

**National Programme for Croatia under IPA – Transition Assistance and Institution Building Component for 2012**

**IPA 2012 - Building Capacities of CSOs for Ensuring Effective Implementation of the EU Standards in the Enforcement of Human Rights**

**Publication reference: EuropeAid/135875/ID/ACT/HR**

**QUESTIONS AND ANSWERS**

Date: 16th June 2014

NOTE: The final decision concerning eligibility of an applicant, a partner, an action or specific activities will be made by the Evaluation Committee during the process of Evaluation of applications (subject to ex-ante control of the CFCA).

List of Abbreviations:

GfA – Guidelines for Applicants

GC – General conditions

**QUESTIONS**

**ANSWERS**

**Date: 28 May 2014**

**1. Question is related to the eligibility of the following costs:**

- as a part of the activities, we have envisaged the workshops for Romani parents that would be implemented in schools/kindergartens by the very educators (employees of these institutions) outside their working hours

- it is important that the workshops are implemented by the educators of the kindergartens/schools that Romani children are attending or will be attending, since one of the goals of these activities is the improvement of collaboration between parents and

Regarding the eligibility of costs please refer to Guidelines for Applicants section 2.1.5. in connection with Article 14 of the General Conditions to the Standard Grant Contract (see Annex G).

Moreover, depending on the status of the personnel engaged to perform certain project activities, the following options are available:

1) Employees of the applicants/co-applicants/affiliated entities institutions involved in the project are not external experts and cannot receive fees, regardless of whether they have the status of a

<p>schools/kindergartens</p> <p>Q: Are the honoraria for the educators for implementation of these workshops eligible costs?</p>	<p>civil/public servant or not. Any staff member of the applicants/co-applicants/affiliated entities institution foreseen for delivering any input should be presented in heading 1 of the Budget (Human resources) and his/her salary, if paid from public budget, will be considered as co-financing.</p> <p>2) However, in case a specific expertise is required for implementation of a project, an expert may be engaged and envisaged in the Annex III: Budget for the Action under budget heading 5: Other costs and services. The experts engaged in such a way may not be employees of the applicants/co-applicants/affiliated entities institution receiving a grant for an operation which falls within the normal framework of their activities.</p> <p>In case public servants (from institutions not defined as applicants/co-applicants/affiliated entities institutions) are engaged as experts on daily or hourly fee, they should not work in their working time paid by their original employer and should have a written consent from their employer for engagement on the project as experts. It is to be observed, that their engagement does not infringe any national law.</p>
<p><b>Date: 30 May 2014</b></p>	
<p>2. In relation to the Call for Proposal from the subject can you clarify if local councils of national minorities could be considered as a part of local and regional self-government bodies? Local and regional self-government may be involved as co-applicants in projects.</p>	<p>Since councils for national minorities are non-profit organisations that gain legal status when registered in the Register of Councils, Coordinations of Councils and Representatives of National Minorities that is administered by the Ministry of Administration, according to the Law on the Register of Councils, Coordinations of Councils and Representatives of National Minorities (Zakon o Registru vijeća, koordinacija vijeća i predstavnika nacionalnih manjina, NN 80/11), the Councils are not considered as part of local and regional self-government. The status of local and regional self-</p>

	<p>government is regulated by Act on Local and Regional Self-Governments (Zakon o lokalnoj i područnoj (regionalnoj) samoupravi, NN 33/01, 60/01, 129/05, 109/07, 125/08, 36/09, 150/11, 19/13).</p> <p>The conditions (closed list of categories) regulating the eligibility of applicants/co-applicants and possible affiliated entities are set in the Guidelines for Applicants (GfA), section 2.1.1. and 2.1.2. Moreover, as set out in the GfA, section 2.1.3., there are two other categories of entities possible:</p> <p>Associates - they do not have to meet the eligibility criteria referred to in section 2.1.1. but must be listed in Part B section 6 — ‘Associates of the Applicant participating in the Action’ — of the Grant Application Form. They play a real role in the action but may not receive funding from the grant, with the exception of per diem or travel costs.</p> <p>Contractors – entities that have been awarded contracts for certain services/supplies/works by the grant beneficiaries and their affiliated entities within the action/project. Associates or affiliated entity(ies) cannot also be contractors in the project. Contractors are subject to the procurement rules set out in Annex IV to the standard grant contract.</p>
<p><b>Date: 02 June 2014</b></p>	
<p>3. According to the guidelines for grant applicants all activities must take its place on the territory of Republic of Croatia, so we ask if that is also referred to an education of experts of certain area of expertise. Education will take place in Scotland because there is no such education held in Croatia. In this case, is it allowed to maintain the</p>	<p>As stated in section 2.1.4. of Guidelines for Applicants, <i>Eligible actions: actions for which an application may be made</i>, actions must take place in Croatia. Moreover, in case of Lot 2, specific counties have been identified and it is stated that <i>maximum score can only be allocated to proposals whose activities will be</i></p>

<p>education in another country of the European Union or the experts who will maintain the education must come to Croatia?</p>	<p><i>implemented in the enlisted counties.</i></p> <p>However, the specific objective of this Call for Proposals is (1) to affirm civil society organisations as equal partners in ensuring consistent enforcement of human rights and 2) to build networks between CSOs, as well as inter-institutional cooperation and networks to help access to human rights of vulnerable groups.</p> <p>Furthermore, what should be taken into consideration is the eligibility of applicants <i>who may be established in a Member State of the European Union or a Member State of the European Economic Area, The former Yugoslav Republic of Macedonia, Turkey, Albania, Bosnia and Herzegovina, Montenegro, Serbia, including Kosovo under UNSC Resolution 1244/99 as well as of other countries eligible under Council Regulation (EC) No 1085/2006 of 31st July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)</i></p> <p>Therefore, the activities presented for a particular action (project) should be in line with the objective above and respect the possibility of eligible applicants established in country different than Croatia, however i.e. it is required that all the results/outputs remain at disposal of the target groups and that the final beneficiaries in Croatia benefit from them.</p> <p>Please note that the final decision concerning project proposals to be financed under this Call will be made by the Evaluation Committee, since in the course of evaluation, eligibility of project activities will be assessed by the Evaluation Committee in line with the criteria published in the GfA.</p>
<p><b>Date: 03 June 2014</b></p>	

<p><b>4.</b> Our organization, Union of Societies XY Croatia, is a voluntary, educational, humanitarian and non-profit organization that works for the common good, promotes, organizes and implements the actions and activities for the welfare of children and is the umbrella organization for 95 local Societies XX from all the 20 Counties and the City of Zagreb.</p> <p>We have questions regarding co-applicants and affiliated entities:</p> <p>1. Union of Societies XY Croatia will submit a proposal as the lead applicant. Are some of its members, a local Society XX eligible as co-applicant?</p> <p>2. Considering that the Union of Societies XY Croatia has 95 members – local Societies XX which are all independent legal entities, i.e. they are all registered non-profit organisations, does this mean that all the local Societies XX have to be listed and appropriate forms filled in as affiliated entities, or only those local Societies XX that will take part in implementation of proposed activities?</p> <p>3. Co-financing by the applicant (minimum percentage 5%) – does it have to be secured from public funding (state or local government budget), or it can be secured from own resources, sponsorships or donations?</p>	<p>1) As it is clearly defined in section 2.1.2. (<i>Affiliated entities</i>) of the Guidelines for Applicants, only entities having a structural link with the applicants, in particular a legal or capital link, may be considered as affiliated entities to the applicant and/or to co-applicant(s). Taking into consideration that GfA determines the difference between applicants, co-applicants and affiliated entities, legal entity conforming to the conditions set out for affiliated entities may be considered only as the same entity, and not as a co-applicant. The relevance of this distinction derives especially from the fact that GfA clearly states (in above mentioned section 2.1.2.) <i>that if the applicants are awarded a contract, their affiliated entity(ies) will not become Beneficiary(ies) of the Action and signatory(ies) of the Contract</i>, as opposed to the solution for co-applicants which become beneficiaries in the Action.</p> <p>2) Only the affiliated entities that will take part in design and implementation of the Action have to be listed and appropriate forms filled in.</p> <p>3) As per GfA section 1.3., <i>the balance (i.e. the difference between the total cost of the action and the amount requested from the Contracting Authority) must be financed from sources other than the European Union Budget.</i></p>
<p><b>Date: 05 June 2014</b></p>	
<p><b>5.</b> Is it eligible to include subcontracting under this specific CfP? As one of the project activities, we would like to ensure the competitiveness and encourage new ideas from local CSO's by ensuring smaller grants for their best project proposals, which would</p>	<p>Regarding procurement of services, supplies or works (if required by the implementation of an Action), please refer to section 2.6. <i>Implementation contracts</i> of the GfA , where it is stated: <i>where implementation of the action requires the Beneficiary(ies) and its</i></p>

<p>not be possible if the subcontracting was not eligible for this Call.</p> <p>If the subcontracting is eligible, which is highest amount/share allowed for it?</p>	<p><i>affiliated entity(ies) (if any) to award procurement contracts, those contracts must be awarded in accordance with Annex IV to the standard grant contract.</i></p> <p>Subsequently, please refer to Annex IV <i>Procurement by grant Beneficiaries in the context of European Union external actions</i>, which details the general principles of procurement, eligibility rules for contracts, as well as specific rules for each type of contract.</p> <p>Guidelines for Applicants do not prescribe any specific percentage in relation to amount eligible to be spent on procurement of service/supply/works. However, please note that General Conditions in Article 10.1. define: <i>If the Beneficiary(ies) have to conclude implementation contracts with contractors in order to carry out the Action, these may only cover a limited portion of the Action and shall respect the contract-award procedures and rules of nationality and origin set out in Annex IV of this Contract.</i></p> <p>Conclusively, it is important to recognize the difference between procurement procedures and awarding grant contracts, since the Grant Beneficiary is in principle allowed to procure services/supplies/works within the framework of awarded grant contract, following the above said, but is not allowed to award part (or all) of the awarded grant itself, as per section 2.1.4. of GfA where it is clearly stated that <i>applicants may not propose financial support to third parties.</i></p>
<p><b>6.</b> In the section 2.1.4. Guidelines for grant applicants for the open call "Building Capacities of CSOs for Ensuring Effective Implementation of the EZ Standards in the Enforcement of Human Rights", Ref: EuropeAid/135875/ID/ACT/HR it is stated that:</p>	<p>Please note that the Call for Proposals “Building Capacities of CSOs for Ensuring Effective Implementation of the EU Standards in the Enforcement of Human Rights”; EuropeAid/135875/ID/ACT/HR is a restricted Call for Proposals in line with the information provided in the “Note” on Page 2 of the Guidelines for Applicants.</p>

<p>In case an applicant submitted more than one application, only the application that received a higher score (among those submitted by the same applicant) may be recommended for financing.</p> <p>In case a co-applicant/affiliated entity submitted more than one application, only the application that received a higher score (among those submitted by the same co-applicant) may be recommended for financing.</p> <p>If our co-applicant receives high score for their project which they are submitting as an applicant, does that mean that they can't participate in our project as co-applicants in case our project also wins high scores.</p>	<p>The provisions from section 2.1.4. of GfA referred to in this question (<i>Number of applications and grants per applicants</i>) clearly state that <i>in case an applicant submitted more than one application, only the application that received a higher score (among those submitted by the same applicant) may be recommended for financing</i>, meaning: the mentioned provision will only apply in the case when two (or more) applications are submitted by the same legal entity in the role of an applicant.</p> <p>The same applies for co-applicants/affiliated entities. Namely, where a co-applicant/affiliated entity submitted more than one application (in the role of co-applicant/affiliated entity), only the application that received a higher score (among those submitted by the same co-applicant) may be recommended for financing.</p> <p>Where one legal entity has submitted two applications, once as an applicant and once as a co-applicant, it may be awarded grant contracts for both applications, since one legal entity may receive two grant contracts in the framework of this Call for Proposals, provided that the entity holds a different status in them; once as an applicant and once as a co-applicant.</p>
<p><b>7.</b> Our question regards page 13 of guidelines - number of applicants and co-applicants.</p> <p>We would like to know if we can receive funding as applicant and co-applicant at the same time. If our application as applicant is successful, can we also be awarded as co-applicants in another organization application?</p>	<p>Please refer to the answer provided for question no.6.</p>

8. 1. Should the co-applicant be a school, are the costs of the school equipment procurement necessary for the implementation of the project (photo, video and audio to, computers, posters, books) deemed eligible?

2. Is there any imposed restrictions regarding funds allocation, i.e., the minimum / maximum allowed budget share per single co-applicant?

3. Can the Curriculum Council at the Ministry of Education be a target group in the project?

4. Is there a possibility of viewing frequently asked questions and answers (not found on the CFCA webpages)

5. Should the co-applicant be a school, are the costs of the teachers' per diem allowances deemed eligible (if necessary for the implementation of the project)?

1. Regarding eligibility of costs, please refer to Guidelines for Applicants section 2.1.5. in connection with Article 14 of the General Conditions (hereafter: GC) to the Standard Grant Contract (see Annex G). Please note that according to mentioned article 14 of GC, which defines eligibility of costs incurred by the Beneficiary(ies) and GfA which in point 2.1.1. clearly state: *If awarded the Grant contract, the co-applicant(s) will become beneficiaries in the Action (together with the Coordinator), the costs incurred by the co-applicant are in general, eligible, providing they conform to other eligibility criteria. Furthermore, regarding procurement of services/supplies/works please refer to the answer provided for question no. 5.*

2. Please note that Guidelines for Applicants do not prescribe any specific restriction regarding allocation of funds per co-applicants, except in the case when the applicant proposed one or more costs using simplified cost option as a form of reimbursement, in which case GfA in section 2.1.5. state as follows: *The total amount of financing on the basis of simplified cost options that can be authorised by the Contracting Authority for any of the applicants individually (including simplified cost options proposed by their own affiliated entities) cannot exceed EUR 60 000 (the indirect costs are not taken into account).*

3. Please note that target groups are specific for every project; nevertheless, please note that the Specific objectives of this Call for Proposals (CfP) are:

1) to affirm civil society organisations as equal partners in ensuring consistent enforcement of human rights

2) to build networks between CSOs, as well as inter-institutional cooperation and networks to help access to human rights of vulnerable groups.

Having in mind the above said, please note that vulnerable groups are listed in section 1.1. *Background* of the Guidelines for Applicants (as indicated also on page 22 of the GfA), among others defining them as *minority groups (especially members of the Roma national minority and members of sexual minorities), the homeless, unemployed, children without adequate parental care, young people, mentally ill persons, or groups at risk of poverty and social exclusion in general cannot exercise full access to human rights only through legal instruments.*

Furthermore, since one of the evaluation criteria as listed in section 2.3. *Evaluation and selection of applicants*, evaluation grid for assessment of concept notes on relevance of the action is: *How clearly defined and strategically chosen are those involved (final beneficiaries, target groups)? Have their needs been clearly defined and does the proposal address them appropriately?*, it is clear that Contracting Authority cannot give its prior opinion on possible target groups, in line with section 2.2.4. of GfA, as already stated in answer no. 1.

4. All the potential applicants which submitted questions in line with section 2.2.4. of the Guidelines for Applicants, *Further information about Concept Notes*, (i.e. sent by e-mail or by fax no later than 21 days before the deadline for the submission of Concept Notes to the address(es) below, indicating clearly the reference of the Call for Proposals:

E-mail address: [procurement@safu.hr](mailto:procurement@safu.hr), Fax: +385 1 4591 075) have been duly informed that *in line with Guidelines for Applicants*,

*article 2.5.2. Indicative timetable, and in interest of equal treatment of all applicants, all relevant questions and answers will be published on 16th June 2014 at the latest on the following web page:*

<http://www.safu.hr/hr/natjecaji/pregled/398/jacanje-kapaciteta-organizacija-civilnog-drustva-za-osiguravanje-djelotvorne-provedbe-standarda-eu-u-ostvarenju-ljudskih-prava>.

5. Regarding the eligibility of costs please refer to Guidelines for Applicants section 2.1.5. in connection with Article 14 of the General Conditions to the Standard Grant Contract (see Annex G). More specifically, please refer to Article 14.2. b) *travel and subsistence costs for staff and other persons taking part in the Action, provided they do not exceed those normally borne by the Beneficiary(ies) according to its rules and regulations, or the rates published by the European Commission at the time of such mission if reimbursed on the basis of simplified cost options.*

Notwithstanding the above rule, please note that *the Contracting Authority cannot give a prior opinion on the eligibility of applicants, affiliated entity(ies), an action, specific activities or costs.*