

## INTERACT ENPI

### Guide for assessing project applications under ENPI CBC programmes



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## Acronyms

BSB	Black Sea Basin ENPI CBC Programme 2007-2013
CBC	Cross Border Cooperation
EC	European Commission
ENPI	European Neighbourhood and Partnership Instrument
HU-SK-RO-UA	Hungary-Slovakia-Romania-Ukraine ENPI CBC Programme 2007-2013
IR	Implementing Rules (Commission Regulation (EC) No, 951/2007 of 9 August 2007)
JMA	Joint Managing Authority
JMC	Joint Monitoring Committee
JOP	Joint Operational Programme
JTS	Joint Technical Secretariat
MSB	Mediterranean Sea Basin ENPI CBC Programme 2007-2013
PraG	Practical Guide to contract procedures for EC external actions
PSC	Project Selection Committee
RCBI	Regional Capacity Building Initiative
RO-UA-MD	Romania-Ukraine-Republic of Moldova ENPI CBC Programme 2007-2013

## INTRODUCTION

The evaluation of the applications submitted by cross-border partnerships following the launch of open call for proposals is a crucial step in the implementation of ENPI CBC programmes affecting its efficiency and effectiveness.

The **purpose of this Guide** is to support the persons responsible for the preparation, management and execution of the evaluation and selection process by proposing in one document a systemic, coherent and consistent way to undertake the evaluation and selection of project proposals submitted for funding to the ENPI CBC programmes. In particular it could be used by programmes as:

- A guidance for developing their own guidelines, procedures and tools;
- A complementary material for training and/or briefing the relevant actors before starting the process;
- A reference tool during their work in addition to the programmes' documents and rules applying to them.

Contents have been developed taking into account the relevant **legal framework** applying to the implementation and management of ENPI CBC programmes, that is the following:

- Regulation (EC) No.1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI);
- Commission Regulation (EC) No.951/2007 of 9 August 2007 laying down implementing rules for cross-border co-operation programmes financed under Regulation (EC) No.1638/2006 of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument (hereinafter referred to as IR);
- Practical Guide to Contract procedures for EC external actions 2008 (PraG) with specific reference to the sections 2.8, 6.4.7 and 6.4.8.

In addition, and with the aim to develop a Guide specifically tailored to ENPI CBC programmes, contents have been developed using as **source of information and data** also the following documents:

- Joint Operational Programmes (JOP) with specific reference to sections describing the selection process;

- Rules of procedures of the Joint Monitoring Committee (JMC) of Programmes;
- Rules of procedures of the Project Selection Committee (PSC)<sup>1</sup> for those programmes having already adopted them;
- Terms of reference for recruiting external independent assessors when already available;
- Application Packs of the first call for proposals with specific reference to the Guidelines for grant applicants (referred to also as Guidelines in the following sections) and the grant Application Form for those programmes that have launched their first call for proposals before end July 2009;
- Draft Application Packs of other ENPI CBC programmes.

The **overall evaluation process**, involving several steps, is here described indicating the applicable principles to the whole process, the involved actors, their responsibilities as well as the procedures to be followed and the outcomes for each step. However, the main focus of this Guide is on the evaluation of the quality (or merit) of the applications to be carried out in accordance with the evaluation criteria (selection and award criteria) set out in the Evaluation Grid included in the Guidelines for grant applicants. Contents could be further on developed taking into account the experiences gained by programmes in carrying out the evaluation process as well as particular provisions included in the future calls for proposals.

The Guide has been developed by the INTERACT ENPI team in collaboration with the experts of the RCBI project. Constant, direct exchanges with the JMAs of the ENPI CBC programmes, and above all those that had already launched their first call for proposals when the Guide was developed, allowed clarifying some methodological issues. Programmes' involvement also allowed the INTERACT ENPI team to better understand their concerns in carrying out the evaluation process and, consequently, to strengthen the final user oriented character of the Guide. In addition, the contents of the Guide have also been reviewed by the EuropeAid ENPI CBC team.

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<sup>1</sup> The set up of a PSC is foreseen in the IR (Art. 13d). It corresponds to the Evaluation Committee of the PraG. In some ENPI CBC programmes the same Committee is also called "Joint Selection Committee" or "Selection Committee". In the text only the term Project Selection Committee (PSC) has been used.

# 1. OUTLINE OF THE EVALUATION AND SELECTION PROCESS

## 1.1 Aim and steps

As a general rule, projects under ENPI CBC programmes are selected through an open call for proposals following the procedures set out in the PraG and in the respective JOP. Project proposals are developed and submitted by cross-border partnerships established according to the specific requirements set out by each ENPI CBC programme in the Guidelines for grant applicants approved by the Joint Monitoring Committee before launching a call for proposals.

The **aim of the evaluation process** is to select the best proposals in line with the criteria set out in the Guidelines for grant applicants in order to best achieve the objectives of the call for proposals and, as a result, the objectives of the programme itself.

The **Joint Monitoring Committee is the ultimate decision-making body** with regard to project proposals to be awarded; however, in carrying out the evaluation it is **supported by a Project Selection Committee**<sup>2</sup>.

The **evaluation and selection process** is carried out in **several steps** as described in the Guidelines for grant applicants of each ENPI CBC programme. In fact the evaluation and selection process is not the quality assessment of project proposals only: it starts with the receipt of the project proposals by the Joint Managing Authority (JMA) and ends with the decision to award grants to the selected applicants by the JMC. These steps, as well as the requirements the project proposals must comply with, **cannot be modified during the process itself**.

The entire procedure is schematised in the following figure where four options are presented. The first one corresponds to the process as described in the PraG consisting of 4 steps. The other options correspond to how the programmes that have launched the call before end July 2009 have defined the process in their respective Guidelines for grant applicants<sup>3</sup>.

It is worth reminding that, even though the eligibility check constitutes a specific step of the process, taking into account the Good Administrative Practices, the PSC can exclude an applicant at any previous step of the evaluation process whenever it is obvious that the latter do not meet the eligibility criteria<sup>4</sup>. This is particularly relevant for those programmes where the eligibility check is carried out after the qualitative evaluation.

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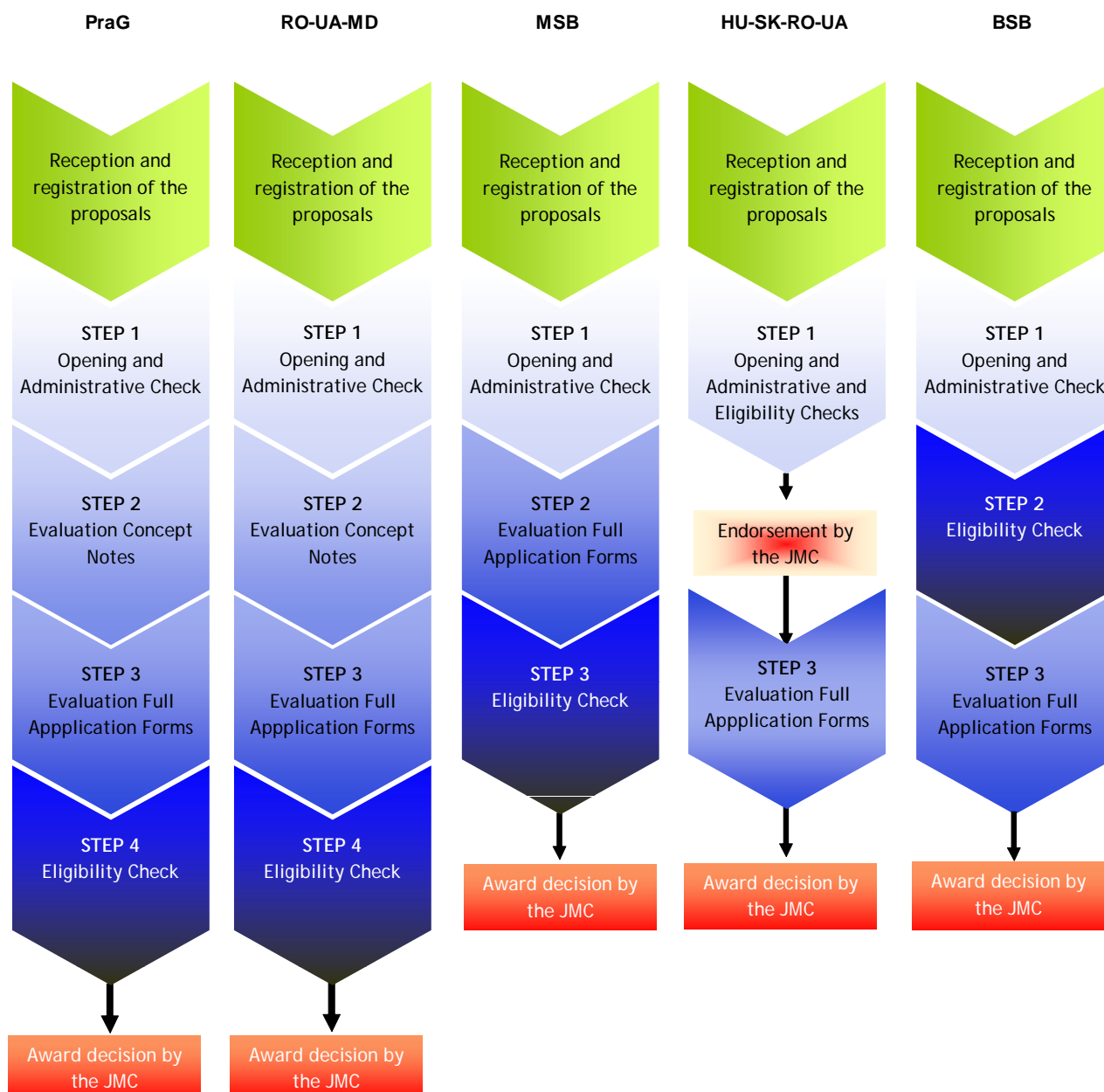
<sup>2</sup> Cf. IR, articles 13, points d) and e).

<sup>3</sup> These programmes are the following: Black Sea Basin (BSB); Hungary-Slovakia-Romania-Ukraine (HU-SK-RO-UA); Mediterranean Sea Basin (MSB); Romania-Ukraine-Republic of Moldova (RO-UA-MD).

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<sup>4</sup> Cf. PraG, section 6.4.8.5.

Table 1: evaluation steps



## 1.2 Actors involved, roles and responsibilities

Project proposals are evaluated and selected through an articulated process consisting of several steps and involving several actors. These actors are described hereinafter:

### A. Joint Monitoring Committee

Its main functions are the following:

- Appointing by name the voting and non voting members (Chairperson and

Secretary) of the Project Selection Committee<sup>5</sup>.

- Approving the eventual use of assessors and the selection criteria for setting up the pool of external experts available for supporting the PSC;
- Deciding on the selection criteria for the projects and takes the final decision on projects and amounts granted to them<sup>6</sup>.

<sup>5</sup> Cf. IR, Art. 13d.

## B. Project Selection Committee

It has the responsibility to carry out and supervise the evaluation and selection process from the opening session to deciding on recommended project proposals to be submitted to the JMC that takes the award decision<sup>7</sup>. The Committee is composed by voting and non voting members.

The voting members (odd number and minimum 3) are appointed by name by the JMC and they:

- Have the collective responsibility for the decisions taken by the Committee and have equal voting rights<sup>8</sup>;
- Must possess the technical and administrative capacities necessary to give an informed opinion on the proposals and have a reasonable command of the language in which the proposals are submitted<sup>9</sup>;
- Must be impartial and free from conflict of interest. In particular, being a voting member of the PSC is incompatible with: 1) being national information point or contact person in charge of giving general information to potential applicants; 2) being staff from JMA, JTS or Branch Offices. However, being a voting member of the Committee is not incompatible as such with being member of the JMC.

Substitutes of the voting members may also be appointed following the same procedure. If not in contradiction with the JOP, the JMC can act as PSC; however a decision by the JMC is necessary in order to formalise the fact that its members, indicated by name, will act as voting members of the PSC. With this decision the JMC must also appoint, always by name, the non voting members. By taking this decision the JMC must respect the rule that voting members should be an odd number and minimum 3<sup>10</sup>. If national delegations to the JMC are made of more than one person, it should be decided whether all of them will act as voting members of the PSC (provided they are an odd number) or not. If only one member per national delegation acts as voting member of the PSC, the role of the others should be decided upon (they could act as

observers as described below). It is worth underlining that the JMC members, who act as PSC voting members, will have "to change their role" during the selection process: once evaluating and recommending as PSC and once approving and deciding as JMC.<sup>11</sup>

The main tasks of the voting members in chronological order are the following:

- Review the conclusions of the work done by the assessors for each step of the evaluation process if the Committee voting members do not carry out themselves the opening and administrative check, the qualitative evaluation and the eligibility check;
- Carry out a third assessment if, reviewing the complete evaluation grids elaborated by the assessors during the quality assessment of the full Application Forms, it emerges that there are significant discrepancies between scores attributed by the assessors to a same proposal or for any other justified reason;
- Draw recommendations and sign the intermediate evaluation reports (administrative check and quality evaluation following the standard PraG process);
- Draw recommendations and establish, for each Priority addressed by the call for proposals, a list of proposals recommended for selection ranked by score and sign the Final Evaluation Report including eligibility check to be submitted to the JMC where clear justifications for all the decisions taken are provided.

Chairperson (non voting member): according to the IR (Art. 15f) this function is attributed to the JMA. The Chairperson, nominated by name by the JMC, is responsible for:

- Supervising the evaluation process by ensuring a confidential, fair and equitable evaluation of each proposal according to the evaluation criteria applicable to the call and in full respect of the relevant procedures, rules and regulations;
- Supervising and monitoring the work of the internal and external assessors and she/he is the only one that can contact applicants if needed.

In the PSC meetings, the Chairperson may act as moderator, seeking consensus among voting members, without any prejudice for or against particular proposals or the partners involved. He

<sup>6</sup> Cf. IR, Art. 13e.

<sup>7</sup> In the HU-SK-RO-UA there will be three PSCs (one per priority) while in the RO-UA-MD there will be two (one for priorities 1 and 2 and one for priority 3). Only one PSC is foreseen by the other two programmes having launched the first call for proposals before the end of July 2009.

<sup>8</sup> Cf. PraG, section 6.4.7.1.

<sup>9</sup> Ibidem.

<sup>10</sup> For those programmes involving an even number of countries, they can address this by appointing an alternating odd person each time that a JMC acting as PSC is established for the purpose of a call for proposals.

<sup>11</sup> In the following, when talking about the PSC, it should be understood that it also includes the situation when the JMC, or some of its members, act(s) as PSC. But, in fact, the JMC and the PSC are two different processes/bodies and they should normally be distinguishable from one another.

must also sign all the evaluation reports established by the PSC.

**Secretary (non voting member):** according to the IR (Art. 15f) this function is attributed to the JMA but some programmes envisage that JMA delegates this function to the Joint Technical Secretariat (JTS). The Secretary must be nominated by name by the JMC. Substitutes can also be nominated on the same conditions.

The Secretary is responsible for carrying out all logistic and administrative tasks connected with the evaluation procedures including:

- Circulating and collecting the signed Declarations of Impartiality and Confidentiality;
- Supervising the opening session;
- Keeping and filing the minutes of all meetings of the PSC and registering attendance at meetings;
- Maintaining an “audit trail” of the process including a full file on each proposal containing also individual evaluation grids with scores and comments;
- Supporting the Chairperson in preparing the letter to applicants for requesting clarifications and communicating the results after each step of the evaluation process;
- Compiling the evaluation reports to be approved by the PSC and their supporting annexes, and signing them.

**Voting and non voting members of the PSC must be appointed by name by the JMC (also when the JMC nominates its own members). They must attend all meetings, except the opening meeting, and any absence must be recorded and explained in the evaluation reports. A member who withdraws for whatever reason must be replaced by her/his substitute or following the standard procedures for appointing members of the PSC. The Chairperson determines to what extent this withdrawal entails that the evaluation process must be restarted. Such decision as well as any decision relating to the replacement of a member must be recorded and justified in the evaluation reports<sup>12</sup>.**

### C. Assessors

When the members of the PSC or JMC acting as PSC do not carry out themselves the assessment they can be supported by assessors. Working under the supervision of the Chairperson, they assist in a confidential, fair and equitable way the PSC in the evaluation of the proposals in

consistence with the Guidelines for grant applicants. Assessors **must be free from conflict of interest and are deemed to work in a personal capacity**. Therefore, in performing the work, they do not represent any organisation and are expected to act impartially, in a totally independent, objective and confidential manner and apply the best of their abilities, professional skills and knowledge in accordance with the Guidelines and the time-schedule provided by the PSC.

**Assessors can be internal or external.** It is worth reminding that according to PraG, it would be preferable to delegate the administrative check and the verification of eligibility to officials or other staff members of the JMA and/or JTS acting as internal assessors. In addition, independent external experts may be recruited by the JMA on the basis of criteria approved by the JMC for assisting the PSC or JMC acting as PSC in evaluating project proposals. The role of independent external assessor is incompatible with: 1) being a voting member or an observer of the JMC and of the PSC, 2) being a permanent or part time employee of the JMA or the JTS; 3) being a project applicant or partner in the programme's call for proposals; 4) providing consultancy services to project applicants or partners in the frame of the programme; 5) being national information point or contact person in charge of giving general information to potential applicants.

Assessors, if deemed necessary, may attend the meetings of the PSC to present the results of their assessments and answer any questions from Committee members<sup>13</sup>.

### D. Observers

Representatives of the EC (EuropeAid) may be present at the PSC meetings. In addition the JMC may approve, by name, the participation of other observers defining their role. They could, for instance, give independent advice to the joint management bodies of the Programme on the conduct, fairness and equity of the evaluation process, ways in which the procedures could be improved, the evaluation criteria used in the sessions and the way in which the assessors apply these criteria. However, they cannot express views on the proposals under

<sup>12</sup> Cf. PraG, section 6.4.7.1.

<sup>13</sup> According to the Term of Reference adopted by the RO-UA-MD Programme, assessors, in addition to perform the qualitative evaluation of the project proposals should also: provide further additional comments in exceptional and justified cases at the request of the JMA; prepare at the end of each evaluation session recommendations regarding the possibility to improve the assessment grid and evaluation work procedure.

examination or the assessors' opinion on the proposals.

Observers are required to respect the same confidentiality obligations as the other PSC members and therefore they also must sign a Declaration of confidentiality and impartiality, binding them to respect these obligations. Their participation to the different meetings of the PSC should be recorded in the minutes of the meetings and in the evaluation reports established and signed by the Committee<sup>14</sup>.

#### E. National authorities

They are neither foreseen in the PraG nor in the IR; nevertheless some of the programmes have specific provisions with regard to their involvement into the evaluation and selection process<sup>15</sup>. In this case, to ensure the respect of principles applying to the whole process, their role must be clearly identified. They could, for instance, give a non-binding advice on the eligibility of the proposed partnerships, their technical and administrative capacity to implement projects as well as on the coherence of the proposals with the policies and the programmes at national and regional level. In this case they will have access to the contents of the applications and therefore they must adhere to the impartiality and confidentiality principles and must sign a Declaration of confidentiality and impartiality.

#### F. Joint Managing Authority

In the framework of the evaluation and selection process the JMA acts as Contracting Authority concerning the PraG and therefore the responsible person must sign the various evaluation reports established by the PSC at each step of the process<sup>16</sup>. **The JMA signature implies approving the various evaluation reports from a procedural point of view (i.e. certifying that the procedures have been respected).** This approval does not relate to the contents of the different evaluation reports and especially not to the recommendations of the PSC voting-

members. The JMC takes its decision (be it once or at various steps of the procedure depending on the specific rules of the programmes) on the basis of such recommendations. Finally, the JMA signs the evaluation report(s) for approval.

#### G. European Commission (EuropeAid)

In addition to its role as observer, the EC should give its approval if, when taking decisions on projects and on amounts granted to them, the JMC decides not to follow all or part of the recommendations of the PSC. The reasons of such decision should be explained in writing and sent to EC via the JMA. The Commission communicates its opinion to the JMA within 15 working days<sup>17</sup>.

It is important to underline that **when JTS and/or JMA staff participates in the evaluation and selection process this is either as Chairperson or/and Secretary of the PSC or as internal assessors assisting the PSC.** In either case, their participation is on a personal basis and they are subject to the PSC rules and authority.

In the following tables the mains steps of the evaluation process are presented in a schematic, chronological order alongside with actors involved and their main responsibilities following what is foreseen in the Guidelines for grant applicants of those programmes having launched the first call for proposals before end July 2009<sup>18</sup>. Further details regarding methodological aspects on process and the outcomes of each step are provided in the next sections. When relevant, reference to what is specifically foreseen by those programmes is presented.

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<sup>17</sup> Cf. IR, Art. 13.

<sup>18</sup> Observers are not included in the following tables nor are they quoted in the following section. In fact they do not perform any necessary task for carrying out and completing the evaluation and selection process. Instead their recommendations could be used for improving the procedures in the framework of future calls for proposals.

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<sup>14</sup> The involvement of observers is clearly foreseen by the Black Sea Basin Programme where representatives of those countries not appointed as voting members will assist to the evaluation process as observers to supervise the work of the Committee.

<sup>15</sup> According to the Guidelines for grant applicants of the MSB National Authorities will be consulted on the eligibility of the proposed partnerships, their technical and administrative capacity as well as on the coherence of the proposals with the policies and the programmes at national and regional level. In addition, each participating country is responsible for confirming the legal status of the partners located in its territory. Consulting National Authorities is foreseen also in the Lithuania-Latvia-Belarus programme.

<sup>16</sup> Cf. Art 15f of the IR.

Table 2: evaluation steps and responsibilities (MSB and RO-UA-MD)<sup>19</sup>

Steps	PSC				JMC	JMA	JTS	Nat. Auth	EC
	Chair person	Secretary	Voting Members	Assessors (external or JMA/JTS staff)					
<i>Preparatory activities</i> <sup>20</sup>					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<i>Reception and registration</i>						<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>STEP 1: OPENING SESSION AND ADMINISTRATIVE CHECK</b>									
Opening session		<input checked="" type="checkbox"/> supervises		<input checked="" type="checkbox"/> carry out					
Administrative check	<input checked="" type="checkbox"/> supervises			<input checked="" type="checkbox"/> check					
Request of clarifications if needed	<input checked="" type="checkbox"/> signs	<input checked="" type="checkbox"/> prepares							
Review of the outcomes, elaboration of recommendations and signature of the Evaluation Report - Step 1: Opening and Administrative Check	<input checked="" type="checkbox"/> chairs and signs	<input checked="" type="checkbox"/> prepares and signs	<input checked="" type="checkbox"/> review, recommend and sign						
Decision on recommendations drawn by the PSC in the Evaluation Report - Step 1 ( <i>if foreseen by the programme</i> )					<input checked="" type="checkbox"/> approves				
Signature of the Report attesting that procedures have been respected						<input checked="" type="checkbox"/> signs			
Letter to all applicants (admitted and rejected)	<input checked="" type="checkbox"/> signs	<input checked="" type="checkbox"/> prepares							
<b>STEP 2: EVALUATION OF THE FULL APPLICATION FORMS</b>									
Assessment of full Applications Forms	<input checked="" type="checkbox"/> supervises			<input checked="" type="checkbox"/> evaluate					
<i>MSB only: Non binding consultation with participating countries</i>	<input checked="" type="checkbox"/> requests and collects							<input checked="" type="checkbox"/> give advice	
Review of the outcomes, Elaboration of recommendations, Signature of the Evaluation Report - Step 2: Full Application Evaluation	<input checked="" type="checkbox"/> chairs and sign	<input checked="" type="checkbox"/> prepares and signs	<input checked="" type="checkbox"/> review, (carry out 3 <sup>rd</sup> assessment if needed), recommend and sign						

<sup>19</sup> The table does not consider the evaluation of the Concept Notes that, following the decision of the PSC, could be carried out by the RO-UA-MD.

<sup>20</sup> This includes, among others, setting up the PSC as well as a pool of independent external assessors, preparing templates, etc (see below section 2.1).

	PSC				JMC	JMA	JTS	National Auth.	EC
	Chair person	Secretary	Voting Members	Assessors (external or JMA/JTS staff)					
Decision on recommendations drawn by the PSC in the Evaluation Report - Step 2 ( <i>if foreseen by the programme</i> )					<input checked="" type="checkbox"/> approves				
Signature of the Report attesting that procedures have been respected						<input checked="" type="checkbox"/> signs			
Letter to applicants of provisionally selected proposals and request of supporting documents (if applicable)	<input checked="" type="checkbox"/> signs	<input checked="" type="checkbox"/> prepares							
<b>STEP 3: VERIFICATION OF ELIGIBILITY and CONCLUSIONS</b>									
Eligibility check	<input checked="" type="checkbox"/> supervises			<input checked="" type="checkbox"/> check					
<i>MSB only: verification of the legal status of applicants and partners</i>	<input checked="" type="checkbox"/> requests and collects							<input checked="" type="checkbox"/> give advice	
Review of the outcomes, elaboration of recommendations and signature of the Evaluation Report - Final Eligibility Checks	<input checked="" type="checkbox"/> chairs and signs	<input checked="" type="checkbox"/> prepares and signs	<input checked="" type="checkbox"/> review, recommend and sign						
<i>Decision on recommendations drawn by PSC and Award decision</i>					<input checked="" type="checkbox"/> decides				
<i>Signature of the Report attesting that procedures have been respected</i>						<input checked="" type="checkbox"/> signs			
<i>Communication to EC for prior approval if JMC decides not to follow PSC recommendations</i>						<input checked="" type="checkbox"/> prepares and sends			<input checked="" type="checkbox"/> gives approval
<i>Notification to all applicants (recommended for funding and rejected)</i>						<input checked="" type="checkbox"/> signs	<input checked="" type="checkbox"/> prepares		

Table 3: evaluation steps and responsibilities (BSB and HU-SK-RO-UA)

Steps	PSC				JMC	JMA	JTS	EC
	Chair person	Secretary	Voting Members	Assessors (external or JMA/JTS staff)				
<i>Preparatory activities</i>					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Reception and registration</i>						<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>STEP 1: OPENING SESSION, ADMINISTRATIVE and ELIGIBILITY CHECK</b>								
Opening session		<input checked="" type="checkbox"/> supervises		<input checked="" type="checkbox"/> carry out				
Administrative check	<input checked="" type="checkbox"/> supervises			<input checked="" type="checkbox"/> check				
Request of clarifications if needed	<input checked="" type="checkbox"/> signs	<input checked="" type="checkbox"/> prepares						
Review of the outcomes, elaboration of recommendations and signature of the Evaluation Report-Step 1: Opening, Admin. and Eligibility Checks ( <i>BSB only: Eval. Report - Step 1 Opening and Admin. Check and Eval. Report - Step 2 Eligibility Check</i> )	<input checked="" type="checkbox"/> chairs and signs	<input checked="" type="checkbox"/> prepares and signs	<input checked="" type="checkbox"/> review, recommend, and sign					
Decision on recommendations drawn by the PSC in the Eval. Report - Step 1 and Eval. Report - Step 2					<input checked="" type="checkbox"/> approves			
Signature of the Report attesting that procedures have been respected						<input checked="" type="checkbox"/> signs		
Letter to all applicants (admitted and rejected)	<input checked="" type="checkbox"/> signs	<input checked="" type="checkbox"/> prepares						
<b>STEP 2: EVALUATION OF THE FULL APPLICATION FORMS and CONCLUSIONS</b>								
Assessment of full Application Forms	<input checked="" type="checkbox"/> supervises			<input checked="" type="checkbox"/> evaluate				
Review of the outcomes (+ 3 <sup>rd</sup> assessment if needed), elaboration of recommendations and signature of the Final Evaluation Report	<input checked="" type="checkbox"/> chairs and sign	<input checked="" type="checkbox"/> prepares and signs	<input checked="" type="checkbox"/> review, (carry out 3 <sup>rd</sup> assessment if needed), recommend and sign					
<i>Decisions on recommendations drawn by the PSC and award decision</i>					<input checked="" type="checkbox"/> decides			
<i>Signature of the Report attesting that procedures have been respected</i>						<input checked="" type="checkbox"/> signs		
<i>Communication to EC for prior approval if JMC decides not to follow PSC recommendations</i>						<input checked="" type="checkbox"/> prepares and sends		<input checked="" type="checkbox"/> gives approval
<i>Notification to all applicants (recommended for funding and rejected)</i>						<input checked="" type="checkbox"/> signs	<input checked="" type="checkbox"/> prepares	

### 1.3 General principles applying to the evaluation and selection process

All persons involved in the different steps of the evaluation and selection process (from reception of proposals to award decision by the JMC) have to strictly adhere to the following principles.

#### → Confidentiality and secrecy

According to PraG<sup>21</sup>:

- The **entire procedure**, from drawing-up the Call for Proposals to the selection of successful applicants, is **confidential**.
- The **decisions** of the PSC are collective and its deliberations **must remain secret**.
- The Committee members are **bound to secrecy**.

Therefore all information made available to persons involved in the evaluation process is to be treated as strictly confidential and specifically:

- No information on the proposals submitted or the results of the assessment may be made public to any other person than applicants.
- Under no circumstances may a member of the Committee or an assessor attempt to contact an applicant or partner on her/his own account, either during the evaluation process or afterwards.
- Any attempt by an applicant to influence the process in any way (whether by initiating contact with members of the PSC or otherwise) may result in the immediate exclusion of its proposal from further consideration.
- The names of the assessors (both internal, from the JMA and JTS staff, and external independent experts) are confidential and must be kept secret.
- Evaluation reports should be restricted to the members of the PSC to the members of the JMC and to persons assigned to audit the evaluation process.
- Copies of proposals and evaluation documents should be restricted to a minimum and paper and electronic proposals should be archived under secure conditions at all times.

#### → Objectivity, impartiality and equality of treatment

All proposals have to be assessed alike and treated impartially on their merits, following a review strictly based upon the information they

contain, to be assessed against the evaluation grid in the Guidelines for grant applicants and irrespective of where the applicant and its partners originate within the eligible cross-border cooperation area covered by the Programme and their identity. Impartiality applies both to PSC members (voting members, non voting members and observers) and assessors; therefore they may not assess applications submitted by institutions or individuals with whom they have a personal link. Any case of possible conflict of interest has to be reported to the PSC Chairperson, so that the proposal to assess may be assigned to someone else.

In line with the above mentioned principles, before starting the evaluation and selection process a **Declaration of impartiality and confidentiality<sup>22</sup>** must be signed by all actors involved in the process, namely:

- Voting members of the PSC,
- Non voting members of the PSC (Chairperson and Secretary),
- Assessors (both external and internal ones when JTS and/or JMA staff act in quality of assessors carrying out the administrative and eligibility checks),
- Observers to the PSC,
- JMC members<sup>23</sup>,
- National authorities (if applicable)<sup>24</sup>.

The Declaration of impartiality and confidentiality:

- **Must be adhered to before, during and after the evaluation.** In signing this Declaration the actors involved in the evaluation and selection process commit themselves to strict confidentiality and impartiality concerning their tasks and they declare not to have any conflict of interest. Therefore any actors with existing or past link with any applicant and partner must

<sup>22</sup> See the template provided in annex A4 of the PraG.

<sup>23</sup> JMC members will usually receive the list of proposals recommended by the PSC several days/weeks before the JMC meets for analyse the results and award decision; they should therefore sign this Declaration before this list is sent to them, to avoid that they may disseminate this information or consult applicants/partners. If the JMC acts as PSC, some or all of its members will obviously have already signed the form. The Chairperson, with the collaboration of the Secretary should ensure that the Declaration are submitted, signed and collected.

<sup>24</sup> In some of the ENPI CBC programmes (for instance Mediterranean Sea Basin and Lithuania-Latvia-Belarus) they will be consulted for advice and they therefore will receive the project proposals.

<sup>21</sup> Cf. section 6.4.8.6 of the PraG.

declare it and immediately withdraw from the evaluation and selection process. Persons involved in the process should also engage themselves not to offer their services under a sub-contract to successful project applicants that they have assessed;

- **Must be annexed to the evaluation reports** that the PSC must elaborate and sign after having completed each step.

Before starting the evaluation it is also recommended to define which are the cases where a person involved in the evaluation process is deemed to have direct or indirect links with a proposal which would compromise her/his ability to remain impartial when evaluating it. Indicatively, a person involved in the evaluation process is deemed to have a direct link with a proposal if she/he is currently or has recently been employed by one of the proposing organisations; or she/he has been involved in the preparation of the proposal that she/he may be required to assess; or she/he is related to an applicant or partner organisation; or she/he may be knowingly involved in the publication or utilisations of the information about and/or results of the evaluation process. Grounds for being deemed to have an indirect link with a proposal are the following: she/he is employed by an organisation which has contractual links with one of the proposing organisations in the field covered by the proposal or she/he has to the best of her/his knowledge any direct link or works for an organisation submitting a competing proposal.

### → Transparency and clarity

The process of reaching decisions, described in the Guidelines for grant applicants and based on a scoring and ranking system, must be strictly kept and therefore eligibility, selection and award criteria cannot be changed during the evaluation process of a call for proposals. Comments have to be written in an explicit and detailed manner and adequate feedback must be provided to applicants on the outcome of the evaluation.

The Chairperson is responsible for ensuring the respect of these rules during the process<sup>25</sup>. In addition, the JMA, as contracting authority must approve the various evaluation reports from a procedural point of view by signing them. The JMA, after having informed the JMC, can decide to cancel a call for proposals procedure in the

light of the evaluation reports if there have been irregularities in the procedure, in particular where these have prevented fair competition<sup>26</sup>.

Furthermore, all the actors involved should commit and coordinate among themselves to ensure that the overall process is carried out in a way ensuring:

- **Quality:** Projects selected for funding must demonstrate a high technical and managerial quality and must help in making a contribution to achieving the objectives of the Programme and those set out for each Priority and Measure. By doing this it is ensured that project proposals are coherent and consistent with the "Cross-Border Cooperation Strategy Paper 2007-2013 - Indicative Programme 2007-2010" (November 2006) providing the strategic framework for EC support for cross-border cooperation on the external borders of the European Union. Key features of a "good" ENPI CBC project are: cross-border partnership, effective co-ownership, common benefits and cross border impact. The selected projects should clearly demonstrate compliance with these criteria.
- **Efficiency and speed:** The procedures should be designed to be as rapid as possible, commensurate with maintaining the quality of the evaluation and respecting the legal framework within which the Programme is managed. The assessment has to be completed within the deadlines agreed upon and all persons concerned must respect the calendar. The Chairperson should ensure this by supervising the process and making sure that the deadlines are respected.
- **Traceability:** The overall evaluation process should be documented and recorded in the evaluation reports. All documents used during the process (not only proposals but also evaluation grids, communications with applicants, declarations of impartiality and confidentiality, presence sheets, evaluation reports and any other documents) should be kept by the JMA for possible controls while ensuring confidentiality. These documents should be kept for seven years after payment of the balance for the Programme<sup>27</sup>.

<sup>25</sup> In addition the respect of these rules will also be checked, ex post, by the internal audit unit.

<sup>26</sup> Cf. section 6.4.9 of the PraG.

<sup>27</sup> Cf. Art. 45 of the IR.

## 2. DESCRIPTION OF THE DIFFERENT STEPS

The following sections have been developed according to the “standard” PraG process (3 steps with eligibility verification at the end of the evaluation process). Therefore the order of the sections (and partially the contents) needs to be reviewed for those programmes where the eligibility is done before the quality evaluation of the full Application forms (and also of the Concept notes for the Romania-Ukraine-Republic of Moldova programme).

### 2.1 Preparatory activities

In order to ensure a smooth and efficient evaluation process the JMA, with the support of the JTS, should ensure the following before starting the evaluation and selection process:

- A. **Set-up the PSC** (voting and non voting members) that must be appointed by name by the JMC. In case the JMC acts as PSC a formal decision by the JMC is necessary (Cf. section 1.2). The JMC should also approve the participation of observers to the meetings of the Committee. The PSC should be formed early enough to ensure the availability of the designed members during the period necessary to prepare and conduct the evaluation process. It is also recommended to develop the **Rules of procedures of the PSC** to be adopted, if possible, before the first meeting of the Committee itself. Specific separated rules of procedures compliant with the PraG provisions on the evaluation committee are necessary even in the case where the JMC acts as PSC because the two bodies have different role and responsibilities. The Rules of procedures can be approved by each PSC set up for the purpose of a call for proposals since members change in some programmes from one call to the other (rotation system).
- B. **Set-up a pool of independent assessors** to support the PSC following the criteria approved by the JMC. External independent assessors should be selected from a pool established following a call for expression of interest launched by the JMA according to selection criteria (terms of reference)

approved by the JMC<sup>28</sup>. They will be selected from the pool and recruited by the JMA before to start the qualitative evaluation of the application following the number of proposals to assess and their thematic contents.

- C. **Prepare the different templates to be used throughout the entire process** including<sup>29</sup>:
  - The administrative check grid and the eligibility check grid to be used by the assessors. They must include only the criteria mentioned in the Guidelines for grants applicants according to the checklist included in section V of the Application Form template provided by the PraG. The templates must be prepared in a way allowing the assessors to include also basic data (title of the project, code, name of the applicant) as well as to sign and date the grid to ensure traceability. It is recommended to draw the grids in a way to easily provide information for communicating to the applicants the results of the checks or requesting clarifications and/or missing documents (adding, for instance, a column “explanations”). It is also recommended to add a column with instructions to assessors for ensuring as much as possible homogeneity with regard to what and how must be checked.
  - The individual evaluation grids to be used by the assessors during the quality assessment. Based on the contents of the evaluation grid included in the Guidelines for grant applicants, they must also include specific sections for registering data about the project proposals and comments (see template E5b provided by the PraG). It is also recommended to prepare detailed instructions for assessors (links between questions and parts of the Application Form, how to score, how to comment),

<sup>28</sup> In elaborating these terms of reference the programmes must take into account the Article 21 of ENPI Regulation. Therefore participation must be open to applicants who are nationals of a Member State of the Community, a country that is a beneficiary of the ENPI Regulation, a country that is a beneficiary of an Instrument for Pre-Accession Assistance set up by Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) or a Member State of the EEA.

<sup>29</sup> For the Mediterranean Sea Basin such templates should be developed in both the two official languages of the Programme (French and English).

for ensuring as much as possible homogeneity with regard to what and how must be evaluated (see also below section 2.3.1).

- The evaluation reports to be issued after each evaluation step (see templates E6a, E6c and E6d provided by the PraG).
- The standard letters to be sent to applicants during the evaluation and selection process for informing them about the results of each steps (see templates E9a, E9c-1, E9d, E9e) and for requesting clarifications during the administrative and eligibility checks if this option is foreseen in the Guidelines for grant applicants<sup>30</sup>.

**D. Organise the logistic of the premises** where the assessment is carried out (preferably at the JMA/JTS headquarters where proposals are submitted) and **establish the communication flow** among the actors involved;

**E. Prepare a secure IT system** ensuring confidentiality and secrecy to be used for registering data, sending applications to assessors in case of remote assessment and transmitting data to the members of the PSC and to the JMC members. This could be for instance a secure Intranet where applications could be consulted but not downloaded and/or printed. Sending documents by e-mail or mail must be avoided.

**F. Organise the reception of proposals and their filing until the opening session** and ensure that they are kept in a safe place under secure conditions<sup>31</sup>.

In addition, before starting the evaluation process, it is also recommended to, orally and/or in writing, **brief/train the members of the PSC and internal and external assessors** ensuring that:

- They have acquired a proper level of understanding of the main rules that apply to the evaluation process and of what are its

objectives, steps in chronological order and outcomes;

- They have reached a common understanding on what are their respective roles and responsibilities (e.g. will the assessors be invited to the meetings of the PSC so that Committee members can ask them questions and clarifications on their comments, etc.);
- They have familiarised themselves with the relevant background documents so as to properly understand the objectives of the Programme as well as those of each Priority and Measure and the impact expected by the Programme. These documents include: relevant sections of the JOPs, the application pack of the call with specific reference to the Guidelines for grant applicants and to the Application Form, the corrigenda eventually issued during the call for proposals, and the questions and answers published on the web page of the Programme;
- They have familiarised themselves with the templates to be used for assessing and reporting at each step (following those provided in the PraG) and agreed on a common understanding on how to fill them in;
- They have reached a common understanding and agreement on how to carry out the quality assessment. In particular the following should be considered before starting to evaluate the full Application Forms:
  - How to read the evaluation grid (what is the meaning of each sub-heading/section?) and how to link the questions in the evaluation grid to the different sections of the Application Form (where to look for in the Application form, the budget, the Logical Framework for answering to the different questions in the evaluation grid?);
  - How to evaluate cross-cutting issues (when specifically foreseen by the Guidelines for grant applicants) and how to assess the cross-border impact of an application;
  - What are the kinds of partnerships that the Programme is looking for; how and when to evaluate the justification for the involvement of partners located outside the programmes area; what to do if one of the partners is non-eligible;
  - How to score and how to comment when the score is below thresholds set with regard to specific sections and/or to the total score;

<sup>30</sup> No template is provided by PraG for requesting clarifications.

<sup>31</sup> Before starting the evaluation and selection process, the MSB Programme should also have decided: 1) how to tackle the fact that there are two official languages and specifically what this entails with regard to the documents (grids and reports) to draw 2) what are the modalities for consulting the national authorities (see foot note n° 10).

- How to comment and give recommendations, what is the level of details and if comments should be drawn per section or sub-section.

## 2.2 Opening session and administrative check

### 2.2.1 Processing the opening session and administrative check

Upon reception all the applications received (before and after the deadline) are registered by the JTS<sup>32</sup> staff. Envelopes/parcels must remain sealed and be kept in a safe place until the opening session.

During the opening session, under the supervision of the Secretary:

- All proposals received (before and after the deadline) are opened. Originals of the applications are kept in archives of the JMA while paper and CD-Rom copies will be used during the further steps of the evaluation process.
- The registration details are checked/completed (they must include the date of submission and the applicant's name and address);
- A sequential reference number (code) is assigned to each application. This number should be marked on all copies of the application and will be retained throughout the evaluation process as the sole reference. It is recommended to adopt a coding system allowing to clearly and easily identifying the Priority corresponding to each application as well as the number of the call.

Following the opening session the Secretary, under the supervision of the Chairperson, draws:

- A list of the proposals having respected the deadline of submission → admitted to the further evaluation step (administrative check);
- A list of the proposals submitted after the deadline → automatically rejected that will not be further evaluated.

Due to the nature of ENPI CBC programmes in which proposals will be received from different countries, hence within a variable timeframe,

the opening session should take place within a reasonable period of time after the deadline of submission and it will continue until the PSC meets to draw conclusions and sign the evaluation report of what for each programme represents the first step. Therefore some programmes have modified the administrative checklist in the Guidelines for grant applicants to add a first question regarding the respect of the deadline of submission. There will be two lists only after completion of the administrative (and possibly also the eligibility) check.

Then proposals having met the submission deadline are subject to an administrative check that will assess whether they satisfy all the criteria mentioned in the checklist included in the part 1 of section V of the Application Form<sup>33</sup>. It is important to remind that:

- Under no circumstances this checklist may be changed;
- At this stage only compliance with the formal administrative requirements will be examined.

The administrative check is carried out by the JMA and/or JTS staff acting as assessors under the supervision of the Chairperson of the PSC that will attribute the proposals to be checked to each of the appointed assessors.

Assessors must fill in the administrative check grid previously prepared (Cf. section 2.1, point C) following the instructions provided by the Chairperson.

It is recommended that each proposal is examined by 1 person that must fill in a "yes" or "no" answer. For some criteria, and where foreseen in the Guidelines for grant applicants, the option "not applicable" may also be used instead of "yes". When filling in the grid, special attention should be made to the provision of any comments concerning the criteria which have not been fulfilled, so that information can be easily transferred to the letters which will be sent to the applicants at the end of the administrative check step.

After completion of the check, the person carrying out the administrative check must sign the grid and her/his name is recorded by the Secretary with the respective reference number of the proposals checked and the date when the check has taken place.

If any of the requested information is missing or incorrect the application will be disqualified

<sup>32</sup> JMA staff for those programmes where the JTS will not be in place when the applications are registered.

<sup>33</sup> This corresponds to Section VI for the BSB and section IV for the MSB

from the evaluation process<sup>34</sup>. However, if some of the criteria are not satisfied according to the option chosen in the call for proposals:

- The application is rejected on that sole basis and it will not be further evaluated;
- The applicant is invited by the Chairperson (always in written form) to submit clarifications within the deadline fixed by the PSC. It is worth reminding that for the sake of transparency and equal treatment, the same rules should apply to every applicant and project.

In the latter case, on the basis of the clarifications received by the applicant and under the supervision of the Chairperson, the corresponding administrative check grid is updated recording whether the clarification provided is acceptable. It must be reminded that failure to provide clarifications within the deadline will lead to the rejection of the Application on this sole basis. To ensure transparency and traceability, when updating the grid it is recommended to fill in information about the date when clarifications are requested and the date when the answer of the applicant is received.

On the basis of the clarifications submitted by the applicants the PSC, when reviewing the work done by the assessors (see section 2.2.2 below), may use its discretion to decide whether or not the project proposal should be further considered during the rest of the evaluation process, while ensuring the equal treatment of applicants and in accordance with the principle of proportionality. Whatever the PSC decides, this must be fully recorded and justified in the Evaluation Report and copies of the communications with applicants with regard to eventual clarifications must be annexed to the Report.

It is important to remind that according to PraG:

- Clarifications can only be requested to conclude the administrative check and eligibility checks and not improve the content of the application<sup>35</sup>;
- Proposals falling in the following situations should not be rejected e.g. 1) submitted in fewer number of copies than required; 2) submitted with the wrong presentation but the correct templates used; 3) proposals which have not been signed or contain a scanned signature (the signature can be

requested subsequently - if not obtained, the proposal must be rejected<sup>36</sup>).

### 2.2.2 Outcomes of the opening session and administrative check

Once the opening session and the administrative check are completed the Chairperson:

- Establishes, with the support of the Secretary a list of proposals having met the administrative criteria included in the Guidelines for grant applicants and a list where the criteria not satisfied<sup>37</sup> are clearly identified;
- Submits to the voting members of the PSC these lists together with the administrative check grids of all the applications submitted.

Then the PSC meets and:

- Reviews the conclusions of the assessors on the basis of their completed grids if the members of the Committee do not carry out the check themselves and decides on any contentious case;
- Recommends proposals for further evaluation (those having met the administrative criteria);
- Signs the Evaluation Report - Step 1: Opening and Administrative Check<sup>38</sup>. This Report must include:
  - A list of the proposals having respected the deadline of submission and met the administrative criteria as per the Guidelines for grant applicants indicating for each application the reference number, the name of the applicant → **admitted** to the further evaluation step<sup>39</sup>;
  - A list of the proposals having respected the deadline of submission but failed to meet one or several administrative criteria as per the Guidelines for grant applicants where the application

<sup>36</sup> Cf. section 2.8.3 of the PraG.

<sup>37</sup> Including, where it is the case, the submission of the application after the deadline.

<sup>38</sup> The Report must be elaborated following to the template in annex E6a of the PraG and must be signed by voting and non voting members. The name of observers participating to the PSC meeting must be recorded in the Report but they don't have to sign.

<sup>39</sup> In the HU-SK-RO-UA programme there will be a different PSC for each priority included in the Guidelines for grant applicants. Therefore, 3 separate evaluation and selection processes will be carried out in parallel and each of them will deal with only one Priority with no need to break down the project proposals per priority in any of the reports established during the evaluation and selection process.

<sup>34</sup> Cf. section 6.4.8.2 of the PraG.

<sup>35</sup> Cf. section 6.4.8.2 of the PraG.

reference number and the name of the applicant and the reason for elimination are indicated → **excluded** from further evaluation. Proposals not considered for further evaluation must however be kept by the JMA

- In addition, copies of the completed administrative check-lists (grids) for each of the applications submitted within the deadline and copies of the communications exchanged with applicants for requesting clarifications must be **annexed to the Report**. Originals should be kept in the archives of the JMA.

The JMA submits the Evaluation Report (Step 1: Opening and Administrative Check) and its annexes to the JMC that must decide whether or not to accept the recommendations of the PSC if the consultation of the JMC is foreseen in the JOP and/or in the Guidelines for grant applicants of the Programme.<sup>40</sup>

The JMA (Contracting Authority in the sense of the PraG) signs the Evaluation Report with regard to this step of the process, attesting that the procedures have been respected.

The Chairperson sends a standard letter to applicants<sup>41</sup> indicating whether or not the application was submitted within the deadline, informing the applicant of the reference number they have been allocated, whether the application has satisfied all the administrative criteria and whether the application has been recommended for further evaluation. Applicants of those proposals excluded from further evaluation believing that they have been harmed by an error or irregularity during the evaluation process may file a complaint with the JMA following the procedures set out in the Guidelines for grant applicants<sup>42</sup>.

Those programmes where the administrative and eligibility checks constitute a unique step should bear in mind that PraG templates (reports and letters to applicants) must be largely revised.

<sup>40</sup> If the JMC acts as PSC, the Programme can decide that it is not necessary to submit this Report a second time to the JMC. The table 2 or the table 3 (according to the procedure chosen by programmes) under section 1.2 should be modified accordingly. At the same time the signature of the JMA gains more importance. See also footnotes 54 and 66.

<sup>41</sup> See template in annex E9a of the PraG.

<sup>42</sup> Cf. also section 2.4.15 of PraG.

## 2.3 Evaluation of the full Application Forms<sup>43</sup>

The objective of the evaluation procedure is to obtain a **list of proposals for each of the Priorities of the Programme addressed by the call ranked according to the score attributed to them**, for funding. This is a fundamental step of the overall process because it ensures that proposals to be funded are of high quality against the criteria defined in the Guidelines for grant applicants (evaluation grid).

In this step the **quality of each full Application Form** is assessed against the criteria as defined in the Guidelines for Applicants and consisting of<sup>44</sup>:

- The **selection criteria** are intended to evaluate the technical, financial and operational capacity of the Applicant and its Partners in order to ensure that the partnership: has stable and sufficient financial resources to maintain their activity throughout the period during which the project is being carried out and, where appropriate, to participate in its funding; has the management capacity, professional competencies and qualifications required to successfully complete the proposed project. These criteria correspond specifically to section 1 (Financial and operational capacity) of the evaluation grid<sup>45</sup>.
- The **award criteria** allow the quality of the proposals submitted to be evaluated in relation to the objectives and priorities foreseen in the call for proposals and also to the grants to be awarded for projects which maximise the overall effectiveness of the Programme. These criteria enable the selection of proposals that will comply with the set objectives and priorities guaranteeing at the same time the visibility of the Community financing and of the Programme itself. These criteria correspond specifically to section 2 (Relevance), 3

<sup>43</sup> The evaluation of the Concept Notes is not developed here. A specific note could be developed for the programmes that have foreseen this possibility depending on the number of applications received and the decision to be taken by the PSC. However, what is detailed below regarding the evaluation of the full Application Form, largely applies also to the Concept Note.

<sup>44</sup> For the Black Sea Basin Programme there is an additional criterion intended to give priority to integrated projects.

<sup>45</sup> In some of the programmes the title of this section of the evaluation grid is different: "Technical, financial and operational capacity of the partnership" for the Black Sea Basin, "Partnership: Technical, financial and operational capacity" for the Mediterranean Sea Basin.

(Methodology), 4 (Sustainability) and 5 (Budget and cost-effectiveness) of the evaluation grid.

### 2.3.1. Decisions to be taken before starting the evaluation of the full Application Forms

Before starting the quality evaluation of the full Application Forms the PSC must take the following decisions:

#### A. What to do in case of significant discrepancies between the scores given by the two assessors

The PSC deliberations are essentially based on the examination of the assessments carried out by the assessors. Re-evaluations are the exception to the rule of accepting the mathematical average of the two assessments and they must be clearly justified in the Evaluation Report. However as the scores attributed by the two assessors could give significant divergences the PSC must:

- Agree on whether the discrepancy applies to the total score, to the score per section/heading or to the score per sub-section/heading<sup>46</sup>. PSC must also agree on the criteria to apply for deciding when a third assessment must be carried out (for instance when the scores of the two assessors diverge for more than 25% and when one at least of the two scores is above the threshold for overall admissibility of the proposal (e.g., there would be no need for reassessing a proposal that scores 30 and 45 respectively (out of 100), even though there would be a 50% discrepancy between the two scores). This decision should also take into account the number of proposals received and the PSC own capacities (i.e. how many third assessments can the PSC actually carry out). Whatever the PSC decides homogeneous treatment must be ensured and the criteria adopted must be clearly described in the Evaluation Report;
- Decide how the third assessment will be carried out (joint evaluation by all PSC voting members or other solutions provided that they ensure impartiality).

It is important to remind that when a third assessment is done, the score given during this third assessment will be that attributed to the

<sup>46</sup> In principle, discrepancy applied to total score is sufficient.

proposal (no average with those previously given by the two assessors). Nevertheless all evaluation grids (including those with assessors' scores and comments) should be attached to the Evaluation Report.

#### B. How to give a priority order to those proposals receiving the same score

This is relevant to avoid that proposals with the same score are or are not provisionally selected only because they fall, respectively, under or below the maximum available budget. The Chairperson may submit to the PSC for approval, a number of criteria for objectively re-examining proposals with equal scores with a view of ranking them. A suggestion could be to rank proposals not on the basis of their total score but on the basis of the score they have been given for those blocks of criteria with a minimum threshold<sup>47</sup>.

#### C. How to score and to comment

The PSC must decide:

- Whether scores are given to a resolution of 0,5 and 0,25 points or even to one decimal place. This is particularly useful in case of large number of proposals to assess in order to better identify differences in their quality;
- Whether comments must be given per block of criteria or per sub-section/heading<sup>48</sup>. According to PraG (section 6.4.8.4) in particular cases, comments may need to be made for specific subheadings. The Committee should take a decision on this taking into account the average time given to assessors to evaluate each proposal and fill in the evaluation grid that should be prepared according to the level of detail decided. This is important to avoid discrepancies. The Chairperson should therefore carefully instruct assessors on how they should fill in the evaluation grids before starting and constantly monitor their work. It is recommended to define this point when preparing the terms of reference for setting-up a pool of independent experts assisting the PSC.

#### D. How to monitor the work of the assessors

<sup>47</sup> This does not apply to the Mediterranean Sea Basin because here for all the blocks of criteria an eliminating threshold is set.

<sup>48</sup> Programmes having already launched their first call for proposals, with the exception of the Hungary-Slovakia-Romania-Ukraine, have specifically foreseen in the Terms of Reference for setting up a pool of independent assessors, that they must give comments for sub-headings.

Specific provisions should be set out defining how the assessors must communicate the results of their assessment if working at their place of work and how regularly this should be done (each day, when they have completed the evaluation of each proposal, when they have completed a given number of proposals. etc.). Specific rules should also be defined for the cases where the PSC chairperson is not satisfied by the quality of evaluations and sends back the evaluation for re-evaluation. Reasons for rejection include, but are not limited to: failure to apply the Guidelines for the Assessment of Application, numerical inaccuracies, if commentary does not correspond to scores given in evaluation grid (incoherence), if they are of low quality, showing superficial consideration of proposals, etc. It is necessary to set a maximum number of days for the Chairperson to review the assessments made by assessors and either accept them or request clarifications/complementary information<sup>49</sup>.

These decisions (including the decision procedure) should be reflected in the Rules of procedures of the PSC.

### 2.3.2 Processing the evaluation of the full Application Forms

Once the number of proposals admitted to the qualitative evaluation as well as their thematic contents (priorities or measures) is known, assessors must be appointed taking into account the need to cover all the thematic contents addressed (following the priorities and measures of the Programme) as well as the fact that each proposal should be assessed independently by two assessors.

If it is foreseen for PSC members to be supported by external independent assessors, the PSC Chairperson will select them from the previously established pool of independent experts on the basis of their curricula and according to the required quantity and field of professional expertise. The list of selected independent external assessors for the purpose of a call for proposals could also include a reserve list to replace any of them in case of unavailability and to recruit additional assessors if needed in the course of the evaluation process. In choosing the assessors from the list the Chairperson should

also ensure a regular rotation of the experts avoiding to use always the same for all the calls for proposals. It is also recommended to ensure a reasonable gender balance and a reasonable distribution of geographical origin<sup>50</sup>.

In performing their work, according to what is decided by the programmes, assessors:

- Will be invited to a central location (JMA or JTS headquarters) to carry out the evaluation under the supervision of the PSC Chairperson, or
- Will carry out the evaluation at their place of work (remote evaluation) and the results of the evaluation will be communicated to the Chairperson electronically. Nevertheless assessors should be available to the PSC should the Committee require further explanation of points made by assessors in evaluated projects. The PSC Chairperson must keep close contact with the individual experts to assist them on any query during the whole qualitative evaluation step.

The quality evaluation:

- Is made **exclusively on the basis of the full Application Form** (and not on the basis of the concept note even if such a concept note is requested by the Guidelines for grant applicants of the call for proposals) **and each proposal must be assessed on its own merits** without regard to other proposals or views of any parties;
- **Should not cover issues of eligibility** (eligibility of the applicant, of its partners and of the action itself). However and for those programmes where the eligibility check will be carried out after the quality evaluation of the Application Forms, if an application appears to be clearly ineligible assessors should inform the Chairperson of the PSC as soon as possible. Nevertheless, even if the assessor considers that an application is ineligible, the full application must be fully evaluated.

The same proposal shall be attributed to two different assessors working separately and producing their own independent assessment under the supervision of the Chairperson of the PSC. The Chairperson will attribute applications to assessors matching the content of each proposal with their field of expertise. Assessors must complete and sign their evaluation grids.

<sup>49</sup> The Black Sea Basin foresees specific, detailed rules for monitoring and assessing the performance of the assessors in the terms of reference for setting-up the pool of independent experts assisting the PSC in carrying out the quality evaluation.

<sup>50</sup> For the Mediterranean Sea Basin Programme an appropriate balance in terms of language skills should also be considered because proposals can be submitted both in English and French.

The **Secretary** shall keep a record of the proposals attributed to each assessor and the name of the experts carrying out the assessment must be kept confidential.

In carrying out the evaluation the assessors must:

- **Strictly use the evaluation grid given to them** by the PSC Chairperson and fill it in giving scores and providing comments and recommendations following the guidance provided by the PSC Chairperson. Assessors are expected to assess applications in a highly professional manner and objectively and they must be conscious that their comments and arguments for or against a proposal will constitute the basis for the approval or rejection of the full application. In order to get a global view of the relative strengths and weaknesses of the proposed actions, it is recommended that each assessor first reads a reasonable number of the full Application forms assigned to him/her before scoring and commenting. This will help to calibrate their scoring. It is also recommended to assess each criterion only once, under the appropriate heading and subheading of the evaluation grid, and let it not influence the assessment of other criteria.
- **Strictly comply with any rules defined by the Programme for ensuring the impartiality and the confidentiality** of the evaluation process. Therefore they must be clearly requested:
  - Not to discuss any proposal with others, including other experts or the JMA/JTS staff not directly involved in the evaluation of the proposals;
  - Not to communicate with applicants and partners. Only the Chairperson of the PSC is authorised to contact the applicants on issues related to the evaluation process. This includes communications related to clarifications, the announcement of the results of each evaluation phase as well as dealing with requests for information and questions raised by the applicants themselves about the results;
  - Not to disclose the names of other assessors participating in the evaluation. The JMA may publicise the list of appointed assessors at regular intervals but without indicating which proposals they have evaluated;
  - To erase or destroy all confidential documents or files upon completing the evaluation where it has been decided

that assessors will work from their own premises. Where the evaluation takes place in an office controlled by the JMA, assessors are not allowed to take outside the building any parts of proposals, copies or notes, either on paper or in electronic form, relating to the evaluation of proposals. All information concerning the proposals will be securely stored during the assessors' absence from the evaluation building.

Assessors must be aware that failure to comply with these rules may result in exclusion from the immediate and future evaluation processes.

- **Immediately inform the PSC Chairperson if during the evaluation she/he discovers being directly or indirectly connected with a proposal which she/he has been asked to evaluate** and which impairs her/his impartiality. The Chairperson will take all necessary actions to remove the conflict of interest preventing her/him from participating in the evaluation of that proposal.
- **Strictly follow the deadlines** given to her/him for finalising the evaluation of the assigned proposals and **send the signed evaluation grids to the PSC Chairperson**. When an assessor must evaluate a significant number of proposals it is preferable to give him/her intermediate deadlines in order to facilitate for the Chairperson to monitor the quality of the work of assessors. Those assessors who do not finish their evaluation tasks within the allocated time period will be deemed not to have evaluated the proposal and such proposal will be re-allocated to other assessors.

### 2.3.3 How to score and write comments and recommendations

Scores will be attributed according to the schemes set out in the Guidelines for Applicants. The evaluation grid is divided into sections/headings and sub-sections/headings. **Each sub-section/sub-heading will be given a score between 1 and 5 (never 0) in accordance with the following rating:**

- 1 = very poor (the information is incomplete, not clear or not convincing for the evaluation criterion being assessed);
- 2 = poor (weaknesses are more important than strengths and there are no specific aspects which single out the proposal from others);
- 3 = adequate (the proposal demonstrates overall adequate features with regards to

the evaluation criterion towards which it is being assessed even though it may contain some notable weaknesses);

4 = good (the proposal has identifiable features which demonstrate that is of good quality with regards to the criterion towards which it is being assessed);

5 = very good (the content of the proposal assessed cannot be improved with regards to the evaluation criterion towards which it is being assessed).

Following the decision of the PSC, decimal scores may also be attributed (see section 2.3.1, point C).

In addition, the assessors must take into account that, according to the Guidelines of each programme, a minimum threshold (**elimination threshold level**) could be defined for all or some of the blocks/sections of criteria<sup>51</sup>. They should also consider whether a minimum total score is set<sup>52</sup>. This is important because assessors cannot recommend for funding any proposal which does not obtain the minimum threshold per section or, if applicable, the total minimum score. However they must complete the evaluation and not stop when a minimum threshold for a given block of criteria is not met. In fact the final score attributed to the proposal is the average of two different evaluations and therefore both must be fully evaluated even if the scores of her/his evaluation do not surpass the minimum required threshold.

Assessors will justify their scores with **concise, clear, objective and relevant comments** for each section or subsection following what has been decided by the PSC (see section 2.3.1, point B). The assessors should focus on points that they consider to be extremely positive or negative in answer to the questions of the evaluation grid. Assessors should be aware that **comments serve:**

- As inputs to the PSC to deliberate about proposals provisionally selected. When using value statements, such as “excellent”, “adequate” or “weak”, assessors should always provide some evidence explaining on which aspect this conclusion is based.

<sup>51</sup> In the Mediterranean Sea Basin Programme, all the blocks/sections of criteria have an eliminating threshold, while in the other programmes this is limited to only two of them (1. Financial and operational capacity and 2. Relevance).

<sup>52</sup> Among the programmes having launched the first call for proposal, this applies only to the Black Sea Basin where a minimum total score of 65 points over 100 have been set.

- To provide feedback to applicants help them to improve their proposals in an eventual later call by clarifying the reason(s) for the proposal's failure. They should always be formulated in a diplomatic and constructive way and must be based on facts in order to minimize possibilities of contestation. In particular, for scores below the eliminating thresholds it is essential to provide a clear justification for the corresponding recommended rejection.
- As inputs to the JMA/JTS to understand on which aspects to insist more when providing information to potential applicants in order to strengthen the quality of the proposals during next calls for proposals.

**Comments and scores must be coherent and consistent.** Therefore a high score combined with critical or negative comments or a low score accompanied by positive comments would be incomprehensible and rather confusing for the PSC to appreciate. The Chairperson, supervising the work done by the assessors, will check this ensuring coherence and eventually requesting a re-assessment.

The assessors will make **final conclusions/recommendations** on each full application form. They will consist of a short critical analysis of the proposal, followed by a list of the main strong and weak points for each section of the evaluation grid. They will contain concrete and objective reasons for the pre-selection or the rejection of a given proposal and they must be coherent with the final score and justify it in a relevant/pertinent way. The conclusions/recommendations must be formulated in such a way that they may be used as such for informing the applicants about the global assessment of a given full application.

An assessor may also recommend that one or more details of the proposal is/are checked, monitored or amended should it be selected for funding. Such potential minor modifications should be clearly indicated in the comments sections as “recommendations for negotiation” and they can only be accepted in justified cases. However, it is important to remind that proposals must be evaluated as submitted and assessors should not assume that any recommendation for negotiation will be successfully completed.

**In case the PSC Chairperson is not satisfied by the quality of evaluations,** she/he can send back the grid for re-evaluation following the

procedures previously defined (see section 2.3.1, point D).

### 2.3.4 Outcomes of the evaluation of full Application Forms

Following the evaluation of the full Application Forms the **Chairperson**, with the support of the Secretary, **prepares a list of the proposals ranked by score** (average of the two scores given by the assessors) **and per priority** included in the Guidelines for grant applicants with detailed comments justifying the scores given by both assessors.

The Chairperson submits the lists to the voting members of the PSC together with copies of the complete evaluation grids of each proposal. Originals of the grids should be kept in the archives of the JMA.

The PSC meets to review the conclusions of the assessors. It is important to remind that the Committee:

- **Must not** change the assessors' scores or recommendations and **must not** alter the evaluation grids completed by the assessors;
- **Can not** retain for possible selection proposals failing any evaluation threshold ;
- **Must** justify its decision in the Evaluation Report if it does not accept the scores awarded by the assessors to a proposal, for example when there is a significant difference between the scores awarded by the assessors (see section 2.3.1, point A). The Committee has then to prepare a new evaluation grid for the proposal concerned (third assessment). The evaluation grids completed by the members of the Committee must be kept with those completed by the assessors. The list established after the evaluation made by the assessors is amended on the basis of the score given by the new evaluation, which replaces those completed by the assessors.
- **May** review proposals with the same score in order to rank them according to the criteria agreed before starting the evaluation. Such decisions must be recorded and fully substantiated in the Evaluation Report.

The PSC, after having reviewed the conclusions of the assessors, **draws its recommendations and signs the Evaluation Report - Full**

Application Evaluation<sup>53</sup> prepared with the support of the Secretary. This Report should include:

- **A list of proposals** provisionally selected per Priority included in the Guidelines for grant applicants **ranked by order** (→ admitted to the further evaluation step). The final score attributed to the proposals is the arithmetical average of the score given by two assessors or the score given during the third assessment if applicable. The lists must also include the recommended grant amount per proposal and comments. The latter can refer, in particular, to minor improvements and clarifications to be requested from the applicants of provisionally selected projects during the contracting phase. The Committee may also decide to establish a reserve list following the same criteria and for a total amount set in the Guidelines<sup>54</sup>.
- **A list of proposals** not recommended for selection per Priority included in the Guidelines for grant applicants (→ excluded from further evaluation step). Reasons for such a decision must be clearly identified (out of scope, of good quality (above all thresholds) but lower score than the provisionally selected applications or the applications in the reserve list, as regards budget available for the call, or not of sufficient quality). Proposals not considered for further evaluation must however be kept by the JMA.
- In addition, copies of the completed evaluation grids for each of the applications must be **annexed to the Report**.

The JMA submit the Report and its annexes to the JMC that **must decide whether or not to accept the recommendations of the PSC**<sup>55</sup>.

The JMA (Contracting authority in the sense of the PraG) **signs the Evaluation Report** regarding the quality evaluation attesting that the procedures have been respected.

<sup>53</sup> The report must be developed following the template in annex E6c of the PraG.

<sup>54</sup> This does not apply to the Mediterranean Sea Basin Programme having requested a specific derogation to the PraG with regard to the reserve list that therefore is not foreseen in this first call. However having a reserve list will be particularly relevant during the last calls in order to avoid having some funds left at the end of the contracting phase.

<sup>55</sup> When the JMC acts as PSC this process could be merged, but the different roles should be clearly distinguished and the final signature of the JMA "gains more weight". See also footnotes 39 and 66.

The PSC Chairperson sends a standard letter to all applicants<sup>56</sup> that should include a statement indicating whether or not their application was provisionally selected according to their score. For applicants whose proposals are not provisionally selected, reasons for exclusion should be provided alongside with scores for each of the block of criteria. The letter will also invite those whose proposals have been provisionally selected (and in the reserve list if established) to supply the required supporting documents. Applicants of those proposals excluded from further evaluation believing that they have been harmed by an error or irregularity during the evaluation process may file a complaint with the JMA following the procedures set out in the Guidelines for grant applicants<sup>57</sup>.

## 2.4 Verification of eligibility

In order to enable the PSC to verify the eligibility of the applicants, of their partner and of the action, applicants of those proposals provisionally selected and listed under the reserve list (if foreseen) will be requested to supply the supporting documents within a given deadline in case these are not requested at the submission of the application. If these documents are not provided before the set deadline the application may be rejected.

The eligibility check is carried out by JMA/JTS staff acting as assessors under the supervision of the PSC Chairperson on the basis of the:

- **Declaration by the Applicant** (part 2 of the section VI of the standard Application Form of the PraG)<sup>58</sup> that will be crosschecked with the supporting documents provided by the applicant to assess whether the declaration is in conformity with these documents. Any missing document or incoherence between the Declaration by the Applicant and the annexes and supporting documents leads to the rejection of the proposal on that sole basis.
- **Criteria set out in the Guidelines for applicants**<sup>59</sup> in order to verify whether the

proposals fulfil the minimum programme requirements (are the applicant, partners and action eligible?).

It is worth reminding that the non-eligibility of one partner implies the non-eligibility of the entire project proposal irrespective of the fact that the minimum partner requirements set out in the Guidelines for grant applicants are still met. Allowing to take out a partner foreseen for some activities of the action, would mean to change the project after the final project submission deadline, and thus violate the rule of equal treatment<sup>60</sup>.

Partners who participated in a call for proposals with a suspension clause and who cannot receive Programme funds due to the fact that the Financing Agreement with the respective Partner Country has not been signed can still be considered as eligible but at their own costs, provided this is not contradictory to the Guidelines for grant applicants. Such a solution would comply with the requirement that partners located in Partner Countries eligible territories may apply for ENPI CBC Programme funding but can receive Programme funds only if their respective country has signed a Financing Agreement with the European Commission before December 31<sup>st</sup> 2009. That would also avoid the rejection of fully relevant applications on eligibility ground.<sup>61</sup>

The Chairperson attributes proposals to appointed assessors. Each proposal must be examined by 1 person that must fill in an eligibility check grid per each proposal previously prepared (Cf. section 2.1, point C) having the same contents as those included in the checklist included in the part 2 of section V of the standard Application Form provided by the PraG<sup>62</sup>.

The assessors must follow the instructions given by the Chairperson and must fill in a "yes" or "no" answer in the grid. For some criteria, and where foreseen in the Guidelines for grant applicants, the option "not applicable"

<sup>56</sup> See template in annex E9c\_1 of the PraG.

<sup>57</sup> Cf. also section 2.4.15 of PraG.

<sup>58</sup> This corresponds to Section VII of the Grant Application Form in the BSB; to Section VI of part B of the Application Form in the RO-UA-MD and in the HU-SK-RO-UA; to Section 4 of the Application Form in the MSB.

<sup>59</sup> Sections 2.1.1, 2.1.2 and 2.1.3 of the Guidelines for grant applicants for the BSB, the RO-UA-MD and the HU-SK-RO-UA. Sections 3.1.1, 3.1.2 and 3.2 Guidelines for grant applicants for the MSB. To remind that according to the Guidelines for

grant applicants of the MSB, each participating country is responsible for confirming the legal status of the partners located in its territory.

<sup>60</sup> See Art. 109 of the Financial Regulation (EC 1605/2002) and section 6.2.6. of the PraG.

<sup>61</sup> There might however be issues to be solved with regards to the co-financing at the end of the project, should the partner, not covered by a Financing Agreement, be unable or unwilling to guarantee full participation without funding.

<sup>62</sup> It corresponds to section VI of the Grant Application Form of the Black Sea Basin and section IV of Mediterranean Sea Basin.

may also be used instead of “yes”. Basic information (title of the project, code and name of applicant) must also be reported in the eligibility check grid. It is also needed to add a column “comments/explanations” where to register reasons for ineligibility to be used by the PSC in drawing its recommendations as well as to inform applicants at the end of the eligibility check step.

After completion of the check, the assessors carrying out the eligibility check must **sign the grid** and her/his name is recorded by the **Secretary** with the respective reference number of the proposals checked and the date when the check has taken place.

The **eligibility of the proposals from the reserve list** will be verified if the proposals provisionally selected do not pass the eligibility check. This check will be carried out starting from the first application in the reserve list. However the PSC may also decide to carry out the eligibility check for a small number of the proposals from the reserve list. In fact, during the contracting process some costs could be cut or contracts may even not be signed, and therefore projects from the reserve list(s) should be ready to get granted instead.

In order to facilitate the Committee’s review of the conclusions of the assessors if they do not carry out the assessment themselves, the **Secretary** to the PSC, under the supervision of the **Chairperson**, must ensure that one list containing the proposals which are ineligible is drawn up for each of the Priorities addressed by the Guidelines for grant applicants. For each entry on a list, the grounds for ineligibility must be identified.

## 2.5 Conclusions of the Project Selection Committee

After the assessors have examined all the proposals the PSC meets to review the assessments by the assessors, **decide on any contentious case and prepare its recommendations**.

In finalising its recommendations, the PSC may:

- Reject the proposal(s) which has (have) been awarded a lower score where several proposals submitted by the same applicant are selected for financing, but the applicant does not have the financial and operational capacity required to implement all the actions together, and select only the

proposal(s) that the applicant has the capacity to implement<sup>63</sup>;

- Not to allocate all the available funds if it finds that there are too few proposals of the quality required to receive a grant;
- Reject a proposal if it has selected another which is of a similar nature but has been awarded a higher score (to support diversity of actions);
- Provisionally select an application with recommendations of minor corrections to the description of the action or to the budget<sup>64</sup> in so far as they would not put into question the grant award decision or be contrary to the equal treatment of applicants. Those modifications may in any case not lead to an increase of the amount of the grant nor of the percentage of the co-financing fixed by the Evaluation Committee. Any other alteration to the successful applicant's proposal or negotiation with the applicant is prohibited.

Then, following its final meeting, the PSC **draws up and signs the Final Evaluation Report**<sup>65</sup>, covering the eligibility verification. All decisions taken by the PSC must be recorded and fully substantiated in the Report **that must include**:

- The minutes of the evaluation sessions;
- A list of applications having met the eligibility criteria and **ranked by order per Priority (→ recommended for the award of a grant contract)** indicating the score obtained by each proposal, the amount of the proposed grant, the proportion of the eligible costs it is proposed to finance and comments. If consensus has not been reached, the Report sets out the view of the majority of the voting members, but also records any dissenting views<sup>66</sup>;

<sup>63</sup> In the Guidelines for grant applicants of the Black Sea Basin it is clearly stated that an applicant cannot be awarded more than 3 grants (one per each priority).

<sup>64</sup> In addition to these requests of the PSC, the checks to be performed by the JMA during the contracting process may lead to impose modifications or reductions to address mistakes or inaccuracies (for instance arithmetical errors, inaccuracies or unrealistic costs and other ineligible costs). If an Applicant fails to include the improvements requested to a project, the amount not allocated will be added to that available for the following call for proposals or used for granting applications in the reserve list.

<sup>65</sup> To be elaborated following the template in Annex 6d of the PraG.

<sup>66</sup> In drawing this list with the recommended proposals the Committee must take into account specific provision set by programmes in their Guidelines for grant applicants. For instance in the Black Sea Basin only 10% of the total budget may be allocated to projects mainly or entirely in a single participating country but having a cross-border impact.

- A reserve list of eligible applications that cannot be funded for budgetary reasons per Priority with the same information. This reserve list is valid during the period mentioned in the Final Evaluation Report. The proposals included in that list are likely to receive a grant insofar as funds become available during the contract negotiation phase (decrease of the eligible costs of the selected proposals, impossibility to sign a contract with a selected applicant, etc);
- A list with all other applications including those found to be ineligible after the eligibility check, those failing any of the individual thresholds for evaluation criteria or the overall threshold required to be passed by a proposal to be taken into consideration and those which, because they fall below a certain ranking, cannot be funded for budgetary reasons.
- In addition, copies of the completed Declarations by the applicants, of the eligibility check grids and of the communications exchanged with applicants when clarifications have been requested must be **annexed to the Report**. Originals should be kept in the archives of the JMA.

## 2.6 Award decision

After the PSC has prepared their recommendations and signed the Final Evaluation Report, the JMC meets for definitive approval of the selected proposals and of the maximum amounts awarded to the projects.

After the decision of the JMC, the JMA, acting as Contracting Authority in the sense of the PraG, signs the Final Evaluation Report implying an agreement on the correctness of procedures.

According to article 13 of Implementing Rules, if, when taking decisions on projects and on the amounts granted to them, the JMC decides not to follow all or part of the recommendations of the PSC, it shall explain its decision in writing. The decision shall then be sent via the Joint Managing Authority to the Commission for approval. Commission communicates its opinion to the JMA within 15 working days.<sup>67</sup>

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Moreover in the Mediterranean Sea Basin 50% of the budget of Priority 4 must be allocated to proposals under 200.000 Euro.

<sup>67</sup> With regard to the Final Evaluation Report, a formal decision by the JMC acting as "real" JMC - and not as PSC- is however necessary. The JMC is the only body entitled to take award decisions and a formal track of such decision is compulsory. However sections 2.5 and 2.6 could be merged (conclusions and award decisions). In fact, first, the JMC

After the JMC has given its official approval to the final list of grants to be awarded, within maximum 15 days, the JMA must inform in writing all applicants of selected proposals. JMA has 15 additional days to inform in writing unsuccessful applicants (including proposals of good quality but excluded because of budgetary limits) explaining the reasons for rejection<sup>68</sup>. Applicants believing that they have been harmed by an error or irregularity during the award process may appeal to the JMA following the procedures set out in the Guidelines for grant applicants<sup>69</sup>.

As during the contracting process minor errors in the budget may be corrected, some contracts may not be signed, some from the reserve list will, etc., the JMA can only publicise the award of grants after all contracts are negotiated and signed because only then is it possible to know the real list of grants awarded and their amounts.

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members acting as voting members of the PSC plus the Chairperson and the Secretary must prepare and sign the Report including also a list of proposals recommended for the award of a grant contract; only thereafter JMC takes the final award decision. The two aspects should be clearly differentiated because they are taken by two different bodies even though consisting of the same persons. As it is not likely that the JMC decides not to follow PSC recommendations, when the JMC acts as PSC, the relevant control system by the EC provided for by IR (art. 13) is weakened. The major responsibility of double checking thus lies with the JMA. See also footnotes 39 and 54.

<sup>68</sup> See templates Annex E9d-1 and Annex E9d-2 of the PraG.

<sup>69</sup> Cf. also section 2.4.15 of PraG.

### 3. CONCLUSIONS: WHAT TO DO AND WHAT NOT TO DO

- The members of the PSC or JMC acting as PSC **must** be nominated by name and they must possess the technical and administrative capacities to give an informed opinion on the proposals;
- The actors involved in the evaluation process **must** have a thorough and common understanding of the legal framework applying to the Programme, of its strategic and operational objectives and the detailed procedures and criteria to use;
- All involved actors **must** strictly adhere to confidentiality throughout the entire evaluation process and are bound to secrecy of deliberations also after its conclusion. They must sign a Declaration of Impartiality and confidentiality;
- The evaluation process is carried out in several steps as described in the Guidelines for grant applicants and **cannot** be modified during the process itself;
- The eligibility and evaluation criteria **must** be kept as stated in the Guidelines for grant applicants;
- Proposals **have to** be assessed alike and treated impartially on their merits, following a review strictly based upon the information they contain, irrespective of where they originate within the eligible territories defined in the Guidelines for grant applicants and of the identity of the applicant and partners;
- Assessors **must** work individually and independently when examining a proposal to prepare the evaluation grid – Assessors **do not** discuss the proposals with each other, or with any third party;
- Assessors **must** evaluate and score proposals exactly as they are described and presented. Assessors **do not** make assumptions about the project in addition to what the applicants themselves have written in their proposal;
- Assessors **must** provide a brief but explicit justification for each of the scores and must maintain consistency in scoring;
- The deliberations of the PSC are collective and based both on scores obtained in the evaluation and on comments made by assessors. The Committee **cannot** change the assessor's scores or recommendation and **must not** alter the evaluation grids completed by the assessors, but they can reject the assessment and carry out a new one if duly justified;
- Proposals failing any evaluation threshold **cannot** be recommended;
- Adequate feedback on the outcomes of the evaluation **must** be provided to applicants at each relevant moment of the process;
- The PSC or JMC acting as PSC recommends but does **not take** the award decision that is the responsibility of the JMC. If the JMC decides not to follow all or part of the recommendations of the PSC, it **must** explain its decision in writing and this **must** then be sent via the JMA to the Commission for approval.