tasks for which services/products are bought from the market be considered as "subcontracting" or "other costs" in the "Indicative breakdown per beneficiary of estimated eligible costs of the action" table of application form part A (section 3.2)?**

Services such as development of the information systems or translation services belong to "Subcontracting costs". If you, as applicant, are going to have one single public procurement procedure that includes mostly these types of services – as well as the acquisition of products (hardware and/or software) – you should put these in the Costs table under the category "Subcontracting costs".

On the other hand, we recommend to put the acquisition of hardware and software without (or with minor) accompanying services as "Other costs".

For question 2.6 of application form part D (Subcontracting of tasks forming part of the action), you will need to provide all of the information requested to allow for the proper evaluation of the proposal. It is recommended to describe both the nature of tasks to be subcontracted, as well as list the products to be acquired (per applicant), together with a justification why they are needed and procedures intended (i.e. one single procedure for all applicants or several procedures). It is also recommended to list all the products to be acquired here, irrespective of where they are accounted for in part A3.3 costs breakdown table ("Subcontracting costs" or "other costs").

**11.18. When is the first starting date and last date for a proposed Action? If it is a one year project can we wait to start it until the grant agreement is signed?**

Please note that the proposal should include defined start and end dates, which should take into account the readiness and maturity of the proposal and the timespan needed to complete it.

Unless otherwise specified in the call text, there are no pre-defined start or end dates. Please note however that costs are eligible at the earliest as of the date of submission of the proposal (see section 11.2 of the call text). Costs incurred before the date of submission will not be considered eligible. See also Q11.2.

**11.19. If our organisation, which is a public body, pays through public procurement all eligible costs with VAT, is the CEF Telecom grant covering 75% of the eligible costs paid without calculating VAT? (In that case, we as a public body will have to cover more than the remaining 25% of eligible costs because we will also have to pay VAT...)**

As indicated in Article 3 of the model grant agreement, the grant shall take the form of a percentage of the eligible costs of the Actions.

In line with the first subparagraph of Article 8(7) of the CEF Regulation and Article 186(4)(c) of the Financial Regulation, VAT paid by beneficiaries of grants awarded following this call for proposals is eligible except:

- deductible VAT;
- VAT paid by a beneficiary where it is a Member State, regional or local government authority or another body governed by public law in respect of activities or transactions in which it engages in as a public authority.

Therefore, if the VAT is not an eligible cost, the basis used to calculate the maximum grant amount per beneficiary will not include the VAT paid.

#### **11.20. What is the last date we can indicate for starting our proposed Action?**

As indicated in Q11.4 above and specified in section 11.2 of the call text, costs may be eligible at the earliest from the latest date on which an application is submitted. However, there is no specific recommendation concerning the last date a proposed Action can get underway. A starting date in 2020 for proposals submitted under this call would be considered acceptable. A starting date in 2021 could be questioned, considering that proposed Actions should be ready for implementation and mature from the outset. Therefore, it is important to keep this in mind since one of the sub-points of the "Quality and efficiency of the implementation" evaluation criterion is indeed the maturity of the action. See also Q11.18 above.

#### **11.21. We are Member State ministry. According to Article 14 of the model grant agreement, VAT in our case is not an eligible cost. However, how do we treat VAT paid in a foreign country, such as for travel or accommodation costs – would this VAT be eligible for us?**

VAT is not eligible where it is paid in relation to activities carried out by public bodies when engaged as public authorities as defined in the first subparagraph of Article 13(1) of the VAT Directive<sup>1</sup> (unless these are activities listed in Article 13(2)).

The first subparagraph of Article 13(1) of the VAT Directive states:

*"States, regional and local government authorities and other bodies governed by public law shall not be regarded as taxable persons in respect of the activities or transactions in which they engage as public authorities, even where they collect dues, fees, contributions or payments in connection with those activities or transactions."*

For bodies governed by the public law of a Member State (thus including Member State ministries), VAT paid in relation to activities carried out as public authorities is ineligible, regardless of the place of payment of VAT. This implies that ineligibility of VAT applies as a general rule, even though it is paid in another Member State or in a third country.

#### **11.22 Can we provide (co-finance) our 25% budget contribution with our permanent staff salary assigned to the action?**

Yes. This said, only the hours that staff actually spend on the action (i.e. fully dedicated to the action) may be considered as eligible costs.

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<sup>1</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, see <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32006L0112>

This should be clearly justified in the proposal and indicated in the 'Costs' section of application form part A3.2 on which you must indicate the financial contribution to the proposed Action from all applicable sources of financing, including your own budget.

At the end of the action, a maximum of 75% of the overall eligible costs (not per cost category) will be reimbursed with a single payment.

**11.23. Is CEF funding considered as de minimis state aid?**

CEF funding is not considered as a state aid and therefore the "de minimis" rule does not apply.

**11.24. The duration of our Action will be 2 years but we would like to purchase a software license that lasts 3 or more years, because it would be cheaper per year than buying a license that lasts 2 years. Would these costs be considered eligible?**

As stated in CEF Telecom General FAQ 11.1H, software licenses would be considered as eligible costs provided that such costs meet the general conditions of the eligibility of costs as laid down in Article II.19 of the model grant agreement, and have been incurred in relation to the activities of the proposed Action. Therefore, the eligible costs of software licences would be accepted on a pro-rata basis taking into account the duration of the implementation of the Action.

**11.25. What happens if the proposed Action has a time plan which shows that the Action's end date occurs before the indicative date for preparation and signature of grant agreements? In this case, before August 2021?**

As per Article 193 of the Financial Regulation applicable to the general budget of the Union, grants cannot be awarded retroactively for actions already completed. In other words, the Action's end date cannot fall before the signature of the grant agreement.

The principle of non-retroactivity is explained also in section 11.2 of the Call text: "Costs may be eligible at the earliest from the latest date on which an application is submitted" and in section 11.4 point b) of the Call text: "Non - retroactivity - No grant may be awarded retrospectively for Actions already completed. A grant may be awarded for an Action which has already begun only where the applicant can demonstrate in the grant application the need to start the Action before the grant agreement is signed. In such cases, costs eligible for financing may not have been incurred prior to the date of submission of the grant application".

## **12. FUNDING SOURCES**

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**12.1. We are considering submitting our application to another EU funding programme in order to raise the funding possibilities for our proposed Action. If we would be successful and receive funding from both programmes, we would reject one of them. Would this be possible?**

Note that Pursuant to Article 191 of the Financial Regulation (and indicated in section 11.4 of the call text), an Action may only receive one grant from the EU budget. In other words, under no circumstances will the same costs be financed twice by the EU budget. Therefore, please carefully consider the objectives of the call to ensure that your proposed Action addresses them in the first place.

If you do intend to submit your application to the CEF Telecom programme, you must be transparent in the information you provide and include as much detail as possible in order to make it clear that there is/will be no double funding for your proposed Action.

Make sure that you indicate in application form part A3.2 all the sources and amounts of EU funding you have received or applied for applicable to the proposed Action (or even a part of it), as well as any other types of funding received or applied for applicable to the same action. This also concerns all related actions that have already received EU funding.

Moreover, in application form part C, you need to include information if you have applied for EU funding elsewhere for funding this particular Action, or if you are already receiving funding for part of the proposed Action.

***12.2. If there is existing EU funding for a project, can this project still apply for funding under the calls, for example to carry out further extensions to the project?***

According to section 11.4 of the call text and pursuant to Article 191 of the Financial Regulation, no EU financial aid will be awarded to actions receiving funds from other sources of EU financing. Under no circumstances will the same costs be financed twice by the EU budget. A project which already receives funding from a different EU source can only apply for CEF funding for activities that are not previously supported by the EU budget. Any EU grants already awarded to the applicants that are related to the proposed Action should be indicated in the relevant section (A3.2) of the application form part A, as well as listed in application form part C.

## **13. SUBCONTRACTING**

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***13.1 Which activities may be sub-contracted?***

As stated in Article II.10.2 of the model grant agreement, beneficiaries may subcontract tasks forming part of the Action provided that:

- (a) subcontracting does not cover core tasks of the Action
- (b) recourse to subcontracting is justified having regard to the nature of the Action and what is necessary for its implementation
- (c) the estimated costs of the subcontracting are clearly identifiable in the estimated budget

***13.2. We are planning to carry out some activities of the proposed Action with our own resources and will involve other entities in carrying out some activities of the proposed Action. Is this possible under the current call and would it have any impact regarding the evaluation of the award criteria?***

Yes, it is possible to apply for CEF Telecom funding if some of the activities of the proposed Action will be subcontracted. If it is necessary to subcontract certain elements of the proposed Action or activities, this must be clearly identified in the application form, in particular application form parts A3.1 and A3.2 and application form part D.

Proposals involving sub-contracting must explain:

- What tasks will be subcontracted and for what reasons
- How the potential subcontractor will be selected in accordance with the provisions of the grant agreement (transparency, equal treatment and best value for money)
- The basis on which the estimated cost of subcontracting has been calculated

Having to subcontract implementation of some activities does not in of itself affect the evaluation of proposal, however the elements listed above will be evaluated under the relevant award criteria.

***13.3. Can a project coordinator subcontract promotional activities, and if so to what extent?***



Please see Q13.2 above. In addition, please note however that in accordance with the grant agreement, the coordinator shall not subcontract any part of its coordination tasks to the other beneficiaries or to any other party.

***13.4. If our proposal is successful and we are awarded a grant, do we as the coordinator have to follow EU procurement rules when distributing the funding to the other consortium members?***

EU public procurement rules do not apply to the distribution of the grant to the individual grantees. However, in accordance with the grant agreement, where the implementation of the Action requires the procurement of goods, works or services, the beneficiaries shall award the contract to the tender offering best value for money, or as appropriate, to the tender offering the lowest price. Depending on the legal status of the beneficiaries, the EU procurement rules may apply. The beneficiaries shall retain sole responsibility for compliance with the provisions of the grant agreement.

***13.5. We would like to select subcontractors for our proposed Action. Are there thresholds which need to be respected, or do we just need to follow our national laws of reference in this area?***

It is possible to subcontract to a third party the implementation of the activities of a proposed Action. According to the model grant agreement, subcontracting may only cover a limited part of the Action and must be necessary for its implementation. In accordance with Article II.19 of the model grant agreement, where the implementation of the Action requires the procurement of goods, works or services, the beneficiaries shall award the contract to the tender offering best value for money, or as appropriate, to the tender offering the lowest price. Beneficiaries acting in their capacity of contracting authorities within the meaning of Directive 2004/18 or Directive 2004/17 shall abide by the national public procurement rules. The beneficiaries shall retain sole responsibility for compliance with the provisions of the grant agreement.

More information about EU public procurement rules, as well as the texts of the relevant Directives can be found at:

[https://ec.europa.eu/growth/single-market/public-procurement/rules-implementation\\_en](https://ec.europa.eu/growth/single-market/public-procurement/rules-implementation_en)

Information about public procurements planned during the implementation of the proposed Action should be provided in both application form parts C and D.

***13.6. Can an affiliated entity subcontract any of its activities?***

Yes. Affiliated entities may subcontract part of their activities under the same conditions as beneficiaries.

***13.7. Is there a maximum percentage of the total eligible costs of a proposed Action which can be subcontracted? Is this information included in the call text?***

No, the calls do not define a maximum percentage of the total eligible costs of a proposed Action which can be subcontracted. See Q13.2 above for more information.

***13.8. Can a public procurement procedure for activities to be included in a proposal be started (and completed) before the launch of the call?***

A public procurement procedure for activities relating to the call can be started before the launch of the call, but please keep in mind that only those costs related to activities taking place as from the date of submission of the proposal may be considered eligible.

According to Article II.19 of the model grant agreement, costs of contracts for goods, works or services or of subcontracts are considered to be incurred when the contract or subcontract (or a part of it) is executed, i.e. when the goods, works or services are supplied, delivered or provided, and not the date of the invoice, payment or signature of the contract.

**13.9. Can subcontractors in a proposed Action subcontract to other third parties?**

Subcontracting to third parties may only cover the implementation of a limited part of the Action and the recourse to further subcontracting must be justified by the nature of the Action. Any contract will have to have been awarded in compliance with applicable public procurement rules, and if not applicable, according to the principle of best value for money. Please see the corresponding Articles II.9 and II.10 of the model grant agreement.

**13.10. We would like to start the public procurement procedure after the submission of the proposal but before the start of the proposed Action. How can we claim the costs related to the preparation of the public procurement? Does the start date of the proposed Action have to be set to the start of the public procurement procedure preparation? Or is it possible to have some preparatory activities and costs before the start of the proposed Action?**

To be considered as eligible costs, the costs of the preparation of the public procurement must be indicated as an activity of the proposed Action and must take place within the duration of the Action, meaning after the start date of the proposed Action but before its end date.

Please note that according to section 11.2 of the call text, the start date of the action (which is the date when costs could be eligible) may be on the date of submission of the application at the earliest.

**13.11. Do we need to use the funding statement and EU flag on the public procurement documents?**

If the public procurement procedure is launched after the project has received CEF funding, the documents must include the funding statement, a disclaimer and the EU flag as required by the CEF publicity guidelines: <http://ec.europa.eu/inea/connecting-europe-facility/cef-energy/beneficiaries-info-point/publicity-guidelines-logos>.

This information is not necessary if the public procurement procedure is being launched after the submission of the application for CEF funding, but before the results of the evaluation are known.

**13.12. What are the requirements in terms of audits in case of subcontracting? Can costs be charged by invoicing, or should timesheets also be provided? To what extent do audit means differ from the normal proof that must be provided by participants?**

In the case of subcontracting, an audit would check whether:

- the contracted tasks are relevant for the activities (or sub-activities) defined in the grant agreement (Article 1 and annex I)
- the declared costs arising from the contract were allocated to the correct activity (or sub-activity) as defined in the grant agreement
- the declared costs arising from the contract were incurred during the reporting period covered by the cost declaration
- the declared costs were accounted in line with the beneficiary's usual accounting practice
- no ineligible costs such as deductible VAT, exchange rate losses, excessive or reckless expenditure were declared (see Article II.19.4 of the model grant agreement), in line with the wording used in other sections of the audit certificate
- the beneficiary followed its usual procurement rules

- supporting documents on the selection and award procedure demonstrate that the selected contractor offered the best value (or lowest price) according to the criteria defined by the beneficiary
- original offers of all bidding parties were reviewed and consistent with the evaluation documents (entity name/price/submission date) (see Article II.27.2 of the grant agreement).
- the beneficiary ensured that there was no conflict of interest when selecting and awarding the contract to the contractor

### ***13.13. Can project management activities be outsourced (sub-contracted)?***

For multi-beneficiary grants, the specific tasks of the project coordinator as listed under Article II.1.3 of the model grant agreement cannot be subcontracted. These include project monitoring, acting as the intermediary between the beneficiaries and INEA, requesting the payments, ensuring that the payments to other beneficiaries are made without delay, making arrangements for providing any financial guarantees required under the grant agreement, and following up any audit requests.

Other project management activities, that do not fall under Article II.1.3 of the model grant agreement, may be subcontracted. Any tasks that are to be subcontracted should be duly justified in the proposal.

### ***13.14. Can subcontractors from third countries be used in the calls?***

Yes. Subcontractors are not applicants in a proposal, and as such their place of establishment has no bearing on the proposal. As long as the Action is being implemented within an EU Member State/EEA country, the beneficiaries may select the subcontractor of their choice to perform the tasks necessary for the implementation of the Action, according to the principles of best value for money in line with Articles II.9 and II.10 of the model grant agreement. The funding rate of all eligible costs will be the same as the overall rate of the Action.

Please keep in mind that all subcontracting to be done in relation to the activities of the proposed Action should be clearly explained in the application form parts A3.1, A3.2 and part D. In addition the project coordinator may not subcontract any of the coordination tasks as listed under Article II.1.3 of the model grant agreement. See also Q13.2 and Q13.3 above.

### ***13.15. An applicant belongs to a multinational group of companies. Could this applicant sub-contract some services to another entity that belongs to the group?***

Yes this would be possible, provided that:

- The sub-contracted entity is not part of the Grant Agreement, **for example** as another beneficiary or affiliated entity
- The requirements set out in Article II.10 of the Model Grant Agreement (model available on the call pages) are respected

## **14. NO-PROFIT RULE**

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### ***14.1. Could you provide an example of the no-profit rule?***

Let's assume that the Grant Agreement establishes the maximum grant of €50,000 for an Action which will take the form of the reimbursement of 50% of the eligible costs, which are estimated to be €100,000. At the end of the Action, the beneficiary declares that the costs incurred are only €90,000. The first step is to determine the amount of the contribution based on the eligible costs. In this case, the EU contribution is therefore reduced from €50,000 to €45,000. (90,000 \* 50%).

If, additionally, the beneficiary recognises the net revenues for €60,000 (i.e. cumulated income generated by the activities of the Action and/or financial contributions specifically assigned by other donors to the financing of its eligible costs reimbursed by the Agency), the Action would be generating a profit. This profit is the surplus of receipts (€60,000 revenues + €45,000 grant) over eligible costs (€90,000), i.e. €15,000.

According to the Grant Agreement (Art II.25.3.5), the profit has to be deducted from the final amount of the grant in proportion to the final rate of reimbursement. In this case, the rate of reimbursement being 50%, the amount to be deducted is €7,500. The final amount of the grant will be then €37,500 (i.e. €45,000 minus €7,500).

## **15. APPLICATION FORMS**

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### **15.1A Part A**

#### ***15.1A1. In application form part A3.1, what is an "Action", an "activity" and a "milestone"?***

An "Action" is a set of activities for which CEF funding is requested, by means of an individual financing Decision (grant agreement) established following a call for proposals. It corresponds to what in other programmes/calls is called a "project".

A proposal should clearly describe the "activities" that are planned in the proposed Action. Therefore, activities essentially correspond to the "work packages" referred to in other programmes/calls. An activity may be composed of one or more tasks. The number of activities must be commensurate with the complexity of the work and the overall value of the proposed Action. The planning should be sufficiently detailed to justify the proposed effort and allow progress monitoring by INEA.

Finally, "milestones" indicate how the activity and its associated expected result(s) are progressing. Each milestone should relate to at least one activity and have an expected completion date. By definition, milestones are one-off events and therefore the means of verification should be easy and concrete. Examples of milestones include: publication of a tender, signature of contract, purchase of equipment, completion of dissemination measure, etc.

For further information, please see section 4.2 of the Guide for Applicants.

#### ***15.1A2. For application form part A, are there any best practice examples available for an activity? Or a benchmark for the number of activities which should be included in a proposal?***

No. There are no specific best practice examples available for an activity or number of activities to be included in a proposal, since this depends on the scope and complexity of what the proposed Action covers. Please see section 4.2 of the Guide for Applicants, which notes that an "activity" is a part of the proposed Action that is distinct technically, financially or over time and which contributes to the completion of the proposed Action. It may be composed of one or more tasks.

The implementation of an activity leads to the completion of an expected result or output, and/or one or more deliverables (ex. report, specification, demonstrator, etc). The description of an activity should encompass the description of the tasks to be implemented, list of deliverables, performance indicators as relevant, a short description and estimated costs of any subcontracting elements (if applicable), indication of the person months required for the activity, and a description and estimated costs of any major cost item (other than personnel and subcontracting). The Guide for Applicants includes some examples of activities and milestones.

**15.1A3. In application form part A, is it required to list deliverables, indicators and milestones separately or is it acceptable to just include milestones (e.g. one milestone = one deliverable or indicator)?**

As explained in the Guide for Applicants (section 4.2), information about deliverables and milestones must be included in the application. The deliverables are linked to activities, which are parts of the proposed Action that are distinct technically, financially or over time and which contribute to its completion. The implementation of an activity leads to the completion of an expected result or output - and/or one or more deliverables.

Milestones indicate how an activity and its associated expected result(s) are progressing. The number of milestones per activity will depend on the complexity of each activity. Each milestone should relate to at least one activity, have an expected date, and preferably any corresponding intermediate steps, including deliverables as relevant.

**15.1A4. Is it acceptable to have a non-specified date as a starting date for a milestone?**

When entering information about milestones in the TENtec eSubmission system, a starting date is not required. Only the expected date of the milestone must be indicated. See section 4.2 of the Guide for Applicants for more information.

**15.1A5. In application form part A, how can weekly meetings be listed as milestones without setting a new milestone for every week of the 30-month project period?**

As explained in the Guide for Applicants (section 4.2), milestones indicate how an activity and its associated expected result(s) are progressing. The number of milestones per activity will depend on the complexity of each activity. Each milestone should relate to at least one activity, have an expected date, and preferably any corresponding intermediate steps, including deliverables as relevant.

By definition, milestones are one-off events and therefore the means of verification should be easy and concrete. Examples of milestones include: publication of a tender, signature of contract, purchase of equipment, starting, completion of dissemination measure, etc. Thus, unless a weekly meeting is clearly related to a distinct activity with a set result, they should not be separately indicated as such.

**15.1A6. The "Sources of financing" table in section 3.2 of application form part A (or "Costs" section of the TENtec eSubmission module) states: "For multi-beneficiary Actions, please split regional budgets and applicant's self-financing by applicant." Please clarify what is meant by this.**

The requested information on the budget needs to be presented by applicant, and not listed as a total for the proposal. In the TENtec eSubmission tool, indicate the financial contribution to the proposed Action for each applicant from all applicable sources of financing, including the applicant's own budget, state and regional/local budgets, other sources and the amount of CEF Telecom funding requested. All amounts must be in Euro. The totals per category will be calculated automatically. See section 4.2 of the Guide for Applicants for more information.

**15.1A7. In application form part A2.1, what should be the legal status chosen in case the applicant is an EU Member State Ministry: Member State/EEA country or as public sector undertaking or body established in the EU/EEA?**

Applicants that are Member State Ministries must select "Member State/EEA country" as the legal status in this part of the application form. UK must select "Member State/EEA country" (see 19.2)

**15.1A8. Which projects should we list in the section on "Related Actions" in application form part A3.2 ("Costs" section of the TENtec eSubmission module). Should we list our CEF project which is currently on-going?**

In the "Costs" section of application form part A (A3.2), applicants are asked to list all EU grants awarded which are related to the proposed Action. These grants may come from the CEF or any other EU funding programme. If the applicants have received an EU grant in the past but for a project that is not related to the current proposal, such grants do not need to be identified.

**15.1A9. Some costs in a proposal are in Euro, and others are in a national currency. Is there a defined standard conversation rate that should be used?**

The estimated costs in the application form must be presented in Euro. However, for applications in which the funding sources/budget were estimated using another currency, the exchange rate for the month preceding the submission of the proposal should be used. If this is not available at the time of proposal submission, use the rate of the preceding month available here: [http://ec.europa.eu/budget/inforeuro/index\\_en.cfm](http://ec.europa.eu/budget/inforeuro/index_en.cfm).

The exchange rate used for the calculations should be noted in the "Costs" section of the TENtec eSubmission module.

**15.1A10. On application form part A2.2, what is the difference between the "person in charge" and the "representative authorised to sign"?**

The person in charge is usually the person from the coordinating applicant who is preparing the proposal and who serves as the first contact point for INEA in case there are any questions concerning the proposal. For purposes of the proposal, the "representative authorised to sign" is the person within the organisation who can enter into legal agreements (such as the grant agreement) on the organisation's behalf. The person in charge and the authorised representative could either be the same person, or two different people. This usually depends on the size, structure, internal arrangements of the organisation.

**15.1A11. We would like to ensure that detailed information behind the costs listed in application form part A3.2 are also included in the application. In which part of the application should this be done, or should this information be included as an annex?**

Applicants are requested to put all key information in the application forms themselves, and not rely on the annexes as they may be overlooked in the evaluation process. Additional details on costs may be included linked to the description of activities in application form part A3.1, including:

- the description of the tasks to be implemented
- list of deliverables and performance indicators, as relevant
- short description and estimated cost of any subcontracting element (if applicable) (further details to be included under application form part D, section 2.6)
- indication of the person months effort for the activity
- description and estimated cost of any major cost item (other than personnel and subcontracting)

**15.1A12. In the "Financial information on the Action" section of our application (A3.2) for a previous CEF Telecom call we indicated the costs to be entered by activity by year. Now we are no longer to provide this information. What should we indicate instead?**

The financial information on the Action tables in the Costs section of the TENtec eSubmission module (form A3.2) require the costs to be entered **by** activity **per** beneficiary. You will need to supply the following information:

- Direct eligible costs to be incurred during the implementation of the proposed Action per activity, per beneficiary, including:
  - Personnel costs
  - Subcontracting costs
  - Other costs (e.g. travel and/or subsistence costs)
- Indirect eligible costs
- Total eligible costs
- Estimated CEF contribution

See the Guide for Applicants for more information on how to complete this section of the application.

***15.1A13. How should we justify the costs of our proposal on application form part A, and what kind of business and financial plan should be included in our application?***

All of the relevant budgetary and funding information related to the proposed Action should be provided in application form part A, section 3.2. An indicative breakdown of the estimated eligible costs to be incurred during the implementation of the proposed Action for each activity and applicant per year must be provided. Costs should be proportional to the proposed activities, and note that the estimated costs will be thoroughly analysed during the evaluation and inconsistencies may lead to low scoring against the "Quality and efficiency of implementation" criterion. More details on how to complete this section are available in the Guide for Applicants. Section 11 above also provides specific information on the eligibility of costs.

Although not formally requested as part of the application, a short (2 page) business or financial plan may be submitted as an annex (supporting document) to your application. This could allow evaluators to have a concise and clear understanding of your proposed Action in terms of its long-term sustainability and future take up, or emphasise its maturity in integrating, building and following on from pre-existing work.

***15.1A14. Is an "Action" equal to an "activity" in application form part A?***

As noted in section 4.2 of the Guide for Applicants, An "Action" is a set of activities for which CEF funding is requested, by means of an individual financing Decision (grant agreement) established following a call for proposals. It corresponds to what in other programmes/calls is called a "project". An "activity" is a part of the proposed Action that is distinct technically, financially or over time and which contributes to the completion of the proposed Action. A proposed Action could only have one activity – or it could be made up of many. There is no specific benchmark about the minimum or ideal number of activities to be included in a proposal, since this depends on the scope and complexity of what the proposed Action covers. See also Q15.1A1 and Q15.1A2 above.

***15.1A15. When uploading application form part A signed by each participant in a consortium, is one single file for all of part A including all information about the project and signatures by all participants expected? Or should each participant upload its own separate files (those signed by the applicant (A2.2) and the approving Member State (A2.3))?***

One single file - including all signed application form part A documents - is preferred as it is easier for the administration of the proposal and the evaluators who are looking at the application. However, applicants can also upload the signed documents as separate forms. Please ensure in any case that all forms clearly identifiable by their document names.

***15.1A16. Is it possible to extract only application forms part A2.2 and A2.3 from application form part A to collect the requested signatures, instead of downloading the***

***entire application form part A? How are the documents uploaded and added to the application?***

As indicated in the Guide for Applicants, application form part A includes forms that require signature of the applicants (A2.2) and Member State validation (A2.3), which must be printed, scanned and uploaded as separate documents.

Once an applicant has started to fill in the application form part A in the TENtec eSubmission module and the information related to the A2.2 and A2.3 sections has been entered in the system, go to the "Export Form A" section, download it and print sections A2.2 and A2.3 as many times as necessary. Have the form A2.2 signed and dated for each applicant and the form A2.3 dated and signed by the concerned Member State.

The signed versions of forms A2.2 and A2.3 must then be scanned and uploaded into TENtec eSubmission module, in the "Supporting documents" section of the module, by clicking on "Upload additional documents" button. Applicants are advised to name all documents of the application in a way that will allow their easy identification.

Please note that applicants must be able to provide the original documents and send them to INEA/European Commission upon request.

Should the need arise, the Word version of forms A2.2 and A2.3 may be used to collect the requested signatures. In this case, the forms must clearly identify for which applicant the signatures are provided.

***15.1A17. Is it necessary to indicate the specific cost per activity in the TENtec eSubmission module, like it is indicated in the Word version of application form part A3.2?***

The specific costs per activity *per beneficiary* must be entered into the "Costs" table in the TENtec eSubmission module, similarly to how it is indicated in the Word version of application form part A. See section 4.2 of the Guide for Applicants on Costs for more information.

***15.1A18. What level of detail are we expected to provide in our proposal for the technical items/equipment that we intend to purchase? For example, for a hardware platform should we specify all of the necessary equipment such as the servers, switches, etc.?***

A summary list of major cost items should be provided in the proposal under the relevant activity description in application form part A. See the "Costs" section of the Guide for Applicants for more information.

***15.1A19. Can we submit a single document that combines A2.2 forms signed with a handwritten signature by some applicants with A2.2 forms signed with an e-signature by other applicants?***

No, the A2.2 form for each beneficiary should be uploaded as a separate document to the TENtec eSubmission module. For the sake of clarity, it is recommended to use a clear naming convention for each single file (for example, "Beneficiary NAME1\_signed A2.2", "Beneficiary NAME2\_signed A2.2" etc).

Applications may include as separate documents on the one hand the A2.2 forms which are signed with a handwritten signature and on the other hand those which are signed with an e-signature.



Please remember that only advanced electronic signatures based on a qualified certificate as defined by Regulation (EU) No 2014/910 (i.e. eIDAS Regulation)<sup>2</sup> and which comply with the signature formats specified in Commission Implementing Decision 2015/1506 will be accepted. For further details please see ([http://europa.eu/rapid/press-release\\_MEMO-14-586\\_en.htm](http://europa.eu/rapid/press-release_MEMO-14-586_en.htm)) and <https://ec.europa.eu/digital-single-market/en/eu-trusted-lists-trust-service-providers>. It should be possible for INEA to check the qualified certificate included in the file uploaded. If a document is signed with an e-signature, a printable version of the document must be uploaded in the TENtec eSubmission module as a separate document.

### **15.1B. Part B**

***15.1B1. In our multi-applicant proposal, there is one public body applicant that will contribute to the Action without receiving any EU funding. Does this entity need to complete application form B1 "Declaration form of public or private undertakings or bodies applying for the EU financial aid"?***

Even if an applicant will not be receiving any EU funding, it still needs to complete application form part B1.

***15.1B2. Our Ministry is applying for the call, and will use another public sector body as an implementing body. Do we need to complete application form part B2 for this implementing body?***

No. Application form part B2 only applies to affiliated entities, not implementing bodies.

***15.1B3. Is additional information on operational capacity required for the associated annexes of application form part B, or is the information we are including in application form part D2.5 sufficient?***

Relevant supporting documents, as requested under application form part B, should be provided as annexes to demonstrate operational capacity. Applicants should also provide the information regarding the consortium as requested in question 2.5 of application form part D, as this is what the evaluators will be reading when assessing the quality and efficiency of implementation of the proposal. Certain documents may be relevant for both sections and there is therefore no need to provide them twice in the same application as long as reference to the annexed documents is made in both parts of the application.

***15.1B4. We understand that we need to provide application form part B1 with our proposal. Do we also need to provide the "evidence requested" along with the B1 form?***

By signing the declaration form B1, the public or private undertaking declares on its honour that the body or undertaking represented is not in any of the situations listed in point I of applicant form part B1.

If, however, it has been declared that the body or undertaking is in one of the situations of exclusion listed in section I of declaration form B1, an annex to the declaration must indicate the measures taken to remedy the exclusion situation (see declaration B1 for more details).

The Agency may request to provide information and the applicable evidence as follows:

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<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0910&from=EN>

- For situations described in (a), (c), (d) or (f) of section I of part B1 and B2: production of a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the entity showing that those requirements are satisfied.
- For the situation described in point (a) or (b) of section I of part B1 and B2: production of recent certificates issued by the competent authorities of the Member State concerned.

However, UNLESS you/one of the applicants in your proposal declares itself in an exclusion situation at the time of application, you do not need to provide any additional evidence at the time of your application.

Keep in mind however, that the Agency reserves the right to ask for more information and applicable evidence as indicated above during the evaluation process, and grant agreement/implementation stage should specific circumstances arise concerning the applicants.

### **15.1C Part C**

***15.1C1. Application form part C requests information about other sources of EU financing for our proposed Action. If the proposed Action is part of a larger project previously supported through EU funding, we are supposed to specify all of the related Actions in application form part 3.2. What is the difference between these two types of information? Is the purpose of application form part C to go into more detail of the information we provide in the A3.2 form?***

The information requested in the application form part C is in respect of the action described in the proposal you are submitting for this call. If you have applied for EU funding elsewhere for this particular Action, or are already receiving funding for part of this proposed Action, you must include the details about this funding in application form part C.

The information requested in the application form part A3.2 is regarding any related actions that have already received EU funding, but not the proposed Action under this call.

Please include as much detail as possible in both sections of the application to make it perfectly clear that there is/will be no existence or risk of double funding for your proposed Action.

### **15.1D Part D**

***15.1D1. Should application form part D also contain information about the activities and the budget of the proposal or does this information need to be included ONLY in application form part A?***

Information on activities and budget of the proposed Action must be provided in relevant parts of application form part A. It may also be provided in application form part D, for example, if the applicant wishes to provide further details and explanations. Please make sure that the information in both parts of the application forms is consistent.

***15.1D2. Should a Gantt chart be included in application form part D or in part A?***

The Gantt chart should be included in application form part D. Applicants may either:

- Attach it to application form part D itself
- Upload the Gantt chart as a clearly named, separate supporting document.

Please note that in application form part A applicants are requested to provide a timetable, including a milestone plan and details of the timing within the separate activities of the proposed Action.

## **OTHER**

### ***15.2. Who can sign the application documents in the absence of the authorised person? Can a person give power of attorney to sign on behalf of an authorised officer?***

It is up to each entity to determine the person who is authorised to sign the application.

### ***15.3. Can you give an indication as to how many A4 pages you expect a technical proposal to contain (excluding the administrative requirements)?***

The length of application form parts A, B and C will be mostly determined by the number of applicants and activities – thus there is no real baseline length for these parts.

However, application form part D requests the technical and financial information on the proposed Action and addresses questions which will provide the basis for its evaluation. Application form part D **should not exceed 30 printed A4 pages**. The requested Gantt chart and/or other annexes to be included in application form part D can be in addition to this suggested 30-page maximum.

### ***15.4. What is the limit of characters for description of the proposal in application form part A and in application form part D?***

The summary (scope and objectives of the proposed Action) to be provided in application form part A is limited to 2,000 characters in the TENtec eSubmission tool. More detailed information is expected to be provided in the activities/milestones descriptions in application form part A, as well as in application form part D. The completed application form part D should not exceed 30 printed A4 pages. There are no specific character limits per question in this form. See also Q15.3 above.

### ***15.5. Are there any parts of the application that refer to the technical proposal and is this all the information you need about the proposed Action?***

According to the requirements of the Work Programme and the call text, all information that is relevant for the evaluation of a proposal must be included in the relevant parts (A, B, C, D) of the application form. Technical information relating to the proposed Action (eg. details regarding the architecture of the relevant existing technical solutions and/or those targeted by the action) should be included in the relevant activity description and/or the relevant section of Part D. If additional information to support, illustrate or provide evidence in support of an element described in the application form is considered necessary, these may be included in annex, but these are not systematically read during the evaluation.

### ***15.6. In what language(s) should a proposal be submitted?***

It is strongly recommended that proposals are submitted in English.

### ***15.7. Should security, ethics, privacy and legal analysis be addressed in the course of a project, and if so, in what part of the application form?***

Where relevant, these aspects should be included as part of the activities of the proposed Action. The applicant may also provide further information on these aspects in question 2.7 of application form part D, if these are relevant to the objectives and contents of the proposed Action.

**15.8. Is it possible to receive the application documents in an EU language rather than English?**

All CEF Telecom application forms are available only in English.

**15.9. Is it possible to request a different funding rate for different activities, as long as we remain under the maximum co-funding rate allowed by the call?**

No. The funding rate under the call is applicable per proposal. In the TENTec eSubmission module "Costs" section, once the applicant indicates the co-financing rate, it is automatically applied to all of the activities listed in the table on indicative breakdown of estimated eligible costs.

**15.10. Will an electronic signature be accepted on any parts of the application forms requiring signatures?**

Advanced electronic signatures based on a qualified certificate as defined by Regulation 910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation) and which comply with the signature formats specified in Commission Implementing decision 2015/1506 shall be accepted. (For a list of trusted certificate providers please see <https://ec.europa.eu/digital-single-market/en/eu-trusted-lists-trust-service-providers>. If a document is e-signed, a printable version of the document must be uploaded in the TENTec eSubmission module.

**15.11. Which application forms should be provided by affiliated entities?**

Affiliated entities must provide the information required in application form part A2.4 and application form part B2.

**15.12. Can I use the application forms from a previous call? i.e. the forms from a 2018 or 2019 call for a 2020 call?**

No. Only the completed application forms listed on the applicable call webpage relevant to the open call will be accepted.

## **16. SUPPORTING DOCUMENTS**

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**16.1. If the supporting documents of my application (i.e. company register, financial documents) are issued in other languages besides English, do I need to provide a certified translation?**

No, this is not necessary. Such documents can also be provided in a national language. However, in order to facilitate the evaluation, documents in English are encouraged.

**16.2 Many of our technical documents are confidential and may not be disseminated to a third party. If our proposal is selected for funding, would the checks of documents required for interim payment/balance of payment requests and/or technical and financial checks, audits, interim and final evaluations, etc. be carried out in a way that complies with the security procedures and approvals that were originally needed for these documents?**

As stated in Article II.5 of the model grant agreement available on the call webpages, the Agency and all beneficiaries shall preserve the confidentiality of any information and documents, in any

form, which are disclosed in writing or orally in relation to the implementation of the Agreement and which are explicitly indicated in writing as confidential. This provision does not cover information that is publicly available. The Article also states that the Agency and all beneficiaries shall not use confidential information and documents for any reason other than fulfilling their obligations under the Agreement, unless otherwise agreed with the other party in writing.

Please also note that in case of requests to access project-related documents by third parties in line with Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents, the Agency has the right to refuse access to documents which contain commercially sensitive information. In case of such requests, the relevant applicants will be consulted in line with the provisions of Article 4 of Regulation 1049/2001.

## **17. eSUBMISSION MODULE / SUBMISSION PROCEDURE**

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### ***17.1. Can my application, or parts of it such as the annexes, be submitted by e-mail?***

No. Applications must be submitted electronically using the TENtec eSubmission module. Application form part A must be encoded directly in the TENtec eSubmission module. Application form parts B, C, D and any annexes must be completed, scanned where applicable and uploaded in the TENtec eSubmission module's "Supporting Documents" section. See the Guide for Applicants for more information.

### ***17.2. I am locked out of the application and cannot seem to edit any data anymore. Is there a reason for this?***

An application locks when another user is making changes. This is explained in more detail in the Guide for Applicants: "Locking/unlocking an application: If several users have access to the same application, the application is automatically locked as soon as one of the users starts to edit the information. To unlock the application form so that other contributors can edit it, click on the red "Unlock Application" box in the upper right corner of the screen. Inputting any data will once again lock the application. No simultaneous editing is possible. Click on the "What's this?" link next to the "Unlock Application" for more information."

### ***17.3. I'm having a problem adding new contributors to our application. They all have new EU Logins, but they do not appear when I search for them in TENtec.***

New EU Login users should connect to the TENtec eSubmission module at least once at <https://webgate.ec.europa.eu/tentec/grant/esubmission/> before they can be added as contributors by the application owner.

### ***17.4. When we prepare an application, do we need to create a separate EU Login account in the name of our company, or is a personal EU Login sufficient?***

There is no need to create a separate EU Login in the name of a company. The personal EU Login of the person submitting the proposal is sufficient.

### ***17.5. I am having problems entering costs into the "indicative breakdown of estimated costs table". Is there a specific reason for this?***

In order to be able to add costs in the "indicative breakdown of estimated costs table", the activities and applicants responsible for carrying them out must first be added in the "Activities and Milestones" section of the TENtec eSubmission module. The costs can then be entered by clicking on each activity. See the Guide for Applicants section 4.2 for more information.

**17.6. Is it possible for a third party (e.g. consultant), which is not an applicant, to complete and submit the application forms electronically, using the TENtec eSubmission module on behalf of the coordinating applicant and all the other applicants?**

It is the sole responsibility of the applicants to organise the preparation and encoding of their applications.

Please note that, in order to be able to use the TENtec eSubmission module, the users must have an EU Login which is linked to individual users (natural persons). Instructions on how to create an EU Login are described in section 7 of the Guide for Applicants.

The user that has created the application in the first place (the application owner) is the only one that can submit the application. Please be aware that it is not possible to change the application owner in the TENtec eSubmission module after the proposal is created.

In case a third party is preparing the application on behalf of an applicant, it is recommended that the applicant creates the new application (thus becomes the application owner) and adds the third party as a contributor. Once all the encoding is done, the application owner will be able to submit the application and will be the only one entitled to do so.

**17.7. What is the "TENtec number" mentioned on the first page of application form parts B, C and D?**

When an applicant starts working on an application in the TENtec eSubmission module, the application is automatically assigned a unique 8-digit code as a reference number. Applicants are requested to insert this number on the first page of application form parts B, C and D to ensure proper identification of all documents in the proposal.

## **18. GRANT PREPARATION/ MANAGEMENT<sup>3</sup>**

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**18.1. Is there a distinction between partners of a consortium/beneficiaries who will receive EU funding and associated partners of a consortium/beneficiaries who will contribute to the Action without receiving any EU funding?**

It is possible for beneficiaries to participate in the implementation of an Action at their own costs under the terms foreseen in Article I.18 of the model grant agreement, found on each individual call webpage. See also Q11.6 above.

**18.2. How many months does the approval of a request for payment take?**

This depends on the type of payment involved. If there is a pre-financing payment, the Agency must pay the amount of the pre-financing to the coordinator within 30 days upon entry into force of the grant agreement. The time limit for interim payments (when applicable) and the balance of payment is 90 days. See the provisions of Article 4 of the model grant agreement, available on each individual call webpage, for more information on payment arrangements.

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<sup>3</sup> You may also wish to consult the *FAQs on Implementation of CEF Telecom Actions* at [https://ec.europa.eu/inea/sites/inea/files/faqs\\_on\\_the\\_implementation\\_of\\_cef\\_ict\\_actions.pdf](https://ec.europa.eu/inea/sites/inea/files/faqs_on_the_implementation_of_cef_ict_actions.pdf)

**18.3. What if the real costs of an Action differ from the estimated costs provided in the application?**

The proposal can only be prepared on the basis of estimated costs. However, all payments during the lifetime of the Action are based on the real costs incurred. The individual grant agreement indicates a maximum amount of funding per proposal and a maximum funding rate. The aggregated payments can never go beyond the maximum amount awarded to the Action and indicated in the individual grant agreement.

**18.4. If one partner in a large, multi-beneficiary consortium does not correctly justify its part of the general request for payment, how should the coordinator manage this?**

The management of internal issues between beneficiaries is the responsibility of the project coordinator. If any issues relating to payments or the undertaking of activities have a negative impact on achieving the objectives of the action, it is the role of the coordinator to propose the best solution for the overall realisation of the Action.

Article II.1.2. of the model grant agreement describes the general obligations of the beneficiaries, which include submitting all required information provided for in the grant agreement on time to the coordinator. As the coordinator is required by Article II.23 to certify the costs before submitting them to the Agency, any costs which are not duly substantiated may be excluded from the financial statement. The grant agreement also provides for termination of participation in cases where a beneficiary does not comply with its obligations. This termination can be initiated either by request of the coordinator or of the Agency.

It is strongly advised that for multi-beneficiary Actions, beneficiaries sign an internal cooperation/partnership agreement regarding their operation and coordination. This agreement should include all internal aspects related to the management of the beneficiaries and the financial and technical implementation of the proposed Action. Although not required for a proposal's submission, having this type of agreement in place may help to demonstrate a proposal's maturity during the evaluation. In addition, it will help the coordinator to best address potential problems which could arise during the project implementation.

**18.5. Is the Member State authority approving a proposal submitted under the CEF Telecom calls financially liable, should the applicant not deliver the requested results and is incapable to pay back the money which was granted to it?**

A Member State approving a proposal will not be financially liable should the beneficiaries of a grant not meet the requested results. Only the parties to the grant will be liable for their obligations according to the grant agreement provisions.

**18.6. How is the grant awarded to successful applicants in a multi-beneficiary proposal? Is the grant distributed solely to the coordinator or is it distributed to each beneficiary according to the activities it is planning to carry out?**

Section II.1.3 of the model grant agreement outlines the general obligations and role of the project coordinator. Point (e) notes that the coordinator "ensures that all the appropriate payments are made to the other beneficiaries without unjustified delay...". It is therefore the responsibility of the coordinator to make the appropriate payments to each of the beneficiaries after each payment from the Agency to the coordinator.

**18.7. When is the best case scenario for the grants to be signed?**

The grant agreements should be signed at the latest 9 months after the call deadline, as indicated in section 3 (timetable) of the call texts. The precise signature dates will vary depending on the progress of preparation with the beneficiaries of an individual grant.

**18.8. May additional applicants be added to a proposal at the grant agreement preparation stage if there is a redistribution of tasks amongst the applicants and the overall budget does not change?**

Yes. However, these changes to the consortium must be justified during the grant agreement preparation and there cannot be any changes to the maximum CEF funding allocated to the Action. In addition, new applicants will have to fulfil the eligibility and selection criteria as outlined in section 6 and 8 of the call text.

**18.9. Is there a specific project management model/method that should be used in the eventual project management of the proposed Action?**

Applicants are free to use any project management method – there is no recommended or required style to be used for the grant management.

**18.10. Does INEA have electronic tools for reporting on the project progress or is this done manually?**

There are no electronic reporting tools currently being used by INEA for CEF Telecom. Project progress and follow-up is based on the activities and milestones included in the application and further defined in the grant agreement. Therefore, applicants are requested to be as thorough as possible in their applications in providing this information. Project reporting is submitted by e-mail to the functional mailbox specified in the grant agreement.

**18.11. If the European policy developments in my call area experience some delays, how will this affect the funding if my proposal is selected?**

If a proposal has been selected for funding, any changes in the European policy developments would not affect the granted funding in line with the specifications of the call. Applications should closely reflect the latest available information/timeline involving its activities at the time of submission.

**18.12. What are the consequences for applicants who would wish to withdraw an already accepted proposal before signing the grant agreement?**

Once a proposal has been selected for funding, the period of preparation of the grant agreement starts. It is possible to refuse the grant, in which case the grant agreement will not be signed.

Should the applicants wish to withdraw a submitted proposal before the evaluation and selection process has been completed, they can do so by informing INEA call helpdesk (please see section 5.1 of the Guide).

**18.13. The main part of our proposed Action will be the development of the functionality and interface of the software solution. Do the "results ++" referred to in Article II.8 of the model grant agreement include software developed separately or integrated within the product? As the source code is a sensitive part of the system in terms of market competitiveness of our company and information security within the system. Will these**



***"results++" be distributed (as outlined in Article 11.8.3 of the model grant agreement), irrespective of what is agreed to and declared according to Article II.8.1 and Article II.8.2? What does "without prejudice to" mean here? Will the source code remain our property?***

Articles II.8.1 and II.8.2 of the model grant agreement note that the results (such as software) of a proposed Action belong to the beneficiary, despite the fact that they have been obtained through an EU-financed grant. In other words, INEA does not have any ownership claim to the results of the proposed Action. It is up to the beneficiaries to adequately protect their results in case they generate industrial or intellectual property rights.

The Agency will have in accordance with Article II.8.3 a right to use the results (understood as the concrete results that the beneficiaries indicate in their final report as having been achieved), essentially for dissemination purposes but without prejudice to Article II.8.1. This means that the Agency will not disseminate any information that is protected under the intellectual or industrial property rights of the beneficiary. It is however as underlined above, the responsibility of the beneficiaries to take the appropriate steps to protect their intellectual or industrial property and manage possible pre-existing IPR issues in accordance with Article II.8.2.

***18.14. How long is the reporting period of an Action? Is it possible to report only at the end of each year?***

The reporting period of a project depends on the duration of the project itself and is linked to the payment arrangements of a project. If there is no interim payment, there is typically just one reporting period. If there is an interim payment, the reporting period is linked to the interim payment. Project progress and follow-up is based on the activities and milestones included in the application and further defined in the grant agreement. This regular monitoring is carried out by INEA, together with the beneficiary.

***18.15. We submitted a proposal under a call which has since closed, and now we realise that there is an inconsistency in the order of the activities that we provided in the application. Is this something that we can rectify in the grant agreement preparation if our proposed Action is selected for funding?***

Yes. If the inconsistency only refers to ordering of activities/names, this can be clarified during the grant agreement preparation.

***18.16. Is there any official template for an internal cooperation agreement between the beneficiaries referred to in Article 12 of the model grant agreement?***

No, there is no such template. Nevertheless, when preparing and signing such agreement, beneficiaries must ensure that it is consistent with the terms and conditions of the grant agreement to be signed with the Agency, in line with Article II.1.1 (c) of the model grant agreement:

*"The beneficiaries shall:*

*(...)*

*(c) make appropriate internal arrangements for the proper implementation of the action, consistent with the provisions of this Agreement; where provided for in the Special Conditions, those arrangements shall take the form of an internal co-operation agreement between the beneficiaries."*

It should be noted that under the CEF Telecom 2020 calls, the signature of an internal cooperation agreement is not mandatory. However, if the proposal is selected for funding it is strongly recommended in view of the implementation of the grant agreement.

**18.17. What is the time foreseen after the conclusion of the Action to submit the final reports?**

According to the model grant agreement Article II.23.2, the coordinator has 60 days following the end of the action to submit a final technical report and final financial statement.

**18.18. In the final technical report, should the last milestone be indicated as the final report on the last day of duration of the Action? Or is it better to put the final report after the end of duration of the action?**

All milestones should take place within the duration of the Action, and not beyond. There is however no need to indicate a final report as such in the list of milestones as this is covered by Article II.23 of the grant agreement.

**18.19. Is there a possibility for the proposal to exceed the period indicated in the call for proposals? For example, if the call mentions the indicative duration of 1 year, can the proposal be longer?**

Where the call text specifies an indicative duration in section 6.2, the proposal may be shorter or longer than the specified duration within certain limits. For example, if the indicative duration stated in the call text is 12 months, an Action of 15 months would be acceptable. Please note that a call may specify a maximum duration. In such case, only proposals with a shorter or equal duration in the call may be submitted and the duration of the Action may not be extended by amendment. In any case, the duration of the proposed Action must be commensurate to the proposed activities and their scope, which will be evaluated during the evaluation.

**18.20. How will INEA and the Commission validate the results of the Actions when the beneficiary claims the project is finished and requests the payment of the EU funding?**

Some Actions selected following these calls will include a mandatory conformance testing provided by the Core Service Platform of the relevant DSI or by a well-recognised conformance/interoperability testing organisation. Other Actions will need to demonstrate the use/integration of relevant tools. Please refer to the specific call text for more information.

**18.21. In which period must funds granted under this call be used, i.e. by which date must the projects be finished?**

An Action may not begin before the submission of the proposal. Furthermore section 6.2 of the call text stipulates the **indicative** duration of the proposed Actions, although applicants should request a duration for their proposed Action that is commensurate with the activities proposed. The proposal should provide clear justification for the resources and duration requested. Applicants should also keep in mind that costs may be eligible at the earliest from the date on which an application is submitted and up to the date of completion of the Action.

**18.22. According to the call timetable (section 3 of the call text), the adoption of individual grant agreements is foreseen until a certain month. Does this mean that the projects can only start at that time or could they already be started beforehand?**

Successful applicants will start to be notified after the adoption of the Selection Decision, the approximate timing of which is indicated in section 3 of the call text. The timing of grant agreement preparation is also indicated in that section of the call text. In terms of the project start date, this is up to your discretion, taking into consideration the activities you plan to carry out in your proposed Action. Note that according to section 11.2 (eligible costs) of the call text, costs may

be eligible at the earliest from the date at which the application is submitted. For example, if you submit your application on 1 April 2020, you could start your project on this date - if your proposal is considered for funding – and could claim costs as of this date. See also Q11.4 above.

**18.23. According to Part B Article II.19.2 of the grant agreement, "the costs of personnel working under an employment contract with the beneficiary or an equivalent act and assigned to the action, comprising actual salaries plus social security contributions and other statutory costs included in the remuneration, provided that these costs are in line with the beneficiary's usual policy on remuneration; those costs may also include additional remunerations, including payments on the basis of supplementary contracts regardless of the nature of those contracts, provided that they are paid in a consistent manner whenever the same kind of work or expertise is required, independently from the source of funding used."**

**Does it mean that the costs we should declare for our permanent staff are the costs of basic salary paid by us for the activities carried out related to our project? Would our staff get any additional remuneration from the CEF funding?**

As regards to the eligibility of costs, including personnel costs, please refer to article II.19.1 (c) of the model grant agreement that specifies that eligible costs are "incurred in connection with the action as described in Annex I and are necessary for its implementation".

Therefore, to be eligible, personnel costs should comply with the requirements set in article II.19.2, as well as linked specifically to the implementation of the proposed Action. In other words, you as beneficiary should only declare the hours spent on the action's implementation. (What you cannot do is to add a "CEF-specific remuneration package", as this would not be considered as usual policy on remuneration, nor would it be paid in a consistent manner independent from the source of funding used.) For more information on how personnel costs will have to be reported, please refer to the "Declaration of personnel costs" document available on the Beneficiaries' Info Point webpage: <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/beneficiaries-info-point>

## **19. MISCELLANEOUS**

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**19.1. How and where do I need to register to be considered as expert for the evaluation of proposals submitted under the CEF Telecom calls?**

More information on becoming an independent expert for evaluating proposals under all sectors of the CEF is available here: <https://ec.europa.eu/inea/news-events/newsroom/independent-experts-needed-evaluation-proposals-cef>.

**19.2. Can UK applicants still apply for the 2020 calls?**

Yes. Following the entry into force of the EU-UK Withdrawal Agreement on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union are to be understood as including natural or legal persons residing or established in the United Kingdom. UK entities are therefore eligible to participate under this call.

**19.3. Due to the COVID-19 pandemic, there is a noticeable depreciation of our national currency, which brings the risk of significant exchange rate losses once the currency recurs. Is there any possibility to use any average exchange rate, e.g. for Q1 2020?**

There is a possibility of using average exchange rates over a period of time. In order to calculate the average of the daily exchange rates over the relevant period we recommend you to go to the ECB website at the following hyperlink:

<http://www.ecb.europa.eu/stats/exchange/eurofxref/html/index.en.html>

A step-by-step guide on how to use the conversion rate over a period of time is available on INEA CEF Beneficiaries' Info Point at the following hyperlink:

[https://ec.europa.eu/inea/sites/inea/files/practical\\_help\\_to\\_the\\_implementation\\_of\\_article\\_ii\\_23\\_4\\_final\\_0.pdf](https://ec.europa.eu/inea/sites/inea/files/practical_help_to_the_implementation_of_article_ii_23_4_final_0.pdf)