CREATIVE EUROPE

Culture Sub-programme

SUPPORT FOR EUROPEAN COOPERATION PROJECTS

GUIDELINES

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All the necessary documentation to apply, in particular the online application form (eForm) and the guide for applicants, can be found at:
http:/eacea.ec.europa.eu/creative-europe/funding/support-european-cooperation-projects-2017_en

1. INTRODUCTION

These guidelines are based on Regulation No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) [1] and its corrigendum of 27 June 2014[2].

They also take into account the priorities stemming from the policy cooperation established at European Union (hereafter "EU") level in the field of culture. The European Agenda for Culture[3], that the European Commission issued in 2007, set for the first time a framework for cultural cooperation among EU Member States and between these and the Commission.

Based on that, the EU Council of Ministers adopted a Work Plan for Culture[4], which sets out priorities for the period 2015-2018, seeking to address the key challenges faced by cultural organisations and SMEs in the creative and cultural sectors at national and EU level in an environment constantly marked by the effects of globalisation and digitisation.

In addition, a Joint Communication "Towards an EU strategy for international cultural relations"[5] was adopted on 8 June 2016.

This policy framework helps better define and understand the policy framework in which the Creative Europe Programme (hereafter "the Programme") operates and the ultimate objectives pursued through the funding opportunities it offers.

The European Commission is responsible for the implementation of the Programme and for the decision to grant individual EU funds. The Education, Audiovisual and Culture Executive Agency (hereafter "the Agency") manages the Culture and MEDIA Sub-programmes on behalf and under the control of the European Commission.

General background information about the Creative Europe Programme can be found at:
http://eacea.ec.europa.eu/creative-europe_en

2. PROGRAMME PRIORITIES AND TARGETED PROJECTS

2.1 Programme priorities

According to the framework referred to under section 1 of these guidelines, the programme seeks to support projects mainly working on transnational mobility, audience development (accessible and inclusive culture) and capacity building (notably digitisation, new business models and education and training). These programme priorities are spelled out here below, in 5 groups (A, B, C1, C2 and C3). The short description of capacity building under C is only for illustrative and background purposes.

Supported projects shall therefore include a substantiated strategy and detailed description of how they plan to implement one or more of these programme priorities. When submitting their applications through the online application system referred to in section 14.3, applicants must tick a maximum of 3 of these 5 priorities, which are the most relevant to their project, and rank these 3 priorities by order of relevance.

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[1] Regulation No 1295/2013 of the European Parliament and of the Council establishing the Creative Europe Programme was published in the Official Journal of the European Union on 20/12/2013 (OJ L 347, p. 221).

[2] Published in the Official Journal of the European Union on 27/06/2014 (OJ L 189/260).

[3] More information on the European Agenda for Culture can be found at:
http://ec.europa.eu/culture/policy/strategic-framework/index_en.htm

[4] More information on the Work Plan for Culture 2015-2018 can be found at:
http://ec.europa.eu/culture/news/2014/2711-work-plan-culture_en.htm

[5] More information is available at: http://europa.eu/rapid/press-release_IP-16-2074_en.htm

On top of the specific features of the scheme and in compliance with the principle of subsidiarity, the supported projects shall contribute to create European added value as defined in Article 5 of Regulation No 1295/2013 establishing the Creative Europe Programme.

A) Transnational mobility

What is entailed here is the transnational mobility of artists and professionals, as well as the transnational circulation of cultural and creative works, the aim of which is to promote cultural exchanges, intercultural and interfaith dialogue, understanding for cultural diversity and social inclusion.

Transnational mobility is embedded in the cooperation projects. However, it must be aimed at more than the mere coordination, administration and implementation of the project. Mobility is about results, not just a matter of travelling across borders.

Projects addressing this priority must conceive and describe a real cross-border mobility strategy, which might be aimed at, amongst others:

- capacity building for cultural operators involved in the project to work transnationally and internationally,
- creation, production,
- improving professional skills, peer learning, education/training,
- career opportunities for artists and professionals to work transnationally and internationally,
- accessing new markets,
- creating network possibilities, building partnerships and contacts,
- reaching new and wider audiences;
- triggering intercultural and interfaith dialogue, respect for diverse cultures and cultural expressions, and facilitating the integration of refugees..

Partnerships with operators from outside the EU should reflect the concept of the role of culture in the EU's external relations, as spelled out in the European Agenda for Culture referred to in section 1.

B) Audience development

Audience development means bringing people and culture closer together. It aims to directly engage people and communities in experiencing, enjoying and valuing arts and culture. Audience development is about doing something together with audiences, rather than doing something for them.

Audience development is an important new priority in Creative Europe which helps European artists/cultural professionals and their works reach as many people as possible across Europe and extend access to cultural works with a particular focus on children, young people, people with disabilities, and under-represented groups including refugees..

In developing a strategy for audience development, the goal could be to widen audiences, to diversify them or to deepen the relationship with existing audiences (or a combination of these). The applicants are supposed to know who their current audiences are and what target groups they want to reach. Audience development should be an integral part of the project – through involving audiences in the programming, production, participatory art, physical dialogue, social media interaction, volunteering or creative partnerships with other sectors (health, education, retail, etc.).

The implementation of an audience development strategy will typically require that staff members are trained and assigned specifically to audience development tasks. Training should be an essential part of any such strategy. Applicants should also do research prior to establishing a strategy and they should seek to apply segmentation models. Monitoring progress and success of the audience

development activities, amongst others by collecting audience feedback (in a formal or informal way), is a good practice.

Possible directions to be taken:
- projects focusing on creating audience development skills for cultural operators/artists as one of their main goals;
- projects involving co-creations, co-productions, touring, etc. having a clear strategy for audience development to accompany the project, so that they do not focus solely on the "supply side" but also on the "demand side", ensuring that the activities have the largest possible impact;
- requiring that projects involving residences or exchange schemes for artists seek to interact with local communities and audiences, rather than confining their mobility experience to their immediate peers.

C) Capacity building

Capacity building means helping cultural operators to further develop their skills and internationalise their careers in order to facilitate access to professional opportunities as well as to create the conditions for greater transnational circulation of cultural and creative works and for cross-border networking. This can happen in manifold ways. The main 3 are spelled out here below, and each of them constitutes a programme priority in its own right.

C.1) Digitisation

The digital shift is having a massive impact on how cultural and creative goods are made, disseminated, accessed, consumed and monetised. These changes offer wide opportunities for the cultural and creative sectors. In order to use those opportunities, the cultural and creative sectors need to develop new skills allowing for new production and distribution methods and new business models.

The Creative Europe Culture Sub-programme therefore supports projects of a transnational nature that will allow the actors of the cultural and creative sector to adapt to the digital shift, encouraging the use of digital technologies from production to distribution and consumption. Activities might include the organisation of workshops, the testing of new delivery channels via digital means or the development of tools for digitisation of cultural content. These – and other – activities will in most cases be closely linked to audience development or new business models, and the applicants should acknowledge these links and explain what the main objective of the action is.

Projects that seek to address this priority should have an innovative approach and go beyond the mere digitisation of contents.

C.2) New business models

The opportunities offered by the new technologies make it necessary to develop and test new models of revenue, management and marketing for the cultural sectors. At the same time, the cultural and creative operators should enhance their financial and business skills, to allow them to better perform at the market and to take full advantage of the funding opportunities that are changing along with the financial context.

The Creative Europe Culture Sub-programme supports transnational projects that enhance the business skills of the cultural and creative actors, to allow them to better understand the changing economic context and find new sources of revenue or new management models allowing for better performance and lower costs. These might include (not exhaustively) the organisation of workshops, the setting up of co-working and co-creation spaces, the development and testing of

new business and management approaches and other activities linked to entrepreneurial skills for the cultural and creative sectors.

Applicants should keep in mind the close links between this priority and the other priorities (digitisation, audience development) and define their primary objective and the effects of the action on the other priorities.

C.3) Training and education

Enabling people to gain new skills which will enrich their professional life and embrace their chances on the labour market is one of the overarching priorities of EU action. Obviously, artistic and cultural education and training are an integral part of this effort.

The Creative Europe Culture Sub-programme supports transnational projects which offer to the participants the opportunity to acquire new skills and improve their employability, be it through formal learning at recognised schools which participate in projects or through non-formal activities focused on artistic learning or on soft skills in the culture and art sector.

Logical combining of this priority with the others is a good practice and needs to be well explained.

2.2 Targeted projects

This scheme offers two categories of support. Depending on the scale, needs, nature and objectives of the project (also referred to as "action"), the project leader and the partners (also referred to as "the applicants"), will have to choose to apply for either category 1 or category 2:

Category 1 – Smaller scale cooperation projects

Projects involving a project leader and at least two other partners having their legal seat in at least three different countries taking part in the Culture Sub-programme, with a maximum EU funding of EUR 200 000.

Category 2 – Larger scale cooperation projects

Projects involving a project leader and at least five other partners having their legal seat in at least six different countries taking part in the Culture Sub-programme, with a maximum EU funding of EUR 2 000 000.

Purely illustrative examples of the kinds of activities that can be supported within projects, if they contribute to the above priorities, include the following (please note this list is not exhaustive):

- Exchanges of cultural players with a view to capacity building enabling cultural players to acquire the skills and know-how needed to adapt to their changing environment (digital shift, new business and management models, new approaches to audience development, helping small organisations develop business readiness in applying for bank loans). This can include training sessions, workshops, the preparation of materials, websites for this purpose, etc.;
- Exchanges of cultural players between countries, including extended stays and residencies, which will help artists/cultural professionals with the development of their careers. During these stays, the activities can include artistic creation, including co-creations and co-productions, which are then performed or exhibited and toured between different countries. As far as possible they should also include training and activities in audience development and interaction with local communities, including efforts to reach usually under-represented groups such as refugees;

- Cultural organisations (e.g. concert halls, opera houses, theatres, festivals, orchestras, music groups, theatre groups, etc.) from different countries coming together to co-produce and/or perform and tour in different venues/events in different countries, or at a single event on condition that the event has a very large and recognised international reach with the capacity to have a multiplier effect in other countries. The co-productions can include new or avant-garde works. Promotional and audience development activities must be included in order to attract larger audiences, help make complex works accessible to the audience, and extend access to under-represented groups. The activities should help artists/cultural professionals with their careers, help artists and works reach more audiences across Europe and beyond, help extend the lifespan of productions and the organisations to develop sustainable cooperation with new partners in other countries and new professional opportunities for them.
- Transnational exchanges of artefacts with a particular European dimension: these do not necessarily create new works, but may enable new and existing works to circulate, for example, through exhibitions that tour between the different partners or through a museum in one country loaning exhibits to museums in other countries, with special attention being paid to extending and enlarging the audiences for these works, and extending the lifespan of exhibitions.
- Cultural and/or audio-visual activities that seek to support the integration of refugees recently arrived in Europe by giving the opportunity to EU citizens and refugees to work together, discover, learn from and understand the values and cultures of both populations, and this in collaboration with social structures already working with refugee populations. Projects can promote joint creation and performances of for example original theatre, music, audio-visual works and street performances, taking into account language issues, gender and legal aspects, mobility issues and specificities of the target population. Projects should foster the identification of specific artistic skills of refugees, use the talents of the refugee population, or enhance their abilities for a better integration in the social life and labour market.

3. TIMETABLE

The indicative timetable for the call for proposals for 2017 is:

<u>For category 1 - Smaller scale cooperation projects:</u>

Publication of the call for proposals	Deadline for submission	Evaluation period	Information to applicants	Signature of the grant agreements	Start date of the action
September 2016	**23 November 2016 – 12.00 (noon) Brussels time**	**6 months**	**May 2017**	**June-July 2017**	**May until December 2017**

<u>For category 2 - Larger scale cooperation projects:</u>

Publication of the call for proposals	Deadline for submission	Evaluation period	Information to applicants	Signature of the grant agreements	Start date of the action
September 2016	**23 November 2016 – 12.00 (noon) Brussels time**	**6 months**	**May 2017**	**June-July 2017**	**June until December 2017**

The indicative timetable for the following years for the duration of the Programme is:

For Category 1 - Smaller scale cooperation projects:

Publication of the call for proposals	Deadline for submission	Evaluation period	Information to applicants	Signature of the grant agreements	Start date of the action
July of year n-1	**First Wednesday of October of year n-1**	**6 months**	**March of year n**	**May of year n**	**May until December of year n**

For category 2 - Larger scale cooperation projects:

Publication of the call for proposals	Deadline for submission	Evaluation period	Information to applicants	Signature of the grant agreements	Start date of the action
July of year n-1	**First Wednesday of October of year n-1**	**6 months**	**March of year n**	**June of year n**	**June until December of year n**

If the deadline for submission falls on a public holiday in the applicant's country, no extension will be granted. Applicants must take this into account when planning their submission.

4. AVAILABLE BUDGET

The total available budget for the co-financing of projects under this scheme is estimated at 70 % of the total budget for Creative Europe – Culture Sub-programme (i.e. EUR 454,8 million) which amounts to around EUR 318 million over the period 2014-2020.

This budget is subject to the availability of the funds after the adoption of the budget for 2017 by the budgetary authority.

Each year throughout the duration of the programme, the European Commission and the Agency will publish an annual work programme indicating the budget devoted to cooperation projects for that particular year.

Financial contribution from the EU cannot exceed 60% of the eligible costs for category 1 - smaller scale cooperation projects and 50% of the eligible costs for category 2 - larger scale cooperation projects. The remaining amount shall be secured by the applicants.

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

5. ADMISSIBILITY REQUIREMENTS

Applications shall comply with the following requirements:

- they must be sent no later than the deadline for submitting applications referred to in section 3 of the present guidelines;
- they must be submitted in writing using the online application form (see section 14 of the present guidelines);
- they must be drafted in one of the EU official languages
- they must be completed in full, and contain all the required signed annexes (original signatures or equivalent required).

Only typed applications will be considered.

The application form must be accompanied by a balanced budget and all the other documents referred to in the application form. **Failure to comply with those requirements will lead to the rejection of the application.**

In order to submit an application, applicants (the project leader and the partners) must provide their Participant Identification Code (PIC) in the application form. The PIC can be obtained by registering the organisations in the Unique Registration Facility (URF) hosted in the Education, Audiovisual, Culture, Citizenship and Volunteering Participant Portal. The Unique Registration Facility is a tool shared by other services of the European Commission. If an applicant (project leader and partners) already has a PIC that has been used for other programmes (for example the Research programmes), the same PIC is valid for the present call for proposals.

The Participant Portal allows applicants (the project leader and the partners) to upload or update the information related to their legal status and attach the requested legal and financial documents (see section 14.2 for more information).

6. ELIGIBILITY CRITERIA

Applications which comply with the following criteria will be the subject of an in-depth evaluation.

6.1 Eligible countries

Applications from legal entities established in one of the following country categories are eligible as long as all conditions referred to in Article 8 of Regulation No 1295/2013 establishing the Creative Europe Programme are met and the Commission has entered into negotiations with the country:

1. EU Member States and overseas countries and territories which are eligible to participate in the Programme pursuant to Article 58 of Council Decision 2001/822/EC[6];
2. Acceding countries, candidate countries and potential candidates benefiting from a pre-accession strategy, in accordance with the general principles and general terms and conditions for the participation of those countries in EU programmes established in the respective Framework Agreements, Association Council Decisions or similar agreements;
3. EFTA countries which are parties to the Agreement on the EEA, in accordance with the provisions of the EEA Agreement;
4. The Swiss Confederation, on the basis of a bilateral agreement to be concluded with that country;
5. Countries covered by the European Neighbourhood Policy in accordance with the procedures defined with those countries following the framework agreements providing for their participation in EU programmes.

The Agency may select proposals from applicants (the project leader and the partners) from non EU countries provided that, on the date of the award decision, agreements have been signed and notified setting out the arrangements for the participation of those countries in the Programme established by the Regulation referred to above.

An updated list of countries eligible to participate in Creative Europe (those fulfilling the conditions referred to in Article 8 of Regulation No 1295/2013) and countries that may become eligible in the near future (those that the Commission has started negotiations with) can be found at:
https://eacea.ec.europa.eu/creative-europe/library/eligibility-organisations-non-eu-countries_en

[6] Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community ("Overseas Association Decision") (OJ L 314, 30.11.2001, p. 1).

For <u>this call for proposals</u>, the list of eligible countries includes:
1. The 28 Member States of the European Union and the overseas countries and territories which are eligible to participate in the Programme pursuant to Article 58 of Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community ("Overseas Association Decision") (OJ L314, 30.11.2001, p. 1);
2. The candidate and potential candidate countries: Albania, Bosnia and Herzegovina, Montenegro, Former Yugoslav Republic of Macedonia and Serbia. Please note that Turkey has decided to leave the Creative Europe Programme as of the 1st of January 2017. Turkish organisations are therefore not eligible under this call.
3. The EFTA/EEA countries: Iceland and Norway;
4. Countries covered by the European Neighbourhood Policy: Georgia Moldova and Ukraine. Israel is entitled to participate in the present call provided that the country has signed and notified the EU-Israel agreement setting out the arrangements for its participation in Creative Europe by the date the award decision of this call is adopted. The eligibility criteria formulated in Commission notice Nr. 2013/C-205/05[7] shall apply.

6.2 Eligible applicants

6.2.1 The applicants (the project leader and the partners) must be active in the cultural and creative sectors as defined in Article 2 of Regulation No 1295/2013 of the European Parliament and of the Council establishing the Creative Europe Programme. Proof of this activity may be requested (such as for instance statutes/articles of association, activity reports).

The project leader will submit the application to the Agency on behalf of all partners. Consequently, applications must include mandate letters from partner organisations confirming their participation (original signatures or equivalent required).

6.2.2 When submitting their application, both project leader and partners must be in a position to demonstrate their existence as a legal person[8] for at least 2 years on the date of the deadline for submission referred to in section 3 of these guidelines.

Natural persons may not apply for a grant.

6.3 Eligible projects

Depending on the scale, needs, nature, objectives and priorities of the project, the applicants will have to choose to apply under either category 1 - Smaller scale cooperation projects or under category 2 - Larger scale cooperation projects.

Please note that the project leader can apply **<u>only once a year under either category 1 or under category 2</u>.** An applicant applying as project leader under either category 1 or category 2 can be a partner in several other projects presented by another project leader under either category 1 or category 2.

Category 1 - Smaller scale cooperation projects

This category includes projects that:

- shall involve a project leader and at least two other partners having their legal seat in at least three different countries taking part in the Creative Europe – Culture Sub-programme. Either

[7] OJ C 205/3, 19.7.2013.
[8] Branches and other entities whose legal personality is not independent from a mother entity, must apply through their mother entity. The details of the mother entity will be used to check the eligibility criteria.

the project leader or one of the partners must have its legal seat in one of the countries referred to in paragraphs 1, 3 and 4 of section 6.1.;
- are the subject of an application requesting a EU grant of no more than EUR 200 000 representing maximum 60% of the eligible budget.

In case of selection, the project leader of a category 1 project may submit an application for a new category 1 or category 2 project under subsequent calls.

Category 2 - Larger scale cooperation projects

This category includes projects that:

- shall involve a project leader and at least five other partners having their legal seat in at least six different countries taking part in the Creative Europe – Culture Sub-programme. Either the project leader or one of the partners must have its legal seat in one of the countries referred to in paragraphs 1,3 and 4 of section 6.1.;
- are the subject of an application requesting a EU grant of no more than EUR 2 000 000 representing maximum 50% of the eligible budget.

In case of selection, the project leader of a category 2 project will not be eligible to submit other applications under category 2 as long as the project is on-going. This means that a project leader of an on-going category 2 project is not eligible to be the project leader of another category 2 project unless the eligibility period of the selected cooperation project is over when the eligibility period of the category 2 project for which he applies as project leader begins. Project leaders of an on-going category 2 project may, however, submit an application for a new category 1 project under subsequent calls.

For both categories of cooperation projects, the project must be based on a **cooperation agreement** concluded between the project leader and the partners. The cooperation agreement must state all the legal and financial conditions of cooperation between the partners as well as their operational responsibilities in the implementation of the project.

6.4 Eligible activities

Eligible activities to be taken into consideration are the activities which intend to achieve the objectives and priorities set in section 2 of these guidelines.

The activities must relate to the cultural and creative sectors as defined in Article 2 of Regulation No 1295/2013 of the European Parliament and of the Council establishing the Creative Europe Programme. Activities dedicated exclusively to the audiovisual sectors are not eligible under the Culture Sub-programme.

6.5 Eligible period

Activities must start between June of year n and December of year n for larger scale cooperation projects and between May and December of year n for smaller scale cooperation projects.

However, a EU grant may be awarded for a project, which has already begun only if the applicant can demonstrate the need to start the action before the agreement has been signed. In any case, the Agency will have to approve the justification of the need to start the project before the agreement has been signed and the project cannot start before the deadline for submission indicated in section 3 of these guidelines.

No grant may be awarded retroactively for projects already completed.

For both smaller and larger scale cooperation projects the maximum duration of a project is 48 months.

Applications for projects scheduled to run for a longer period than that specified in these guidelines will not be considered as eligible.

No extension to the eligibility period beyond the maximum duration will be granted.

However, if after the signing of the agreement and after the start of the project it becomes impossible for the beneficiary, for fully justified reasons beyond his control, to complete the project within the scheduled period, an exceptional extension to the eligibility period may be granted. A maximum extension of 12 additional months may be granted, if requested before the deadline specified in the agreement. The maximum duration will then be 60 months**.**

Only applications that fulfil the admissibility requirements and the eligibility criteria will be considered for a grant. If an application is deemed ineligible, a letter indicating the reasons will be sent to the applicant.

7. EXCLUSION CRITERIA

7.1 Exclusion from participation

An applicant (project leader and partners) will be excluded from participating in calls for proposals procedure, if it is in any of the following situations:

(a) it 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 national legislation or regulations;

(b) it has been established by a final judgement or a final administrative decision that the applicant is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the authorising officer is located or those of the country of the implementation of the grant;

(c) it has been established by a final judgement or a final administrative decision that the applicant is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the applicant belongs, or by having engaged in any wrongful 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:
   - (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfillment of selection criteria or in the performance of a contract, a grant agreement or grant decision;
   - (ii) entering into agreement with other persons with the aim of distorting competition;
   - (iii) violating intellectual property rights;
   - (iv) attempting to influence the decision-making process of the Agency 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 judgement that the applicant is guilty of any of the following:
   - (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;
   - (ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework

Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the authorising officer is located, the country in which the applicant is established or the country of the implementation of the grant;

(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;

(iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;

(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;

(vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;

(e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract, a grant agreement or a grant decision financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;

(f) it has been established by a final judgement or final administrative decision that the applicant has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;

(g) in the absence of a final judgement or where applicable a final administrative decision, the applicant is in one of the cases provided in (c) to (f) above based in particular on:

(i) facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;

(ii) non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;

(iii) decisions of the ECB, the EIB, the European Investment Fund or international organisations;

(iv) decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law;

(v) decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body;

(h) where a person who is a member of the administrative, management or supervisory body of the applicant, or who has power of representation, decision or control with regard to that applicant (this covers the company directors, members of the management or supervisory bodies, and cases where one person holds a majority of shares), is in one or more of the situations referred to in points (c) to (f) above;

(i) where a natural or legal person that assumes unlimited liability for the debts of that applicant is in one or more of the situations referred to in point (a) or (b) above.

If an applicant is in one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. They may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. This does not apply for the situations referred in point (d) of this section.

In the cases provided in (c) to (f) above, in the absence of a final judgement or where applicable a final administrative decision, the Agency may exclude an applicant provisionally from participating in a call for proposals where their participation would constitute a serious and imminent threat to the Union's financial interests.

7.2 Rejection from the award procedure

An applicant will not be awarded a grant for this procedure if

(a) it is in an exclusion situation established in accordance with the above section 7.1;
(b) it has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information;
(c) it was previously involved in the preparation of a call for proposals where this entails a distortion of competition that cannot be remedied otherwise.

Rejection from this procedure and administrative sanctions (exclusion or financial penalty) may be imposed on applicants or affiliated entities where applicable, if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

The applicants should be informed that the Agency may publish on its internet site the following information related to the exclusion and, where applicable, the financial penalty in the cases referred to in points (c), (d), (e) and (f) of the section 7.1[9]:

(a) the name of the applicant concerned;
(b) the exclusion situation;
(c) the duration of the exclusion and/or the amount of the financial penalty.

In case of a preliminary classification in law (i.e. absence of a final judgement or a final administrative decision), the publication shall indicate that there is no final judgement or final administrative decision. In those cases, information about any appeals by the applicant, their status and their outcome, as well as any revised decision of the authorised officer, shall be published without delay. Where a financial penalty has been imposed, the publication shall also indicate whether that penalty has been paid.

The decision to publish the information is taken by the Agency either following the relevant final judgement, final administrative decision or preliminary classification in law, as the case may be. That decision shall take effect three months after its notification to the economic operator.

The information published shall be removed as soon as the exclusion has come to an end. In the case of a financial penalty, the publication shall be removed six months after payment of that penalty.

In accordance with Regulation (EC) No 45/2001, where personal data is concerned, the Agency shall inform the applicant of its rights under the applicable data protection rules and of the procedures available for exercising those rights.

7.3 Supporting documents

Applicants (project leaders) must sign a declaration on their honour certifying that they and their partners are not in one of the situations referred to in the above sections 7.1 and 7.2, by filling in the relevant form to be attached to the application form accompanying the call for proposals. If applicable, the relevant documentary evidence which appropriately illustrates any remedial measures taken should be provided in annex to this declaration.

[9] This information shall not be published in any of the following circumstances:
(a) where it is necessary to preserve the confidentiality of an investigation or of national judicial proceedings;
(b) where publication would cause disproportionate damage to the applicant concerned or would otherwise be disproportionate on the basis of the proportionality criteria and to the amount of the financial penalty;
(c) where a natural person is concerned, unless the publication of personal data is exceptionally justified, inter alia, by the seriousness of the conduct or its impact on the Union's financial interests. In such cases, the decision to publish the information shall duly take into consideration the right to privacy and other rights provided for in Regulation (EC) No 45/2001.

The declaration is available at: http://eacea.ec.europa.eu/creative-europe/funding/support-european-cooperation-projects-2017_en.

8. SELECTION CRITERIA

Applicants must submit a declaration on their honour, completed and signed, attesting to their financial and operational capacity to complete the proposed activities.

8.1 Operational capacity

Applicants must have the professional competencies as well as appropriate qualifications necessary to complete the proposed action.

The legal representative of the project leader will attest to the operational capacity of the partnership in the form of a declaration on their honour. Additionally, for those applying **for a grant above EUR 60 000,** the operational capacity will be assessed on the basis of the following supporting information (to be provided in the partnership information document, available on the call webpage http://eacea.ec.europa.eu/creative-europe/funding/support-european-cooperation-projects-2017_en):

- curriculum vitae of the people responsible for the overall coordination and implementation of the project within each partner institution;
- an exhaustive list of the main activities in the cultural and creative sectors of the last 2 years of each partner institution.

The Agency will assess and verify the level of subcontracting activities used by applicants to implement the proposed project.

8.2 Financial capacity

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the period during which the action is being carried out and to participate in its funding. The applicants' financial capacity will be assessed on the basis of the following supporting documents to be submitted with the application:

a) Low value grants (≤ EUR 60 000):
   - a declaration on their honour from the project leader.

b) Grants > EUR 60 000:
   - a declaration on their honour from the project leader.
   - the financial statements of the project leader (including the balance sheet, the profit and loss accounts and annexes) of the last two financial years for which the accounts have been closed. Applicants who have closed only one financial year on the date of submission shall be authorised to provide financial statements for this year only.
   - the financial capacity form for the project leader, filled in with the relevant statutory accounting figures in order to calculate the ratios as detailed in the form;

c) Grants for an action > EUR 750 000, in addition to the above:
   - an audit report produced by an approved external auditor certifying the accounts for the last financial year available.

If, on the basis of the documents submitted, the Agency considers that financial capacity has not been proved or is not satisfactory, it may:

- require a guarantee (see section 11.4 of these guidelines) provided by an approved bank, a financial institution, a joint gurantee by a third party or the beneficiaries of the project;

- offer a grant agreement without pre-financing and make (an) interim payment(s) on the basis of eligible expenses already incurred when the project has been partly carried out.

The Agency reserves the rights to reject the application if neither of these two options can be implemented, irrespective of the reason.

The verification of financial capacity shall not apply to public bodies and to international organisations under public law. It will also not apply to education and training establishments if decided by the competent authorising officer on the basis of his analysis of management risks.

9. AWARD CRITERIA

Eligible applications will be assessed on the basis of the following criteria:

Criteria	Definition	Maximum points
1. Relevance	Does the application contribute to the objectives and priorities of the scheme?	30
2. Quality of the content and activities	How is the project implemented?	30
3. Communication and dissemination	What is the project's approach to communicating its activities and to sharing knowledge and experiences with the sector and across borders?	20
4. Quality of the partnership	What is the quality of the partnership in terms of effective implementation and sustainability?	20

1. Relevance (30)

This criterion evaluates how the project will contribute, on the basis of the programme priorities referred to in section 2 of these guidelines, to reinforcing the sector's professionalization and capacity to operate trans-nationally and internationally, to promoting transnational circulation of cultural and creative works and mobility of artists, to reaching new and enlarged audiences and to improving access to cultural and creative works.
To this end, the project should include a substantiated strategy to implement the programme priority(ies) spelled out in section 2, answering the following questions:

- How relevant is the project's strategy to implement **one or more** of the following priorities considered as instrumental to the achievement of the objectives of the Sub-programme:
  - Transnational mobility of artists and professionals and/or transnational circulation of cultural and creative works
  - Audience development
  - Capacity building in view of adapting to the digital shift and encouraging the use of digital technologies
  - Capacity building in view of enhancing business skills
  - Capacity building in view of acquiring new skills and improving employability
- How convincing, clearly defined and innovative are the strategies proposed to achieve the above priority(ies) that the project seeks to implement?
- To what extent is the project aiming at producing results which will go beyond the sole interest of the partners and direct participants and have potential long-term impacts?
- To what extent is the project complementary to cultural actions implemented at national, regional or local level?

2. Quality of the content and activities (30)

This criterion evaluates how the project will be implemented in practice (quality of the activities and the deliverables, the experience of the staff in charge of the project and working arrangements).

- How concrete and well defined are the activities to be implemented in the framework of the project?
- How clearly related are the objectives and activities of the project to the identified needs of the target groups?
- Are there concrete and well defined outputs (deliverables) and how appropriate are they towards the overall objectives of the project?
- Is a qualitative and quantitative assessment of the results foreseen and how clear and appropriate is it?
- How relevant is the experience of the team taking part in the project, for example in terms of organisational skills, experience and track record in the cultural and creative sectors, communication and language skills? To this purpose, the CVs of the persons responsible for the submitted project within the applicant organisation and each partner institution will be assessed.
- How appropriate is the allocation of the budget and human resources to the activities undertaken in the framework of the project?
- How clear and realistic is the time-table for implementing the project activities?

3. Communication and dissemination (20)

This criterion evaluates the project's approach to communicating its activities and results and to sharing knowledge and experiences with the sector and across borders. The aim is to maximise the impact of the project results by making them available as widely as possible at local, regional, national and European levels, so that they have a reach beyond those directly involved in the project and an impact beyond the project's lifetime.

- How clear and appropriate is the strategy to communicate on the activities of the partners' network, including the objectives, target groups, tools[10], channels[11], media, impact and timeline?
- How will EU support be made visible throughout the duration of the project and beyond and contribute to a positive image of the EU?
- How and to whom will the experience and knowledge acquired through the project be disseminated at local, regional, national and/or European level, including beyond the duration of the project?

4. Quality of the partnership (20)

This criterion evaluates the extent to which the general organisation and co-ordination of the project will ensure the effective implementation of the activities and will contribute to their sustainability.

- How is the partnership defined and to what extent does it ensure a strong involvement of all partners and a clear division of tasks between them?
- How will the partnership be made to last beyond the duration of the project?

[10] Examples of "tools" are publications, promotional material: leaflets, posters, gadgets, audio-visual material, newsletters, data bases, etc.

[11] Examples of "channels" include internet, social media (Facebook, Twitter, Youtube), events: conferences, seminars, workshops, etc.

- To what extent does the partnership go beyond the organisations' direct geographical neighbours and draw partners from a diverse geographical range of participating countries?
- Only for projects involving partnership with organisation(s) established in those countries referred to under points 2, 4 and 5 of section 6.1 of these guidelines: To what extent does the partnership with operators from outside the EU reflect the concept of the role of culture in the EU's external relations, as spelled out in the European Agenda for Culture?

10. Legal commitments

In the event a grant is awarded by the Agency, a grant agreement, drawn up in euro and detailing the conditions and level of funding, will be sent to the project leader, as well as the procedure in view of formalising the obligations of the parties.

Two copies of the original grant agreement must be signed first by the project leader on behalf of all project partners (the project leader and the partners are also referred to as "the beneficiaries") and must be returned to the Agency immediately. The Agency will sign them last.

The award of a grant does not establish an entitlement for subsequent years.

11. Financial provisions

11. 1. General principles

a) Non-cumulative award

An action may only receive one grant from the EU budget.

In no circumstances shall the same costs be financed twice by the Union budget. To ensure this, applicants shall indicate in the application form the sources and amounts of Union funding received or applied for the same action or part of the action or for its functioning during the same financial year as well as any other funding received or applied for the same action.

b) 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 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.

c) Co-financing

Co-financing means that the resources that are necessary to carry out the action may not be entirely provided by the EU grant.

Co-financing of the action may take the form of:
- the beneficiary's own resources,
- income generated by the action,
- financial contributions from third parties.

d) Balanced budget

The estimated budget of the action is to be attached to the application form. It must be complete must be in balance, i.e. total expenditure must be equal to total revenue, including the grant applied for from the Agency.

The budget must be drawn up in euros.

Applicants which foresee that costs will not be incurred in euros shall use the exchange rate published on the Infor-euro website available at http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/index_en.cfm on the month of the publication of this call for proposals.

e) Implementation contracts/subcontracting

Where implementation of the action requires the procurement of goods, works or services (implementation contracts), the beneficiaries must obtain competitive tenders from potential contractors and award the contract to the bid offering best value for money, or, as appropriate to the tender offering the lowest price, taking care to avoid conflicts of interest and to retain the documentation in the event of an audit.

In the event of sub-contracting exceeding EUR 60 000, the beneficiaries must abide by special rules as referred in the grant agreement annexed to the call. Moreover, the beneficiaries are expected to clearly document the tendering procedure, submit a copy of the relevant documents together with the final report at the end of the action and retain the documentation for the event of an audit.

Entities acting in their capacity of contracting authorities in the meaning of Directive 2004/18/EC[12] or contracting entities in the meaning of Directive 2004/17/EC[13] shall abide by the applicable national public procurement rules.

Sub-contracting is the externalisation to a third party of specific tasks or activities which form part of the action, as described in the application, and which cannot be performed by the beneficiaries (i.e. project leader and partners) themselves. Sub-contracting must satisfy the conditions applicable to any implementation contract (as specified above) and in addition to them the following conditions:

- it may only cover the implementation of a limited part of the action;
- it must be justified having regard to the nature of the action and what is necessary for its implementation;
- it must be clearly stated in the proposal or prior written authorisation from the Agency must be obtained;
- the estimated costs must be clearly identifiable in the estimated budget.

[12] Directive 2004/18/EC on the coordination of procedures for the award of public work contracts, public supply contracts and public service contracts.

[13] Directive 2004/17/EC coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sector.

Sub-contracting shall concern only supporting activities. The beneficiaries remain legally and financially responsible for the action. The beneficiaries remain liable for the conception and the development of the action, the attainment of its objectives, the implementation of the activities and the use of appropriate tools.

Please note that the Agency will assess and verify the level of sub-contracting activities used by applicants in particular while assessing the operational capacity of the applicant/beneficiaries to implement its action.

f) Financial support to third parties

The application may not envisage provision of financial support to third parties.

11.2. Funding forms

11.2.1. Budget based financing

The system of financing is a budget-based grant (eligible costs). The grants financed through reimbursement of eligible costs in combination with a flat rate covering overheads are calculated on the basis of a detailed estimated budget, indicating clearly the costs that are eligible for EU funding.

General provisions

The EU grant is limited to a co-financing rate of 60% of eligible costs for smaller scale cooperation projects and to a co-financing rate of 50% of eligible costs for larger scale cooperation projects.

Part of the total estimated eligible expenses must be financed from sources other than the EU grant.

The grant amount may neither exceed the eligible costs nor the amount requested. Amounts are indicated in euros.

Acceptance of an application by the Agency does not constitute an undertaking to award an EU grant equal to the amount requested by the beneficiary.

Applicants applying for larger scale cooperation projects may be asked to amend their programme of activities and their forecasted budget accordingly (see section 14.4.2 of these guidelines –adjustment phase).

Eligible costs

To be eligible, costs must correspond to eligible activities as defined in section 6.5 of these guidelines. Eligible costs of the action are costs actually incurred by the beneficiaries, which meet the following criteria:

- they are incurred during the duration of the action as specified in the grant agreement, with the exception of costs relating to the final reports and the report of factual findings of the final financial report;
  The period of eligibility of costs will start as specified in the grant agreement. If a beneficiary can demonstrate the need to start the action before the agreement is signed, expenditure may be authorised before the grant is awarded. Under no circumstances can the eligibility period start before the date of submission of the grant application (see section 11.1b).
- they are indicated in the estimated overall budget of the action;
- they are incurred in connection with the action which is the subject of the grant and are necessary for its implementation;
- 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 beneficiaries;

- they comply with the requirements of applicable tax and social legislation;
- they are reasonable, justified, and comply with the requirements of sound financial management, in particular regarding economy and efficiency.

The beneficiaries' internal accounting and auditing procedures must permit direct reconciliation of the costs and revenues declared in respect of the action with the corresponding accounting statements and supporting documents.

Eligible direct costs

The eligible direct costs for the action are those costs which, with due regard for the conditions of eligibility set out above, are identifiable as specific costs directly linked to the implementation of the action and which can therefore be booked to it directly. In particular, the following categories of direct costs are eligible, provided that they satisfy the criteria set out in the previous paragraph:

- the cost of staff assigned to the action, comprising actual salaries plus social security contributions and other statutory costs included in their remuneration, provided that this cost does not exceed the usual remuneration policy of the project leader or, where applicable, its partners.
  NB: staff costs must be actual cost incurred by the beneficiaries. Staff costs of other organisations are eligible only if they are paid directly or reimbursed by the beneficiaries. Staff costs must be in line with the activities and proportionate to the budget.
  The corresponding salary costs of personnel of national administrations are eligible to the extent that they relate to the cost of activities which the relevant public authority would not carry out if the project concerned was not undertaken;
- costs of travel and related subsistence allowances, provided that these costs are in line with the beneficiaries' usual practices;
- depreciation cost of equipment (new or second-hand), provided that it is written off in accordance with the tax and accounting rules applicable to the beneficiaries and generally accepted for items of the same kind. Only the portion of the equipment's depreciation corresponding to the duration of the project and the rate of actual use for the purposes of the project may be taken into account by the Agency, except where the nature and/or the context of its use justifies different treatment by the Agency;
- costs of consumables and supplies, provided that they are identifiable and assigned to the action;
- costs entailed by other contracts awarded by the beneficiaries for the purposes of carrying out the action, provided that the conditions laid down in the grant agreement are met;
- costs arising directly from requirements linked to the performance of the action (dissemination of information, specific evaluation of the action, translations, reproduction, etc.);
- costs relating to a pre-financing guarantee lodged by the beneficiaries of the grant where required;
- costs relating to external audits where required in support of requests for payment;
- non-deductible value added tax (VAT) for all activities which are not activities of the public authorities in the Member States.

For actions involving costs relating to a third country (i.e. costs relating to natural persons who are citizens of a third country, organisations based in a third country and activities taking place in a third country), the relevant costs incurred by the project leader and/or the partners must not exceed 30% of the total eligible budget.

Eligible indirect costs (overheads)

A flat-rate amount, not exceeding 7% of the eligible direct costs of the action, is eligible under indirect costs, representing the beneficiaries' general administrative costs which can be regarded as chargeable to the action.

Indirect costs may not include costs entered under another budget heading.

These costs encompass the following categories:
- premises and related expenses (e.g. rent, insurance, …);
- office expenses and consumables (e.g. telephone, postal services, photocopies, …).

In case the applicant organisation receives an operating grant under the budget of the EU, indirect costs are not eligible under specific actions.

Ineligible costs

The following costs shall not be considered eligible:
- return on capital;
- debt and debt service charges;
- provisions for losses or debts;
- interest owed;
- doubtful debts;
- exchange losses;
- costs of transfers from the Agency charged by the bank of a beneficiary;
- costs declared by a beneficiary in the framework of another action receiving a EU grant. In particular, indirect costs shall not be eligible under a grant for a project awarded to the beneficiary who already receives an operating grant financed from the EU budget during the period in question;
- excessive or reckless expenditure;
- contributions in kind;
- deductible VAT.

Calculation of the final grant amount and supporting documents

The final amount of the grant to be awarded to the beneficiaries is established after completion of the action, upon approval of the request for payment containing the following documents:
- a final report on the implementation and results of the project ("final technical report") and related documentation including a public summary/report as foreseen in section 12.3 of these guidelines;
- a final financial report of costs actually incurred ("final financial report") which must include a consolidated statement as well as a breakdown of the amounts claimed by each beneficiary.

Additionally,
- if the EU grant is more than EUR 60 000 and lower than EUR 750 000

The beneficiary is required to submit, in support of the final payment, a "report of factual findings on the final financial report - type I" produced by an approved auditor or in case of public bodies, by a competent and independent public officer.

The procedure and the format to be followed by the approved auditor or in case of public bodies, by the competent and independent public officer, are detailed in the following "guidance notes": https://eacea.ec.europa.eu/sites/eacea-site/files/annex_iii_guidance_notes_audit_type_i_03-2014_en.pdf

The use of the report format set by the "guidance notes" is compulsory.

- if the EU grant is of EUR 750 000 or more and when the cumulative amount of the request for payment is at least EUR 325 000

The beneficiary is required to submit, in support of the final payment, a "report of factual findings on the final financial report - type II" produced by an approved auditor or in case of public bodies, by a competent and independent public officer. The certificate shall certify, in accordance with a methodology approved by the Agency, that the costs declared by the beneficiary in the financial statements on which the request for payment is based are real, accurately recorded and eligible in accordance with the grant agreement.

The procedure and the format to be followed by an approved auditor or in case of public bodies, by the competent and independent public officer, are detailed in the following "guidance notes": https://eacea.ec.europa.eu/sites/eacea-site/files/annex_iv_guidance_notes_audit_type_ii_03-2014_en.pdf

The use of the report format set by the "guidance notes" is compulsory.

- if the EU grant is below or equal to EUR 60 000

The beneficiary is required to submit, in support of the final payment, a copy of the following underlying documents:

- Staff costs: the three highest consolidated staff costs for the whole eligibility period.
- The three highest value subcontracts.
- 25% of the highest costs declared under travel and subsistence.

If it results from the calculation of the final amount of the grant that the eligible costs actually incurred by the beneficiaries are lower than anticipated, the Agency will apply the rate of co-financing stated in the grant agreement to the expenditure actually incurred.

In the event of non-execution or clearly inadequate execution of an activity planned in the application attached to the grant agreement or in the event the information requested in the grant agreement is not submitted, the final grant will be reduced accordingly.

Non-profit rule

The EU grant may not have the purpose or effect of producing a profit for the beneficiaries. **Profit is defined as a surplus of receipts over eligible costs incurred by the beneficiaries.** Where a profit is made, the Agency is entitled to recover a percentage of the profit corresponding to the EU contribution to the eligible costs actually incurred by the beneficiaries. This provision does not apply to grants lower than or equal to EUR 60 000.

Where applicable, the beneficiaries will be required to reimburse any excess amounts paid by the Agency in the form of pre-financing.

11. 3. Payment arrangements

If the financial capacity requirements are not met the payment procedure will be established as indicated in section 8.2 of these guidelines (assessment of the financial capacity).

If the financial capacity requirements are met and depending on the amount of the grant and the duration of the project, the Agency may decide to transfer one or several pre-financing payments. The nature, the number and the amount of payments will be fully specified in the grant agreement.

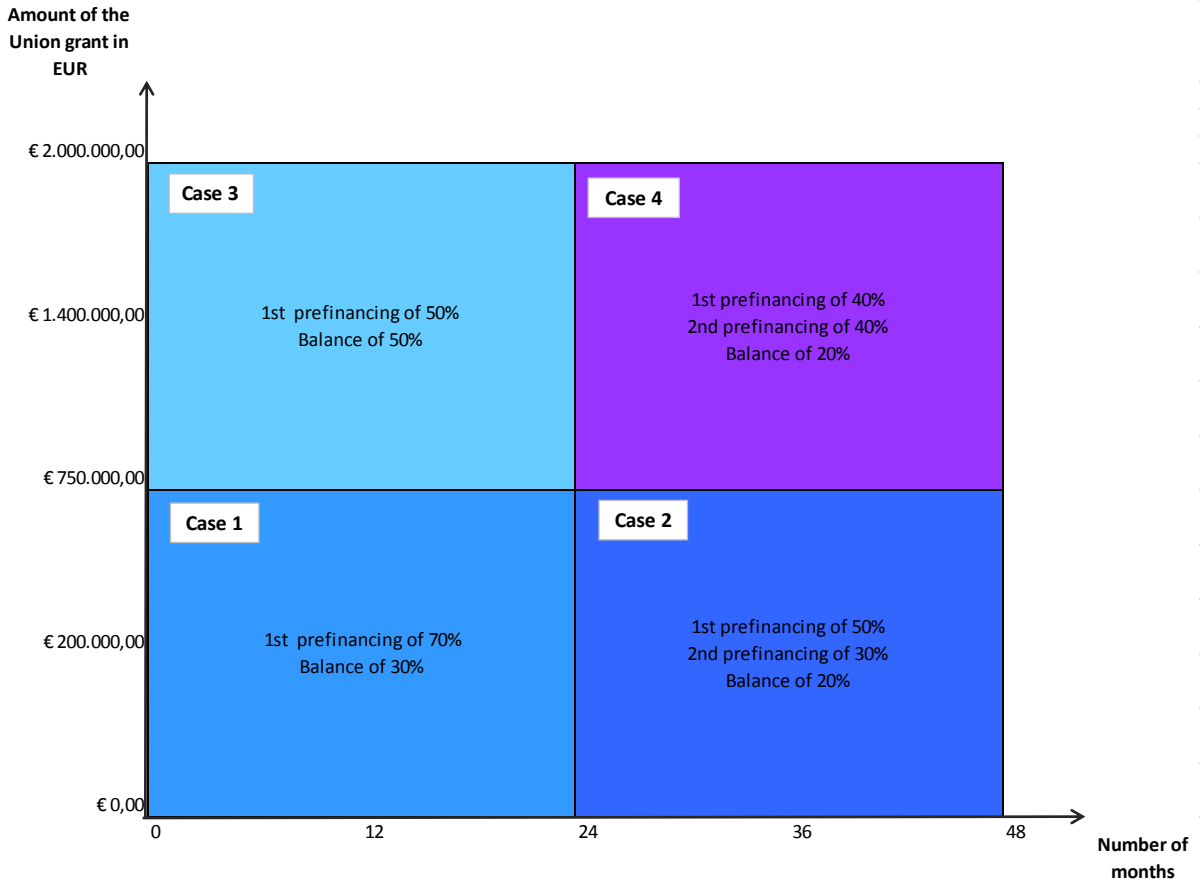
Case 1:

For actions with a maximum duration of 24 months and when the EU grant is less than or equal to EUR 750 000, the Agency will transfer a pre-financing payment of 70% of the grant to the beneficiary. The pre-financing payment shall be transferred within 30 days of the date when the last of the two parties signs the agreement, provided all necessary guarantees are received.

Case 2:

For actions with a duration higher than 24 months and when the EU grant is less than or equal to EUR 750 000, the Agency will transfer:

- a first pre-financing payment of 50% of the EU grant to the beneficiary. The pre-financing payment shall be transferred within 30 days of the date when the last of the two parties signs the agreement, provided all necessary guarantees are received.
- a second pre-financing payment of 30% of the EU grant to the beneficiary. The second pre-financing payment shall be based on a request for payment accompanied by a progress report on the project's implementation sent to the Agency. The second pre-financing payment shall be transferred within 60 days of the date when the Agency approves the report. The second pre-financing payment may only be made if at least 70% of the previous pre-financing payment has been used up. Where the consumption of the previous pre-financing payment is less than 70%, the amount of the new pre-financing payment shall be reduced by the unused amounts of the previous pre-financing payment.



<u>Case 3</u>:

For actions with a maximum duration of 24 months and when the EU grant is more than EUR 750 000 and less than or equal to EUR 2 000 000, the Agency will transfer a pre-financing payment of 50% of the EU grant to the beneficiary. The pre-financing payment shall be transferred within 30 days of the date when the last of the two parties signs the agreement, provided all necessary guarantees are received.

<u>Case 4</u>:

For actions with a duration higher than 24 months and when the EU grant is more than EUR 750 000 and less than or equal to EUR 2 000 000, the Agency will transfer:

- a first pre-financing payment of 40% of the EU grant to the beneficiary. The pre-financing payment shall be transferred within 30 days of the date when the last of the two parties signs the agreement, provided all necessary guarantees are received.
- a second pre-financing payment of 40% of the EU grant to the beneficiary. The second pre-financing payment shall be based on a request for payment accompanied by a progress report on the project's implementation sent to the Agency. The second pre-financing payment shall be transferred within 60 days of the date when the Agency approves the report. The second pre-financing payment may only be made when at least 70% of the previous pre-financing payment has been used up. Where the consumption of the previous pre-financing payment is less than 70%, the amount of the new pre-financing payment shall be reduced by the unused amounts of the previous pre-financing payment.

Pre-financing is intended to provide the beneficiaries with a float.

For all projects, the Agency will establish the amount of the final payment to be made to the beneficiary on the basis of the final report (see section 11.2 of these guidelines). If the total of earlier payments is higher than the final grant amount, the beneficiary will be required to reimburse the amount paid in excess by the Commission through a recovery order.

11. 4. Pre-financing guarantee

In the event that the applicant's financial capacity is not satisfactory, the Agency may require any organisation which has been awarded a grant exceeding EUR 60 000 to provide a guarantee for up to the same amount as the pre-financing in order to limit the financial risks linked to the pre-financing payment.

The purpose of this guarantee is to make a bank, a financial institution or third party stand as irrevocable collateral security for, or first-call guarantor of, the grant beneficiary's obligations.

This financial guarantee, in euro, shall be provided by an approved bank or financial institution established in one of the EU Member States. When the beneficiary is established in a non EU Member State, the Agency may agree that a bank or financial institution established in that country may provide the guarantee if it considers that the bank or financial institution offers equivalent security and characteristics as those offered by a bank or financial institution established in a Member State.

Amounts blocked in bank accounts shall not be accepted as financial guarantees.

The guarantee may be replaced by a joint and several guarantees by a third party or by a joint guarantee of the beneficiaries of an action who are parties to the same grant agreement.

The guarantee shall be released as the pre-financing is gradually cleared against interim payments or payments of balances to the beneficiary, in accordance with the conditions laid down in the grant agreement.

This requirement does not apply to:

- public bodies and international organisations under public law established by inter-governmental agreements,
- specialised agencies created by such organisations,
- the International Committee of the Red Cross (ICRC),
- the International Federation of Red Cross and Red Crescent Societies.

12. PUBLICITY, COMMUNICATION AND DISSEMINATION

12.1 By the beneficiaries

Beneficiaries must clearly acknowledge the EU contribution in all publications or in conjunction with activities for which the grant is used.

In this respect, beneficiaries are required to give prominence to the name and emblem of the European Commission on all their publications, posters, programmes and other products realised under the co-financed project.

To do this they must use the text, the emblem and the disclaimer available at http://eacea.ec.europa.eu/about/eacea_logos_en.php.

If this requirement is not fully complied with, the beneficiary's grant may be reduced in accordance with the provisions of the grant agreement.

12.2 By the Agency and/or the Commission

With the exception of scholarships paid to natural persons and other direct support paid to natural persons in most need, all information relating to grants awarded in the course of a financial year shall be published on the Internet site of the EU institutions no later than the 30th of June of the year following the financial year in which the grants were awarded.

The Agency and/or the European Commission will publish the following information:

- name of the beneficiary
- locality of the beneficiary: address of the beneficiary when the latter is a legal person, region when the beneficiary is a natural person, as defined on NUTS 2 level[14] if he/she is domiciled within the EU or equivalent if domiciled outside EU,
- the amount awarded,
- the nature and purpose of the grant.

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

12.3 Communication and dissemination

To maximise impact, projects should have a clear and strong strategy for communication and dissemination of their activities and results, and applicants must provide enough time and resources to communicate and interact appropriately with peers, audiences and local communities as appropriate.

Beneficiaries will be required as stipulated in the grant agreement to produce a public summary/report in English providing information about their work and the results of their project. The public summary/report must be included in the final report submitted to the Agency and after its approval it will be transferred and automatically published in the dissemination platform run by the European Commission (http://ec.europa.eu/programmes/creative-europe/projects/). The report may be used by the Commission to provide information on the results of projects. In addition the beneficiaries will be able to upload the project results to the dissemination platform.

The European Commission together with the Agency may identify good practices and prepare relevant dissemination materials to be shared within and across all participating countries and beyond.

[14] European Union Official Journal L39 of 10 February 2007.

Data and results from projects will be made freely available to be used by stakeholders, policy makers and others in a wide range of ways.

Beneficiaries may be required to attend and to participate in events organised by the European Commission or the Agency to share their experience with other participants and/or policy makers.

Please note that if these requirements are not fully complied with, the beneficiaries' grant will be reduced in accordance with the provisions of the grant agreement.

13. DATA PROTECTION

All personal data (such as names, addresses, CVs, etc.) will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the European Community institutions and bodies and on the free movement of such data.[15]

Unless marked as optional, the applicant's replies to the questions in the application form are necessary to evaluate and further process the grant application in accordance with the specifications of the call for proposals. Personal data will be processed solely for that purpose by the department or Unit responsible for the Union grant programme concerned (entity acting as Data Controller). Personal data may be transferred on a need to know basis to third parties involved in the evaluation of applications or in the grant management procedure, without prejudice of transfer to the bodies in charge of monitoring and inspection tasks in accordance with EU law. In particular, for the purposes of safeguarding the financial interests of the Union, personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office and between authorising officers of the Commission and the executive agencies.

The applicant has the right of access to, and to rectify, the data concerning him or her. For any question relating to these data, please contact the Data Controller. Applicants have the right of recourse to the European Data Protection Supervisor at any time. A detailed Privacy statement, including contact information, is available on the Agency's website:
http://eacea.ec.europa.eu/about/documents/calls_gen_conditions/eacea_grants_privacy_statement.pdf

Applicants and, if they are legal entities, persons who are members of the administrative management or supervisory body of that applicant or who have powers of representation, decision or control with regard to that applicant, or natural or legal persons that assume unlimited liability for the debts of that applicant, are informed that their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the Early Detection and Exclusion System (EDES) by the Authorising Officer of the Agency, should they be in one of the situations mentioned in the Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298 of 26.10.2012, p. 1) as amended by the Regulation (EU, Euratom) No 2015/1929 of the European Parliament and of the Council of 28 October 2015 (OJ L 286, 30.10.2015, p. 1).

[15] Official Journal L 8, 12.1.2001.

14. PROCEDURE FOR SUBMISSION AND SELECTION OF APPLICATIONS

14.1 Publication

Calls for proposals will be published, following the adoption of the annual Work Programme, on the Internet site of the Agency

14.2 Registration in the Participant Portal

Before submitting an electronic application, applicants will have to register their organisation in the Education, Audiovisual, Culture, Citizenship and Volunteering Participant Portal and receive a Participant Identification Code (PIC). The PIC will be requested in the application form.

The Participant Portal is the tool through which all legal and financial information related to organisations will be managed. Information on how to register can be found in the portal under the following address: http://ec.europa.eu/education/participants/portal.

The tool also allows applicants to upload different documents related to their organisation. These documents have to be uploaded once and will not be requested again for subsequent applications by the same organisation.

Details on the supporting documents that need to be uploaded in the Portal can be found in Annex 2.

14.3 Submission of grant applications

Applications must be submitted in accordance with the admissibility requirements set out under section 5 and by the deadline set out under section 3.

No changes to the application can be made after the deadline for the submission of applications. However, if there is a need to clarify certain aspects or for the correction of clerical mistakes, the Agency may contact the applicant for this purpose during the evaluation process.

Applications must be made through an online application system. Grant applications must be drawn up in one of the official EU languages, using the online form specifically designed for this purpose.

The online forms can be obtained at: https://eacea.ec.europa.eu/PPMT/

Applications must be submitted by the deadline mentioned in the call for proposals, and this **before 12:00 CET/CEST (Midday, Brussels time)**, using the online application form referred to above.

No other method of submission of an application will be accepted. Applications submitted in any other way will be automatically rejected. No exceptions will be made.

Applicants should ensure that they have officially submitted their electronic application form and that they have received an e-mail acknowledging receipt of their submission.

14.4 Evaluation procedure

14.4.1 First step of the evaluation procedure: evaluation of the eligibility, exclusion and selection criteria

Only applications that fulfil the eligibility, exclusion and selection criteria will be considered for a grant and will be assessed by experts against the award criteria. Applications which do not fulfil the eligibility, exclusion and selection criteria will be informed in writing, indicating the reasons.

Applications that fulfil the eligibility, exclusion and selection criteria will be ranked according to the scores obtained in the different award criteria (defined in section 9 of these guidelines). Within the limit of the available budget, applications obtaining the highest scores will be selected.

The assessment will be made solely on the basis of the documents sent by the relevant deadline. Nevertheless, the Agency reserves the right to request additional information from the applicant.

14.4.2 Second step of the of the evaluation procedure: evaluation of award criteria

This part of the evaluation will be carried out by experts that will be appointed by the Agency further to a call for expression of interest. The conditions to be appointed as expert and the procedure of the call for expression of interest are published on the website of the Agency at: http://eacea.ec.europa.eu/about/call_experts/call_experts_2013_en.php.

a) Individual evaluation

At this stage the experts are acting individually; they do not discuss the application with each other, nor with any third party. The experts record their individual opinions in a report, giving scores and also comments against the award criteria as defined in section 9 of these guidelines.

Signature of the report also entails a declaration that the expert has no conflict of interest in evaluating that particular application.

b) Consensus meetings

Once all the experts to whom the same proposal has been assigned have completed their reports, the evaluation progresses to a consensus assessment, representing their common views.

The consensus discussion is moderated by a representative of the Agency and/or the Commission and/or by other experts than those who have assessed the proposal which is being discussed in the consensus meeting.

The signing by the experts of the consensus report completes the consensus step. Signature of the report also entails a declaration that the experts have no conflict of interest in evaluating that particular application.

c) Adjustment phase

Larger scale cooperation projects (category 2) might be invited to start an adjustment phase.

The authorising officer responsible may invite an applicant to adjust its proposal in the light of the recommendations of the evaluation committee. The authorising officer responsible shall keep appropriate records of contacts with applicants during the procedure.

The overall purpose of the adjustment process is to agree on the technical details of the project, to adjust the budget, to collect financial and legal information needed for preparing a grant agreement as well as for the project management and reporting on the project execution.

The outcome of the adjustment phase shall not result in changing the substance of the application to the extent that it would alter the result of the evaluation and thus entail unequal treatment vis-à-vis unsuccessful applicants.

14.5 Award decision

The reports of the experts and their opinions will be assessed by an Evaluation Committee. The Evaluation Committee, which is composed of staff from the Commission and the Agency, will make a proposal for the selection to the authorising officer. The authorising officer (from the Agency or from the Commission) remains solely in charge of awarding the grants.

The evaluation procedure will be finalised only after the completion of the above mentioned procedure and the adoption by the authorising officer of the grant award decision.

All applicants will be sent a letter formally informing them of the decision taken by the Agency or the Commission (award decision), as well as of the assessment of the independent experts for each award criterion.

A list of the selected applications will then be published on the Agency's and the Commission's websites/dissemination tool.

Once the award decision is adopted, all the technical, legal and financial issues are verified and agreed upon and a grant agreement is drafted and sent to the selected applicants for signature.

14.6 Rules applicable

Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union (OJ L 298, 26.10.2012, p.1) as amended by the Regulation (EU, Euratom) N° 1929/2015 of the European Parliament and of the Council of 28 October 2015 (OJ L 286, 30.10.2015, p. 1).

Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p.1) as amended by the Commission Delegated Regulation (EU) 2015/2462 of 30 October 2015 amending Delegated Regulation (EU) No 1268/2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 342, 29.12.2015, p. 7).

Regulation (EU, Euratom) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) concerning the implementation of a support Programme for the European creative sector (Creative Europe) and the corrigendum of 27 June 2014 (OJ L189/260).

14.7 Contacts

For any further information please contact your Creative Europe Desk:
https://ec.europa.eu/programmes/creative-europe/contact_en

Contact within the Agency:
EACEA-CREATIVE-EUROPE-COOPERATIONPROJECTS@ec.europa.eu

Annex 1 - Glossary

Definitions applicable to all projects in the framework of the Programme (as per financial regulation):

Call for proposals: This is one of the means of implementing EU programmes. A call for proposals is published annually and specifies a number of elements: the objectives pursued and the annual budget allocated to the type of support action concerned, the eligibility, exclusion, selection and award criteria, as well as the relevant supporting documents to be submitted, conditions for obtaining funding from the EU, conditions for the submission of proposals, possible start-up dates for co-financed actions and the timetable for the award procedure. Calls for proposals are published on the website of the institutions of the EU. The conditions published therein are legally binding. For Creative Europe, the present guidelines form the basis for these calls for proposals.

Conflict of interest: (Art. 57 of the Financial Regulation applicable to the general budget of the Union):

1. Financial actors and other persons involved in budget implementation and management, including acts preparatory thereto, audit or control shall not take any action which may bring their own interests into conflict with those of the Union. Where such a risk exists, the person in question shall refrain from such action and shall refer the matter to the authorising officer by delegation who shall confirm in writing whether a conflict of interests exists. The person in question shall also inform his or her hierarchical superior. Where a conflict of interests is found to exist, the person in question shall cease all activities in the matter. The authorising officer by delegation shall personally take any further appropriate action.
2. For the purposes of paragraph 1, a conflict of interests exists where the impartial and objective exercise of the functions of a financial actor or other person, as referred to in paragraph 1, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a recipient.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 210 setting out what is likely to constitute a conflict of interests together with the procedure to be followed in such cases.

Contribution in kind: A contribution in kind is any non-cash contribution to the project by the project leader, the partners or a third party, which can be given a measurable cash value and which is not paid for by the project leader or any of the partners (i.e. costs which are not recorded in their accountancy). It may be a contribution in the form of durable capital goods and equipment, putting at the disposal of premises, raw materials, unpaid charity work by a private individual or corporate body, or staff seconded from and remunerated by another organisation (other than the project leader or partners). Contributions in kind shall not constitute eligible costs.

Cultural and creative sectors (Art. 2 of the Regulation establishing the Creative Europe Programme): Cultural and creative sectors means all sectors whose activities are based on cultural values and/or artistic and other creative expressions, whether these activities are market or non-market oriented and whatever the type of structure that carries them out and irrespective of how it is financed. These activities include the development, the creation, the production, the dissemination and the preservation of goods and services which embody cultural, artistic or other creative expressions, as well as related functions such as education or management. The cultural and creative sectors include inter alia architecture, archives, libraries and museums, artistic crafts, audiovisual (including film, television, video games and multimedia), tangible and intangible cultural heritage, design, festivals, music, literature, performing arts, publishing, radio and visual arts.

Eligibility period: The period during which eligible costs can be generated. It is stipulated in the grant agreement/decision.

Public body: Public body means a public sector body or a legal entity governed by private law with a public service mission providing adequate financial guarantees. By public sector body is meant the State, the regional or local government or any organisation governed by public law acting on behalf and under the control/responsibility of the State.

Definitions specific to the cooperation projects

Cooperation agreement: The cooperation agreement is a legal document signed by the project leader and the partners. The cooperation agreement must be legally valid in one of the countries where the project leader or the partners are established (i.e. a country taking part in the Creative Europe Programme). The cooperation agreement must state all the legal and financial conditions of cooperation between the project leader and all the partners as well as their operational responsibilities (and their financial responsibilities when relevant) in the implementation of the project.
There is no template provided by the Agency, however the cooperation agreement could contain the following information:

- a clear description of the objectives of the project;
- a clear description of the activities which will be implemented in order to achieve these objectives;
- a clear description of the role and obligations of both the project leader and the partners in the design and implementation of the project, including the tasks assigned to each partner;
- a clear description of the budgetary and financial framework including the amounts of financial contributions, and pre-financing amounts;
- legal aspects such as duration of agreement, liability, breach of contract, termination of agreement, governing law and dispute resolution.

Mandate letter: Letter from a partner organisation confirming its participation in a cooperation project (original signature of the legal representative or equivalent required) and giving the legal authority to the project leader for acting on its behalf within the framework of this cooperation project. The partner's financial contribution to the project must be indicated in the mandate. The mandate will be annexed to the grant agreement in case of selection.

Partners: The partners are organisations which are active in the cultural and creative sectors as defined in Article 2 of the Regulation n° 1295/2013 of European Parliament and of the Council on establishing the Creative Europe Programme and are established in countries taking part in the Creative Europe Programme. The partners have a concrete and essential involvement in the design, implementation and financing of the project. Sole delivery of either services or goods with respect to the project, whether on a contractual basis or not, is not considered in-line with the definition of partner. The partners which are part of a cooperation project give the legal authority to the project leader to act on their behalf within the framework of the cooperation project.

Project leader: A project leader is an organisation which is active in the cultural and creative sectors as defined in Article 2 of the Regulation No 1295/2013 of European Parliament and of the Council on establishing the Creative Europe Programme and is established in a country taking part in the Creative Europe Programme, who performs a coordinating role during the implementation of the project. This role is translated into an overall responsibility for carrying out the activities in accordance with the grant agreement, as well as a concrete and essential involvement in the design, implementation and financing of the project. The project leader will submit the application to the Agency on behalf of all partners and acts as the legal co-signatory of the grant agreement.

Annex 2 – mandatory documents – check list

The eForm must be accompanied by all mandatory documents listed below. Failure to comply with these requirements will lead to the rejection of the application.

Note: Where documents need to be signed, the signature **has** to be the one of the legal representative of the organisation. For documents with an * **mandatory** templates are to be found at http://eacea.ec.europa.eu/creative-europe/funding/support-european-cooperation-projects-2017_en

Attached to the eForm:
☐ Detailed description of the project, including a substantiated strategy for addressing the selected programme priorities
☐ Declarations on honour and mandates* - Signed declaration on honour - Mandate letters* signed by the legal representative of each partner and the legal representative of the project leader
☐ Budget form* (Excel or open office)
☐ Partnership information*
Uploaded in the Participant Portal:
☐ Signed legal entity form* and the required annexes
Documents which the project leader must prepare before submission and which the project leader should be able to make available immediately upon request:
☐ Statutes/articles of association of the project leader and each of the partners
☐ Cooperation agreement signed by the legal representative of each partner and the legal representative of the project leader
☐ Copies of activity reports of the project leader and each of the partners of the last two years (only if grant > EUR 60 000)
☐ Signed financial identification form* and the required annexes (for project leader)
☐ Financial capacity form* (only if grant > EUR 60 000) (for project leader) (not required for public bodies)
☐ Financial statements (including balance sheet and profit and loss accounts) of the project leader for the last two financial years for which the accounts have been closed (only if grant > EUR 60 000) (not required for public bodies)
☐ External audit report produced by an approved external auditor, certifying the accounts of the project leader of the last available financial year (only if grant > 750 000) (not required for public bodies)