

CALL FOR PROPOSALS – SESAR-2017-1

VLD GEOFENCING

One stage procedure

1. INTRODUCTION – BACKGROUND

The present call is funded through European Parliament funds and focuses on Active Geofencing Service covering a specific Action of the European Parliament. As such the European Commission has entrusted the SJU with the preparation and management of the call for proposals and the resulting grant for the demonstration of web based geofencing solutions that use location signals to prevent drones from flying into no-fly zones.

Legal basis for the present call for proposals is the SESAR Joint Undertaking (SJU) Single Programming Document (SPD) 2017-2019 adopted the Decision of its Administrative Board ADB (D) 22-206 of 15 December 2016. Geofencing activities are defined in section 2.2.3 Strategic Area of Operation 3: Deliver Very Large Scale Demonstration Activities, and further described in section 3.1.6 Calls and Grants Management in 2017.

SJU objective under this call is to further develop the knowledge of the operation and required technology that will allow the implementation of Active Geofencing Service (AGS) to prevent the incursion of drones into protected areas.

In this context, this call for proposals targets demonstrations of web-based Geofencing solutions that use location signals to prevent drones from flying in “no-fly zones”¹.

The SJU is looking to award 1 project for this purpose, with a maximum duration of 18 months, covering the following scope: **Integrating Remotely Piloted Aircraft Systems (RPAS) in the European airspace using an Active Geofencing Service (AGS)** – demonstrate the benefits of an Active Geofencing Service for drones for operations below 150 metres (500 feet) and propose the necessary deployment actions to fully deliver the benefits claimed.

2. OBJECTIVE(S) – THEME(S) – PRIORITIES

This section is developed in Annex I “Technical specifications”.

3. TIMETABLE

	Stages	Date and time or indicative period ²
a)	Publication of the call	15 September 2017
b)	Deadline for submitting applications	15-22 November 2017 at 11.30 am (Brussels time)

¹ “No-fly zones” can be generated, monitored and controlled by the responsible authorities.

² The timeline provided in this table may be exceeded in exceptional cases, in particular for complex actions, if there is a large number of proposals or due to delays attributable to the applicants.

c)	Evaluation period	December 2017
d)	Information to applicants	December 2017 – January 2018
e)	Signature of grant agreement	Q1 2018

4. BUDGET AVAILABLE

The total budget earmarked for the co-financing of projects is estimated at EUR 500 000.

The SJU expects to fund **one** project as a result of this call for proposals.

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

5. ADMISSIBILITY REQUIREMENTS

- a) Deadline: Applications must be sent no later than the deadline for submitting applications referred to in section 3.
- b) Means: Applications must be submitted in writing (see section 14), using the application form available at <http://www.sesarju.eu/procurement>.
- c) Languages: Applications must be drafted in one of the EU official languages.

It should be noted that English is the working language of the SESAR Joint Undertaking. Although not an admissibility requirement, applicants submitting applications in a language other than English are recommended to submit an English translation of the summary of the proposal. This is recommended for the only purpose of speeding up the evaluation process.

Failure to comply with those requirements will lead to the rejection of the application.

6. ELIGIBILITY CRITERIA³

6.1. ELIGIBLE APPLICANTS

The following criteria in terms of type of entity, composition and geographical balance apply.

I. Type of entities

Non-profit organisation (private or public), public authorities (national, regional, local), international organisations, universities, educational institutions, research centres, profit making entities.

II. Geographical coverage

Only applications from legal entities established in the following countries are eligible:

- EU Member States;
- EFTA and EEA countries: Iceland, Liechtenstein, Norway, Switzerland.

III. Composition and geographical balance

³ Article 131 FR, 201 RAP

Both single applicants, and applicants set up as a Consortium may apply:

i. In case of Consortia

Proposals must involve a minimum of two legal entities. As such, the consortium will have at least one Coordinator and one partner:

- The Coordinator shall be based in a EU Member State, and
- The partner may be based either in a different Member State or in an EFTA and EEA country (ies).

ii. In case of a single applicant

A single applicant is eligible to send a proposal as long as the applicant is bringing at least one affiliate⁴.

- The applicant shall be based in an EU Member State and,
- The affiliate shall be based either in a different Member State or an EFTA and EEA country (ies).

IV. Non eligible applicants

- **Natural persons are not eligible.**

Nota bene for British applicants: *Eligibility criteria must be complied with for the entire duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article 17(3)(1)(a) of the grant agreement.*

In order to assess the applicants' eligibility, the following supporting documents are requested:

Examples of supporting documents:

- **private entity:** extract from the official journal, copy of articles of association, extract of trade or association register, certificate of liability to VAT (if, as in certain countries, the trade register number and VAT number are identical, only one of these documents is required);
- **public entity:** copy of the resolution, decision or other official document establishing the public-law entity ;
- **entities without legal personality:** documents providing evidence that their representative(s) have the capacity to undertake legal obligations on their behalf.

6.2. ELIGIBLE ACTIVITIES

Types of activities eligible under this call for proposals are listed below:

- conferences, seminars;
- awareness and dissemination actions;
- studies, analyses, mapping projects;

⁴ Affiliated entities are legal entities having a legal or capital link with applicants, which is neither limited to the action nor established for the sole purpose of its implementation, may take part in the action as affiliated entities. For that purpose, applicants shall identify such affiliated entities in the application form.

- research activities:
 - setting up of prototypes and demonstrators;
 - testing in real life operating conditions.

The following types of activities are NOT eligible under this call for proposals:

- Activities carried out outside the EU if they are prohibited in all Member States.
- The beneficiaries must ensure that the activities under the action have an exclusive focus on civil applications.

6.3. IMPLEMENTATION PERIOD

- activities are to be completed by *30/08/2019*
- the maximum duration of projects is *15 months*;

Applications for projects scheduled to run for a longer period than that specified in this call for proposals will not be accepted.

7. EXCLUSION CRITERIA

7.1. EXCLUSION

The purpose of exclusion criteria is to eliminate applicants whose future existence or actual ability to regularly implement the action/~~work programme~~ is under question, situations referred in Articles 106(1) and 107 of the FR. Please note that the check on exclusion criteria also apply to the affiliated entities.

The authorising officer shall exclude an applicant from participating in call for proposals procedures where:

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

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

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

- (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract, a grant agreement or a grant decision;
- (ii) entering into agreement with other applicants with the aim of distorting competition;
- (iii) violating intellectual property rights;

- (iv) attempting to influence the decision-making process of the JU during the award procedure;
 - (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- (d) it has been established by a final judgment that the applicant is guilty of any of the following:
- (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;
 - (ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the law of the country where the contracting authority is located, the country in which the applicant is established or the country of the performance of the contract;
 - (iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;
 - (iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;
 - (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
 - (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;
- (e) the applicant has shown significant deficiencies in complying with main obligations in the performance of a contract, a grant agreement or a grant decision financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an authorising officer, OLAF or the Court of Auditors;
- (f) it has been established by a final judgment or final administrative decision that the applicant has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95.
- (g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
- (i) facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
 - (ii) non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
 - (iii) decisions of the ECB, the EIB, the European Investment Fund or international organisations;

- (iv) decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law.
- (v) decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

7.2. REMEDIAL MEASURES

If an applicant declares one of the situations of exclusion listed above (see section 7.4), it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to the declaration. This does not apply for situations referred in point (d) of section 7.1.

7.3. REJECTION FROM THE CALL FOR PROPOSALS

The SJU shall not award a grant to an applicant who:

- a. is in an exclusion situation established in accordance with section 7.1⁵;
- b. has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information;
- c. was previously involved in the preparation of calls for proposal documents where this entails a distortion of competition that cannot be remedied otherwise.

The same exclusion criteria apply to affiliated entities.

Administrative and financial penalties may be imposed on applicants, or affiliated entities where applicable, who are guilty of misrepresentation.

7.4. SUPPORTING DOCUMENTS⁶

- (1) Applicants, including their affiliated entities, must provide a **declaration on their honour**⁷ certifying that they are not in one of the situations referred to in articles 106(1) and 107 FR, by filling in the relevant form attached to the application form accompanying the call for proposals and available at <http://www.sesarju.eu/procurement>.

This obligation may be fulfilled in one of the following ways:

a) for mono beneficiary grants

- (i) the applicant signs a declaration in its name and on behalf of its affiliated entities OR
- (ii) the applicant and its affiliated entities sign each a separate declaration in their own name

b) for multi beneficiaries grants

- (i) the coordinator of a consortium signs a declaration on behalf of all applicants and their affiliated entities OR
- (ii) each applicant in the consortium signs a declaration in its name and on behalf its affiliated entities OR

⁵ Article 106 FR

⁶ Article 197 RAP

⁷ Please note that this declaration provides evidence on Eligibility, Exclusion and Selection

(iii) each applicant in the consortium and the affiliated entities sign each a separate declaration in their own name

8. SELECTION CRITERIA⁸

Selection criteria should enable an assessment of the applicant's ability to complete the proposed action or work programme. The necessary ability of the applicant must be assessed under both aspects, financial and operational.

8.1. FINANCIAL CAPACITY⁹

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the duration of the grant and to participate in its funding.

The applicants' financial capacity will be assessed on the basis of the following supporting documents to be submitted with the application:

(1) a declaration on their honour and

EITHER

(2) the profit and loss account as well as the balance sheet for the last financial year for which the accounts were closed; for newly created entities: the business plan might replace the above documents;

OR

(2) the table provided for in the application form, filled in with the relevant statutory accounting figures, in order to calculate the ratios as detailed in the form.

(3) Appropriate statement from banks or tax declaration or evidence of professional risk indemnity insurance.

In the case of legal entities forming **one** applicant (the "sole applicant"), as specified in section 6.1, the above requirements apply to each one of those entities.

On the basis of the documents submitted, if the SJU considers that financial capacity is weak, s/he may:

- request further information;
- decide not to give pre-financing;
- decide to give pre-financing paid in instalments;
- decide to give pre-financing covered by a bank guarantee (see section 11.4 below);
- where applicable, require the joint and several financial liability of all the co-beneficiaries.

If the SJU considered that the financial capacity is insufficient s/he will reject the application.

8.2. OPERATIONAL CAPACITY¹⁰

Applicants must have the professional competencies, in terms of composition and expertise, as well as appropriate qualifications necessary to complete the proposed action.

⁸ Article 132 FR, 202 RAP

⁹ Article 131, 132 FR, 202 RAP

¹⁰ Article 131 FR, 202 RAP.

8.2.1. Composition

The applicant shall be composed of a minimum of:

1. Two (2) Active Geofencing Service (AGS) providers.
2. Two (2) drone operators, understood as a company operating drones which provide a service to third entities as a commercial activity.

An AGS provider could also be a drone operator.

As such, the applicant will be composed of at least 1 coordinator + 1 partner. It could be a consortium or a single applicant with affiliate(s). For instance, it is possible that for a single applicant the AGS provider or drone operators are affiliates.

The drones to be used for the demonstrations should come from at least 2 (two) different drone manufacturers.

8.2.2. Capacity

The applicant (consortium or single applicant) must have the following minimum operational capacity in terms of professional competencies and technology necessary to complete the proposed action.

8.2.2.1. For the Consortium or the single applicant (with its affiliates)

The expertise required is defined in terms of technology brought forward and technical expertise of the Consortium/applicant. It should be noted that the criteria could be met completely by a member of the consortium or spread over several members.

(a) Regarding the technology proposed (brought into the project) for the demonstrations, the DRONES

- I. Typology: A variety of drones (more than one type, e.g.: fixed wing, multi rotor etc... – Please note that this list is not exhaustive).
- II. Manufacturing: By at least two (2) different drone manufacturers. Drones could be provided by the drone operators or drone manufacturer(s), partner(s) to the consortium/applicant.

NOTA BENE: Some examples on how to bring forward the required technology:

- A drone operator (OpA) brings 1 type of drone (T1) from a drone manufacturer (X) and the other drone operator (OpB) brings another type of drones (T2), from another drone manufacturer (Y).
- The consortium includes a drone manufacturer to meet these requirements when these are not completely fulfilled by the drone operators.

(b) Regarding the expertise of the applicant

- III. Demonstrate knowledge and experience in activities related to Air Traffic Management: at least one member of the consortium.

8.2.2.2. For the AGS providers

All entities providing AGS shall possess at least the following:

- IV. Two (2) years of experience in providing services for drones operators.
- V. Knowledge and awareness of the challenges linked to the establishment of an AGS.
- VI. Proof of the availability of a solution for AGS even as a prototype or a beta version.

8.2.2.3. For drone operators

VII. All drone operators involved in the projects shall have at least 2 years of experience in operating drones for commercial applications.

8.2.3. Evidence to be provided

In this respect, applicants have to submit:

- (4) curriculum vitae or description of the profile of the people primarily responsible for managing and implementing the operation (accompanied where appropriate, like in the field of research and education, by a list of relevant publications);
- (5) the organisation's activity reports;
- (6) an exhaustive lists of previous projects and activities performed and connected to the policy field of a given call or to the actions to be carried out;
- (7) a description of the technical equipment, tools or facilities and patents at the disposal of the applicant;

In the case of legal entities forming **one** applicant (the "sole" applicant), as specified in section 6.1, the above requirements apply to each one of those entities.

9. AWARD CRITERIA¹¹

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

Criteria	Excellence <i>The following aspects will be taken into account, to the extent that the proposed work corresponds to the topic description</i>	Impact <i>The extent to which the outputs of the project, as defined in the proposal should contribute at the European and/or International level to the expected impacts</i>	Quality & efficiency of the implementation <i>The following aspects will be taken into account:</i>
Sub-criteria	1. Clarity and pertinence of the proposal. 2. Soundness of the Concept; and feasibility of the proposed methodology 3. Added value to the SESAR Programme and benefits are clearly described	1. The expected impact on the deployment of the Active Geofencing Service (AGS) in line with the current policy framework is clearly described. 2. The proposal clearly explains to what extent the project contributes to the related standardisation activities (when	1. Coherence and effectiveness of the proposed work plan. 2. Appropriateness of the proposed management structure and procedures. 3. Suitability of the proposed resources assigned to each activity in terms of skills and proposed material. 4. Consistency between the expected project results and the estimated budget.

¹¹ Article 132 FR, 203 RAP

	(ambition).	relevant).	
		3. Effectiveness of the proposed communication activities for promoting the projects and its outcome.	
Weight (%):	40	40	20
Threshold per Criteria (n/5):	3	3	3
Overall Pass Threshold (%):	70		

10. LEGAL COMMITMENTS¹²

In the event of a grant awarded by the SJU, a grant agreement, drawn up in euro and detailing the conditions and level of funding, will be sent to the applicant, as well as the information on the procedure to formalise the agreement of the parties.

The 2 copies of the original agreement must be signed first by the beneficiary on behalf of the consortium and returned to SJU immediately. SJU will sign it last.¹³

11. FINANCIAL PROVISIONS

11.1. ELIGIBLE COSTS

Eligible costs shall meet all the following criteria:

- they are incurred by the beneficiary.
- they are incurred during the duration of ~~{the action}~~ ~~{the work programme}~~, with the exception of costs relating to final reports and audit certificates;
 - The period of eligibility of costs will start as specified in the grant agreement.
 - If a beneficiary can demonstrate the need to start the action before the agreement is signed, the costs eligibility period may start before that signature. Under no circumstances can the eligibility period start before the date of submission of the grant application.
- they are indicated in the estimated budget;
- they are necessary for the implementation of ~~{the action}~~ ~~{the work programme}~~ which is the subject of the grant;

¹² Article 121 FR, 174 RAP

- they are identifiable and verifiable, in particular being recorded in the accounting records of the beneficiary and determined according to the applicable accounting standards of the country where the beneficiary is established and according to the usual cost accounting practices of the beneficiary;
- they comply with the requirements of applicable tax and social legislation;
- they are reasonable, justified, and comply with the requirements of sound financial management, in particular regarding economy and efficiency.

The beneficiary's internal accounting and auditing procedures must permit direct reconciliation of the costs and revenue declared in respect of the action/project with the corresponding accounting statements and supporting documents.

The same criteria apply to costs incurred by the affiliated entities.

Eligible costs may be direct or indirect.

11.1.1. Eligible direct costs

The eligible direct costs for the action are those cost which:

with due regard for the conditions of eligibility set out above, are identifiable as specific costs directly linked to the performance of the [action][the work programme] and which can therefore be booked to it directly, such as :

- (a) *the costs of personnel working under an employment contract with the beneficiary or an equivalent appointing act and assigned to the action, provided that these costs are in line with the beneficiary's usual policy on remuneration.*

Those costs include actual salaries plus social security contributions and other statutory costs included in the remuneration. They may also comprise additional remunerations, including payments on the basis of supplementary contracts regardless of the nature of those contracts, provided that they are paid in a consistent manner whenever the same kind of work or expertise is required, independently from the source of funding used;

The costs of natural persons working under a contract with the beneficiary other than an employment contract or who are seconded to the beneficiary by a third party against payment may also be included under such personnel costs, provided that the following conditions are fulfilled:

- (i) *the person works under conditions similar to those of an employee (in particular regarding the way the work is organised, the tasks that are performed and the premises where they are performed);*
- (ii) *the result of the work belongs to the beneficiary (unless exceptionally agreed otherwise); and*
- (iii) *the costs are not significantly different from the costs of staff performing similar tasks under an employment contract with the beneficiary;*

The recommended methods for calculation of direct personnel costs are provided in Appendix..

- (b) *costs of travel and related subsistence allowances, provided that these costs are in line with the beneficiary's usual practices on travel;*
- (c) *the depreciation costs of equipment or other assets (new or second-hand) as recorded in the beneficiary's accounting statements, provided that the asset:*

(i) is written off in accordance with the international accounting standards and the beneficiary's usual accounting practices; and

(ii) has been purchased in accordance with the rules on implementation contracts laid down in the grant agreement, if the purchase occurred within the implementation period;

The costs of renting or leasing equipment or other assets are also eligible, provided that these costs do not exceed the depreciation costs of similar equipment or assets and are exclusive of any finance fee;

Only the portion of the equipment's depreciation, rental or lease costs corresponding to the implementation period and the rate of actual use for the purposes of the action may be taken into account when determining the eligible costs. By way of exception, the full cost of purchase of equipment may be eligible under the Special Conditions, if this is justified by the nature of the action and the context of the use of the equipment or assets;

(d) costs of consumables and supplies, provided that they:

(i) are purchased in accordance with the rules on implementation contracts laid down in the grant agreement; and

(ii) are directly assigned to the action;

(e) costs arising directly from requirements imposed by the Agreement (dissemination of information, specific evaluation of the action, audits, translations, reproduction), including the costs of requested financial guarantees, provided that the corresponding services are purchased in accordance with the rules on implementation contracts laid down in the grant agreement;

(f) costs entailed by subcontracts, provided that specific conditions on subcontracting as laid down in the grant agreement are met;

(g) costs of financial support to third parties, provided that the conditions laid down in the grant agreement are met;

(h) duties, taxes and charges paid by the beneficiary, notably value added tax (VAT), provided that they are included in eligible direct costs, and unless specified otherwise in the grant agreement.

11.1.2. Eligible indirect costs (overheads)¹⁴

Indirect costs are costs that are not directly linked to the action implementation and therefore cannot be attributed directly to it.

A flat-rate amount of 7 %¹⁵ of the total eligible direct costs of the action, is eligible as indirect costs, representing the beneficiary's general administrative costs which can be regarded as chargeable to the action/project.

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

¹⁴ Indirect costs do not apply to operating grants

¹⁵ Unless otherwise indicated in a basic act or authorised by a Commission decision, the flat-rate for indirect costs is up to a maximum of 7% (Article 124(4) FR).

11.2. INELIGIBLE COSTS

The list provided hereunder must be considered as a minimum reference list and must be fully complied with:

- a) *return on capital and dividends paid by a beneficiary;*
- b) *debt and debt service charges;*
- c) *provisions for losses or debts;*
- d) *interest owed;*
- e) *doubtful debts;*
- f) *exchange losses;*
- g) *costs of transfers from SJU charged by the bank of a beneficiary;*
- h) *costs declared by the beneficiary under another action receiving a grant financed from the Union budget. Such grants include grants awarded by a Member State and financed from the Union budget and grants awarded by bodies other than SJU for the purpose of implementing the Union budget. In particular, beneficiaries receiving an operating grant financed by the EU or Euratom budget cannot declare indirect costs for the period(s) covered by the operating grant, unless they can demonstrate that the operating grant does not cover any costs of the action.*
- i) *contributions in kind from third parties;*
- j) *excessive or reckless expenditure;*
- k) *deductible VAT*

11.3. FORM OF THE GRANT - REIMBURSEMENT OF COSTS ACTUALLY INCURRED

The present grant will take the form of Reimbursement of costs actually incurred

The grant will be defined by applying a maximum co-financing rate of 70 % to the eligible costs actually incurred and declared by the beneficiary and its affiliated entities.

11.4. BALANCED BUDGET¹⁶

The estimated budget of the action must be attached to the application form. It must have revenue and expenditure in balance. A model for the budget structure is attached in Annex II b.

The budget must be drawn up in euros.

Applicants from countries outside the euro zone may use [the conversion rates published in the Official Journal of the European Union, series C, during the month in which they are submitting the application] or [the monthly rate published on the Commission's website at www.ec.europa.eu/budget/inforeuro/].

The applicant must ensure that the resources which are necessary to carry out the action are not be entirely provided by the EU grant.

Co-financing of the action may take the form of:

- the beneficiary's own resources,
- income generated by the action or work programme,
- financial contributions from third parties.

¹⁶Article 196.2 RAP

Overall co-financing may also include in-kind contributions from third parties, i.e. non-financial resources made available free of charge by third parties to the beneficiary or to the consortium.¹⁷ The corresponding costs of third parties are not eligible under the grant, e.g. volunteer work, providing a meeting room for free, etc.

The value of the contribution in kind must not exceed:

- either the costs actually borne and duly supported by accounting documents;
- or, in the absence of such documents, the costs generally accepted on the market in question.

In-kind contributions shall be presented separately in the estimated budget to reflect the total resources allocated to the action. Their unit value is evaluated in the provisional budget and shall not be subject to subsequent changes.

In-kind contributions shall comply with national tax and social security rules.

11.5. CALCULATION OF THE FINAL GRANT AMOUNT

The final amount of the grant is calculated by SJU at the time of the payment of the balance. The calculation involves the following steps:

Step 1 — Application of the reimbursement rate to the eligible costs

The amount under step 1 is obtained by application of the reimbursement rate specified in section 11.3.1 to the eligible costs accepted by SJU.

Step 2 — Limit to the maximum amount of the grant

The total amount paid to the beneficiaries by SJU may in no circumstances exceed the maximum amount of the grant as indicated in the grant agreement. If the amount obtained following Step 1 is higher than this maximum amount, the final amount of the grant is limited to the latter.

Step 3 — Reduction due to the no-profit rule

‘Profit’ means the surplus of the amount obtained following Steps 1 and 2 plus the total receipts of the action, over the total eligible costs of the action.

The total eligible costs of the action are the consolidated total eligible costs approved by SJU. The total receipts of the action are the consolidated total receipts established, generated or confirmed on the date on which the request for payment of the balance is drawn up by the beneficiary.

The following are considered receipts:

- (a) income generated by the action;
- (b) financial contributions given by third parties to a beneficiary or to an affiliated entity, if they are specifically assigned by the third parties to the financing of the eligible costs of the action reimbursed by SJU.

¹⁷ Article 127 FR

The following are not considered receipts:

- (a) financial contributions by third parties, if they may be used to cover costs other than the eligible costs under the grant agreement;
- (b) financial contributions by third parties with no obligation to repay any amount unused at the end of the implementation period.

If there is a profit, it will be deducted in proportion to the final rate of reimbursement of the actual eligible costs of the action approved by SJU.

Step 4 — Reduction due to improper implementation or breach of other obligations.

SJU may reduce the maximum amount of the grant if the action has not been implemented properly (i.e. if it has not been implemented or has been implemented poorly, partially or late), or if another obligation under the Agreement has been breached.

The amount of the reduction will be proportionate to the degree to which the action has been implemented improperly or to the seriousness of the breach.

11.6. REPORTING AND PAYMENT ARRANGEMENTS¹⁸

The beneficiary may request the following payments provided that the conditions of the grant agreement are fulfilled (e.g. payment deadlines, ceilings, etc.).

Proposals shall provide a milestone payment plan, within the limits of the provisions of the model grant agreement and the table below, including their intention on requesting or not a pre-financing payment. It should be noted of pre-financing, a bank guarantee, further details in section 11.7 below, will be requested.

Any payment requests shall be accompanied by the documents provided below and detailed in the grant agreement:

¹⁸ Article 90, 135 FR, 207 RAP

Payment request	Accompanying documents
<p>A pre-financing payment¹⁹ corresponding to maximum 50% of the grant amount</p> <p>If explicitly requested in the application.</p>	<p>(a) bank guarantee (see section 11.6.2)</p>
<p>Payment of the balance</p> <p>SJU will establish the amount of this payment on the basis of the calculation of the final grant amount (see section 11.5 above). If the total of earlier payments is higher than the final grant amount, the beneficiary will be required to reimburse the amount paid in excess by SJU through a recovery order²⁰.</p>	<p>(a) final technical report;</p> <p>(b) final financial statement;</p> <p>(c) summary financial statement aggregating the financial statements already submitted previously and indicating the receipts;</p> <p>(d) a certificate on the financial statements and underlying accounts.</p>

In case of a weak financial capacity section 8.1 above applies.

11.7. PRE-FINANCING GUARANTEE²¹

A pre-financing guarantee for up to the same amount as the pre-financing may be requested in order to limit the financial risks linked to the pre-financing payment.

The financial guarantee, in euro, shall be provided by an approved bank or financial institution established in one of the EU Member States. When the beneficiary is established in a third country, SJU may agree that a bank or financial institution established in that third country may provide the guarantee if it considers that the bank or financial institution offers equivalent security and characteristics as those offered by a bank or financial institution established in a Member State. Amounts blocked in bank accounts shall not be accepted as financial guarantees.

The guarantee may be replaced by:

- a joint and several guarantee by a third party or,
- a joint guarantee of the beneficiaries of an action who are parties to the same grant agreement.

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

11.8. OTHER FINANCIAL CONDITIONS

(a) Non-cumulative award²²

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

In no circumstances shall the same costs be financed twice by the Union budget. To ensure this, applicants shall indicate in the grant application the sources and amounts of Union funding received or applied for the same action or part of the action or for its (the

¹⁹ Article 109, 110 RAP

²⁰ Article 109, 110 RAP

²¹ Article 134 FR, 206 RAP

²² Article 129 FR

applicant's) functioning during the same financial year as well as any other funding received or applied for the same action.²³

(b) Non-retroactivity²⁴

No grant may be awarded retrospectively for actions already completed.

A grant may be awarded for an action which has already begun only where the applicant can demonstrate in the grant application the need to start the action before the grant agreement is signed.

In such cases, costs eligible for financing may not have been incurred prior to the date of submission of the grant application²⁵.

(c) Implementation contracts/subcontracting²⁶

Where the implementation of the action requires the award of procurement contracts (implementation contracts), the beneficiary must award the contract to the bid offering best value for money or the lowest price (as appropriate), avoiding conflicts of interests.

The beneficiary is expected to clearly document the tendering procedure and retain the documentation for the event of an audit.

Entities acting in their capacity of contracting authorities in the meaning of Directive 2014/24/EU²⁷ or contracting entities in the meaning of Directive 2014/25/EU²⁸ must comply with the applicable national public procurement rules.

Beneficiaries may subcontract tasks forming part of the action. If they do so, they must ensure that, in addition to the above-mentioned conditions of best value for money and absence of conflicts of interests, the following conditions are also complied with:

- a) subcontracting does not cover core tasks of the action;
- b) recourse to subcontracting is justified because of the nature of the action and what is necessary for its implementation;
- c) the estimated costs of the subcontracting are clearly identifiable in the estimated budget;
- d) any recourse to subcontracting, if not provided for in description of the action, is communicated by the beneficiary and approved by SJU. SJU may grant approval:
 - (i) before any recourse to subcontracting, if the beneficiaries requests an amendment
 - (ii) after recourse to subcontracting if the subcontracting:
 - is specifically justified in the interim or final technical report and
 - does not entail changes to the grant agreement which would call into question the decision awarding the grant or be contrary to the equal treatment of applicants;

²³ Article 196.4 RAP

²⁴ Article 130 FR

²⁵ If the basic act contains a derogation and allows eligibility of certain costs incurred before the submission of the application please refer to this derogation in the text of the call for proposals and adapt the model grant agreement published with the call.

²⁶ Article 137 FR, 209 RAP

²⁷ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC

²⁸ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC

- e) the beneficiaries ensure that certain conditions applicable to beneficiaries, enumerated in the grant agreement (e.g. visibility, confidentiality, etc.), are also applicable to the subcontractors.

(d) Financial support to third parties²⁹

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

12. PUBLICITY

12.1. BY THE BENEFICIARIES

Beneficiaries must clearly acknowledge the European Union's contribution under the SESAR Joint Undertaking projects in all publications or in conjunction with activities for which the grant is used.

In this respect, beneficiaries are required to display the SJU logo and European Union emblem on all their publications, posters, programmes and other products realised under the co-financed project. When displayed together with another logo, the JU logo and the European Union emblem must have appropriate prominence.

To do this they must use the text, the emblem and the disclaimer available at <http://www.sesarju.eu/sites/default/files/documents/2017%20SESAR%20Guideline-FINAL.pdf> page 8.

In addition, any publications and/or communication related to the activities covered by the grant, made by the beneficiaries in any form and using any means, must indicate that it reflects only the author's view and that SJU or the European Union is not responsible for any use that may be made of the information it contains.

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

12.2. BY SJU³⁰

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

SJU will publish the following information:

- name of the beneficiary;
- address of the beneficiary when the latter is a legal person, region when the beneficiary is a natural person, as defined on NUTS 2 level³¹ if he/she is domiciled within EU or equivalent if domiciled outside EU;
- subject of the grant;
- amount awarded.

Upon a reasoned and duly substantiated request by the beneficiary, the publication shall be waived if such disclosure risks threatening the rights and freedoms of individuals concerned as protected by

²⁹ Article 137 FR, 210 RAP

³⁰ Article 35, 128.3 FR, 21, 191 RAP

³¹ European Union Official Journal L 39, of 10 February 2007

the Charter of Fundamental Rights of the European Union or harm the commercial interests of the beneficiaries.

13. PROCESSING OF PERSONAL DATA

The reply to any call for proposals involves the recording and processing of personal data (such as name, address and CV). Such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, the questions and any personal data requested that are required to evaluate the application in accordance with the call for proposal will be processed solely for that purpose by the SESAR Joint Undertaking.

Personal data may be registered in the Early Detection and Exclusion System by the Commission, should the beneficiary be in one of the situations mentioned in Article 106(1) and 107 of the Financial Regulation 966/2012³² (for more information see the Privacy Statement on:

http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_edes_en.pdf).

Processing of personal data within the frame of the project shall comply with Directive 46/1995³³, and relevant national legislation in place, and as from 25 May 2018 with Regulation 2016/679³⁴.

14. PROCEDURE FOR THE SUBMISSION OF PROPOSALS

Proposals must be submitted by the deadline set out under section 3.

No modification to the application is allowed once the deadline for submission has elapsed. However, if there is a need to clarify certain aspects or to correct clerical mistakes, SJU may contact the applicant during the evaluation process³⁵.

Applicants will be informed in writing about the results of the selection process.³⁶

Application forms are available at <http://www.sesarju.eu/procurement>.

Applications must be submitted in the correct Application form, duly completed and dated. They must be submitted in:

- 3 paper copies (one original clearly identified as such, plus two copies). The original paper version of the application must be marked “**ORIGINAL**”, initialled (each page) and signed by the person authorised to enter into legally binding commitments on behalf of the applicant organisation.
- 1 electronic copy (in PDF format) submitted on a CD-ROM or memory stick.

Applications must be clear and concise, perfectly legible so that there can be no doubt as to words and figures, include continuous page numbering, and assembled in a coherent fashion (e.g. bound or stapled).

³² <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32012R0966>

³³ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31)

³⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, “GDPR”) (Text with EEA relevance)

³⁵ Article 96 FR

³⁶ Article 133 FR, 205 RAP

It is recommended that the proposals are submitted in environmentally friendly way, e.g. double side printing, limiting attachments to what is required in this call for proposal (i.e. no additional material) and avoiding plastic folders and binders.

Applications must be sent to the following address³⁷:

**SESAR Joint Undertaking
Grant Management team
Avenue de Cortenbergh, 100
B-1000 Brussels
BELGIUM**

- by post, date as postmark;
- in person, date as receipt,
- by courier service, date of receipt by the courier service.

Applications sent by fax or e-mail will not be accepted.

The applicants are strongly advised to use the delivery service offering tracking option of the sent items. Any proposal received-submitted by to the SJU after the deadline, ~~even when sent before the deadline but received by the SJU after the deadline~~, will not be examined and returned unopened to the applicant.

[When submitting their applications, applicants are strongly encouraged to send an email \(without any attachment\) to the following functional mailbox: info-call@sesarju.eu, informing the SJU of the name/title of their proposal and confirmation of its submission.](mailto:info-call@sesarju.eu)

➤ **Contacts:**

Questions should be address to the following functional mailbox:

info-call@sesarju.eu

➤ **Annexes:**

- Annex I: Technical Specifications
- Annex II: Application form
- Annex II a: Declaration on honour on eligibility, exclusion and selection
- Annex II b: Model budget of the action
- Annex III: Model grant agreement
- Annex IV: Execution guidelines
- Annex V: Model financial statement
- Annex VI: Model for the certificate on the financial statements
- Annex VII: Model for the certificate on the methodology

➤ **Appendix**

³⁷ Article 195.3 RAP



- Specific conditions for direct personnel costs

Appendix

Specific conditions for direct personnel costs

1. Calculation

The ways of calculating eligible direct personnel costs laid down in points (a) and (b) below are recommended and accepted as offering assurance as to the costs declared being actual.

In case beneficiary uses a different method of calculating personnel costs, SJU may accept it, if it considers that it offers an adequate level of assurance of the costs declared being actual.

a) for persons working exclusively on the action:

monthly rate for the person multiplied by number of actual months worked on the action}

The months declared for these persons may not be declared for any other EU or Euratom grant.

The **monthly rate** is calculated as follows: “*annual personnel costs for the person divided by 12*” using the personnel costs for each full financial year covered by the reporting period concerned.

If a financial year is not closed at the end of the reporting period, the beneficiaries must use the monthly rate of the last closed financial year available;

b) for persons working part time on the action

(i) If the person is assigned to the action at a fixed pro-rata of their working time:

monthly rate for the person multiplied by pro-rata assigned to the action multiplied by number of actual months worked on the action

The working time pro-rata declared for these persons may not be declared for any other EU or Euratom grant.

The monthly rate is calculated as above.

(ii) In other cases:

hourly rate for the person multiplied by number of actual hours worked on the action

or

daily rate for the person multiplied by number of actual days worked on the action

(rounded up or down to the nearest half-day)

The number of actual hours/days declared for a person must be identifiable and verifiable.

The total number of hours/days declared in EU or Euratom grants, for a person for a year, cannot be higher than the annual productive hours/days used for the calculations of the hourly/daily rate. Therefore, the maximum number of hours/days that can be declared for the grant are:

number of annual productive hours/days for the year (see below) minus total number of hours and days declared by the beneficiary, for that person for that year, for other EU or Euratom grants}.

The '**hourly/daily rate**' is calculated as follows:

annual personnel costs for the person divided by number of individual annual productive hours/days using the personnel costs and the number of annual productive hours/days for each full financial year covered by the reporting period concerned.

If a financial year is not closed at the end of the reporting period, the beneficiaries must use the hourly/daily rate of the last closed financial year available.

The 'number of individual annual productive hours/days' is the total actual hours/days worked by the person in the year. It may not include holidays and other absences (such as sick leave, maternity leave, special leave, etc). However, it may include overtime and time spent in meetings, trainings and other similar activities.

2. Records and other documentation to support the personnel costs declared as actual costs

For **persons working exclusively on the action**, where the direct personnel costs are calculated following **point (a)**, there is no need to keep time records, if the beneficiary signs a **declaration** confirming that the persons concerned have worked exclusively on the action.

For **persons assigned to the action at a fixed pro-rata of their working time**, where the direct personnel costs are calculated following **point (b)(i)**, there is no need to keep time records, if the beneficiary signs a declaration that the persons concerned have effectively worked at the fixed pro-rata on the action.

For **persons working part time on the action**, where direct personnel costs are calculated following **point (b)(ii)**, the beneficiaries must keep **time records** for the number of hours/days declared. The time records must be in writing and approved by the persons working on the action and their supervisors, at least monthly.

In the absence of reliable time records of the hours worked on the action, SJU may accept alternative evidence supporting the number of hours/days declared, if it considers that it offers an adequate level of assurance.