

EUROPOL OPEN-ENDED INVITATION TO SUBMIT APPLICATIONS FOR LOW-VALUE GRANTS IN SUPPORT OF THE FIGHT AGAINST ORGANISED CRIME IN THE EASTERN PARTNERSHIP REGION

EaP/LV/2021

1. INTRODUCTION

On 11 June 2020 Europol and the Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) of the European Commission signed a contribution agreement with the objective to support fight against organised crime in the EU Eastern Partnership (EaP) region.

Europol's 2021-2023 Programming Document, adopted on 27 January 2021 in conformity with the Europol Financial Regulation, outlines the funding to be provided to support activities laid down in the above referenced contribution agreement. In particular, low value grants should be provided to reinforce the cooperation of the six Eastern Partnership countries with EU Member States and Europol for the fight against serious and organised international crime, including through their participation in the EU Policy Cycle¹.

The Invitation to submit applications is directed to EU Member States and the Eastern Partnership countries collaborating in the framework of a specific action. It outlines the objectives of the co-financed projects and lays down eligibility rules and detailed provisions of the grants.

¹ EDOC #1073600

2. OBJECTIVES AND PRIORITIES

Applications submitted under this Invitation must address one of the following objectives of enhancing operational cooperation of the Eastern Partnership countries with EU Member States and Europol:

- strengthening Eastern Partnership countries' institutional knowledge and capacity on EU Policy Cycle priority crime areas and increasing cooperation within EMPACT;
- enhancing criminal intelligence in the countries of the Eastern Neighbourhood region as well as the exchange of intelligence and information between EaP countries, EU MS and Europol;
- enhancing operational cooperation of the EaP countries with the EU Member States and Agencies, including through EMPACT.

3. TIMETABLE

Stages		Date and time or indicative period
a)	Publication of the Invitation	17 June 2021
b)	Submitting Applications	Ad-hoc, as operational needs arise
c)	Evaluation period (expected)	Up to 2 weeks following the submission of an application
d)	Information to Applicants / Grant Agreement	Immediately following the evaluation
e)	Expected date of signature of Grant Agreement (if applicable)	Immediately following the information to Applicants
f)	Starting date of the action	Following the signature of the Grant Agreement (if applicable)*
g)	Final application date	30.06.2022

* See Section 6.2.2 for exceptions to this rule.

4. BUDGET ALLOCATION

The total budget for the co-financing of projects under this Invitation to submit applications is EUR 710,000.

Europol reserves the right not to award all available budget.

5. ADMISSIBILITY REQUIREMENTS

- Applications must be submitted by using the Application Form Package provided by Europol;

- Applications must be signed where indicated prior to submission;
- Applications must be submitted no later than on 30 June 2022, 24:00 CET.
- Applications must be submitted electronically in a readable and non-corrupted fashion using the address indicated at point 11 of this invitation and via the Europol National Units (ENU) unless the ENU has given written permission in advance for direct submission to Europol (see Note 4);
- Applications must be drafted in one of the EU official languages. English is preferred in order to speed up the evaluation procedure;
- Applications must seek EU co-funding (i.e. Europol's contribution) between **EUR 3,000 and EUR 60,000**;
- Applications shall respect the limit of co-financing: maximum **95% of the estimated total eligible costs of the project can be funded from Europol**;

Failure to comply with one or more of these requirements will lead to the rejection of the Application(s).

6. ELIGIBILITY CRITERIA

6.1. ELIGIBLE APPLICANTS

The Applicant and the Co-Applicants (altogether referred to as "the Applicants") must be legal persons. Natural persons (private individuals) are not eligible for funding and cannot submit Applications. In addition, the Applicants must comply with the following eligibility conditions:

6.1.1. The Applicant² must be a law enforcement or judiciary public body established in an EU Member State³ participating in EU law enforcement cooperation under Europol Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol);

6.1.2. The Co-Applicants⁴ must be:

- a public body established in an EU Member State, OR
- a public body established in one of the six Eastern Partnership countries or, if relevant for the action, in another third country, OR
- a profit or non-profit-oriented organisation established in an EU Member State or in one of the six Eastern Partnership countries or, if relevant for the action, in another third country, OR
- an International Organisation.

NOTE 1: Public body of an EU Member State

EU MS submitting applications under this Invitation shall identify the **public body**

² i.e. the entity submitting a grant proposal. When the Grant Agreement is signed, the Applicant will become the Coordinator.

³ Once the grant agreement is signed, the Applicant will become the grant Coordinator.

⁴ i.e. the entity(ies) who participate(s) in designing and implementing the action. The costs they incur are eligible in the same way as those incurred by the Applicant (i.e. provided that they comply with rules on eligibility). When the Grant Agreement is signed, the Co-Applicants will become Co-beneficiaries.

that will assume the responsibility for the implementation of the Grant Agreement. For the purpose of this Invitation, public body shall mean any **body governed by public law** understood as a body with legal personality which "is established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character and which either comply with one of the following criteria⁵:

- is financed for the most part by the State, a regional or a local authority, or
- is subject to management supervision by the State, a regional or local authority, or
- has an administrative, managerial or supervisory board more than half of the members are appointed by the State, a regional or local authority"⁶.

NOTE 2: Union Agencies and/or Bodies⁷:

Union Agencies/Bodies are not eligible for funding and cannot submit Applications. Their costs will not be co-financed.

6.1.3. Partnership requirements:

Applications must involve at least two (2) public bodies established in two (2) different EU Member States countries and at least one (1) public body of one of the six Eastern Partnership countries, which have a status of a law enforcement authority or judiciary.

Supporting documents: In order to assess the Lead Applicant and Co-Applicants eligibility the following supporting documents are requested:

- A Declaration on Honour confirming that the (Co-) Applicant(s) is a public body /are public bodies.
- Where the Co-Applicants are not public bodies, a Declaration on Honour specifying the legal status of the Co-Applicant(s).

6.2 ELIGIBLE ACTIVITIES

The EaP low-value grants aim to finance targeted actions that do not contain activities already funded under another EU programme (e.g. ISF-Police, Eurojust's JIT funding), a grant awarded by Europol or from the Europol budget (e.g. operational and/or strategic meetings). A statement to ensure respect for the principle of no double funding from EU sources must be provided by the applicant in the Application form (Annex 1). Europol is entitled to perform checks in this respect, including by liaising with external partners (e.g. European Commission, Eurojust).

6.2.1. Type of activities:

The following types of activities are eligible under this Invitation:

⁵ The qualification as "public body" is not dictated by the body's structure. A share based company structure is not excluded provided that the shares are publicly owned and the remainder of the criteria are met.

⁶ Applicants may involve non-Law Enforcement entities for the purposes of managing the grant, provided that they meet the eligibility criteria and that the minimum partnership requirements are fulfilled.

⁷ Agencies or Bodies as set up by the European Union falling under Article 70 of the EU Financial Regulations (EU bodies and institutions).

- operational and/or investigative activities
 - o Action days, preventive, proactive and reactive action days/initiatives, including intelligence gathering directly related to investigations;
 - o Operations disrupting organised crime groups (OCGs);
 - o Operational meetings and/or visits directly related to an investigation (provided that they are not meetings taking place in the Europol Headquarters in The Hague⁸);
 - o Operations requiring the use of Europol's Operational Rooms (such as establishment of a Coordination Centre at Europol's Headquarters, cyber patrolling, (EMPACT) action days or similar), where Europol is participating;
- investigative measures and techniques commonly used by law enforcement authorities which involve direct operational costs such as:
 - o Actions which require the purchase or hire of special equipment needed for an investigation, and/or equipment or real estate rented for covert operations,
 - o Contribution (generally in cash) paid to third parties who sustain an investigation, such as allowance for operational activities,
 - o Informant rewards,
 - o Rewards for members of general public who contribute to arrests of fugitive criminals,
 - o Pseudo-purchase (confidence buy) aiming at arresting suspects, identifying illegal production sites of illicit goods, seizing illegal goods or gaining access to intelligence through building a relationship of trust with the OCGs,
 - o Witness protection measures in the form of contribution to the expenses related to witness relocation.
 - o Technical investigations: forensic and/or scientific analysis, translation/interpretation and other services provided by third parties supporting the investigations;
 - o Flash money
- activities related to strategic or operational intelligence exchange (e.g. meetings and workshops) implemented by the targeted law enforcement agencies
- activities related to identification and setting of legal and technical requirements for the exchange of intelligence, including if necessary purchase of renting of the related equipment

NOTE 3:

Ineligible Activities:

- Operational meetings and events taking place at Europol Headquarters in The Hague⁹ since they continue to be financed by EUROPOL under its regular budget, unless they fall in the scope of "operations requiring the use of Europol's Operational Rooms".

⁸ Or any alternative premises made available by Europol in The Hague area

⁹ Idem

- Sub-granting: actions through which the beneficiaries use the budget of the project to award grants to other organisations under their own procedures and authority (i.e. financial support to third parties or sub-granting as defined in Article 204 of the EU Financial Regulation¹⁰).

6.2.2. Starting date and Duration of the activities:

The duration of an action should not go beyond 6 months following the starting date of the project¹¹.

Any costs incurred before the starting date of the action are not eligible. As a general rule, the start date of an action shall be the date of the signature of the Grant Agreement by the last contracting party or on a future agreed date given in the Grant Agreement. By way of exception, **a grant may be awarded for an action which has already begun only where the Applicant can demonstrate the added value of starting the action before the Grant Agreement is signed. In any case the starting date of the project action cannot be before the date of submission of the Application. Therefore this is at the applicants own risk.**

EXCLUSION CRITERIA:

EXCLUSION FROM PARTICIPATION & EXCLUSION FROM AWARD

1. The Applicant and Co-Applicants will be excluded from participating in the grant award procedure and from the grant award if they are in any of the situations referred to in Articles 136 of the EU Financial Regulation¹², i.e. one of the following situations:

a) the person or entity is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended, or it is in any analogous situation arising from a similar procedure provided for under Union or national law;

(b) it has been established by a final judgment or a final administrative decision that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;

(c) it has been established by a final judgment or a final administrative decision that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:

¹⁰ REGULATION (EU, Euratom) 2018/1046 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 July 2018 OJ L 193/1 - the grants chapter is applicable to Europol in accordance with Article 91 of the Europol Financial Rules as adopted by the Europol Management Board

¹¹ The project duration may be extended during its implementation by 3 months for duly justified reasons, subject to Europol's approval via an amendment to the Grant Agreement.

¹² Regulation (Eu, Euratom) 2018/1046 Of The European Parliament And Of The Council of 18 July 2018 OJ L 193/1 from which the grants chapter is incorporated by reference contained in the Europol Financial Regulation adopted by the Europol Management Board.

- (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the implementation of the legal commitment;
 - (ii) entering into agreement with other persons or entities with the aim of distorting competition;
 - (iii) violating intellectual property rights;
 - (iv) attempting to influence the decision-making of the authorising officer responsible during the award procedure;
 - (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- (d) it has been established by a final judgment that the person or entity is guilty of any of the following:
- (i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council¹³ and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995¹⁴;
 - (ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997¹⁵, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA¹⁶, or corruption as defined in other applicable laws;
 - (iii) conduct related to a criminal organisation as referred to in Article 2 of Council Framework Decision 2008/841/JHA¹⁷; EN L 193/94 Official Journal of the European Union 30.7.2018
 - (iv) money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council¹⁸;
 - (v) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA¹⁹, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
 - (vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council²⁰ ;

¹³ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

¹⁴ OJ C 316, 27.11.1995, p. 48.

¹⁵ OJ C 195, 25.6.1997, p. 1.

¹⁶ Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54).

¹⁷ Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).

¹⁸ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).

¹⁹ Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).

²⁰ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

(e) the person or entity has shown significant deficiencies in complying with main obligations in the implementation of a legal commitment financed by the budget which has:

- (i) led to the early termination of a legal commitment;
- (ii) led to the application of liquidated damages or other contractual penalties; or
- (iii) been discovered by an authorising officer, OLAF or the Court of Auditors, or the European Public Prosecutor's Office²¹ following checks, audits or investigations;

(f) it has been established by a final judgment or final administrative decision that the person or entity has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95²²;

(g) it has been established by a final judgment or final administrative decision that the person or entity has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business;

(h) it has been established by a final judgment or final administrative decision that an entity has been created with the intent referred to in point (g).

2. A financial contribution will not be granted to an Applicant who:

- (a) Is a natural or legal person who is a member of the administrative, management or supervisory body of the person or entity referred to in Article 135(2) of the EU Financial Regulation, or who has powers of representation, decision or control with regard to that person or entity, and who is in one or more of the situations referred to in points (c) to (h) of paragraph 1 of this Article;
- (b) Is a natural or legal person that assumes unlimited liability for the debts of the person or entity referred to in Article 135(2) of the EU Financial Regulation, and who is in one or more of the situations referred to in point (a) or (b) of paragraph 1 of this Article;
- (c) Is a natural person who is essential for the award or for the implementation of the legal commitment and who is in one or more of the situations referred to in points (c) to (h) of paragraph 1.

Administrative and financial penalties may be imposed on Applicants and Co-Applicants who are guilty of misrepresentation.

Supporting documents: In order to evaluate Applicant and Co-Applicants against exclusion criteria, **a Declaration on Honour** must be provided by the Applicant (See Part 4 of the Application Form) and each Co-Applicant (See Annex 1: Partnership Declaration) certifying that they are not in one of the situations described above. Annex 1 the Grant Application Package must be printed out, signed by the relevant authorised signatory and attached (as a scanned document) to the Application Form.

²¹ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.

²² Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

7. SELECTION CRITERIA

In accordance with Article 198 of the EU Financial Regulation, only entities with the necessary operational and financial capacity may be awarded a grant.

7.1. FINANCIAL CAPACITY

All Applicants and Co-Applicants must have stable and sufficient resources of funding to maintain their activities for the period during which the action is being carried out and to participate in its funding.

The assessment or verification of the financial capacity is not applicable to a public body and/or international organisation. Therefore the verification of the financial capacity is not applicable to the Applicants since all Applicants must be public bodies.

The verification of the financial capacity applies to Co-Applicants if they are not a public body or an International Organisation. In such cases the financial capacity will be assessed on the basis of the declaration on honour contained in the relevant Partnership declaration (See Annex 1) which must be printed out, signed by the authorised signatory and included (as a scanned document) in the Application.

7.2. OPERATIONAL CAPACITY

All Applicants must have the professional competencies as well as appropriate qualifications necessary to complete the proposed action. This capacity shall be assessed based on the experience of the Applicants and each Co-Applicant or, as an alternative, on the relevant experience of their directly involved employees.

The assessment or verification of the operational capacity shall not apply to:

- **public bodies, and/or**
- **international organisations, and/or**
- **entities/organisations explicitly mentioned in the OAPs.**

When Co-Applicants are not a public body, an international organisation and/or not explicitly mentioned in the EMPACT Operational Action Plan²³, their operational capacity will be assessed on the basis of a (1) Partnership Declaration (See Annex 2) which must be printed out, signed by the authorised signatory and included (as a scanned document) in the Application.

8. AWARD CRITERIA

Only Applications which meet the requirements of the exclusion, eligibility and selection criteria mentioned above will be assessed against the award criteria. In accordance with Article 199 of the EU Financial Regulation, the Applications will be scored and ranked based on the following approach:

a	Quality of the operational action: Applications will be assessed with regard to the conception, organisation, and	Max. 20
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²³ If the application is related to an EMPACT OAP

	expected results.	points
b	Impact of proposed action: Applications will be assessed on the extent to which they contribute to achieving the objective of this Invitation.	Max. 20 points
c	European added value: Applications will be assessed talking into consideration the geographical coverage of the project and the alignment of the action with the EU policy cycle for organised and serious international crime.	Max. 15 points
d	Involvement of Europol: (e.g. commitment to introducing (operational) information into Europol systems, involving the relevant Europol Analysis Projects etc.).	Max. 15 points
e	Value for money: Amount requested for financial support and its appropriateness in terms of adequacy of budgetary resources (personnel, equipment, travel, etc.) for carrying out the action; demonstration of overall costs effectiveness and value for money; in particular, the following will be taken into account: staff costs requested for managing the grant as well as costs foreseen under budget category E <i>Operational support</i> in relation to the expected operational outcome of the action.	Max. 30, Min. 15 points
	Total points	100

Applications that do not attain an overall score of minimum **60 points** shall not be considered for the award of a grant and will be rejected.

Once the evaluation procedure is completed, and the award decision is adopted, Europol will inform each Applicant of the final decision taken and of the next steps. An award decision does not represent a legal or financial commitment. The award of a grant does not establish any legal or financial commitment of Europol.

9. LEGAL COMMITMENTS

9.1. Award – legal commitment

In general, the award of each grant is subject to signature of a multi-beneficiary grant agreement by both parties (Europol and Beneficiary). Europol will sign it with the Applicant (at that stage, the Coordinator) only. All Co-Beneficiaries will have to **mandate**²⁴ the Coordinator with the power of attorney to sign the grant agreement on their behalf. It will be the responsibility of the Coordinator to disseminate the grant budget to the Co-Beneficiaries in accordance with the roles and tasks to be performed by the Co-Beneficiaries as described in the Applications and in the grant agreement. **The costs incurred by the Co-Beneficiaries are eligible under the same conditions as those incurred by the Coordinator.**

Unless provided otherwise by the relevant Europol National Unit in the Application, the Coordinator will be the sole contact point for Europol. It will be the Coordinator's obligation to ensure the proper coordination of the Co-Beneficiaries and of the activities. However, the Coordinator and the Co-Beneficiaries will share contractual and financial responsibilities towards Europol for the proper and timely implementation of all activities foreseen in the project.

²⁴ A relevant statement is included in the Partnership Declaration.

10. FINANCIAL PROVISIONS

10.1. GENERAL PRINCIPLES

Grants awarded by Europol are based on the principles specified in the Guide for Applicants EaP/LV/2021.

10.2. MAXIMUM AMOUNT REQUESTED (co-financing rate)

Grants under this Invitation are limited to a **co-financing rate of maximum 95% of the total eligible costs of the action.**

The beneficiaries must co-finance a minimum of **5%**. The Beneficiaries should ensure that the outstanding balance is covered from sources other than the EU budget (own resources of beneficiaries, contributions by donors, income generated by the project, contributions in kind i.e. the provision of goods or services to a Beneficiary(ies) free of charge by a third party.

Europol reserves the right to reduce the estimated costs in the Budget Estimate, if they are deemed ineligible.

10.3. ELIGIBLE COSTS:

Only "eligible costs" can be taken into account for a grant. The categories of costs regarded as eligible and non-eligible are indicated below.

Eligible costs are divided into Direct and Indirect costs. Eligible costs must be based on real costs and evidenced by supporting documents. The only exception to this rule is for the indirect costs.

10.3.1. Eligible Direct costs

Eligible (direct) costs of each action are **costs actually incurred** by the beneficiaries, which meet the following criteria and would not have been incurred if the activities had not been carried out:

- They must have been incurred during the duration of the project and be specified in the Grant Agreement;
- They are connected with the subject of the Grant Agreement and necessary for the implementation of the action outlined;
- They are identifiable and verifiable, in particular being recorded in the accounting records of the beneficiaries and determined according to the applicable accounting standards of the country where the Beneficiaries are established and according to the usual cost-accounting practices of the latter;
- They comply with the requirements of the applicable tax and social legislation;
- They are reasonable, justified, and comply with the principle of sound financial management, in particular in terms of value for money and cost effectiveness.

The categorisation of the eligible direct costs and the corresponding levels of co-financing are set out in this Invitation and further specified in the Guide for Applicants. Under this Invitation, these costs include:

A. Staff costs

B. Travel costs (incl. travel/accommodation/Daily Subsistence Allowance)

C. Costs of purchase or renting of equipment related to identification and setting of legal and technical requirements for the exchange of intelligence. Under this category full purchase price of the equipment could be covered by the project.

E. Operational support costs (exhaustive list relating to investigation tools and techniques)

Costs relating to the acquisition of equipment, whether by purchase, leasing or rental, shall only be eligible if the equipment is directly linked to the project and relates to specific and clearly identifiable activities.

Full purchase price of the equipment could be covered by the project subject to the following conditions:

- the equipment is required to ensure cross border cooperation and absence of tools would jeopardise the international investigation involving more than one Member State;
- renting or leasing the equipment would not be possible as it could jeopardise the operation;
- applicants provide assurance that the equipment will be fully dedicated to the action;

Moreover, full purchase price could be covered if the purchase cost is € 4,000 or less. If the equipment costs above € 4,000 it can also be accepted at a 100% rate if the Applicants submit sufficient evidence proving that purchase is cheaper than renting or leasing, thus complying with the principle of sound financial management.

If the above conditions are not met, applicants can charge against the project only the costs of depreciation, corresponding to the degree and duration of use for the purpose of the action. Only the portion of the equipment's costs corresponding to the implementation period and the rate of actual use for the purposes of the action may be taken into account.

F. Other direct costs, such as:

- o costs relating to workshops & seminars, dissemination and publication,
- o costs relating to subcontracting arrangements,
- o costs relating to audit and/or project evaluation,
- o bank charges, including any surcharges for immediate transfers if justified are considered to be eligible costs.

10.3.2. Eligible Indirect costs

Eligible indirect costs (overheads): A lump sum not exceeding **7 (seven) %** of the total amount of eligible costs of the action may be included (provided it is requested in the Budget Estimate) as indirect costs in the budget of the action as further indicated in a Grant Agreement.

10.3.3. Ineligible costs:

These costs cannot be included in the budget of the action and if any are incurred, they must be supported by the Beneficiaries:

- costs which are not identifiable or verifiable on the basis of supporting documents
- capital increases and return on capital
- debt and debt service charges
- provisions for losses or potential future liabilities
- other interest owed
- doubtful debts
- exchange losses and insurance against exchange losses costs declared by the Beneficiary in connection with another specific project or work programme receiving an EU grant (including from Europol)
- excessive or reckless expenditure
- gifts and presents
- touristic or cultural site programmes, tours or events for accompanying spouses, etc.;
- expenditure incurred outside the lifetime of the project as stipulated in the Grant Agreement
- expenditure related to reports/audits not requested by EUROPOL
- honoraria, fees or the reimbursement of costs incurred due to the participation in the project of civil servants (including national experts, other agents or staff) of the Institutions of the European Union/EU Agencies;

10.3.4. Value Added Tax – VAT:

In line with Article 186(4)(c) of the EU Financial Regulation the VAT eligibility conditions may be presented in the following consolidated way:

VAT is eligible where it is not recoverable under the applicable national VAT legislation and is paid by a beneficiary other than a non-taxable person within the meaning of the first subparagraph of Article 13(1) of Council Directive 2006/112/EC²⁵

Similarly, in this invitation to submit applications, the eligibility of VAT is assessed by activity and by beneficiary, not for the grant as a whole. Therefore, VAT will be treated as follows

- **Activities in relation to which VAT paid is ELIGIBLE**
 - Activities within the scope of VAT - Exempt without the right of deduction²⁶ - NOT applicable within this Invitation
 - Activities outside the scope of VAT & No public prerogative (not engaged in by the beneficiary as a public authority as defined in the first subparagraph of Article 13(1) of Directive 2006/112/EC)
 - Activities, as referred to above, in respect to which VAT is not deductible but refunded by means of specific refund schemes or compensation funds not foreseen by Directive 2006/112/EC, even if that scheme or fund is established by national VAT legislation.
 - as part of the purchase price for goods and services, except where the activity falls within one of the following categories: (i) activities for which VAT is deductible: taxed activities or exempt activities with right of deduction or (ii) activities engaged in by bodies governed by public law of

²⁵ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

²⁶ As per Article 13(2) above.

a Member State (State, regional or local government authority or other public body), acting as a public authority.

Activities in relation to which VAT paid is NON-ELIGIBLE

- Activities within the scope of VAT - Taxed activities
- Activities outside the scope of VAT – Public prerogative (engaged in by the beneficiary as a public authority)

The specific eligibility conditions on VAT mentioned above only apply to Beneficiaries of the Member States of the EU. It does not apply to Beneficiaries established in third countries. For example, if the Austrian police and the Georgian police (both Beneficiaries in the Grant Agreement) organize an investigation in Georgia, VAT will be deemed eligible or ineligible depending on which body bears the costs. If Austria bears the cost then VAT will be ineligible. If Georgia bears the costs then VAT will be eligible.

10.4. PAYMENT MODALITIES

A pre-financing payment corresponding to **80%²⁷** of the activities foreseen under the total grant as awarded by Europol will be transferred to the Coordinator after signature of the Grant Agreement by both parties and in accordance with its terms.

Europol will establish the amount of the final payment to be made to the Coordinator on the basis of the calculation of the final grant amount. If the total of earlier payments is higher than the final grant amount, the Beneficiaries will be required to reimburse the amount paid in excess by Europol through (a) recovery order(s).

Any payment requests, including the required supporting documentation shall take into account the confidentiality and security of the operational and classified information (including Europol's financial verification).

11. SUBMISSION OF APPLICATIONS

11.1. METHOD OF SUBMISSION OF THE APPLICATIONS:

This Invitation to submit applications is published on the Europol website together with the Grant Application Package.

Applications must be completed by using the Grant Application Package as described in Section 12.2 and submitted to Europol electronically to the following account:

C2-24@europol.europa.eu

NOTE 4: EUROPOL NATIONAL UNITS

²⁷ In cases where the only direct eligible cost concerns informant reward, pseudo-purchase or flash money, the pre-financing payment will correspond to 100% of the grant.

Applicants must formally submit their Applications via their **Europol National Units**. The ENUs shall use the Europol secure Network to submit the Applications. Applications sent directly to Europol or not received from the Europol National Units will not be admissible and will be rejected unless the ENU has given written permission in advance for direct submission via the secure Europol Network.

In the Application Form, the Europol National Units will be requested to indicate whether they authorise that direct contacts be established between Europol and the (Lead) Applicant, in particular for the implementation of the Grant Agreement. Based on the experience with the previous Europol grants, Europol strongly encourages ENUs to consent to direct contact.

Europol's commitment to evaluate the application in 14 days refers only to applications for which direct contact has been allowed.

Applicants are required to fill out the Grant Application Form and all the required annexes. If the forms or templates are unused or altered, the Applications may be rejected. The Application must be sent in pdf. format, and signed where it is indicated (signed documents in scanned version are therefore accepted). Europol reserves the right to require production of the original documents submitted if necessary.

At the stage of submission, each Co-Applicant must fill out and sign the Partnership Declaration for Co-Applicants (See Annex 2 of the Grant Application Package). The declaration is granting power of attorney to the Applicant/Coordinator to, if applicable, conclude a Grant Agreement with Europol in case the application is awarded for funding and to represent the Co-applicant vis-à-vis Europol with regard to all matters covered by the Grant Agreement.

To allow for fast processing, applicants must adhere to the templates provided by Europol and reply within maximum 24 hours to the questions raised by the evaluator(s).

11.2. CONTENT OF THE GRANT APPLICATION PACKAGE:

The Application Package is made of the following documents:

I	The present Invitation to submit applications
II	Guide for Applicants
III	Application Form
IV	Budget Estimate
Annexes to the Grant Application Package	
1	Partnership Declaration for co-Applicants
2	Model letter - information for the Driver(s)

Furthermore, the following has been annexed to the Application Package for information purpose only:

7	Model Grant Agreement
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12. PUBLICITY

Europol is obliged to publish information relating to grants awarded in the course of a financial year on an internet site of Europol/the European Union institutions no later than the 30 June of the year following the financial year in which the grants were awarded. The Beneficiary(ies) authorise(s) Europol and/or the European Commission to publish the following information:

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

The Beneficiary(ies) shall inform Europol if publication of any of the above information is subject to confidentiality, could endanger the Beneficiary(ies) or harm their interests. In such cases derogation(s) from publication may be granted. In any case, publication shall not contain any Europol operational, strategic and classified information as defined in Article 2 of the Europol Financial Regulation.

13. DATA PROTECTION

The submission of an Application involves the recording and processing of personal data (such as name, address etc.)

The Applicant shall ensure that those individuals, (e.g. personnel, contractors) whose personal data are collected and processed by Europol, are informed of this (together with their right to request rectification etc.).

The rules applicable under Europol's constituent act differentiate between data protection rules for administrative personal data and the rules applicable to other personal data, processed to meet Europol's objectives as stated in Article 3 of the Europol Regulation. Regulation 2018/1725²⁸ (or successor legislation) applies to all administrative personal data held by Europol. For all other personal data, the legal regime set down in Europol Regulation will apply.

The data controller in relation to administrative and financial matters:
Europol's Data Protection Officer
Contact point: DPO@europol.europa.eu

The data controller in relation to operational matters:
Contact point: O1-2@europol.europa.eu

The EDPS (European Data Protection Supervisor) shall be responsible for monitoring and ensuring the application of the data protection regime applicable to Europol and can be contacted via: edps@edps.europa.eu.

Personal data will be processed in order to evaluate the application. Personal data may be registered in the Early Detection and Exclusion System (EDES) if a co-beneficiary (not being a public entity) is in one of the situations mentioned in Article 135, 136, 142 and 143 of the Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union.

²⁸ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision 1247/2002/EC.

14. MEANS OF REDRESS (COMPLAINTS) – EUROPEAN OMBUDSMAN

If, at any stage of the administrative treatment of grant Applications, the persons or entities concerned consider that they have been affected by an instance of maladministration, they may, **irrespective of any other means of redress**, make a complaint to the **European Ombudsman** in accordance with Article 228(1) of the Treaty on the Functioning of the European Union and as provided by the Parliament Decision of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties published in Official Journal L 113 of 4 May 1994.