

1. PILOTS TYPE A CHARACTERISTICS

1.1. What is a Pilot Type A? What does it not address?

Pilot Type A projects are building on Member States or ICT PSP Associated countries initiatives and will help to ensure EU-wide interoperability of ICT-based solutions/services that are being launched or are already in operation in the Member States or ICT PSP Associated countries. They will help ensure cross border access to these services and avoid market fragmentation of innovative services and products.

Pilot Type A actions do **not** address the national deployment of the service. Only the cross border issue can be addressed by it. Only the cross border issue is eligible for co-funding.

1.2. How many Pilot Type A actions will be selected for funding?

It is intended that only two pilot A projects will be selected, one in each of the subjects which are open in this call for this kind of instrument (i.e. Objective 1.4 *Support to eCall implementation based on 112* and Objective 5.2 *eJustice services*).

In addition two existing Pilot A projects may propose project extensions.

1.3. What will be the final result?

The final outcome of the Pilot Type A project will be a set of common specifications (acceptable by all Member States and ICT PSP Associated countries) and building blocks. In the Pilot Type A project these specifications will have been validated during a minimum of 12 months usage in real conditions.

The specification should ideally also have been submitted to standardisation bodies to guarantee longterm viability. More details on the expected outcome can be found in the Workprogramme.

1.4. What is the duration of a Pilot Type A?

Pilot Type A projects are expected to last 36 months. Within these 36 months the pilot must use the service under consideration in real condition for at least 12 month to demonstrate the technical reliability of the proposed system.

1.5. How open should the results of the Pilot Type A be? How will Member States or ICT PSP Associated countries not participating in the pilot and other stakeholders know about the outcomes of the pilot, during and after the work of the pilot?

All results of the project must be open freely to any interested parties. Mechanisms such as steering and/or monitoring groups could be put in place involving, in addition to the participating States and organisations, other States, industry and relevant stake holders in view of developing consensus and harmonising and agreeing on common specifications.

2. CONSORTIUM COMPOSITION

2.1. Can public administrations be beneficiaries of a grant agreement?

In accordance with the Financial Regulation and its Implementing Rules, grants can be awarded to existing legal entities (that is, entities with legal personality). Exceptionally, entities which do not have legal personality under the applicable national law are eligible provided their representatives have the capacity to undertake legal obligations on their behalf and assume financial liability.

Governments and public administrations have participated and are participating in programmes such as eTEN, FP6 and FP7 etc. There are several examples of ministries having signed grant agreements with the EC. Generally, if the national government or administration wishing to participate in a project does not as such have legal personality, the grant agreement would be concluded with the legal person the government or administration belongs to (this could be, for example, the respective Member State in case of a participating ministry).

2.2. Can a consortium be changed - in particular be extended to include new

partners during the course of the project?

At any time during the running of a project it will be possible to change, in agreement with the Commission, the consortium either by adding partners / beneficiaries or because it is decided that partners leave the consortium.

The addition of new beneficiaries is done through the completion of the so-called Form B of the grant agreement – accession request of new legal entities to the agreement. The procedure for the accession of a new beneficiary will be described in the grant agreement. Essentially, the coordinator must request the accession of the new beneficiary in writing on behalf of the consortium and the Commission has to explicitly accept the request. The new beneficiary will be subject to a legal and financial viability validation as any other beneficiary and assume the same rights and obligations as established by the grant agreement. The date on which the new beneficiary assumes these rights and obligations is specified in the Form B.

The conditions and consequences of termination of the participation of a beneficiary will be described in the grant agreement. Either the Commission may terminate the participation of a beneficiary or a beneficiary may request to withdraw from the project. The Commission will not object to the withdrawal of a beneficiary unless this would substantially impair the implementation of the project. Normally any change of the consortium requires an update of the Description of Work (Annex I to the grant agreement), in order to clearly identify who is doing what and the budget per beneficiary. In general the conditions that need to be fulfilled when implementing changes to the consortium are: The maximum Community contribution cannot be increased. Collective technical responsibility remains applicable which implies that normally the Description of Work agreed in the negotiation process will have to be implemented. The changes in the consortium do not fundamentally change the scope and the innovation/ exploitation potential of the project and would not put in doubt the initial selection of the project. The addition of a beneficiary to the consortium can be anticipated at project negotiation stage. As indicated in the Workprogramme, the budget for this project partner needs to be included in the budget of the co-ordinator and the tasks that this project partner would have to perform will have to be described in the Description of Work at the same level of detail as the other tasks. The possibility of allowing a consortium to launch a competitive call for participation – in case this would be necessary for the implementation of the project – could be foreseen through a special condition in the grant agreement. Such mechanism should be foreseen in the application.

Proposals for Pilots Type A may foresee an extension of the partnership during the course of execution.

The need for this extension is for specific tasks, needs to be duly justified and resources for such purpose should typically not exceed 15% of the total budget of the pilot. The budget required for such an extension should be foreseen at the proposal stage and allocated to the co-ordinator.

Mechanisms such as steering and/or monitoring groups could be put in place involving, in addition to the participating States and organisations, other States, industry and relevant stake holders in view of developing consensus and harmonising and agreeing on common specifications.

2.3. Can SMEs participate and/or benefit from ICT PSP?

While the participants in Pilot Type A projects will mainly be public authorities, SMEs may also participate in a consortium (the consortium composition must however fulfil the eligibility conditions foreseen in the ICT PSP Workprogramme).

As regards Pilots Type A, SMEs shall indirectly benefit from the creation better services for SMEs. The ICT PSP offers both direct and indirect benefits for innovative SMEs in

the ICT sector and for SMEs that can make good use of ICT to improve their products, services and business processes.

2.4. Can entities established in countries outside the European Union participate in ICT PSP? Under what conditions?

Legal entities established in countries which have associated themselves with the programme (and have therefore made a financial contribution to the ICT PSP) may participate on the same basis as organisations in Member states.

Up to date information on which countries are associated to the programme is provided to applicants on the ICT PSP website

http://ec.europa.eu/information_society/activities/ict_psp/about/third_country/index_en.htm as soon as it is available.

The Community may also allow participation of entities from other countries which are not associated to the Programme in individual actions on a case-by-case basis. Such entities will not receive Community funding, and do not count towards the minimum number of partners required in the consortium (see below).

2.5. How many partners must participate in the consortium for Pilot Type A?

The consortium must include at least six relevant national administrations or legal entities designated to act on their behalf from six different Member States or ICT PSP Associated countries to be eligible for Pilot Type A. (Different minima apply to the two objectives which involve extensions to existing Pilot A projects).

2.6. Who should coordinate the consortium?

Any willing and competent legal entity can coordinate the project. The organisation proposed to manage the project must be in the position to coordinate a large international cooperation project and should be able to demonstrate prior competence and experience in managing multi-partner international cooperation projects.

2.7. Can National administrations be represented in the Consortium by other legal entities?

For Pilot Type A the consortia must be comprised by a minimum of six relevant national administrations **or** a legal entity designated to act on their behalf, from six different EU Member States or ICT PSP Associated countries.

This means that a national authority might consider that the pilot may be better run in its country by a government agency, a service provider or any other legal entity of their choice which then submits the proposal on its behalf. A statement from the national authority certifying this representation will in this case have to be in the possession of the coordinator concerned when submitting the proposal (statement format provided in the Guide for applicants).

2.8. Can government agencies, industry, user associations and stakeholders other than national authorities be involved in the Pilots Type A? If so, how can they be involved? Can they submit a proposal?

Once the minimum requirement of six relevant national administrations has been met, the involvement in the consortium of other entities having a role in the pilot (e.g. industrial players including SMEs or other stakeholders) is possible. Attention has to be paid to specific consortium requirements indicated in the objectives description of the Workprogramme.

It is up to the consortium and the Member States or ICT PSP Associated countries to decide the way in which each of the Member States/ICT PSP Associated countries select

and enrol institutions or companies from their respective country (using their current networks, publication of calls for expression of interest to identify possible companies, organisation of events, etc).

All the details of the final configuration of the whole consortium once it is clear, will have be explained in the proposal and details of each partner included in the forms.

2.9. Can International (inter-governmental) organisations participate in ICT PSP?

As the 2009 work programme does not foresee their eligibility for funding, International organisations can participate in projects on a case by case basis, but are not eligible for funding.

3. FUNDING

3.1. What funding rate is applied?

Each partner's total eligible cost is funded at a rate of up to 50%. This total eligible cost consists of the sum of the costs for:

- personnel;
- subcontracting (if any);
- any other specific direct costs exclusively related to interoperability carried out in the context of the existing national initiatives;
- indirect costs ("overheads"): see 3.4.

3.2. Can costs incurred by public administrations be reimbursed? Can public administrations participate without asking for reimbursement of costs?

Costs incurred by beneficiaries can be reimbursed if the eligibility conditions are fulfilled. These conditions will be detailed in the grant agreement. Essentially the conditions are that these costs need to be necessary for the implementation of the project, be actually incurred by the beneficiary during the project, be recorded in his accounts and be identifiable and verifiable.

The new Implementing Rules for the revised Financial Regulation, which have entered into force on 1 May 2007, explicitly indicate in Article 172a paragraph 2(e) that "administrative expenditure, staff and equipment costs, including the salary costs of personnel of national administrations to the extent that they relate to the costs of the activities which the relevant public authority would not carry out if the project concerned were not undertaken" can be considered as eligible by the Commission's authorising officer.

The grant agreement may provide that a beneficiary which so wishes can participate without reimbursement of its costs.

3.3. Is subcontracting possible in a Pilot Type A?

As will be indicated in the grant agreement, where it is necessary to subcontract certain elements of the work, the recourse to the award of subcontracts must be indicated in the Description of Work and hence agreed with the Commission beforehand. The costs of the subcontract can be considered as an eligible cost if it is awarded to the bid which is offering the best value for money under conditions of transparency and equal treatment. For Pilots Type A administrative coordination tasks may also be subcontracted in accordance with the above rules.

Subcontractors do not sign the grant agreement. The beneficiaries retain sole responsibility for the implementation of the project and compliance with the provisions of the grant agreement.

Subcontracting is an allowed exception to the principle that work under the project should be carried out by the beneficiaries themselves.

A public legal entity must use the normal rules applicable to it for the selection of service providers (call for tender or other procedure foreseen under the public procurement rules) and a private legal entity must at least require submission of several quotes (usually a minimum of three), unless it has an established framework contract for the provision of those services.

For ancillary tasks (minor tasks such as for example copying services), beneficiaries may use external support services without identification of these tasks in Part B of the proposal.

3.4. How can indirect costs be charged to a project?

The indirect costs for each participant are calculated at a flat rate of up to 30% of its personnel costs.

3.5. Which activities within the pilot will be funded?

The main focus of Pilots Type A is interoperability. The EC will therefore fund exclusively the interoperability layer. Development of national systems/services *per se* will not be funded. Please review in the ICT PSP Workprogramme the section "Conditions and characteristics" for the objective which your proposal is addressing.

4. OTHER TOPICS

4.1. What is the difference between Call for Tender and Call for Proposal?

The procedures are different and there are differences relating to the amount and nature of the financial contribution. Whereas public procurement (which requires a call for tender or other appropriate public procurement procedure) consists of the payment of a market price for goods provided or services rendered, grants (selected after a call for proposals) are limited to a contribution to certain costs (or in special cases a lump sum payment or flat rate financing) incurred by the beneficiary. Therefore, public procurement permits a profit whereas grants forbid any profit and normally cover only a part of the total costs.

The results of a call for tender will be owned by the Community, while following a call for proposals the consortium has the ownership of the results, such as IPR (notwithstanding any specific requirements set out in the grant agreement as to the use and accessibility of the results).

4.2. Who will carry out the evaluation of the proposals submitted?

All eligible proposals will be evaluated by the Commission with the assistance of independent experts. The experts will be identified on the basis of a call for independent experts