Rule No. 1374 of 16 December 2015 on the grant award procedures of the Council of Europe[[1]](#footnote-1)

The Secretary General of the Council of Europe,

HAVING REGARD to the Financial Regulations, in particular its Article 36, and Supplementary Provisions of the Council of Europe, adopted by the Committee of Ministers on 29 June 2011 at the 1117thmeeting of the Ministers’ Deputies, as amended (hereinafter referred to as ''Financial Regulations'');

HAVING REGARD to Rule No. 1282 of 18 October 2007 on the declaration of interests in the context of procurement;

HAVING REGARD to Rule No. 1296 of 18 December 2008 on the acceptance of fees, gifts, decorations or honours, invitations and other advantages from third parties;

HAVING REGARD to Rule No. 1327 of 10 January 2011 on awareness and prevention of fraud and corruption;

HAVING REGARD to the underlying principles of grant award procedures, which are transparency, non-retroactivity, non-cumulative awards, not-for-profit, co-financing and non-discrimination;

CONSIDERING that a Rule should lay down in detail procedures for the award of grants by the Council of Europe;

D E C I D E S:

PART I – GENERAL PROVISIONS

Article 1 – Scope of the Rule

1.1 This Rule lays down the procedures for the award of grants by the Council of Europe.

1.2 For the purposes of this Rule, a grant shall constitute a provision of financial assistance by the Council of Europe to a grantee which is intended to:

 a. assist the grantee achieve its goals or objectives; and

 b. promote the values or policies of the Council of Europe.

1.3 A grant by the Council of Europe may finance an action or a project by the grantee or its operational expenditures.

1.4 The following, *inter alia*, do not constitute grants within the meaning of this Rule:

 a. administrative arrangements as defined in Article 40, paragraph 1bis, of the Financial Regulations;

 b. contracts for the supply of goods, services and works to the Council of Europe governed by Rule No. 1333 of 29 June 2011 on the procurement procedures of the Council of Europe;

 c. reimbursement of travel and subsistence expenses incurred by, or where appropriate any other indemnities paid to, persons invited or mandated by the Council of Europe;

 d. prizes given as rewards for contests.

1.5 This Rule shall not apply to the grant award procedures by Eurimages and European Youth Foundation programmes which are governed by specific regulations.

Article 2 – General principles

Grant award procedures in the Council of Europe shall be based on the principles of transparency, non-retroactivity, non-cumulative awards, not-for-profit, co-financing and non-discrimination as described below.

**2.1 Principle of transparency**

2.1.1 Grants shall not be awarded without a call for proposals, as referred to in Article 8 of the present Rule.

2.1.2 Notwithstanding the provisions of Article 2.1.1 above, when the total value of grants to be awarded is less than[[2]](#footnote-2) 15,000 euros, grants may be awarded directly to a particular grantee without a call for proposals.

2.1.3 Grants may also exceptionally be awarded directly to a particular grantee without a call for proposals where, for unforeseen reasons of urgency not attributable to the administrative entity awarding a grant, a call for proposals cannot be followed or where the characteristics of the grantee or of the action or project leave no choice.

2.1.4 Information about awarded grants shall be published annually, excepted when specific confidentiality measures shall be taken by the Council of Europe to preserve the vital interests of the grantee.

**2.2 Principle of non-retroactivity**

2.2.1 No grant may be awarded for an action or a project already completed.

2.2.2 When a grant is awarded for an action or a project which has already begun, costs eligible for financing shall not have been incurred prior to the date of submission of the grant application.

**2.3 Principle of co-financing**

2.3.1 The Council of Europe shall finance only part of the action or of the project referred to in Article 1.2 and 1.3 of the present Rule.

2.3.2. The grantee shall contribute to the action or the project either by way of its own resources or by contribution from third parties. Co-financing may take the form of financial or human resources, in-kind contributions or income generated by the action or project.

**2.4 Principle of non-cumulative awards**

2.4.1 Each action or project shall give rise to the award by the Council of Europe of only one grant per grantee.

2.4.2 Under no circumstances a grant by the Council of Europe may finance part of an action, or part of a project which is already financed by any other resources.

**2.5 Principle of no-profit**

Grants shall not have the purpose or effect of producing a surplus over the eligible costs incurred by the grantee as defined in Article 6 of the present Rule.

**2.6 Principle of non-discrimination**

Grant award procedures shall comply with the Council of Europe’s policy on non-discrimination on grounds of gender, disability, age, marital or parental status, colour, ethnic origin, religion, belief, citizenship, nationality, sexual orientation, language, political or other opinion, social origin, association with a national minority, property, birth or other status.

PART II - GRANT AWARD PROCEDURE

Article 3 – Responsibility for the grant award procedure

3.1 Commitments officers, as referred to in Article 31 of Financial Regulations, shall be responsible for grant award procedures. They shall ensure compliance of each procedure with the provisions of the present Rule. They shall in particular:

 a. decide whether conditions for a direct award referred to in

 Article 2.1 are met;

 b. approve the call for proposals, including appropriate publication

 means and the arrangements for the submission of applications;

 c. appoint a staff member (hereinafter “Coordinator”) who shall be responsible for the smooth running of the grant award procedure, including overall planning and organisation of the applications’

 reception and evaluation process;

 d. appoint an Evaluation Committee, as referred to in Article 13 of the present Rule;

 e. decide to award grants on the conditions laid down in Articles 9.2,

 14.5 and 14.7 of the present Rule;

 f. inform applicants of the decision on their application;

 g. sign the grant agreement;

 h. decide, when appropriate, on specific confidentiality measures to be taken to preserve the vital interests of the grantee in accordance with Article 2.1.4;

 i. where appropriate, suspend implementation of the grant agreement;

 j. where appropriate, terminate the grant agreement;

 k. where appropriate, reduce grant amounts or recover them in full or part.

3.2 Commitments officers may, as necessary, delegate in writing any of the responsibilities referred to in paragraph 1 above to a cost center manager in his or her administrative entity.

Article 4 – Exclusion grounds

**4.1 General exclusion criteria[[3]](#footnote-3)**

4.1.1   Applicants shall be excluded from the grant award procedure where they:

a. have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering, terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking in human beings;

b. are in a situation of bankruptcy, liquidation, termination of activity, insolvency or    arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;

c. have received a judgment with res judicata force, finding an offence that affects their professional integrity or constitutes a serious professional misconduct;

d. do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of the country where they are established;

e. are an entity created to circumvent tax, social or other legal obligations (empty shell company), have ever created or are in the process of creation of such an entity;

f.  have been involved in mismanagement of the Council of Europe funds or public funds.

4.1.2   Applicants shall deliver, when submitting their application, a declaration on their honour certifying that they are not in any of the above-mentioned situations.

4.1.3   The Council of Europe reserves the right to ask applicants to supply the following supporting documents:

a. for the items set out in paragraphs 4.1.1. a), b), c) and f), an extract from the record of convictions or failing that an equivalent document issued by the competent judicial or administrative authority of the country where the applicant is established, indicating that these requirements are met;

b. for the items set out in paragraph 4.1.1. d), a certificate issued by the competent authority of the country of establishment.

**4.2 Other exclusion grounds**

Applicants shall be excluded from the grant award procedure:

 a. if they fail to comply with the arrangements for the submission of their applications as set out in the call for proposals;

 b. if they are subject to a conflict of interests;

 c. in case of misrepresentation.

Article 5 – Eligibility and award criteria

5.1 The eligibility criteria set out in the call for proposals shall be such as to make it possible to assess the applicant’s ability to complete the proposed action or project.

5.2 The award criteria set out in the call for proposals shall be such as to make it possible to assess the quality of the applications submitted in the light of the objectives and priorities set. Award criteria shall be weighted.

5.3 The eligibility and award criteria shall be objective, in the sense that they shall not confer any unfair advantage on an applicant and shall not constitute an unjustified obstacle to competition. Social and environmental criteria may also be taken into account.

5.4 The criteria, once made public, shall not be changed. The same rule applies to the weighting of each of the award criteria.

Article 6 – Eligible costs

6.1 Grants shall not exceed an overall ceiling expressed in terms of an absolute value which shall be established on the basis of estimated eligible costs. Grants shall not exceed the eligible costs.

6.2 To be eligible, direct costs must:

 a. be necessary for the purpose of the grant;

 b. comply with the principles of sound financial management, in particular best value for money and cost-effectiveness;

 c. have actually been incurred by the grantee during the implementation period as defined in the grant agreement;

 d. be identifiable and verifiable, in particular being recorded in the grantee's accounts and determined according to the accounting standards applicable to the grantee;

 e. comply with the requirements of applicable tax and social security legislation;

 f. be backed up by originals or certified copies of supporting documents; and

 g. have been indicated in the estimated overall budget of the action or project.

6.3 Costs which cannot be identified as direct costs necessary for implementing the action or project may nevertheless be considered as eligible when they are incurred by the grantee in connection with the action or project concerned. These costs may not include ineligible costs as referred to in Article 7 or costs already declared under another cost item or heading of the estimated budget. These costs shall be covered by a flat-rate laid down in the grant agreement, which shall not exceed 7% of the total eligible costs.

Article 7 - Ineligible costs

7.1 The following costs shall not be considered eligible:

 a. expenditure already financed by other sources;

 b. debts and provisions for losses or debts incurred prior to the award;

 c. costs incurred outside the implementation period as defined in the grant agreement;

 d. expenditures unrelated to the project or action;

 e. interest owed;

 f. purchases of land or buildings;

 g. currency exchange losses;

 h. loans to third parties.

7.2 Costs for refurbishment (office renovation, restoration) of current premises are not eligible costs unless they are directly related to project activities.

7.3 Additional ineligible costs may be defined in a grant agreement to satisfy the contractual obligations of the Council of Europe, in particular with regard to its donors.

Article 8 – Publication of calls for proposals

8.1 Subject to the provisions of Article 2.1.2 and 2.1.3, calls for proposals shall be published.

* 1. The means of publication chosen shall target relevant audience, be non-discriminatory in nature and shall not have the effect of restricting the access of applicants to the award procedure.

8.3 The call for proposals shall specify:

 a. the objectives pursued by the action or project to be implemented;

 b. the co-financing requirements;

 c. the arrangements for the submission of applications;

 d. an email address to which potential applicants may request, in writing, supplementary information;

 e. the planned date by which all applicants shall have been informed of the outcome of the evaluation of their application and the indicative date for the signature of the related grant agreements;

 f. the indicative timetable for the action/project implementation;

 g. the exclusion and eligibility criteria, and the list of relevant supporting documents to be submitted by applicants, as may be appropriate given the nature of the grant to be awarded;

 h. the award criteria, their respective weighting and the relevant supporting documents to be submitted by applicants, as may be appropriate given the nature of the grant to be awarded;

 i. the number of potential grantees and the total value of grants to be awarded;

 j. the terms of the grant agreement to be concluded with the potential grantee, drawn up on the basis of the standard template established by the Council of Europe for this purpose and including, in particular,

 i. the arrangements for financing and fund transfer terms;

 ii. the financial guarantee that the Organisation may require; as well as

 iii. any specific clauses to be included in the grant agreement in addition to those set out in the standard template.

8.4 When a potential applicant requests supplementary information, in accordance with the conditions specified in the call for proposals, the information given to that applicant shall be made available to all potential applicants.

Article 9 – Direct award

9.1 When the conditions set out in Article 2.1.2 and 2.1.3 are met, the competent Commitments Officer may decide to directly award a grant to a particular grantee.

9.2 The Commitments Officer’s decision must be duly substantiated, in light of the criteria set out in Article 2.1.2 and 2.1.3.

Article 10 – Submissions of applications

10.1 Applications shall be submitted in accordance with the requirements of the call for proposals.

10.2 An estimated budget for the action or project shall be attached to the application, indicating the estimated eligible costs of the action or project.

10.3 Applicants shall further be required to indicate whether they have received or applied for any additional funding from the Council of Europe or other sources in respect of the same action or project or for its operational expenditure and what the respective amounts of additional funding are.

10.4 Applicants may be asked to submit their proposals in two stages. In this case, they shall be first asked to submit a concept note. The applicants whose concept notes successfully pass the first-stage evaluation shall be asked to develop their respective concept notes and to submit a detailed proposal for the second-stage evaluation.

10.5 Applications submitted after the deadline shall automatically be excluded from the procedure, unless the applicant proves that his/her application could not be submitted in time because of *force majeure*. The Evaluation Committee shall indicate in its consensus report to the Commitment Officer concerned whether it considers that there has been a situation of *force majeure* or not.

Article 11 – Receipt of applications

11.1 The reception process shall ensure that the integrity of data, the confidentiality of applications and the protection of personal data in accordance with the requirements of Council of Europe legal framework concerning data protection are observed.

11.2 Applications shall only be opened after the deadline for their submission. They shall be opened by the Coordinator of the procedure in the presence of a member of the Evaluation Committee. A record of the applications shall be established and signed by those present.

11.3 The applications shall be given identification numbers.

Article 12 – Exclusion and eligibility check

12.1 The Coordinator shall make a preliminary evaluation of the applications against the exclusion and eligibility criteria set out in the call for proposals. A draft report shall be drawn up.

12.2 The Coordinator may ask an applicant to provide additional information or to clarify the supporting documents submitted in connection with the application, provided that such information or clarification does not substantially change the application. Records of such contacts shall be kept.

12.3 All applications together with the draft report referred to in paragraph 1 above shall be handed over to the Evaluation Committee.

Article 13 - Evaluation Committee

13.1 The Evaluation Committee shall be made up of at least three persons including at least one member of the Secretariat of the Council of Europe. Only members of the Secretariat with no hierarchical link between them may be appointed to sit in the Evaluation Committee.

13.2 Members of Evaluation Committee who are not members of the Secretariat of the Council of Europe shall be appointed only with a view to contribute with specific technical expertise or to comply with the obligations of the Council of Europe, in particular with regard to its donors.

13.3 Members of the Evaluation Committee shall:

 a. act objectively and impartially and shall treat all applicants equally;

 b. not disclose any information other than that intended to be made available to applicants;

 c. protect the confidentiality of the information imparted by applicants;

 d. declare any conflict of interests and withdraw in case of such a conflict.

13.4 They shall be considered as faced with a conflict of interest if they are in particular in any of the following situations:

 a. were involved in the preparation of a proposal;

 b. benefit directly or indirectly if a proposal is accepted;

 c. have a family or personal relationship with an applicant;

 d. are involved in the management of an applicant;

 e. are employed or contracted by an applicant or any of its subcontractors.

13.5 All members of the Evaluation Committee shall sign a declaration on the absence of any conflict of interests. Members of the Evaluation Committee who are not members of the Secretariat of the Council of Europe shall in addition sign a declaration of confidentiality.

13.6 The Evaluation Committee may seek advice from competent Council of Europe entities on the conduct and fairness of the evaluation and/or the application of the exclusion, eligibility or award criteria.

Article 14 – Evaluation of applications

14.1 The Evaluation Committee shall adopt the report on exclusion and eligibility criteria referred to in Article 12.1.

14.2 Only applications considered eligible shall be evaluated against the announced award criteria.

14.3 Each member of the Evaluation Committee shall give scores and elaborate on their attribution of points to each proposal. Members’ individual reports shall be communicated to the Coordinator.

14.4 On the basis of members’ individual reports the Coordinator shall prepare a draft consensus report representing the view of the Evaluation Committee. The draft consensus report shall contain an assessment of each proposal and rank the proposals according to the scores obtained and announced weighting. An arithmetic average (median value) of the individual scores shall be taken as the final score for each application. If necessary, a meeting of the Evaluation Committee may be organized to agree on the final score and comments.

14.5 Once adopted by the Evaluation Committee, the consensus report shall be transmitted to the competent Commitments Officer who shall take a decision on:

 a. The overall amount of funding;

 b. The list of selected proposals;

 c. The list of non-selected proposals.

14.6 The decision of the Commitments Officer shall provide for reasons of his/her choices and shall be based on whether:

 a. The grant(s) is(are) in line with the objectives pursued;

 b. The costs and other aspects appear reasonable;

 c. That sufficient funds are available;

 d. The consensus report is fully justified and documented.

14.7 If a call for proposals has elicited no applications or if, in the opinion of the Evaluation Committee, no application meets the minimum required standards, the Commitments Officer may decide that the grant shall not be awarded, that the grant shall be awarded directly, or that a new call for proposals shall be launched.

14.8 The Commitments Officer shall inform the successful applicant(s) of the award in writing.

14.9 The Commitments Officer shall inform in writing the unsuccessful applicants within 15 (fifteen) calendar days after information has been sent to the successful applicant(s). The letter shall indicate the reasons for their rejections, and modalities for enquiries by the unsuccessful applicants. The deadline for the introduction of such an enquiry shall not be shorter than 7 (seven) calendar days after reception of the abovementioned letter.

Article 15 - Enquiries and complaints procedure

15.1 Unsuccessful applicants shall submit their enquiries before the deadline indicated in the information letter referred to in Article 14.9.

15.2 The answer to an enquiry shall be sent without delay, address the issues raised by the unsuccessful applicant and include information on the complaints procedure as well as on modalities for the submission of a complaint.

15.3 If the applicant is not satisfied with the given answer, and believes that there have been shortcomings in the handling of his or her proposal, and that these shortcomings have jeopardised the outcome of the evaluation process, the applicant may submit a written complaint within 30 (thirty) calendar days after receiving the answer to the inquiry referred to in Article 15.2. The complaint shall indicate the reference of the call, the identification number of the proposal, and shall be duly substantiated.

15.4 The Coordinator shall acknowledge receipt of the complaint and shall promptly examine it. If the Coordinator concludes that a manifest error was committed during the evaluation procedure, the issue shall be brought to the attention of the Evaluation Committee. The Evaluation Committee shall re-evaluate the application and make a recommendation to the Commitments Officer who shall decide on the appropriate means of redress.

15.5 In all other cases the Coordinator shall refer the complaint to the internal evaluation Review Board without delay. A meeting of the Review Board shall be convened within 30 (thirty) calendar days following the receipt of the complaint. Complaints that do not deal with the exclusion or eligibility checking or with the evaluation of a specific proposal against award criteria will not be considered.

15.6 The Review Board shall be composed of the Director of Internal Oversight, the Director of Legal Advice and Public International Law and the Treasurer or their respectively appointed representative(s).

15.7 The Review Board shall work independently. It shall provide opinions on the implementation of the evaluation process on the basis of all the available information related to the proposal and its evaluation. The Review Board shall not evaluate the proposal but shall ensure a coherent interpretation of exclusion, eligibility and award criteria and equal treatment of applicants. If the Review Board considers that there has been a failing in the exclusion or eligibility checking or in the evaluation process that is likely to have jeopardised the decision not to fund the proposal, it may recommend a re-evaluation of the proposal by the Evaluation Committee which should be made aware of the initial evaluation’s shortcomings. The opinion of the Review Board and, where relevant, the results of re-evaluation by the Evaluation Committee shall be submitted to the Commitments Officer concerned who shall decide on the appropriate means of redress.

15.8 The Commitments Officer’s decision referred to in Articles 15.4 or 15.7 above shall be notified to the complainant.

Article 16 – Allegations of fraud, corruption or misconduct

Article 15 shall not be interpreted as preventing applicants from reporting to the competent Council of Europe entities any allegation of fraud, corruption or misconduct of a person involved in the grant award procedures in accordance with Rule No. 1327 of 10 January 2011 on awareness and prevention of fraud and corruption.

Article 17 – Grant agreement

17.1 Grants shall be covered by a written agreement concluded between the Council of Europe and the grantee.

17.2 The Council of Europe and the grantee(s) shall enter into a grant agreement drawn up on the basis of the standard template established by the Council of Europe for this purpose.

17.3 The grant agreement shall allow for the action or project to be clearly identified and specify at least the subject, the grantee(s), the implementation period, the duration, the maximum amount of funding, a detailed provisional budget and the obligations of the grantee.

17.4 The grant agreement shall, *inter alia*, contain provisions stipulating that third parties with whom the grantee may enter into contracts for the purposes of implementation of the grant shall have no rights vis-à-vis the Council of Europe under those contracts.

Article 18 – Record-keeping

The administrative entity concerned shall establish a file in respect of each grant award procedure in which it shall store all documents mentioned in this Rule. These documents shall be kept by the administrative entity concerned, for a minimum of ten years.

PART III - FINAL PROVISIONS

Article 19 – Interpretation

The Rule shall be interpreted in good faith, in accordance with the ordinary meaning to be given to the terms used in the Rule and in the light of its preamble. A Practical Guide and templates shall support the implementation of the legal framework established by the present Rule.

Article 20 – Entry into force

This Rule shall enter into force on the day of its signature by the Secretary General.

Strasbourg, 16 December 2015

The Secretary General

Thorbjørn JAGLAND

1. *Note: as amended by Rule No. 1405 of 15 December 2020, with effect from 1 January 2021.* [↑](#footnote-ref-1)
2. *Note: modified to ensure linguistic consistency with the French version.* [↑](#footnote-ref-2)
3. *Note: as amended by Rule No. 1405 of 15 December 2020, with effect from 1 January 2021.* [↑](#footnote-ref-3)