



## **DECISION OF THE PUBLIC AUTHORITIES BOARD OF THE ECSEL JOINT UNDERTAKING**

### **On the evaluation and selection procedures related to Calls for Proposals, repealing decision ECSEL PAB 2014.02**

THE PUBLIC AUTHORITIES BOARD OF THE ECSEL JU,

Having regard to the Statutes annexed to Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking<sup>1</sup>, and in particular Article 12 of the Annex thereof,

Having regard to decision ECSEL PAB 2014.02 adopted by the PAB on 3 July 2014,

WHEREAS,

- 1) Decision ECSEL PAB 2014.02 on evaluation and selection procedures need to be amended in order to comply with H2020 rules on proposals submission and evaluation;
- 2) For sake of clarity, decision ECSEL PAB 2014.02 shall be repealed and replaced by this decision;

HAS ADOPTED THIS DECISION:

#### *Article 1*

The updated evaluation and selection procedures related to Calls for Proposals, as set out in the Annex to this Decision, are hereby approved.

#### *Article 2*

Decision ECSEL PAB 2014.02 is repealed.

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<sup>1</sup> OJ L 169/152, 7.6.2014, p.152.

*Article 3*

This Decision shall enter into force on the date of its adoption.

Done at Brussels, on 25 February 2015,

For the Public Authorities Board

*(signed)*  
Ben Ruck  
Chairperson of the Public Authorities Board

ANNEX

## **ECSEL Joint Undertaking Evaluation and selection procedures related to Calls for proposals**

This document<sup>2</sup> describes the steps that shall be followed by the ECSEL JU related to the Calls for proposals, the procedures for evaluation and selection of proposals, the allocation of public funding following such Calls and the subsequent establishment of grant agreements for projects<sup>3</sup>.

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<sup>2</sup> It follows *mutatis mutandis* the Horizon 2020 Vademecum Section on proposal submission and evaluation, with adaptations to ECSEL JU specificities; it will be updated too, when and if necessary in case the Horizon 2020 rules for call management and proposal submission and evaluation are modified.

<sup>3</sup> "Project" is a research and/or innovation action or coordination and support actions selected by the ECSEL JU following competitive calls for proposals

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## I Preliminary Steps

1. The Private Members Board shall submit to the Executive Director the draft research and innovation activities plan (RIAP) in due time, to be included in the draft work plan.
2. The public authorities (ECSEL Participating States and the European Commission) shall communicate the following information to the Executive Director in due time to be included in the draft work plan and taking into account the RIAP:
  - a. The estimates of expenditure for the next year(s) covered by the work plan;
  - b. The reimbursement rate of the eligible costs to be used to determine the financial contribution of the public authority (if relevant, by category of participant and/or by type of action);

Only for ECSEL Participating States:

- c. When they differ from the conditions laid down in the Rules for Participation in Horizon 2020 (Regulation (EU) No 1290/2013), the specific criteria regarding the eligibility of individual applicants to receive funding from the ECSEL Participating State – such criteria should lend themselves to verification;
  - d. When the ECSEL Participating State does not entrust the ECSEL JU with the implementation of its contribution to its participants, any specific rules regarding the eligibility of costs.
3. Upon the completion of procedure set in Article 14(1) and in accordance with the requirements set out in Article 31(4) of ECSEL JU Financial rules<sup>4</sup> the Executive Director shall prepare and submit for adoption to the Governing Board by the end of the year prior to its implementation the draft work plan including the scope of the calls for proposals needed to implement the research and innovation activities plan as proposed by the Private Members Board and the corresponding expenditure estimates as proposed by the public authorities.
4. The work plan shall also determine the number of calls for proposals to be launched by the ECSEL JU in the referenced year(s).

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<sup>4</sup> ECSEL GB 2014.09

## **II Launching the Calls for proposals**

1. The Public Authorities Board (PAB) shall approve the launch of calls for proposals, in accordance with the work plan.
2. Before publishing the calls for proposals, the Executive Director shall receive from each public authority the confirmation or an update of the estimated expenditure for the calls.
3. The PAB shall instruct the Executive Director to publish the call(s). Each call shall specify the following:
  - Scope and objective(s) as per the work plan;
  - Rules for participation, including any specific national criteria and/or rules as per the work plan;
  - Estimated expenditures from each public authority;
  - The reimbursement rates as per work plan;
  - Whether one/two-stage submission schemes will apply as per work plan and deadlines for submission of proposals at each stage;
  - The eligibility, selection and evaluation (award) criteria, the score ranges (half marks or scores with a resolution of one decimal), the corresponding thresholds and weights (only the criterion on Impact may have a higher weight than the other criteria), and any overall threshold that a proposal should reach in order to be retained;
  - The planned date by which all applicants shall be informed of the outcome of the evaluation of their application and the indicative date for the signature of grant agreements;
  - Any other conditions for the establishment of the grant agreements.
4. The calls for proposals shall be published on the website of the ECSEL JU as well as on the EU Participant Portal for Horizon 2020.
5. The ECSEL JU shall make use of the toolset made available by the European Commission to handle the submission, evaluation and grant management fully electronically with the participants.

## **III Evaluation and Selection process and allocation of public funding**

### **III.1 General rules**

1. The Governing Board may appoint independent observer(s) to:
  - a. observe the practical workings of the evaluation process with full access to documents,
  - b. give independent advice on:
    - i. the conduct and fairness of the evaluation, particularly whether the evaluation process is carried out with respecting the principles stated in III.1(3)
    - ii. the application of the evaluation criteria
    - iii. ways in which the procedures could be improved

but not to express views on the proposals or the opinions of the experts’.

The independent observer(s) shall report to the ECSEL JU Governing Board on any aspect of the evaluation as required, in particular on the respect of the evaluation rules and procedures.

2. The evaluation process carried out with the assistance of independent experts shall respect the principles of excellence, transparency, fairness & impartiality, efficiency & speed, ethics & security and confidentiality.
3. The work plan may provide that prior to submitting a Full Project Proposal (FPP), applicants shall submit a Project Outline (PO) to the ECSEL JU (two-stage submission scheme). In this case the Call for proposals shall state the deadlines for the submission of POs and FPPs and provide templates for the PO and FPP. When a PO phase is foreseen, it shall be eliminatory, i.e. only applicants of successfully evaluated POs shall be invited to submit a FPP.
4. If the two-stage evaluation process is provided for in the work plan, the following shall apply:
  - a. At the PO stage of the evaluation process, a minimum of two experts will evaluate each proposal during individual evaluation. There will be no panel review,
  - b. Applicants will be informed of the results of the PO stage of the evaluation process and if successful, invited to submit the FPP,
  - c. ESR<sup>5</sup>s (see section III.4.D(4)) shall not be sent before the completion of the FPP stage,
  - d. The FPP must be consistent with the PO proposal and may not differ substantially.
5. For each Call and before the deadline of submission of PO (if applicable) or FPP, the ECSEL JU shall establish a pool of experts who may participate in the evaluation of proposals. These experts must be registered in the lists of experts at the disposal of the ECSEL JU.
6. The ECSEL JU may call upon the advice of the Private Members Board and the PAB for the identification of independent experts.
7. All experts involved in the evaluation of POs or FPPs shall sign a declaration of confidentiality and absence of conflict of interest as defined by the ECSEL JU. Experts that have a conflict of interests shall be excluded by the ECSEL JU from the concerned activity.

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<sup>5</sup> Evaluation summary report.

### **III.2. Evaluation process**

1. The evaluation process shall be organised in three main phases:

Phase 1 – Individual evaluation

Phase 2 - Consensus group

Phase 3 – Panel review

Any of these phases can be done remotely. When a two-stage submission scheme is provided for in the work plan, the PO stage shall not include the panel review. The FPP stage shall include all three phases.

2. The following shall apply for the assignment of experts to a proposal at any stage:
  - Rules for conflict of interest (see Appendix),
  - A balance of profiles (private/public), expertise, gender and nationalities at proposal and panel level,
  - A regular renewal of experts,
  - The possibility for applicants to send with the FPP a list of companies or experts that should not be assigned to the evaluation of the proposal.
3. The ECSEL JU Executive Director shall implement the above rules as well as any other rule indicated in this document for the assignment of experts without compromising the quality of the evaluation. The Executive Director shall justify any exceptions to these rules to the Governing Board.
4. Public funding to participants shall comply with the applicable state aid rules.

### **III.3 Project Outline (PO) stage evaluation**

#### **A. Admissibility & Eligibility check**

1. To be considered admissible, a proposal shall be:
  - submitted in the Electronic Submission System before the deadline given in the call,
  - be readable, accessible and printable,
  - be complete (containing all the requested administrative data, proposal description, etc. and any supporting document specified in the call).

In case of an ‘obvious clerical error’ (e.g. omission to submit evidence or information on a non-substantial element of the proposal), the Executive Director may ask the applicant to provide the missing information or supporting documents. However, if the missing information or document would substantially change the proposal, it shall not be taken into account.

2. To be considered eligible, the proposal shall correspond to the standard and specific eligibility criteria and conditions as set in the work plan.
3. The Executive Director shall verify the POs against the admissibility and eligibility criteria and decide on the exclusion of non-compliant POs. The Executive Director shall inform the applicants accordingly as part of step III.3D.(2).
4. Eligible POs shall be made available to the experts, to appointed observers, and to the public authorities potentially involved in the funding of the proposal.
5. The Executive Director shall organise the evaluation of the POs on the basis of criteria defined in the work plan.

#### **B. Individual evaluation**

1. Upon admissibility and eligibility check, the POs shall be made available to the experts in electronic form for remote evaluation. Each expert shall give scores and accompanying comments to the evaluation criteria as set below.
2. The PO shall be evaluated according to one or more of the following Horizon 2020 criteria: (1) Excellence, (2) Impact, (3) Quality and efficiency of the implementation.

For each criterion, proposals will be given scores of 0 to 5, as follows:

0 — The project fails to address the criterion or cannot be assessed due to missing or incomplete information (unless the result of an ‘obvious clerical error’)

1 — Poor: the criterion is inadequately addressed or there are serious inherent weaknesses



2 — Fair: the project broadly addresses the criterion but there are significant weaknesses

3 — Good: the project addresses the criterion well but with a number of shortcomings

4 — Very good: the project addresses the criterion very well but with a small number of shortcomings

5 — Excellent: the project successfully addresses all relevant aspects of the criterion; any shortcomings are minor.

The maximum overall score is therefore fifteen (15). If the work plan provides for a weighting factor, this will be used to determine the final ranking.

### **C. Consensus group**

1. Upon individual evaluation, the individual experts form a ‘consensus group’ to come to a common view and agree on comments and scores (in a ‘consensus report’). If foreseen in the work plan, the consensus report may consist in a collation of the individual evaluation reports or extracts from them.
2. The consensus discussions shall be moderated by the ECSEL JU operational services managing the call. The experts shall synthesise and consolidate the individual scores, remarks and recommendations for each project outline.
3. These recommendations shall address, if appropriate, minor adjustments to the total costs and the technical content of the project outline and assess the operational capacity of applicants necessary for the success of the project if executed. If major concerns are expressed by the experts which would require substantial changes to the proposal, the project outline should be scored low in the relevant criterion/a.

### **D. Results of the PO stage**

1. The Executive Director shall present to the PAB the results of the evaluation of the PO proposals. The ECSEL Participating States may provide comments on the potential eligibility of their applicants against any predetermined national criteria as published with the call.
2. The Executive Director shall inform the applicants in writing at the latest 6 weeks before the deadline for submitting FPPs of the decision on their application following the PO stage procedure. If the applicant is not successful, the reasons for the rejection of the application will be provided, with reference in particular to the selection and award criteria. This information shall not constitute a commitment for funding, neither for the ECSEL JU nor for any of ECSEL Participating States towards the applicant.

### **III.4. Full Project Proposal (FPP) stage evaluation<sup>6</sup>**

#### **A. Admissibility & Eligibility check**

1. At this stage, the Executive Director shall check the admissibility and eligibility of a proposal as described in section III.3 A. to verify if the eligibility conditions are still complied with.
2. The Executive Director shall inform the applicants accordingly as part of step. III.9(8).
3. Eligible FPPs shall be made available to the experts, to appointed observers, and to the public authorities potentially involved in the funding of the proposal. Public authorities shall also receive a summary of those FPPs with which they are not financially concerned.
4. FPPs shall be evaluated and scored as described in section III.3.B(2).

#### **B. Individual evaluation**

1. The Executive Director shall assign at least 4 experts to evaluate each FPP.
2. The FPPs shall be made available to the experts in electronic form for remote evaluation. Each expert shall give scores and accompanying comments to the three evaluation criteria. Their individual evaluation reports shall be communicated to the ECSEL JU operational services managing the call within the defined timeframe.

#### **C. Consensus group**

1. Upon individual evaluation, the individual experts form a ‘consensus group’ to come to a common view and agree on comments and scores (in a ‘consensus report’). If foreseen in the work plan, the consensus report may consist in a collation of the individual evaluation reports or extracts from them.
2. The consensus group shall be moderated by the ECSEL JU operational services managing the call. In these discussions, when a two-stage submission scheme is prescribed in the work plan, the results of the PO evaluation shall be made available to the experts. The experts shall synthesise and consolidate the individual scores, remarks and recommendations for each proposal.
3. These recommendations shall address, if appropriate, minor adjustments to the total costs and the technical content of the proposal, and assess the operational capacity of the applicants necessary for the success of the project if executed. Proposals shall be evaluated on their own merit and not their potential, should certain changes be made.

#### **D. Panel review**

1. The panel review shall be chaired by the Executive Director or by his/her appointed ECSEL JU staff member. In this session, the consensus reports shall be examined, the

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<sup>6</sup> The procedure described for FPP applies *mutatis mutandis* if the work plan prescribes a one-step submission scheme, i.e. in case of no preceding PO phase.

consistency of the comments and the scores shall be checked and any cases where there are dissenting views shall be resolved and recorded in the consensus report. The panel session shall resolve eventual score ties according to predefined criteria. Where necessary, the panel shall propose a new set of scores or a revision of the comments.

2. The 'panel report' shall include the '(ESR)' for each proposal (based on the consensus report, including comments and scores, and taking into account the panel's deliberations and any new scores or comments considered necessary), with explanations and a list of proposals passing all thresholds, along with a final score, ('panel ranked list') and, where necessary, the panel's recommendations for a priority order for proposals in the event of equal scores, using the procedure set out in the work plan.
3. The applicants shall receive a copy of their respective ESR when they are informed of the final outcome of their proposal following the PAB decision on allocation of funding in accordance with section III.9(8).
4. The panel session shall result in two lists of proposals: "above threshold" and "below threshold". Proposals with a score below threshold in any criterion or in the total score shall be included in the "below threshold" list. The "above threshold" list is ordered according to the total score of the proposals (following the procedure to resolve the score ties).
5. The Executive Director shall submit to the PAB the "above threshold" list of proposals with the evaluation results.

### **III.5. Ethics review (ethics screening and ethics assessment)**

1. The ECSEL JU carries out the ethics pre-screening, the ethics screening and the ethics assessment of proposals. These procedures shall be equivalent to those of the Commission. The ECSEL JU will check, with the help of independent ethics experts, whether the proposal complies with ethical principles and relevant legislation.

The ethics review begins in parallel with the evaluation or soon after.

2. All proposals retained for funding shall go through an ethics review process (made up of one or two consecutive steps, depending on whether or not ethics issues are confirmed, whether they are adequately addressed in view of their severity and complexity). The ethics review may lead to 'ethics requirements' to be incorporated in Annex 1 'Description of Action'<sup>7</sup> to the grant agreement. The grant agreement shall only be signed after the ethics screening/assessment has been carried out, and provided all conditions are met.

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<sup>7</sup> The "Description of action" is a technical document which presents, in as clear and concise a manner as possible, all activities, actions and tasks which the Project participants are committed to undertake in order to fulfil the scientific and research objectives stipulated in the grant agreements. It is based upon the description of scientific/technological objectives and work plan outlined in the Project proposal and possibly modified according to specific recommendations made by the experts during evaluation and as further discussed during grant preparation. In addition to its legal significance, the 'description of action' is meant to serve as benchmark for the grant beneficiaries, the Joint Undertaking, the national funding authorities and possibly experts to effectively monitor and check the progress during the Project's lifetime

3. The ethics review is part of the Commission's overall 'Horizon 2020 ethics appraisal scheme'<sup>8</sup> which includes all of the following:
  - ethics self-assessment (by the applicants, in their proposal),
  - ethics review (by the ECSEL JU, during the selection procedure),
  - if necessary, ethics checks, reviews and audits (during the implementation of the action and up to two years afterwards).
4. The Commission shall be informed of the result of ethics checks and audits concerning human embryonic (hESC) or significant research integrity issues requiring an in depth assessment by ethics experts. In this case, the Commission may undertake an in-depth examination of the case if necessary with the help of an external expert panel and address binding recommendations to the ECSEL JU.
5. The ECSEL JU uses external ethics experts to ensure that ethics issues identified in proposals are adequately addressed (both for the ethics review and other procedures of the ethics appraisal scheme).
6. The list of ethics experts is drawn up annually by the Commission's DG RTD Ethics Department.
7. Proposals shall be evaluated to examine if they raise 'ethics issues' and, if so, to check if these issues are adequately addressed (including during the action implementation phase)<sup>9</sup>.
8. The ethics review has 2 stages, stage 1 (ethics screening) and stage 2 (ethics assessment). All proposals shall undergo an ethics review process, made up of one or two consecutive stages, depending on whether or not the ethics issues are confirmed, their severity and complexity.
9. Stage 1 — Ethics screening
 

During the ethics screening, the proposals that have an empty 'ethics issue table' in the Part A (and therefore no ethics self-assessment in Part B) are first 'pre-screened', in order to establish potential ethical issues.

Proposals potentially raising ethics issues are then screened more thoroughly ('full screening'), in order to check if the ethics issues are properly addressed by the applicants. As a result, the proposal can either be cleared, conditionally cleared or go through the ethics assessment.
10. Stage 2 — Ethics assessment (if necessary)
 

If the ethics screening shows more serious or complex ethics issues requiring a more in-depth analysis, they will be subject to the ethics assessment and DG RTD Ethics department should be informed. For proposal involving hESC, ECSEL JU shall

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<sup>8</sup> The global approach on ethics issues is developed under the responsibility of the Commission's DG RTD Ethics department.

<sup>9</sup> The main focus of the ethics review is on the **ethical dimension** (e.g. human rights and protection of human beings, animal protection and welfare, data protection and privacy, environmental protection, malevolent use of research results, dual use), however, **research integrity aspects** may also be addressed (e.g., fabrication, falsification and plagiarism, in proposing, performing, or reviewing research or in reporting research results; including misrepresentation of credentials and improprieties of authorship).

request the Commission's DG RTD Ethics Department to perform the ethics assessment.

11. The ECSEL JU may contact applicants during the ethics review if more information or supporting documents are needed.

### III.6. Security scrutiny

1. A proposal should not contain any information that is 'EU classified' under the rules on security of information in the Commission internal Rules of Procedure<sup>10</sup>. Proposals concerning actions that would deal with information that is 'EU-classified' under the Commission Internal Rules of Procedure shall undergo a periodic 'security scrutiny'<sup>11</sup>.
2. The scrutiny check shall be limited to identifying actions that involve security-sensitive information (and classifying them and their deliverables as 'classified deliverables') and shall not constitute a fully-fledged security check on all potentially security-relevant aspects of an action.
3. Security scrutiny may apply to proposals submitted to ECSEL JU, for instance, if:
  - the applicants declared in the proposal submission form that it is 'security-sensitive', i.e. concerns EU-classified information;
  - the topic is flagged in the work plan as potentially resulting in security-sensitive actions;
  - the ECSEL JU detects or suspects that:
    - a. classified information is, or may be, used as background and/or
    - b. it is planned that some results will be classified.

In such cases, the process will be triggered by the ECSEL JU operational services managing the call and passed to the chair of the 'Security Scrutiny Committee' in the Commission.<sup>12</sup>

<sup>10</sup> Commission Decision 2001/844/EC, ECSC, Euratom amending the Commission's internal Rules of Procedure (OJ L 317, 3.12.2001, p. 1–55). Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02001D0844-20050202&qid=1395937087333&from=EN>.

<sup>11</sup> The security scrutiny does not concern other issues or 'activities involving dual-use goods or dangerous materials and substances'.

<sup>12</sup> Unless the applicant have already included them in the proposal, the ECSEL JU operational services managing the call/the Commission may request the following:

- a 'Security Aspect Letter (SAL)' and 'Security Classification Guide (SCG) 3', covering the level of classification of background information (and the formal written authorisation by the competent security authorities to use this information);
- the classified results (including which participant will have access to what information).
- a copy of the 'Facility Security Clearances (FSC)' (or of the FSC request).

The validity of the FSC may be checked by the Commission Security Directorate through the appropriate formal channel with the national security authorities (NSAs) involved.

### III.7. Complaints

1. If the applicants consider that the submission of their proposal was not entirely successful due to a technical error on the side of the ECSEL JU/EC IT systems involved, the coordinator may lodge a complaint through the IT Helpdesk on the Participant Portal. For the complaint to be admissible it must be filed by the coordinator within four (4) calendar days following that of the call closure<sup>13</sup>.
2. If the applicants consider that the ECSEL JU unduly rejected their proposal, the coordinator may file a complaint via the Participant Portal ('formal notifications box').
3. For specific complaints concerning the evaluation of proposal, the coordinator may — within thirty (30) days of receiving the proposal rejection letter — file a request for an evaluation review via the Participant Portal, using the on-line forms provided. The ECSEL JU shall thus convene the internal evaluation review committee to examine the complaints. The internal evaluation review shall assess solely the procedural aspects of the evaluation, without deciding on the merits of the proposal.
4. If the complaint is justified, the ECSEL JU will arrange for a re-evaluation and inform the coordinator. If the complaint is not justified, the ECSEL JU will inform the coordinator, together with the reasons why.

The equivalent procedure as for complaints concerning the evaluation of proposals shall apply for complaints concerning the outcome of the admissibility and eligibility check.

### III.8. Eligibility check by EPS and financial capacity check

1. The ECSEL Participating States shall verify the eligibility of their listed applicants against any predetermined national criteria for funding as published with the call. The Executive Director shall verify the eligibility of all the listed applicants for funding from the Union according to the ECSEL JU Financial Rules and the criteria published

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<sup>13</sup> The following procedure will apply for applicants:

Applicant will receive an acknowledgement of receipt the same or next working day.

Applicant should secure a PDF version of all the B-parts and annexes of their proposal holding a time stamp (file attributes listing the date and time of creation and last modification) that is prior to the call deadline dd/mm/yyyy:hh:mm , as well as any proof of the alleged failure (e.g. screen shots). Later in the procedure applicant may be requested by the IT Helpdesk to provide these items.

Any information regarding the proposal shall be treated in a strictly confidential manner. In order that a complaint would be upheld, the IT audit trail (application log files and access log files of the EC/ECSEL JU IT-systems involved) must show that there was indeed a technical problem at the EC/ECSEL JU side which prevented the applicant from submitting (or resubmitting) the proposal using the electronic submission system. Applicants shall be notified about the outcome of the treatment of their complaint as soon as possible and at latest within 15 working days following the reception of their complaint. If a decision cannot be reached in this term applicants shall receive a holding reply.

If a complaint is upheld, the secured files (provided by you to the IT helpdesk), for which the investigation has demonstrated that technical problems at the EC side prevented (re)submitting, will be used as a reference for accepting the proposal for subsequent evaluation. In absence of such documents, the version present in the IT system will be evaluated.

with the call. The results of those verifications by the national authorities and the Executive Director shall be available at least twenty (20) days before the PAB meets to discuss the selection of proposals and the allocation of public funding. Applicants shall be informed on the results of those verifications as part of step III.9.(8).

2. The public authorities shall be given the opportunity to express a score for each proposal above threshold with which they are financially concerned, to reflect the level of synergy of the proposed work with EU and national R&D&I policies. They may also abstain from scoring or declare themselves neutral. A neutral score supports the order of the "above threshold" list produced by the experts.
3. The Executive Director shall consolidate the individual public authorities' scores per proposal based on a mechanism previously approved by the PAB and published with the call. The consolidation of the scores shall be based on the following principles, listed in order of importance:
  - a) The weight of the score of a public authority shall be determined in proportion to the estimated expenditure of that public authority for the call.
  - b) The score of an ECSEL Participating State shall have greater impact on the projects demanding higher national contributions from that State.
  - c) The consolidated score of the public authorities may eventually move a proposal at most half way of the ranking established by the experts.
4. Based on the evaluation results and the scoring by the public authorities, the Executive Director shall elaborate the draft final ranking list with the draft allocation of public funding as well as any other observations and suggestions before the PAB proceeds with the selection decision.

### **III.9 PAB Selection decision and allocation of public funding**

1. On the basis of the draft final ranking list and the draft allocation of funding, the PAB shall decide on the final ranking of proposals.
2. Following this decision, the PAB shall decide on the selection of proposals to be retained for public funding, taking into account the budgets available and the verifications of the eligibility for funding of individual applicants made earlier. The PAB shall also decide which proposals are not viable in the light of the available public funding.
3. The national expenditure estimated by an ECSEL Participating State for Calls shall normally be dedicated to cover a percentage of the eligible costs of the participants in projects established in its territory. Nevertheless, an ECSEL Participating State may decide to fund organisations established in other EU Member States or Associated States of the Framework Programme.
4. In this case, the "host" ECSEL Participating State shall bear the same rights, responsibilities and obligations with respect to this "foreign" participant as if such participant was based in the host ECSEL Participating State (as specified in the administrative arrangements concluded between the ECSEL JU and the host ECSEL

Participating State e.g. in terms of grant agreements, audits and cost claims). ECSEL Participating States may also allocate national funding beyond their estimated expenditure for the Call.

5. In case that the total funding allocated by an ECSEL Participating State is less than the expenditure estimated for the Call, that State may allocate the difference to applicants in proposals that would not be viable without further funding. Alternatively, the non-allocated amounts may remain unused by the ECSEL Participating State in the specific call.
6. In case the total EU funding allocated is less than the expenditure foreseen for the Call, the non-allocated amount may be de-committed and reused in up to the next 3 years.
7. The PAB may decide to create a reserve list of proposals in case funding would become available (e.g. following failure to conclude a grant agreement in a reasonable time after the PAB decision). Such a list shall be made of the proposals that are not viable for reasons of budget availability following the decisions above. It shall be ordered according to the final ranking as decided under step III.9 (1).
8. Following the evaluation and PAB mandate to Executive Director, and within a maximum period of 5 months from the deadline for submission of FPPs, the Executive Director shall communicate the PAB decision on selection (including any budget changes resulting from the PAB decision) to applicants.

The results of the evaluation (ESRs) shall be communicated to applicants at the latest at the same time as the communication of the PAB decision on selection.

9. The Executive Director shall invite the coordinators to the Grant Agreement Preparation phase through the electronic exchange system.

### **III.10. PAB Mandate to Executive Director**

1. For each proposal retained for funding, the PAB shall give the Executive Director a mandate to prepare the JU grant agreement. To that end, the ECSEL JU operational services managing the call shall prepare, under the responsibility of the Executive Director, the 'Description of action' within the limits of the PAB mandate<sup>14</sup> and taking into account any minor recommendations for changes resulting from the evaluation of the proposals.
  - a) In case that the grant preparation has been successfully completed within the mandate, the Executive Director shall transmit the results to the PAB and the corresponding national funding authorities of the participants in the projects together with all relevant documentation in order to proceed, where relevant, with the establishment of the national grant agreements.
  - b) In cases of substantial changes not foreseen by the PAB mandate (such as the unexpected withdrawal of a partner), the Executive Director shall transmit a

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<sup>14</sup> The mandate shall include if appropriate the results of verifications carried out by the public authorities (early warning, outstanding legal and/or financial obligations, etc.) as well as the modifications in budget and possible changes in the consortia due to the non-eligibility of partners.



'Project change request' to the PAB for approval. If the change request is approved, the decision of the PAB shall be transmitted by the Executive Director to the corresponding national funding authorities of the participants in the project together with all relevant documentation in order to proceed with the establishment of the national grant agreements, where appropriate.

- c) In case of failure of the grant preparation, or in case of change requests refused by the PAB, the consortium shall be considered as unsuccessful. The ECSEL JU shall inform the unsuccessful consortia and the corresponding national funding authorities.

## **IV Grant agreements**

1. After a successful preparation, the ECSEL JU shall transmit to the coordinators of the selected consortia the Joint Undertaking's grant agreement and the accession forms for electronic signature, in the terms and conditions specified by this grant agreement. The grant agreements shall be signed within a maximum period of 3 months from the date of informing applicants they have been successful (step III.9.(8)).

The decision of the PAB on the allocation of public funding to Projects shall be binding for the ECSEL Participating States without any further local evaluation or selection processes. In particular:

- The ECSEL JU shall conclude grant agreements with consortia of selected projects for the contribution of the EU and of the ECSEL Participating States having decided to entrust the ECSEL JU with the implementation of their contribution.
- Where applicable, the funding bodies responsible for fulfilling the obligations of ECSEL Participating States shall establish grant agreements with partners in selected projects, according to the local financial and legal requirements.
- The approved "Description of action" for each project as established by the ECSEL JU shall be used without change<sup>15</sup> for the JU Grant Agreement and, where applicable, for the grant agreements in ECSEL Participating States.
- The administrative and financial conditions of the JU grant agreements shall be governed by the Rules for Participation in Horizon 2020, the ECSEL JU Financial Rules and the administrative arrangements between the ECSEL JU and the ECSEL Participating States, if appropriate.

Where relevant, the ECSEL Participating States shall make best efforts to synchronize and accelerate their procedures for concluding their own grant agreements.

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<sup>15</sup> Except for translations if necessary

## Appendix

### Rules for conflict of interest

The ECSEL JU operational services managing the call shall ensure that experts that have a conflict of interests are excluded from the concerned activity.

For a given proposal, a conflict of interest exists if an expert:

- a) was involved in the preparation of the proposal, and/or
- b) stands to benefit directly or indirectly if the proposal is accepted, and/or
- c) has a close family or personal relationship with any person representing an applicant legal entity, and/or
- d) is a director, trustee or partner or is in any way involved in the management of an applicant legal entity, and/or
- e) is employed or contracted by one of the applicant legal entities or any named subcontractors, and/or
- f) is a member of an Advisory Group set up by the Commission to advise on the preparation of EU or Euratom Horizon 2020 work programmes, or work programmes in an area related to the call for proposals in question, and/or
- g) is a National Contact Point, or is directly working for the Enterprise Europe Network, and/or
- h) is a member of a Programme Committee.

The ECSEL JU operational services managing the call will decide whether a conflict of interest exists — taking account of the objective circumstances, available information and related risks — when an expert:

- was employed by one of the applicants in the last three years, and/or
- is involved in a contract or grant agreement, grant decision, membership of management structures (e.g. member of management or advisory board etc.) or research collaboration with an applicant or a fellow (or had been so in the last three years), and/or
- is in any other situation that could cast doubt on his/her ability to participate in the evaluation of the proposal impartially (or that could reasonably appear to do so in the eyes of an external third party).