



THE SIXTH FRAMEWORK PROGRAMME

The Sixth Framework Programme covers Community activities in the field of research, technological development and demonstration (RTD) for the period 2002 to 2006

Guidelines on Proposal Evaluation and Selection Procedures

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Annex

**Guidelines on Proposal Evaluation
and Selection Procedures**

GUIDELINES ON PROPOSAL EVALUATION AND SELECTION PROCEDURES

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1. Introduction

The purpose of this document is to provide in one place the guidelines of the Commission on the evaluation and selection of proposals for indirect actions¹ under the sixth framework programmes of the European Community² and the European Atomic Energy Community³ (hereafter “FP6”), as foreseen by Article 10.7 of their respective “Rules for participation”⁴. It describes the basic procedures that the Commission will follow in accordance with the above-mentioned Rules, the Financial Regulation of the European Community⁵ and its Internal Rules of Procedure⁶.

In FP6, the mix of the “new” funding instruments inspired by the concepts of the European Research Area and of the more “traditional” instruments similar to those in the fifth Framework Programme (FP5) has led to a re-examination of proposal evaluation and selection procedures from first principles and an evolution in the practices. That said, the processes for evaluating proposals submitted for funding to research, technological development and demonstration (RTD) programmes of the European Communities continue to rest on a number of well-established principles:

- (i) **Quality.** Projects selected for funding must demonstrate a high scientific, technical and managerial quality in the context of the objectives of the RTD programme in question.
- (ii) **Transparency.** In order to provide a clear framework for researchers preparing proposals for funding and for evaluators evaluating proposals the process of reaching those funding decisions must be clearly described and available to any interested party. In addition, adequate feedback must be provided to proposers on the outcome of the evaluation of their proposals.
- (iii) **Equality of treatment.** A fundamental principle of EU RTD support is that all proposals should be treated alike, irrespective of where they originate or the identity of the proposers.

¹ For measures submitted through public procurement procedures, the Commission’s rules for evaluating such measures apply.

² Decision No. 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006), OJ L 232 of 29.8.2002 p.1

³ Decision No. 2002/668/Euratom of the Council of 3 June 2002 concerning the sixth framework programme of the European Atomic Energy Community for nuclear research and training activities, also contributing to the creation of the European Research Area (2002 to 2006), OJ L 232 of 29.8.2002 p.34

⁴ Regulation (EC) No. 2321/2002 of the European Parliament and of the Council of 16 December 2002 concerning the rules for participation of undertakings, research centres and universities in, and for the dissemination of research results for the implementation of the European Community Sixth Framework Programme (2002-2006). OJ L 355 of 30.12.2002 p.23

Council Regulation No. 2322/2002 (Euratom) of 5 November 2002 concerning the rules for the participation of undertakings, research centres and universities in the implementation of the sixth Framework Programme of the European Atomic Energy Community (2002-2006) (OJ L 355 of 30.12.2002 p.35)

⁵ Council Regulation (EC, Euratom) No. 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248 of 16.9.2002, p.1

⁶ Rules of Procedure of the Commission, OJ L 308, 08.12.2000, p. 26.

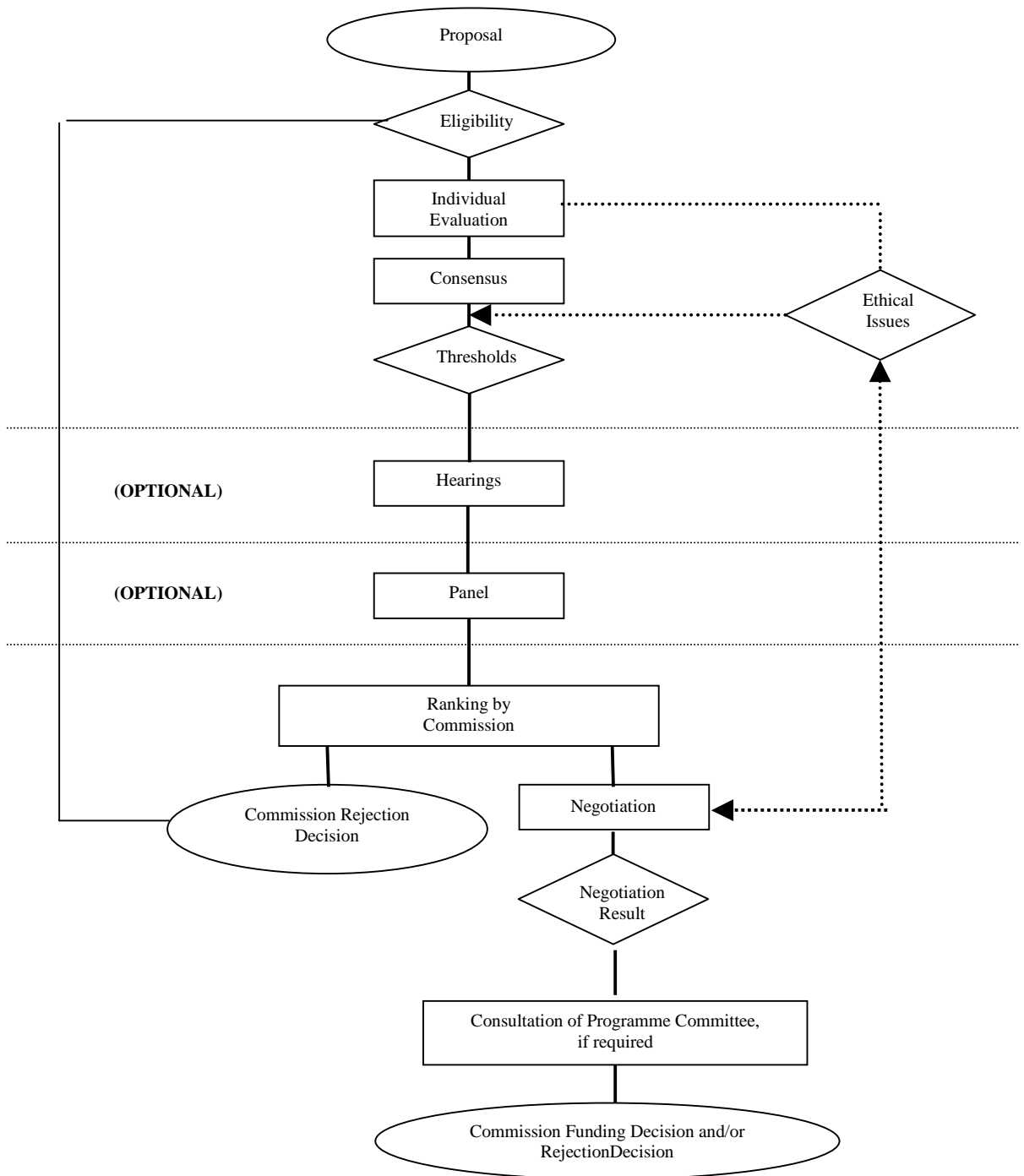
- (iv) **Impartiality.** All proposals are treated impartially on their merits.
- (v) **Efficiency and speed.** The procedures have been designed to be as rapid as possible, commensurate with maintaining the quality of the evaluation, appropriate use of public money and respecting the legal framework within which the specific programme is managed.
- (vi) **Ethical considerations.** Any proposal which contravenes fundamental ethical principles may be excluded from being evaluated or selected at any time.

The major changes between FP6 and FP5 are as follows:

- increasing of the quality of the evaluation process by widening the use of **remote evaluation** and by **widening the pool** from which **evaluators** can be selected.
- strengthening the evaluation system in order to reflect the ambitious goals of the new instruments by allowing for a **more systematic use of two-stage submission, remote evaluation and hearings of proposers** by the evaluation panel.
- codification of **ethical review procedures**.

The Rules for Participation establish that individual programmes/activities will have special needs in some circumstances. This document therefore provides flexibility within a harmonised framework to adapt procedures to particular needs when this is appropriate. The work programmes/calls set out how it is intended to apply the options offered within the above-mentioned Rules, in particular the choices made (where choices exist) and details of each programme's priorities through a description of the marking and weighting system to be used, and the evaluation criteria to be used for the particular area/call.

The various steps involved in the proposal evaluation and selection process are summarised in the following diagram:



2. Evaluators

2.1. Role of evaluators

In accordance with Article 10.6 of the Rules for Participation, the Commission appoints independent⁷ experts to assist in the evaluation of proposals in accordance with the provisions of Article 11 of the above-mentioned Rules, except for some specific support actions where independent experts are appointed if the Commission deems it appropriate. When officials or other servants of the Commission act as evaluators, this is done in accordance with the Financial Regulation of the Community and its rules for implementation.

All proposals that fulfil the eligibility criteria (see section 3.4 below) are evaluated to determine their quality. A minimum of three evaluators examine each eligible proposal submitted to the Commission⁸. Due to the more ambitious nature of Integrated Projects (IPs) and Networks of Excellence (NoEs) it is expected, as a general rule, that at least five evaluators evaluate these proposals.

2.2. Appointment of independent experts⁹

The independent experts appointed by the Commission to assist in the evaluation of proposals for networks of excellence and integrated projects are individuals from the fields of science, industry and/or with experience in the field of innovation with the highest level of knowledge and who are internationally recognised authorities in the relevant specialist area.

For all the other instruments of FP6, the Commission appoints independent experts with skills and knowledge appropriate to the tasks assigned to them. To this end, it relies on:

- (i) Calls for applications from individuals published in the Official Journal of the European Communities; or
- (ii) Calls addressed to research institutions with a view to establishing lists of suitable candidates.

The Commission may at any time select, if it deems appropriate, any individual with the appropriate skills from outside the lists obtained through the above-mentioned calls.

In general, independent experts are expected to have skills and knowledge appropriate to the areas of activities in which they are asked to assist. All independent experts must also have a high level of professional experience in the public or private sector in one or more of the

⁷ An independent expert is an expert who is working in a personal capacity and in performing the work, does not represent any organisation.

⁸ For measures submitted through public procurement procedures, the Commission's normal rules for evaluating such measures apply.

⁹ Article 11.2 (b) and (d) of the Rules for Participation.

following areas or activities: research in the relevant scientific and technological fields; administration, management or evaluation of projects; use of the results of research and technological development projects; technology transfer and innovation; international cooperation in science and technology; development of human resources. In appointing independent experts, the Commission also takes account of their abilities to appreciate the challenges and industrial and/or societal dimension of the proposed work. Experts must also have the appropriate language skills required for the proposals to be evaluated. Experts may come from countries other than the Member States or Associated States.

Details of potential independent experts, including those selected from outside the lists mentioned above, are maintained in a central database. This database may be made available, on request, to national authorities in the Member States and countries associated to the Framework Programmes.

To evaluate the proposals submitted in response to a call, the Commission draws up a list of appropriate independent experts (including if necessary a reserve list). The lists of individuals from which panels of experts may be chosen, are drawn up by the Commission using the following selection criteria:

- an appropriate range of competencies;
- an appropriate balance between academic and industrial expertise and users;
- a reasonable gender balance¹⁰;
- a reasonable distribution of geographical origins of independent experts;
- regular rotation of independent experts.

The list of independent experts to be used for evaluation sessions is decided by the relevant Director(s) or duly appointed delegates. The names of the independent experts assigned to individual proposals are not made public, however, at regular intervals, the Commission publishes on the Internet the list of independent experts used per activity/research area.

An 'appointment letter' (*see annex A*) is addressed to each independent expert containing a description of their duties. This appointment letter establishes the contract with the expert and is the basis for the standard contract for experts during the Sixth Framework Programmes. The attached declaration of Conflict of Interest and Confidentiality (*see annex C*) must also be signed before the expert starts work.

2.3. Rotation principles for independent experts

In general, the Commission will ensure a renewal of at least a quarter of the independent experts used by an activity/research area per calendar year starting from 2004.

2.4. Conflict of interest

In accordance with Article 11.3 of the Rules for Participation, when appointing an independent expert, the Commission must take all reasonable steps to ensure that he/she is not faced with a conflict of interest in relation to the proposals on which he/she is required to give

¹⁰ The European Communities pursue an equal opportunities policy as set out in the [Communication "Women and Science: Mobilising women to enrich European research" of 17.02.1999 \(COM \(1999\) 76 final\)](#).

an opinion. To this end, the Commission requires experts to sign a declaration that no such conflict of interest exists at the time of their appointment and that they undertake to inform the Commission if one should arise in the course of their duties. When so informed, the Commission takes all necessary actions to remove the conflict of interest.

2.5. Confidentiality

In accordance with Article 10.6 of the Rules for Participation, the Commission is required to ensure the confidentiality of the evaluation process.

To this end, a code of conduct for independent experts is sent to them with the appointment letter before the evaluation of the proposals (see *Annex B*). The experts are obliged to maintain the confidentiality of the information contained within the proposals they evaluate and of the evaluation process and its outcomes and to act with strict impartiality. As mentioned in section 2.2, a conflict of interest and confidentiality declaration is signed by independent experts (see *Annex C*).

2.6. Independent observers

Independent experts may be appointed as observers to examine the evaluation process from the point of view of its working and execution. The role of the observers is to give independent advice to the Commission on the conduct, fairness and equity of the evaluation sessions, ways in which the procedures could be improved, the evaluation criteria used in the sessions and the way in which the evaluators apply these criteria. They do not express views on the proposals under examination or the evaluators' opinions on the proposals.

The observers are invited to be present from the beginning of the evaluation sessions when the independent experts are briefed by the Commission and observe all phases of the evaluation session, whether carried out at a fixed location or remotely. The observers also observe the process of reaching a consensus whether this is done in meetings or through electronic means.

Observers will not be appointed if they have direct links with the Commission or any other EU institution or body.

The code of conduct for Independent Observers of the evaluation process, describing the selection process, their profile, role and tasks is attached at *Annex D*.

3. Before the evaluation of proposals

3.1. Calls for Expression of interest

The Commission may consult the research community on the readiness to prepare proposals and the likely objectives and relevance of research actions by way of an invitation to submit expressions of interest. Expressions of interest may be used by the Commission in preparing and setting the objectives of work programmes, as well as defining the scope of calls of proposals to implement it.

The submission of an expression of interest is neither a pre-requisite for participation in any future calls, nor a guarantee that a future proposal derived from it shall be selected.

3.2. Calls for proposals

With the exception of specific support actions referred to in Article 9.2 of the Rules for Participation, proposals are submitted under the terms of calls for proposals, provided for in the work programmes and published in the Official Journal of the European Union. A call for proposals may involve a single stage submission and evaluation procedure or a two-stage submission and evaluation procedure. For the latter case, only coordinators of outline proposals evaluated positively in a first stage are invited to submit complete proposals in a second stage (see *Annex E* for details).

3.3. Pre-proposal checks

An informal advisory pre-proposal check service may be offered in some areas (notably for measures for SMEs) by the Commission to researchers. The purpose is to advise potential proposers on whether proposals appear to be eligible and within the scope of the call. Details of the procedure for pre-proposal checks are set out in the relevant Guide for Proposers.

3.4. Submission of proposals

As referred to in the calls published in the Official Journal of the European Union, proposals are submitted in accordance with the following procedures:

- as an electronic proposal via the web-based Electronic Proposal Submission System (EPSS¹¹);
- or on paper forms.

¹¹ The EPSS is a tool to assist proposers to develop and submit their proposals electronically.

The Commission reserves the right to restrict submission for particular calls to only electronic proposals. If so, in exceptional cases, a coordinator may request permission from the Commission to submit on paper in advance of a call deadline. Proposals on paper may be submitted by mail, courier or hand delivery. Versions of proposals for indirect RTD actions submitted on a removable electronic storage medium (e.g. CD-ROM, diskette), by email or by fax will be excluded. Further details of the various proposal submission procedures are given in *Annex J*.

A web-based pre-registration facility is available for all calls. Pre-registration does not commit the proposer to submission of a proposal on the pre-registered topic. The pre-registration information, which is available to the Commission before the deadline for the submission of the proposals, is only used as an aid to the planning of the evaluation sessions.

Packages containing proposals may be opened, on arrival, by the Commission¹² for the purposes of registering the administrative details in databases and to permit the return of an acknowledgement of receipt. For proposals submitted on-line via the EPSS, file contents are entered into the databases after the call closure. No evaluation or analysis of the proposal contents may take place before the call deadline has passed (however, see *Annex F* concerning continuously open calls).

All proposals are archived under secure conditions at all times. When no longer needed, all copies are destroyed except for the original and any copies required for archiving and/or auditing purposes.

With the exception of proposals which are subject to hearings (see section 4.5), there is no further contact between the Commission and proposers on the content of their proposal until after completion of the evaluation.

3.5. Acknowledgement of proposal receipt

Upon receipt of the proposal, the Commission records the date and time of receipt. Subsequently, an acknowledgement of receipt is sent to the proposal coordinator by e-mail, fax, or post containing:

- proposal title, acronym and unique proposal identifier (proposal number);
- name of the programme and/or activity/research area and call identifier to which the proposal was addressed;
- date and time of receipt.

In the case of continuously open calls for proposals with fixed dates for evaluation sessions, special arrangements for the receipt of proposals are set out in *Annex F*.

3.6. Eligibility check

The Commission verifies that proposals meet the eligibility criteria referred to in the call. These criteria are rigorously applied and any proposal found to be ineligible is excluded from

¹² Or any contractor retained by the Commission for the purpose of providing administrative services for evaluation sessions.

evaluation. The eligibility check is carried out after receipt of the proposals. In the case of two-stage proposal submission, each stage is subject to an eligibility check.

An eligibility form is filled out for each proposal on the basis of the information contained in the proposal. If it becomes clear before, during or after the evaluation phase that one or more of the eligibility criteria have not been fulfilled, the proposal is declared ineligible and withdrawn from any further examination. Where there is a doubt on the eligibility of a proposal, the Commission reserves the right to proceed with the evaluation, pending a final decision on eligibility. The fact that a proposal is evaluated in such circumstances does not constitute proof of its eligibility.

The following eligibility criteria are checked for all proposals submitted under a call. Where a proposal is received complete in both electronic and paper formats, only the electronic copy is treated as valid and used to make further copies for evaluation purposes.

Only proposals that fulfil all of the following criteria are retained for evaluation^{13,14}:

- receipt of proposal by the Commission on or before the deadline date and time established in the call, if applicable. (See Annex J for further requirements concerning proposal submission).
- minimum number of participants, as referred to in the call for proposals.
- completeness of the proposal, i.e. the presence of all requested administrative forms and the proposal description (N.B. the completeness of the information contained in the proposal will be for the experts to evaluate; the eligibility checks only apply to the presence of the appropriate parts of the proposal).

If more than one copy of the same proposal is received, only the last complete eligible version sent is evaluated.

The decision to exclude a proposal for failing one or more eligibility criteria is taken by the Commission. This decision may be taken at any appropriate moment before, during or after the evaluation sessions, when ineligibility has been proven.

¹³ These criteria may be complemented by additional eligibility criteria provided for in the specific programme decision and/or the work programme.

¹⁴ In accordance with Articles 3, 8 and 10.5 of the Rules for Participation and Article 114 of the Financial Regulation of the Community, each participant may not fall under any of the exclusion criteria referred to therein. These criteria will be assessed, normally at the negotiation stage (see section 6).

4. The Evaluation by independent experts

All eligible proposals are evaluated by the Commission¹⁵, assisted by independent experts where provided for, to examine their conformity with the evaluation criteria relevant for the call.

4.1. Overview of the evaluation by independent experts

Each evaluation session consists of a number of steps, independently of whether the process involves a single stage or a two-stage submission procedure¹⁶.

Step 1: Briefing of the independent experts

All independent experts are briefed orally or in writing before the evaluation by representatives of the Commission's service in charge of the call, in order to inform them of the general evaluation guidelines and the objectives of the research area under consideration.

Step 2: Individual evaluation of proposals

Each proposal is evaluated against the applicable criteria independently by several experts who fill in individual evaluation forms giving marks and providing comments.

Step 3: Consensus

For each proposal a consensus report is prepared. The report faithfully reflects the views of the independent experts referred to in Step 2.

Step 4: Panel evaluation

A panel discussion may be convened, if necessary, to examine and compare the consensus reports and marks in a given area, to review the proposals with respect to each other and, in specific cases (e.g. equal scores) to make recommendations on a priority order and/or on possible clustering or combination of proposals. The panel discussion may include hearings with the proposers.

4.2. Evaluation criteria

A number of evaluation criteria are common to all the programmes of the Sixth Framework Programmes and are set out in the Rules for Participation (Article 10). Work programmes and

¹⁵ Unless the proposal coordinator explicitly requests withdrawal of the proposal in writing.

¹⁶ Due to the variety of specific actions under the Human Resources and Mobility activity and due to the wide scientific range and multidisciplinary character of the New and Emerging Science and Technologies Activity, the evaluation of proposals under these activities may deviate from the procedures described here - further details are given in Annex H.

calls for proposals determine, in accordance with the type of instruments deployed or the objectives of the RTD activity, how these criteria are applied by the Commission.

Any particular interpretations of the criteria to be used for evaluation are set out in the work programme, in particular the way in which they translate into the issues to be examined. As the Sixth Framework Programmes contain a differentiated set of instruments, these issues may in particular be grouped into blocks as the basis for marking¹⁷ intended to be universal for each type of instrument. Each call will set out the applicable blocks and their respective weights and thresholds.

In all circumstances, proposals are evaluated against the criteria for the instrument for which they are submitted.

In clear-cut cases (for example, a proposal which addresses a research task which is not open in the particular call), a proposal may be ruled out of scope by the Commission without referring it to experts.

Any proposal for an indirect action which contravenes fundamental ethical principles or which does not fulfil any conditions set out in the call shall not be selected and may be excluded from the evaluation and selection procedure at any time. In addition, any participant who has committed an irregularity in the implementation of an indirect action may be excluded from the evaluation and selection procedure at any time.

Special procedures are applied for all proposals that involve an ethical dimension to the research. These are set out in *Annex G*.

4.3. Proposal marking

Evaluators examine the individual issues comprising each block of evaluation criteria and in general mark the blocks on a six-point scale from 0 to 5. In this scheme, the scores indicate the following with respect to the block under examination:

- 0 - *the proposal fails to address the issue under examination or can not be judged against the criterion due to missing or incomplete information*
- 1 - *poor*
- 2 - *fair*
- 3 - *good*
- 4 - *very good*
- 5 - *excellent*

Where appropriate, half marks may be given. If appropriate, evaluators may also be asked to give a mark to each of the individual issues comprising the blocks of criteria. Only the marks for the blocks of criteria are taken into account (after applying any weightings) for the overall score for the proposal.

¹⁷ “Block of criteria” refers to the main numbered headings in the work programme annex under which several issues are grouped.

A feature of the procedure as described is to allow the evaluators to reflect on the individual issues comprising the blocks of criteria. By only taking the marks for the blocks of criteria into consideration in the final evaluation of the proposals, evaluators are encouraged to “look at the larger picture” and score the proposal against these important blocks of criteria as a whole, rather than applying a “mechanical” process of adding any marks given on individual issues.

4.4. Thresholds and weightings

- *thresholds*

Thresholds may be set for some or all of the blocks of criteria, such that any proposal failing to achieve the threshold marks will be rejected. In addition, an overall threshold may also be set. The thresholds to be applied to each block of criteria as well as any overall threshold are set out in the call.

If the proposal fails to achieve a threshold for a block of criteria, the evaluation of the proposal may be stopped. The reasons will be detailed in the consensus report.

It may be decided to divide the evaluation into several steps with the possibility of different experts examining different aspects. Where the evaluation is carried out in several successive steps, any proposal failing a threshold mark may not progress to the next step. Such proposals may immediately be categorised as rejected.

- *weightings*

According to the specific nature of the instruments and the call, it may be decided to weight the blocks of criteria. The weightings to be applied to each block of criteria are set out in the call.

4.5. Detailed description of proposal evaluation by independent experts

Independent experts may be invited to carry out the evaluation fully or partially at their home or place of work (remote evaluation) or on Commission premises. In general, remote assessment of proposals is used for the reading and evaluation of proposals by individual experts. *Annex I* covers the procedures to be applied in the case of remote evaluation. In addition, the Commission may opt for a two-stage submission and evaluation procedure. *Annex E* gives details of the procedures to be followed in such a case.

Step 1: Briefing of the independent experts

The Commission is responsible for the briefing of independent experts before evaluation sessions. Guidance notes for evaluators are made available to this end and are sent to the experts in advance of the evaluation and made available on the web. The briefing of the experts covers the evaluation processes and procedures as well as the evaluation criteria to be applied and the objectives of the research area under consideration. In the case of remote evaluation, close contact is maintained with the individual experts to assist them on any query. Particular attention is given to the handling of the horizontal issues (e.g. gender, education, societal implications, etc) in the evaluation of proposals.

Step 2: Individual evaluation of proposals

In the initial phase of the evaluation, each expert works independently and gives marks and comments for each block of criteria and addresses the horizontal issues as described in the work programme/call.

- *justification of marking*

Experts are required to provide comments to accompany each of their marks in a form suitable for providing feedback to the proposers. These comments must be consistent with any marks awarded. These comments may serve as input to any consensus discussion and related consensus report.

- *outcome of the individual evaluation*

The submission of the individual evaluation form signed by an independent expert closes his/her individual reading and assessment. In the case of remote evaluation the results are communicated to the Commission by post or electronically. In general, throughout the evaluation process, appropriate electronic codes may substitute for the signature of the expert. His/her evaluation form may not subsequently be changed.

In some instances, experts may be asked to perform only the remote individual evaluation. In this case, their individual evaluation forms are forwarded to the experts involved in the consensus phase (see below) to be taken into account in the preparation of the consensus report.

Step 3: Consensus

Once all the evaluators to whom a proposal has been assigned have completed their individual assessment, a consensus discussion may be convened to discuss the marks awarded. In certain cases (e.g. overall consensus between all evaluators) it may be that convening a consensus meeting is not needed. In the case of remote evaluation, arriving at a consensus may be carried out remotely (e.g. electronically).

- *consensus marks*

The experts attempt to agree on a consensus mark for each of the blocks of criteria. They justify their marks with comments suitable for feedback to the proposal coordinator and agree on an overall consensus report, which is signed by them.

When appropriate and in order to facilitate the discussion among the experts, a Commission official acting as moderator for the group may designate an expert as “rapporteur” for the proposal. The proposal rapporteur is responsible for amalgamating the individual experts' views, for initiating the discussion and drafting the consensus report.

If during the consensus discussion it is found to be impossible to bring all the experts to a common point of view on any particular aspect of the proposal, the Commission officials in

charge of the evaluation may ask up to 3 additional independent experts to examine the proposal.

- *outcome of consensus*

The outcome of the consensus step is the consensus report signed by all independent experts or as a minimum by the rapporteur or another independent expert and the moderator. The moderating Commission official is responsible for ensuring that the consensus report faithfully reflects the individual assessments and/or consensus reached. In the case that it is impossible to reach a consensus, the report sets out the majority view of the independent experts but also records any dissenting views from any particular expert(s).

The submission of the signed consensus report closes the consensus discussion.

- *evaluation of a resubmitted proposal*

In the case of proposals that have been submitted previously and rejected by the Commission, the experts may be given the previous evaluation summary reports by the moderating Commission official after the consensus discussion and agreement on the global comments for the consensus report. If necessary, they may be asked to provide additional justifications for any divergences between the comments and/or marks in the two reports.

Step 4: Panel evaluation

Depending on the nature of the call and the number of proposals submitted in response to it, it may be possible to arrange that all the experts for a particular area examine all the proposals submitted for this area and carry out their final examination at the same time as they prepare the consensus reports. Alternatively, it may be necessary to convene an additional panel for this task. The practical arrangements to arrive at the experts' final recommendations are determined in the light of the particular circumstances. The final score for the proposal is derived from the weighted consensus marks for each block of criteria.

- *role of the panel*

If a panel is convened following the drafting of the consensus reports, its tasks may include hearings with the proposers of those proposals that have passed thresholds, examining and comparing the consensus reports in a given area and making recommendations on possible clustering or combination of proposals and/or a priority order. To this end, the Commission may appoint an expert as chairperson of the panel to assist in the preparation of the work of the panel and to chair the discussions. A panel rapporteur (who may also be the panel chairperson) may be appointed to draft the panel's advice. A Commission official may act as moderator of the panel. The role of the Commission moderator is to ensure fair and equal treatment of the proposals in the panel discussions.

- *hearings with proposers*

Hearings or interviews with proposers may be organised, in particular for proposals for Networks of Excellence and Integrated Projects, as part of the panel deliberations. Where this possibility is used, representatives of the proposers in all those proposals for a particular instrument having passed the required thresholds are invited to a hearing. Hearings provide

input to clarify further the proposals and to help the panel to establish their final rating and marks for the proposals. They are intended to improve the understanding of the independent experts of the proposal but not to modify or improve in any way the proposal itself. The proposers will, thus, not be invited to present their proposal, but to provide explanations and clarifications to questions submitted to them in advance.

Any particular issues raised by individual proposals requiring specific expertise may be dealt with by inviting appropriate extra experts to the hearings for those proposals. In this case, the extra experts are only invited to comment on the particular issue on which they have expertise and not on the proposal as a whole.

If a consortium submitting a proposal does not attend the hearing, but replies in written form to the questions which were sent, their written responses will be taken into account. If a consortium both fails to reply to the questions and also to attend the hearing, the panel will arrive at a final score and comments for the proposal on the basis of the originally submitted material only.

- *comparison of consensus reports*

The panel may examine and compare the proposal consensus reports in order to check on the consistency of the marks applied during the individual consensus discussions and, where necessary, propose a new set of marks.

In particular, those proposals receiving the same marks following the initial examination are re-examined with a view to recommending a priority order, if possible and relevant.

- *grouping of proposals*

A further task of the panel(s) of experts carrying out the final examination may be to review those proposals considered to be of the highest quality and, where relevant, to make recommendations as to any possible grouping or combination of proposals into larger projects or into project clusters.

- *outcome of the panel meeting*

The outcome of the panel meeting (taking into account - if appropriate - the hearing of proposers) is the panel report recording the deliberations of the panel containing:

- An evaluation summary report for each proposal;
- A list of proposals passing thresholds, if any, along with a final mark for each proposal passing the thresholds and the panel recommendations for priority order.

The panel report signed off, as a minimum, by three experts including the panel rapporteur and panel chairperson closes the panel.

The panel report must be in a form that represents the advice of the independent experts to the Commission. In particular, the panel report must identify proposals requiring a special attention due to either the importance of any ethical issues raised or the inadequacy of the way ethical issues are addressed.

4.6. Feedback to proposers

The coordinator of each proposal receives the evaluation summary report (ESR). The ESR reflects the consensus reached between the independent experts as well as the panel results (via comments and marks) on each block of criteria as well as providing overall comments (including proposals for modifications and, in exceptional cases, possibilities for clustering/fusion with other proposals) and a final overall score for the proposal. The comments recorded must give sufficient and clear reasons for the scores and in the case of proposals with high scores, any recommendations for modifications to the proposal should the proposal be retained for negotiation.

For those proposals rejected after failing an evaluation threshold, the comments contained in the ESR may only be complete for those criteria examined up to the point when the threshold was failed.

5. Finalisation of the evaluation

At this stage, the Commission services review the results of the evaluation by independent experts, make their assessment of the proposals based on the advice from these experts and prepare the final evaluation results.

5.1. Commission ranked list

The Commission services draw up (a) final list(s) ranked, if appropriate, in priority order of all the proposals evaluated and which pass the required thresholds. Due account is taken of the marks received and of any advice from the independent experts concerning the priority order for proposals.

In drawing up the final ranked list, the Commission services also take into account the programme priorities (for example, coverage of the programme objectives), compatibility of the proposals with stated Community policy objectives and the available budget.

In all instances, the reasons for arriving at the final ranking are fully set out in writing by the Commission services at the moment of preparing the final ranked list. The ranking of a proposal may foresee conditions for its negotiation, such as i.a. the adjustment of budget, content, merging with other proposals, or funding up to a certain milestone with the possibility to grant complementary funding following a subsequent call for proposals.

5.2. Commission reserve list

The list of proposals to be retained for negotiation takes into account the budget available (which is set out in the call for proposals). If necessary, a number of proposals are kept in reserve to allow for the failure of negotiations on projects, withdrawal of proposals and/or savings to be made during contract negotiation.

The coordinators of any proposals held in reserve receive confirmation that negotiations with a view to preparing a contract may be offered, but only if further funding becomes available. This confirmation may also indicate a date after which no further offers of negotiations are likely to be made.

When the budget for the particular call has been used up, any proposals remaining from the “reserve” which it has not been possible to fund are rejected by a decision of the Commission as set out below and the coordinators informed.

5.3. Commission rejection decisions

The Commission rejection decision(s) concern(s) those proposals found to be ineligible (if not already subject to a rejection decision – see section 3.6), out of scope, 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. The Commission also reserves the right to reject proposals below a given rank when it is considered that the level of quality (regardless

of threshold or budget availability) is not adequate, notwithstanding the independent experts' recommendations.

Immediately after the rejection decision, coordinators of rejected proposals are informed in writing of the Commission's decision. The letter informing them also includes an explanation of the reasons for rejection.

5.5. Reporting on the evaluation process

Following each evaluation session, an overall report is prepared by the Commission and made available to the programme committee. The report gives general statistical details on the proposals received (number, priority themes covered, categories of proposers and budget requested), on the evaluation procedure and on the independent experts - number, disciplines represented, nationality and gender.

6. Negotiation and Selection of Proposals

6.1. Negotiation of proposals

Immediately following the preparation of the ranked list by the Commission services, the coordinators of proposals not to be rejected and for which funding is available are invited to begin negotiations. In addition to the ESR, the proposers may receive requests for further administrative information necessary for the preparation of a project contract and may be requested to take into account in the revised work programme any technical changes proposed during the evaluation. A deadline for replying to any request for further information or adjustments may be given, beyond which, if the information is not received, the Commission will terminate discussions on contract preparation and reject the particular proposal.

Negotiation may cover any scientific, legal or financial aspects of the proposal, based on the comments of the independent experts and on any other issue that was taken into consideration at the ranking stage. The scientific aspects would cover, in particular, revisions to the work programme and adjustments to it, resulting from the evaluation and/or other requirements of the Commission. The legal aspects would cover, in particular, review of any special contractual clauses or conditions required for the project, and other aspects relating to the development of the final contract (including date of start of project, timing of reports - in particular audit certificates and other legal requirements). The financial aspects would cover negotiation of the EC contribution, the amount of the initial pre-financing, timing of reporting and payments and, if necessary, any financial security which may be requested by the Commission.

The Financial Regulation¹⁸ requires future contractors to certify that they are not in one of the situations listed below:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- (c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- (e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- (f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

¹⁸ Articles 114 and 93

Any potential contractor, who can not certify that none of the above situations apply, shall be excluded from participation in any future contract.

In addition, any potential contractor subject to a conflict of interest or having been found guilty of misrepresentation in supplying the information required as a condition for participation in the contract or failing to supply such information shall be excluded from participation in any future contract.¹⁹

Any potential contractor who has committed an irregularity in the implementation of any other indirect action under the Framework Programmes may be excluded from the selection procedure at any time, with due regard being given to the principle of proportionality. Any proposal that contravenes fundamental ethical principles or which does not fulfil the conditions set out in the work programme or in the call for proposals shall not be selected.²⁰

Any arrangements for clustering/coordination and/or fusion of projects are also dealt with in this phase, as well as clarifications of individual exclusion criteria and ethical issues (see *Annex G* for details of ethical review procedures).

If it proves impossible to reach agreement with any proposers within a reasonable deadline that the Commission may impose, negotiations on contract preparation may be terminated and the proposal rejected by Commission decision.

Negotiation of reserve list proposals may begin once it is clear that sufficient budget has become available to fund one or more of the projects on the reserve list. Subject to budget availability, negotiations should begin with the proposals at the top of the reserve list and in the order of the final ranking.

6.2. Selection of proposals

If negotiations are successful, that is once the contractual details have been finalised with the proposers and all the necessary checks carried out, the Commission selects the proposal for funding following its internal procedures and the procedure provided for in the Specific Programme decision. Once the Commission has completed its internal financial and legal procedures and the selection decision has been taken, it may then enter into the contract with the coordinator and the other contractors.

¹⁹ Financial Regulation Articles 114 and 94

²⁰ Rules for Participation, Article 10.5

Annexes

Appointment letter for Independent Experts

[town], [date]

Ad

CPU

(...name of the expert...)

(...function...)

(...full address...)

APPOINTMENT LETTER

(...registration number of the letter...)

Subject : [Call Identifiers ...][name of the programme or priority]

Dear [Mr/Mrs (...name of the expert...)] ,

The European Union represented by the European Commission would like to thank you for agreeing to assist its services as an independent expert to the evaluation sessions for proposals received in response to the above-mentioned call[s] under the [sixth framework programme of the European Community for research, technological development and demonstration activities contributing to the creation of the European Research Area and to innovation²¹] [sixth framework programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities aimed at contributing towards the creation of the European Research Area²²].

Description of the work

Evaluation work includes formulating recommendations on the proposals submitted in order to gear research towards optimum achievement of the aims of the programme in line with any guidelines given by the Commission. You should act impartially, in a totally independent and confidential manner, in your personal capacity and apply to the best of your abilities your professional skills, knowledge and ethics, in accordance with the guidelines and time-schedules provided by the Commission. You should provide the Commission with any information it may request for the management of the evaluation. Evaluation work requires you to complete forms and provide comments on proposals and submit these to the Commission. In addition, you may be asked to act as a rapporteur or chairperson for consensus discussions or meetings of panels of experts.

²¹ OJ L 232, 29.08.2002, p.1

²² OJ L 232, 29.08.2002, p.34

Evaluation dates

[Option: CENTRAL evaluation]

[To this end the European Commission invites you to attend the evaluation sessions at (...address...) to be held between the dates of (...insert date...) and (...insert date...). If for some reason you are not able to attend during some or all of the days proposed, please contact the Commission's services immediately. You may not delegate or be replaced for the work described without the prior written approval of the Commission.]

[Option: REMOTE evaluation]

[To this end, you will be required to perform the evaluation work at your own home or place of work between the dates of (...insert date...) and (...insert date...). [An initial briefing session will take place at (...insert place...) on (...insert date...)] If for some reason, you are not able to undertake these duties, please contact the Commission's services immediately. You may not delegate or be replaced for the work described without the prior written approval of the Commission.

The work entrusted to you requires you to submit the appropriate evaluation forms and comments to the Commission's official whose name appears at the end of this letter [by (...insert date...)] [within (...insert number...) days after the receipt of the proposal(s) to be evaluated]. If you fail to provide all appropriate forms and comments by this date, the Commission reserves the right not to pay all or part of the lump sum payment foreseen below.]

[Option : REMOTE + CENTRAL evaluation (remote evaluator -who may also attend a central evaluation meeting)]

[To this end, you will be required to perform the evaluation work at your own home or place of work (remote evaluation) between the dates of (...insert date...) and (...insert date...) After completion of the remote evaluation you will be invited to attend the evaluation sessions (central evaluation) at (...address...) between the dates of (...insert date...) and (...insert date...).[An initial briefing session will take place at (...insert place...) on (...insert date...)] If for some reason you are not able to undertake these duties or attend the evaluation sessions during the days proposed, please contact the Commission's services immediately. You may not delegate or be replaced for the work described without the prior written approval of the Commission.]

The work entrusted to you requires you to submit the appropriate evaluation forms and comments to the Commission's official whose name appears at the end of this letter [by (...insert date...)] [within (...insert number...) days after the receipt of the proposal(s) to be evaluated] . If you fail to provide all appropriate forms and comments by this date, the Commission reserves the right not to pay all or part of the lump sum payment foreseen below.]

In accordance with the "Rules for Participation"²³, the Commission is required to avoid situations of conflict of interest regarding any matter on which you are required to give an opinion. To this end, the Commission will require you to sign a declaration

²³ Regulation (EC) N°2321/2002 of the European Parliament and the Council of 16 December 2002 concerning the rules for participation of undertakings, research centres and universities in, and for the dissemination of research results for the implementation of the European Community Sixth Framework Programme (2002-2006) (OJ L 355 of 30 December 2002).

- (a) that no such conflict of interest exists at the start of your duties and
- (b) that the Commission will be immediately informed if such a situation should arise in the course of your duties.

Furthermore, you will be required to act in conformity with the code of conduct included in annex I to the present letter, [*Option : CENTRAL evaluation*] [and to sign this appointment letter and the conflict of interest and confidentiality declaration included in annex II to the present letter **before the start of the evaluation session.**] [*Option : REMOTE evaluation and REMOTE+ CENTRAL Evaluation*] [and to have **signed and returned** to the Commission's services this appointment letter and the conflict of interest and confidentiality declaration included in annex II to the present letter **before you receive any proposals to be evaluated and by the first evaluation date mentioned above**]. You will undertake not to make use of and not to divulge any facts, information, knowledge, documents or other matters communicated to you or brought to your attention in the performance of the evaluation work or any results arising therefrom.

Any results obtained by you in performance of the evaluation work shall be the property of the European Community, which may use them as it sees fit, except where industrial or intellectual property rights already exist.

Payments

If you so wish, you may claim a payment of €450 in the form of a lump sum for each full working day spent assisting the European Commission's services in their evaluation. The total reimbursement will be calculated to the nearest half day.

If you wish to claim this payment, please note that you should send your application for reimbursement of expenses form (enclosed at annex III) together with all supporting documents relating to the expenses claimed to the Commission within no more than 60 days of the completion of your duties. If you have not submitted these documents within this period, it is presumed that no claim for payment or for reimbursement of expenses will be requested.

[Option : CENTRAL and/or REMOTE + CENTRAL evaluation]

[Your travel and subsistence expenses may also be reimbursed on the basis of the provisions in force within the Commission as defined in annex V.]

To obtain the reimbursement of your expenses, you will also be required to complete and send to the Commission the banking form (included in Annex IV to the present letter) and indicate your bank account details.

The maximum number of days spent assisting the Commission will not exceed :

[Option : CENTRAL evaluation] [(...X full days plus Z half days ...) for central evaluation.].

Council Regulation (EC) N°2322/2002 of 5 November 2002 concerning the rules for participation of undertakings, research centres and universities in the implementation of the European Atomic Energy Community (2002-2006) (OJ L 355 of 30 December 2002).

[Option : REMOTE evaluation] [(...X full days plus Z half days...) for evaluation at home or place of work] [determined in accordance with the payment schedule set out in annex VII to the present letter].

[Option : REMOTE + CENTRAL evaluation] [(...X full days plus Z half days...) for evaluation at home or place of work] and [(...Y full days plus Z half days...) for central evaluation] [determined in accordance with the payment schedule set out in annex VII to the present letter].

Only the number of days (calculated to the nearest half day) actually spent assisting the Commission's services will be taken into consideration by the Commission when making the final payment.

Please note that claims for expenses relate only to the travel and subsistence costs and not to equipment or other resources required for evaluation. Travel costs are reimbursed on the basis of actual expenditure and subsistence costs are based on a flat rate per diem.

[OPTION only for Russia and NIS, MED, DEV, Western Balkan]

[The Commission may, at your request, pay a pre-financing (advance) equal to 40% of the estimated amount, which could be claimed by you on the completion of the evaluation work. This pre-financing will be deducted from subsequent payments. If, for whatever reason, you subsequently do not spend any days carrying out the foreseen evaluation work, it is stressed that the pre-financing paid to you must be returned immediately to the Commission. In the case where the pre-financing exceeds the amount due to you for the days actually spent in carrying out evaluation work, the part of the pre-financing not due to you must be returned immediately to the Commission.

If you wish to claim this pre-financing, please note that you should send your application for pre-financing (advance) of expenses (included in annex VI), and sign and return by registered mail to the Commission's services this appointment letter and the conflict of interest and confidentiality declaration (included in Annex II), at least (...insert number...) days **before the above-mentioned starting date of the evaluation session.**

Please note that, as regards all payments, these arrangements are between you and the Commission, even if you are employed by an organisation. It will be for you and your employer to come to any particular agreement concerning the final destination of any payments; the Commission will not intervene in this agreement.

Conditions

You should also note that, in accepting the provisions of this appointment letter and its annexes, you commit yourself to respect applicable national legislation (including taxation and VAT) with regard to any payments received from the Commission and with regard to social security matters and working rights. Upon request by any competent national authorities, the Commission may inform them about any payment made for the performance of your duties.

In the event of a serious failure to fulfill your obligations arising from the performance of the evaluation work or in respect of the terms of the code of conduct or the confidentiality and conflict of interest declaration, the Commission may terminate your appointment immediately

at any time without formal notice or payment of any compensation whatsoever. The termination of appointment shall become effective on the date of receipt of the notification.

The Commission reserves the right to recover any payment made and to exclude from further evaluation any expert who has breached the obligations arising from the declaration of confidentiality and conflict of interest.

The European Commission shall not under any circumstances or for any reason whatsoever be liable for damage sustained by you during the performance of the evaluation work.

The provisions of the present appointment letter, of the code of conduct and the confidentiality and conflict of interest declaration do not constitute an employment agreement and the Commission is not liable to provide you with any compensation or coverage in the event of injury or illness.

Except in the case of force majeure, you shall be required to indemnify the European Commission for any damage it may sustain in the performance, poor or otherwise, of the evaluation work.

The Court of First Instance or the Court of Justice of the European Communities, as is appropriate in the specific case, shall have sole jurisdiction to hear any disputes between the Community and the expert as regards the validity, the application or any interpretation of this agreement. The law of [Belgium/Luxembourg] shall govern this agreement.

For further information relating to the performance of your work you may consult the Guidance Notes for Evaluators, which will be provided to you, or the Guidelines on Proposal Evaluation and Selection Procedures (“the Guidelines”) available at the following web-site address: (...insert web address: <http://www.cordis.lu/jp6/...>).

All correspondence related to the performance of your work and all documents related to the reimbursement of your travel and subsistence expenses should, if required, be sent to the following address:

(...name...)
European Commission
(...office...)
B-1049 Brussels

Yours sincerely,

For the Commission:

Brussels,

I, the undersigned, confirm that I accept the conditions set out in the current appointment letter and its annexes.

For the expert:

Place, date:

ANNEXES :

- ANNEX I:** Code of Conduct for Independent Experts appointed as Evaluators (see Annex B of the Guidelines)
- ANNEX II:** Conflict of Interest and Confidentiality Declaration
(*N.B. this Declaration must be signed and submitted/returned to the Commission before the start of the evaluation session*)
(see Annex C of the Guidelines)
- ANNEX III:** Application for reimbursement of expenses²⁴
- ANNEX IV:** Banking form (Financial Identification)²⁵
- ANNEX V:** Rules for reimbursement of expenses and Table of daily allowances²⁶
- ANNEX VI:** Application for pre-financing (advance) payment²⁷
- ANNEX VII:** (optional) [*Option : REMOTE evaluation and Option : REMOTE + CENTRAL evaluation (remote evaluator who may also attend a central evaluation meeting)*] Payment provisions and provisional planning²⁸.

²⁴ Not attached to the Guidelines on proposal evaluation and selection procedures

²⁵ Idem

²⁶ Idem

²⁷ Idem

²⁸ Idem

Code of Conduct for Independent Experts Appointed as Evaluators

(Annex I to Appointment letter – see Annex A)

1. The task of an evaluator is to participate in a confidential, fair and equitable evaluation of each proposal according to the procedures described in this guide and in any programme-specific evaluation document. He/she must use his/her best endeavours to achieve this, follow any instructions given by the Commission to this end and deliver a constant and high quality of work.
2. The evaluator works as an independent person. He/she is deemed to work in a personal capacity and, in performing the work, does not represent any organisation.
3. The independent expert must sign a declaration of conflict of interest and confidentiality before starting the work, by which he/she accepts the present Code of Conduct. Invited independent experts who do not sign the declaration will not be allowed to work as an evaluator.
4. In doing so, the independent expert commits him/herself to strict confidentiality and impartiality concerning his/her tasks. If an evaluator has a direct or indirect link with a proposal, or any other vested interest, is in some way connected with a proposal, or has any other allegiance which impairs or threatens to impair his/her impartiality with respect to a proposal, he/she must declare such facts to the responsible Commission official as soon as he/she becomes aware of this. In addition the evaluator signs a declaration at the bottom of the individual evaluation report for each proposal that he/she examines for the Commission notifying that no conflicts of interest for this particular proposal exist. The Commission ensures that, where the nature of any link is such that it could threaten the impartiality of the evaluator, he/she does not participate in the evaluation of that proposal, and, if necessary, competing proposals.
5. Evaluators may not discuss any proposal with others, including other evaluators or Commission officials not directly involved in the evaluation of the proposal, except during the formal discussion at the meetings moderated by or with the knowledge and agreement of the responsible Commission official.
6. Evaluators may not communicate with proposers, except in the case of panel hearings between evaluators and proposers organised by the Commission as part of the evaluation process. No proposal may be amended during the evaluation session. Evaluators' advice to the Commission on any proposal may not be communicated by them to the proposers or to any other person.
7. Evaluators are not allowed to disclose the names of other evaluators participating in the evaluation. The Commission makes public lists of names of appointed evaluators at regular intervals without indicating which proposals they have evaluated.
8. Where it has been decided that proposals are to be posted or made available electronically to evaluators, who then work from their own or other suitable premises, the evaluator will be held personally responsible for maintaining the confidentiality of any documents or electronic files sent and returning, erasing or destroying all confidential documents or files

upon completing the evaluation as instructed. In such instances, evaluators may seek further information (for example through the internet, specialised databases, etc.) in order to allow them to complete their examination of the proposals, provided that the obtaining of such information respects the overall rules for confidentiality and impartiality. Evaluators may not show the contents of proposals or information on proposers to third parties (e.g. colleagues, students, etc.) without the express written approval of the Commission. It is strictly forbidden for evaluators to make contact with proposers.

9. Where the evaluation takes place in an office or building controlled by the Commission, evaluators are not allowed to take outside the evaluation building any parts of proposals, copies or notes, either on paper or in electronic form, relating to the evaluation of proposals. Evaluators may be given the possibility of seeking further information (for example through the internet, specialised databases, etc.) to allow them to complete their examination of the proposals, but they may not contact third parties without the express consent of the Commission staff supervising the evaluation.
10. Evaluators are required at all times to comply strictly with any rules defined by the Commission for ensuring the confidentiality of the evaluation process and its outcomes. Failure to comply with these rules may result in exclusion from the immediate and future evaluation processes, without prejudice to penalties that may derive from other applicable Regulations.

Annex C

Conflict of Interest and Confidentiality Declaration
(Annex II to Appointment letter – see Annex A)

(Please tick whichever is applicable)

I, the undersigned, confirm that I have read, understood and accepted the code of conduct for independent experts established in Annex I to the appointment letter No. sent by the Commission related to the performance of the evaluation tasks.

I declare that I have not submitted, nor am I, to my knowledge, directly or indirectly involved in any proposal submitted for evaluation under the Call for Proposals.

I declare that my participation in the evaluation of the following proposal(s) could create a conflict of interest:

<i>Acronym</i>	<i>Title</i>	<i>Area</i>
.....
.....
.....
.....

In particular, I undertake to inform the Commission staff immediately if I discover any conflict of interest, direct or indirect, with any proposal that I am asked to evaluate or which is the subject of discussion in any evaluation meeting at which I am present.

I also declare that I will not reveal any detail of the evaluation process and its outcomes or of any proposal submitted for evaluation without the express written approval of the Commission. In case of evaluation carried out outside Commission controlled premises, I understand that I will be held personally responsible for maintaining the confidentiality of any documents or electronic files sent and for returning, erasing or destroying all confidential documents or files upon completing the evaluation, unless otherwise instructed.

Signed

Name

Date.....

Guidelines on and Code of Conduct for Independent Observers of the evaluation process

Profile

The Commission may assign independent experts as observers, in accordance with Article 11 of the Rules for Participation. The Commission is responsible for choosing the observers so as to ensure the transparency of the process.

In general, for each activity/research area, at least one independent observer per year should be chosen from among the independent experts appointed as members of the specific programme monitoring panel, in accordance with Article 11(2)(a).

The Commission may inform the Programme committees of the choice of independent experts as observers and their terms of reference.

Tasks

The task of the independent observers is to look at the operation of evaluation sessions from the point of view of their working and not the outcome, unless the outcome of the evaluations is a direct result of the operational aspects. For this reason, it is not necessary that the observers have expertise in the area of the proposals being evaluated. Indeed, it may be advantageous to avoid having observers with too intimate a knowledge of the particular S&T area in order to avoid conflicts between their opinions on the outcome of the evaluations and the functioning of the sessions. In any case, they will not express views on the proposals under examination or the evaluators' opinions on the proposals.

The role of the observers is to give independent advice to the Commission on the conduct of the evaluation sessions, ways in which the procedures could be improved, the application of the evaluation criteria used in the sessions, and the way in which the evaluators apply these criteria. The observers verify that the procedures set out or referred to in these guidelines are adhered to and report to the programme management on ways in which the process could be improved.

Observers are required to respect the same confidentiality obligations as evaluators (see *Annex B*) and to sign confidentiality agreements. They are not permitted to divulge details of the proposals, the evaluators assigned to examining the proposals, nor the discussions in the evaluation panels.

Reporting

The observers report on their findings to the Commission. As well as producing a report, the observers are also encouraged to enter into informal discussions with the Commission officials involved in the evaluation sessions and to make observations on any possible improvements that could be put into practice immediately.

The Commission may inform the programme committee of the observers' findings and may make available publicly a summary of their report.

Two-stage proposal submission and evaluation procedures

The call for proposals may opt for a two-stage proposal submission and evaluation procedure. For this, proposers must submit first an outline proposal, which is evaluated against the criteria for this stage set out in the call.

The evaluation process for first-stage proposals is based on the process for full proposals as detailed in section 4.5. Outline proposals for Integrated Projects and Networks of Excellence are evaluated by a minimum of 3 independent experts. Consensus discussions may be convened, where necessary.

For the evaluation of first-stage proposals, the consensus report may consist of a collation of the individual evaluation forms signed by each of the experts. The consensus marks for a proposal may be based on either the average marks awarded for each criterion or block of criteria or on the majority judgement as to whether or not each applicable threshold has been achieved. If this option is used, it will be announced in the call for proposals, along with the marking procedure.

Coordinators of those proposals that have passed all thresholds are invited to submit a full proposal within a given period. The invitation is sent to the proposal coordinator together with the evaluation summary report on the outline proposal.

The Commission adopts a rejection decision on the outline proposals which have not passed all thresholds. Immediately after this decision, coordinators of rejected outline proposals are informed in writing of the Commission's decision and receive the evaluation summary report.

Full proposals for the second stage are submitted and evaluated according to the same procedures as for single stage proposals, as described in section 4.5. The marking system applied is the same as the marking system described for single stage proposals. Applicable criteria, thresholds and weightings for this second stage are those set out in the call.

Measures for continuously open calls for proposals

Some calls for proposals may be continuously open (usually for the duration of a Specific Programme) to allow proposal submission at any time but may have intermediate closure dates for receipt of proposals to be considered in any particular evaluation session. In this case, all proposals received before any intermediate closure date are evaluated in an evaluation session that is normally organised within a month after this date. Intermediate and final closure dates are specified in the relevant calls.

In general, all proposals received before any intermediate or final closure date are evaluated in an evaluation session that is normally organised within a month after this date. However, some calls may provide that proposals are evaluated individually when they arrive before any intermediate or final closure date. They are then all reviewed and ranked after this date and evaluation results are made available immediately.

For continuously open calls, for all proposals arriving at least three weeks before each intermediate closure date, the Commission may carry out pre-proposal checks (see section 3.3) as the proposals are received.

Where a proposal is found not to meet the call requirements or where a doubt exists over whether the proposal fulfils these requirements, the proposal coordinator is contacted by the Commission in order to request further information to verify any requirements which cannot be judged or to indicate that the proposal as submitted may not meet the call requirements.

In such instances, the proposal coordinator may withdraw the proposal or may provide additional information, before the intermediate call closure, to allow the checks to be completed. If such additional information is not received or the proposal is not withdrawn before the intermediate call closure, the proposal is evaluated as it stands. A written record of all such contacts is attached to the proposal file.

Continuously open calls may also follow a two-stage proposal submission and evaluation process. In this case, short first stage (outline) proposals may be evaluated individually as they are received and a closure date for the submission of a full proposal for the second-stage evaluation is provided for in the call.

Ethical Review Procedures

Introduction

In order to implement Article 3 of the Framework Programme and Article 10 of the Rules for Participation, the evaluation procedure includes a check of ethical issues raised by the proposals. A ethical review of proposals involving sensitive ethical issues may take place after the evaluation and before any selection decision by the Commission.

The objective of this ethical review is to make sure that the European Union does not support research which would be contrary to fundamental ethical principles as embodied in the Decisions on the Sixth Framework Programme and Specific Programmes. To this end, additional information on ethical aspects may be requested from proposers to allow the ethical review to be carried out.

Proposals

Where appropriate and/or required by the call, proposals include a section which:

- describes the potential ethical aspects of the proposed research regarding its objectives, the methodology and the possible implications of the results
- justifies the design of the research project
- explains how the ethical requirements set out in the work programme will be fulfilled
- indicates how the proposals meets the national legal and ethical requirements of the country where the research is performed
- indicates the timing for approval by any relevant authority at national level.

The evaluation

In the first instance the independent experts make a check of any ethical issues raised by a proposal. During the individual evaluation, experts check whether the proposal raises specific ethical issues (such as clinical trials, use of human tissues and in particular foetal and/or embryonic tissues, use of animals and in particular non-human primates and genetically modified animals).

The evaluators identify those proposals requiring a special attention due to the importance of the ethical issues raised and/or the inadequacy of the way the ethical issues are addressed in the proposal. The evaluation summary report should include any comments of the evaluators concerning ethical issues raised by the proposal.

Ethical review procedure and organisation of the ethical review panel

Submission to the Ethical Review (ER) panel

The Commission may decide to submit the proposals proposed for funding to a specific ethical review panel. In any case, all proposals proposed for funding involving the use of human embryonic and/or foetal tissues and non-human primates are submitted to an ethical review panel.

Composition of the Ethical Review (ER) panel

The ER panel is composed of independent experts from different disciplines such as law, sociology, psychology, philosophy and ethics, medicine, molecular biology, veterinary science with a parity of scientific and non-scientific members. The panels are transnational.

Representatives of civil society may be invited.

The independent experts are bound to the European Commission requirements concerning conflicts of interest and confidentiality as defined in *Annex B*.

The review phase

The experts individually read the proposals and any additional information that may have been requested from the proposers. The experts prepare an individual assessment using the criteria set out in the work programme. Proposals are read by a minimum of 4 experts with different disciplinary backgrounds.

Discussion and consensus: Once the proposals have been individually assessed, the ER panel meets to discuss. A consensus is sought. The rapporteur prepares a draft report based on the comments expressed by the different experts.

The ethical review report includes the list of the different ethical issues, an account of the way the issues are handled by the proposers and the recommendations of the ER panel. The report is signed by the experts of the ER panel.

In case no consensus can be reached, the report reflects the opinion of the majority of the ER panel and mentions any dissenting opinion.

The Ethical Review report

The proposers are informed of the outcome of the ethical review through the ethical review report. This is sent without the signatures of the experts.

The ethical review report may indicate the need to organise a follow up review at a later stage of the project.

In its decision to fund a project the Commission takes into account the results of the ethical review, which may be introduced into the technical annex of the project contract following contract negotiation.

Evaluation of Proposals submitted to the Human Resources and Mobility Activities and the New and Emerging Science and Technologies Activity of the Sixth Framework Programme

1. Introduction

Proposals submitted to the Human Resources and Mobility (HRM) action and the New and Emerging Science and Technology (NEST) activity will, in general, be evaluated following the evaluation process described elsewhere in this document. However due to the wide variety of actions within the HRM action, and in view of the large number of proposals anticipated for some activities, and due to the wide scientific range and the multi-disciplinary character of the NEST activity, some details of the evaluation procedure will vary from those described elsewhere in this document.

The principal differences in the proposal evaluation and selection process are summarised below.

2. Specific Rules and Procedures for HRM Activities

(1) Evaluation of Return and Re-integration Grants

In the case of Return and Re-integration Grant applications, proposals are submitted and evaluated on a continuous basis. Proposals submitted up to pre-defined dates are compared against each other in batches and ranked by the Commission services.

(2) Marks, Weightings and Thresholds

Initial marks awarded by evaluators will normally be given in a range of 0 to 5 as indicated in section 4.3. Due to the large number of proposals submitted to some activities, initial marks may be awarded with a resolution of one decimal place. After individual evaluation the evaluators will see the marks and comments of other relevant evaluators. Evaluators may revise their marks taking into account the views of other evaluators. The Commission records draft marks and comments as well as their evolution.

Consensus marks may be derived, where appropriate, by averaging the scores of evaluators and this process may be widely applied where remote evaluation is used. Where remote evaluation is used for the consensus process, the consensus report will be signed by the rapporteur.

(3) Comments from evaluators

Comments will be provided by evaluators for the overall mark awarded for each proposal and, where practicable, for each block of criteria.

3. Specific procedures for NEST.

- (1) The NEST evaluation is carried out by individual assessments subsequently followed by a panel meeting. The panel serves to consolidate the views of the individual evaluators and to come to a final judgement on each proposal assuring fair treatment of proposals across different scientific domains.
- (2) Each proposal is evaluated against the applicable criteria independently by several experts who – possibly remotely – provide individual evaluation reports giving marks and providing comments for each criterion, or block of criteria, and overall comments.
- (3) For each proposal a consensus report is prepared. The consensus report consists of a collation of the marks and comments of the individual evaluation reports. In this case, the consensus marks are based on the average marks of the individual assessments for each criterion or block of criteria. Thus, the “consensus” report, while showing divergences of opinion, is a faithful reflection of the views of the individual evaluators.
- (4) The panel then examines each proposal and reviews the scores and comments as documented in the “consensus” report. Working within the parameters of the individual assessments, the panel may adjust scores or revise comments, to reflect its considered judgement.
- (5) The Evaluation Summary Report (ESR) reflects the consensus reached in the panel. It contains the final marks and comments agreed by the panel. In order to assure a high level of transparency, and comprehensive feedback to the proposers, the panel may agree to retain comments of individual evaluators in the ESR, even when they do not fully accord with the final panel judgement.

Procedures for remote evaluation

The Commission may opt to have proposals evaluated remotely. For this, independent experts are invited to carry out the evaluation fully or partially at their home or place of work. In general, remote assessment of proposals is used for the individual reading and evaluation of proposals by individual independent experts.

When remote evaluation is used, the Commission forwards copies of the proposals to be examined to each individual expert. This may be done by sending paper copies by post or courier service or by making the proposal available electronically.

As with evaluations carried out on Commission-controlled premises, the Commission is responsible for the briefing of independent experts before each evaluation session. Detailed guidelines for evaluators are made available to this end and are sent to the experts in advance of the evaluation. The briefing of the evaluators covers the evaluation processes and procedures as well as the evaluation criteria to be applied and the objectives of the research area under consideration. When evaluating remotely, the Commission will maintain close contact with the individual experts to assist them on any query.

Each expert is given a fixed time period in which to examine his/her proposals and to return his/her completed evaluation sheets. These are sent to the Commission by post or fax, or may be filled out electronically. For the latter, appropriate electronic codes substitute for the signature of the independent expert.

Arriving at a consensus between the independent experts who have examined a particular proposal may be carried out remotely. In this case, the Commission may appoint a rapporteur for the proposal, who drafts a consensus report on the basis of the individual reports. This consensus report is then sent to the individual experts for their approval. As before, appropriate electronic codes may substitute for the signatures of the experts and the rapporteur.

The fact of using remote evaluation for any step of the overall evaluation process does not change in any way the provisions on confidentiality or conflict of interest set out in the code of conduct for independent experts in Annex B. In particular, paragraph 8 of Annex B sets out specific rules for remote evaluation. Independent experts working remotely are also required to fill in and sign the declaration in Annex C before beginning work.

Remote evaluation procedures may also be subject to examination by independent observers.

Procedures for Proposal Submission

Proposals may be prepared and submitted by the following methods:

1. Preparation and submission using the on-line Electronic Proposal Submission System (EPSS).

The proposal coordinator must register his/her intention to prepare a proposal by visiting the web-page set up for this purpose. In return, he/she receives a coordinator login and password as well as a partner login and password. The coordinator may now access the EPSS system in order to fill in administrative forms and upload files containing the contents of the proposal. On upload, the EPSS performs a check for computer viruses. If any virus is detected, the coordinator is informed of the fact and that the upload has been refused. It is the proposal coordinator's responsibility to ensure that infected files are deleted or that viruses are removed before the file can be uploaded.

Once they have received their login and password from the coordinator, proposal partners may access and edit their individual administrative forms and view all other parts of the proposal. Only the coordinator may compile and edit the proposal contents.

The only file format accepted by the Commission for the proposal contents is PDF ("portable document format", compatible with Adobe version 3 or higher with embedded fonts). Compressed ("Zipped") files will not be accepted.

Once the proposal is complete, the coordinator must submit it by entering his/her login and password. On submission, the EPSS performs an initial check on eligibility and informs the coordinator of any apparent eligibility problems with the proposal. This check does not replace the eligibility check carried out by the Commission (see section 3.6) and the coordinator may decide to submit the proposal even when apparent eligibility problems have been indicated by the EPSS. Annexes (e.g. video presentations, brochures, etc.) other than these specifically allowed for in the call text are refused.

Once successfully submitted, the coordinator receives a message that indicates that his/her proposal has been received and accepted for submission. The coordinator may continue to modify his/her proposal and submit revised versions overwriting the previously submitted one up until the call closure, but will not be able to modify the proposal after call closure. Proposal files successfully submitted, but which later turn out to contain computer viruses or which are unreadable or unprintable, will be excluded.

2. Preparation using the off-line proposal submission tool

The EPSS also comprises a software tool for preparing proposals off-line. The coordinator may download this tool to fill in forms and attach the proposal content file(s). The same restrictions on file format apply as for the on-line submission method. Submission may then be carried out in two ways:

- by registering as set out above to use the on-line submission system and then uploading and submitting the files via the on-line system;

- if paper submission has not been excluded by the Commission, a paper copy can be prepared by using the off-line tool, which is then delivered before the call closure to the address given in the call for proposals.

3. Preparation on the forms distributed with the Guides for Proposers, followed by delivery to the address given in the call for proposals

Proposals submitted on paper must be submitted in a single package. If proposers wish to submit changes to a proposal or additional information, they must clearly indicate which parts of the proposal have changed and the changes/extra parts must be submitted and received before the call closure. Additional or amended proposal contents received after the call closure (or intermediate closure date for continuously open calls) will not be treated or evaluated.

Delivery of packages containing proposals on paper may be carried out using normal post, private courier service or by hand. Versions of proposals for indirect RTD actions submitted on a removable electronic storage medium (e.g. CD-ROM, diskette), by email or by fax will be excluded.

The Commission intends to move progressively to fully electronic proposal submission. Therefore the Commission reserves the right to restrict submission for particular individual calls to electronic proposals alone. For these “paper-free” calls, paper submission will be allowed only in very exceptional cases where a coordinator can demonstrate to the Commission’s satisfaction that he/she is unable to submit via the online EPSS. Such an exemption has to be requested and requires the explicit approval of the Commission. The Commission will reply to such a request within five working days and, if the request is accepted, will provide in the reply the necessary materials needed to prepare the paper proposal providing that the call is still open.

The Commission takes no responsibility for delays caused by the postal system or couriers in the transmission of the material to prepare the paper proposal. Proposers wanting to use paper submission take the responsibility to ensure that the requests for exemption and the associated procedures are completed in due time for them to meet the call deadline.