

**RULES OF PROCEDURE**

**FOR CALL FOR PROJECTS AND PROJECT SELECTION**

**UNDER THE**

**“HOME AFFAIRS” PROGRAMME**

**Thematic area No. 18: *Asylum and Migration***

**OF**

**THE NORWEGIAN FINANCIAL MECHANISM 2014–2021**

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**Glossary**

Programme Operator (PO) – Ministry of the Interior and Administration, Department of European Funds (DEF MIA),

EPIC MIA – European Projects Implementation Centre at the Ministry of the Interior and Administration,

National Contact Point (NCP) – Ministry of Development Funds and Regional Policy (previously: Ministry of Investment and Economic Development), Aid Schemes Department,

Donor Programme Partners – Ministry of Justice and Public Security of Norway and the Norwegian Directorate for Civil Protection,

“Home Affairs” Programme – a Programme co-financed by the Norwegian Financial Mechanism 2014–2021, operated by the Ministry of the Interior and Administration with the support from EPIC MIA,

Applicant – an entity applying for funding under the Programme,

Project Promoter – an entity receiving financial aid under the Programme,

Regulation on the implementation of the Norwegian Financial Mechanism 2014–2021 – a document setting out the general principles for the implementation of the 3rd edition of the NFM, prepared and approved by the Donor, hereinafter referred to as “NFM 2014–2021 Regulation”.

**I. INTRODUCTION AND PROGRAMME DESCRIPTION**

These *Rules of Procedure for call for projects and project selection* (hereinafter ‘Rules of Procedure’) describe detailed procedures for preparing and submitting an application to the Programme Operator / EPIC MIA, as well as evaluating, approving and signing the Project Contract/Agreement. The Rules of Procedure aim to introduce and explain the procedures to the applicant to avoid possible mistakes which may result in rejection of the application at any stage of the project selection process.

**I.1. General information on the *Home Affairs* Programme**

The “Home Affairs” Programme is incorporated in the *Memorandum of Understanding (MoU) on the implementation of the Norwegian Financial Mechanism for 2014–2021* – an international agreement signed on 20 December 2017 between the Polish Government and the Donor State (Norway). It is the third edition of the aforementioned funds. The Programme Operator is the Ministry of the Interior and Administration (Department of European Funds) supported by the European Projects Implementation Centre at the Ministry of the Interior and Administration.

The Donor State formally accepted the Programme by signing the Agreement on the “Home Affairs” Programme between the Norwegian Ministry of Foreign Affairs and the Aid Scheme Department of the Ministry of Investment and Economic Development on 12 September 2019.

The programme will implement projects in the three following Thematic Areas:

* ***Thematic area No. 18 – Asylum and Migration;***
* Thematic area No. 20 – International police cooperation and combating crime;
* Thematic area No. 23 – Natural disaster prevention and preparedness.

This call covers Thematic area No. 18.

The Ministry of the Interior and Administration and the European Projects Implementation Centre at the MIA invite all eligible entities to participate in an open call for proposals (hereinafter referred to as the “call”) under Thematic Area No. 18 “Asylum and Migration” of the “Home Affairs” Programme co-financed by the Norwegian Financial Mechanism 2014–2021, hereinafter referred to as “Programme”.

The Programme includes ensuring the functioning of national asylum and migration management systems and guaranteeing the right to seek asylum.

Projects that involve cooperation between public administration and NGOs (joint conferences, workshops, meetings) or bilateral and international cooperation, including with entities from the Donor State (Norway), as well as projects which include elements related to:

* combating trafficking in human beings,
* supporting voluntary returns,
* support and services for unaccompanied minors seeking asylum and other groups
with special needs,
* combating gender-based violence

will receive additional points.

**I.2. Measures**

Projects implemented under Thematic Area No. 18 may involve initiatives that include:

* support for the national asylum and migration management systems, including voluntary returns;
* services supporting asylum-seekers in the exercise of their fundamental rights (psychological and legal assistance, providing comprehensive information to migrants and asylum-seekers);
* actions in the area of voluntary returns, in particular training, workshops for officers and staff members having direct contact with migrants;
* assistance to unaccompanied minors and other groups with special needs.

**I.3. Programme objectives (Thematic Area No. 18), results and indicators**

The applicant should only use/choose the indicator(s) the project will feed into. **It is obligatory to select at least one Programme output indicator and to set up at least one own indicator for the project.**

|  |  |
| --- | --- |
| **Expected objectives and results of the Programme** | **Indicator** |
| **Outcome**Increased capacity in the area of asylum and migration. | Number of beneficiaries of services provided or improved (disaggregated by gender) |
| Number of minors, including unaccompanied minor asylum seekers, provided with support (disaggregated by UAMs’ gender) |
| **Output 1**Enhanced support for migrants and asylum seekers | **Number of centres for migrants and asylum seekers improved with additional services** |
| **Number of professional staff trained in the area of voluntary returns (gender-disaggregated)** |
| **Number of professional staff trained in the area of support for unaccompanied asylum seeking minors and other vulnerable groups (gender-disaggregated)** |
| **Output 2**Improved co-ordination and capacity building between relevant authorities and NGO | **Number of initiatives organised in cooperation with NGOs** |

**Additional indicators for bilateral cooperation**

For projects implemented jointly with a Norwegian institution, it is mandatory to:

– submit to surveys, in line with footnotes 1, 2 and 3, on the Programme **outcome**;

– select at least one **output indicator** specified for the “Home Affairs” Programme.

|  |  |
| --- | --- |
| **Expected objectives and results of the Programme** | **Indicator** |
| **Outcome**Enhanced collaboration between Polish and Norwegian entities involved in the "Home Affairs" Programme | Share of cooperating organisations that apply the knowledge acquired from bilateral partnership[[1]](#footnote-1) |
| Level of satisfaction with the partnership [[2]](#footnote-2) |
| Level of trust between cooperating entities in Beneficiary States and Donor State [[3]](#footnote-3) |
| **Output**Capacity-building to strengthen the rule of law | **Number of seminars, training and workshops between Polish and Norwegian law enforcement services** |
| **Number of projects involving cooperation with a donor project partner** |

**II. PREPARING AND SUBMITTING THE APPLICATION**

The applicant prepares the application using the form provided by the Programme Operator / EPIC MIA (Annex 1 to the *Call*). Applications submitted using a different form will be excluded from any further formal evaluation.

The application consists of a substantive (descriptive) and financial (budget) part. The general eligibility rules for expenditure to be used for defining the project budget are set out in Chapter 8 of the *NFM 2014–2021 Regulation*. Detailed information, the financial flows system and other guidelines for Project Promoters regarding the reporting and accounting system for expenditures incurred are provided in the *Guidelines for Project Promoters of the “Home Affairs” Programme NFM 2014–2021* attached to the *Call* as Annex 2.

Applications must be submitted in Polish in either:

1. 2 copies in writing (in paper form) and in electronic version, submitted in person or sent by post/courier to the Headquarters of the EPIC at the Ministry of the Interior and Administration: **Centrum Obsługi Projektów Europejskich Ministerstwa Spraw Wewnętrznych i Administracji, ul. Puławska 99a, 02-595 Warszawa.**

Both copies in writing must be signed by the applicant or a person authorised to represent the institution and must be accompanied by the original or a copy of a document certifying that such a person has the capacity to represent the applicant[[4]](#footnote-4);

or

1. in electronic form via EPUAP platform to the incoming correspondence electronic box of the European Projects Implementation Centre at Ministry of the Interior and Administration (address: /COPEMSW/SkrytkaESP). The application must contain a qualified signature of an authorised person and must be accompanied by the original or a copy of a document certifying that such a person has the capacity to represent the applicant[[5]](#footnote-5).

Attachments to the application:

1. a copy of a document confirming the legal status and eligibility of the applicant[[6]](#footnote-6) (e.g. the statute in the case of a non-governmental organisation, the act establishing the international organisation, its body or agency in the case of an international organisation, its body or agency);
2. power of attorney for the signatory (if applicable) [[7]](#footnote-7);
3. letter of intent or partnership agreement (for projects implemented in a partnership);
4. declarations that Applicant (and any partners) are not excluded from applying for co-financing under:
* Article 207(4) of the Act of 27 August 2009 *on public finance* (Dz. U. [Journal of Laws] of 2019, item 869, as amended);
* Article 12(1)(1) of the Act of 15 June 2012 *on the effects of employing foreigners residing illegally on the territory of the Republic of Poland* Dz. U., item 769);
* Article 9(1)(2a) of the Act of 28 October 2002 *on the liability of collective entities for acts prohibited under penalty* (Dz. U. of 2019, item 628, as amended).

Market research (justifying the rates adopted in the budget) can be optionally attached. The evaluation will include research made on at least 3 entities, no later than one year before submitting the application.

Applications in paper form should be accompanied by one identical copy, including all attachments, in Polish, in electronic version (application in .xlsx file format). The following electronic forms are permitted: CD, DVD, external memory (pen drive).

Both paper copies and the electronic copy should be sent in a closed envelope or other appropriate packaging to EPIC MIA by the deadline specified in the *Notice of Open Call for applications*. Applications may also be submitted in person at the EPIC MIA office (address below, the secretariat on the 1st floor) during its working hours (Mon–Fri, 8 a.m. – 4 p.m.). Any exceptions to the working hours / days of the EPIC MIA office are published on [www.copemswia.gov.pl](http://www.copemswia.gov.pl)

Address of the EPIC MIA office where applications should be sent or submitted in person:

**Centrum Obsługi Projektów Europejskich MSWiA, ul. Puławska 99a, 02-595 Warszawa (I piętro)**

The envelope/packaging containing the application must be marked as follows:

***NFM – “Home Affairs” Programme – Call for projects under PA 18.***

Both copies must be signed by the applicant or a person authorised to represent it, along with the original or a copy of a document certifying that such person has the capacity to represent the applicant (if applicable). The application must also indicate all the consultants involved in its preparation.

NOTE:

In case an application is submitted in electronic form, an application and any attachments may be submitted only via the ePUAP platform, to the electronic address of the European Projects Implementation Centre at the Ministry of the Interior and Administration (address: **/COPEMSW/SkrytkaESP)**. An application submitted in this manner must bear a qualified signature of an authorised person. For applications submitted electronically via ePUAP, only a single copy is required. If the application is not in the .xlsx format, an editable electronic application in .xlsx format should be attached.

As a date of receipt of the application by the EPIC MIA should be considered:

1. the date of posting (date of postmark) – only in case of posting at a Polish post office of the operator designated under the Act of 23 November 2012 – *Postal law (*Dz. U.[Journal of Laws] of 2018, item 2188, as amended) At the same time, only applications submitted to the EPIC MIA Headquarters (Centrum Obsługi Projektów Europejskich Ministerstwa Spraw Wewnętrznych i Administracji, ul. Puławska 99a, 02-595 Warszawa) within 14 days from the completion of the call for proposals, will be considered as applications submitted;
2. date of submission/date of delivery to the EPIC MIA – in case of submitting in person, posting through a postal operator other than designated operator referred to in point 1, or date of posting by a courier, the date of receiving by EPIC MIA is considered binding;
3. date of submission to the incoming correspondence inbox of the EPIC MIA – in case of sending the application to the ePUAP platform.

**III. EVALUATION OF APPLICATIONS**

The evaluation of applications for co-financing under the Programme is divided into two separate stages:

* ***formal evaluation*** (as per the Formal Evaluation Sheet detailing the administrative and eligibility criteria – Annex 4 to the *Call*). The verification against the formal criteria takes 20 working days, counting from the working day following the last day for submissions;
* ***substantive evaluation*** (as per the substantive evaluation sheet – Annex 5 to the *Call*). The substantive evaluation takes 45 working days from the completion of the formal evaluation.

**III.1. Formal evaluation**

Formal evaluation is conducted by the EPIC MIA pursuant to the *Formal Evaluation Sheet*. It has a “binary” nature. Before conducting the evaluation, the expert signs a declaration of impartiality.

First, the application is checked for its compliance with the formal requirements in accordance with the *administrative and eligibility criteria*. If any of the *non-supplementable criteria* indicated on the formal evaluation sheet are not satisfied, the application is left without consideration.

All applications which satisfy the *non-supplementable criteria* are further checked for their compliance with the formal requirements in accordance with *supplementable criteria*. If any of the *supplementable criteria* are not complied with, the EPIC MIA requests the applicant to make the necessary adjustments and/or supplements. The EPIC MIA provides feedback to the applicant, in writing or by electronic means (via ePUAP). The applicant must correct and/or supplement the application according to the EPIC MIA feedback and submit the corrected and/or supplemented application to the EPIC MIA (the address and method for submitting the corrected application are identical to those for submitting applications for co-financing described in Chapter II) within 7 days from the date of receiving the feedback. If this deadline is not met, the application will be evaluated negatively. Any changes made by the Applicant other than those indicated by the EPIC MIA will not be taken into account. The original content of the application will be evaluated within the scope in which the EPIC MIA did not ask for a correction.

The EPIC MIA informs the applicant of the formal evaluation results promptly after its conclusion.

If the application was evaluated negatively or was left without consideration, the above information includes an instruction about the possibility of lodging an appeal under the rules and the procedure referred to in III.2, which specify:

a) the deadline for lodging an appeal,

b) the institution where the appeal should be lodged (National Contact Point via the EPIC MIA),

c) formal requirements for the appeal, referred to in point III.2.

*Note: If the application is accepted in formal terms, under standard procedure or under appeal procedure, the EPIC MIA informs the applicant about this fact and asks the applicant to provide the application translated into English.*

# III.2. Appeal procedure for the formal evaluation

1. If the application was evaluated negatively in formal terms or left without consideration (if applicable), the Applicant has the right to lodge an appeal in order to re-check the submitted application against the formal conditions.
2. The appeal is lodged at the National Contact Point via the EPIC MIA according to the instruction indicated in point III.1.
3. The Applicant may lodge an appeal within 14 days from receiving the information referred to in point III.1.
4. The appeal is submitted in a written form and includes:
5. designation/name of the applicant,
6. application number, previously issued by the EPIC MIA,
7. the objection to ending the project evaluation, with reference to all unfulfilled formal requirements indicated by the EPIC MIA, with reasoning as to why the applicant disagrees with the evaluation on meeting each condition,
8. signature of the applicant or a person authorised to represent the applicant along with the original or a copy of a document certifying the authorisation of such a person to represent the applicant if the authorisation does not stem from documents previously submitted to the EPIC MIA[[8]](#footnote-8).
9. If the EPIC MIA finds that the applicant was not properly requested to add missing information or correct an evident mistake in terms of meeting the formal conditions for the application, the EPIC MIA returns the appeal to the applicant and requests them to add missing information or correct an evident mistake in terms of meeting the formal conditions for the application, in line with point III.1. In such a case, the EPIC MIA repeats the actions of the evaluation on meeting the formal conditions for the application, according to point III.1.
10. If an appeal is lodged and it does not meet the formal conditions, referred to in point III.2. 4, or it contains evident mistakes, the EPIC MIA:
11. requests the applicant to add the missing information or correct the evident mistakes within 7 days or the appeal will not be considered, or
12. provides the applicant with an instruction on the possibility of lodging an appeal, in line with point III.2, if the EPIC MIA finds that the applicant was not properly instructed on the possibility of lodging an appeal. In such a case, the applicant can lodge an appeal within 14 days from receiving this instruction.
13. The appeal may be supplemented, as referred to in point III.2.5, only in relation to the formal conditions referred to in point III.2.4.a–b and d.
14. The request referred to in point III.2.6.a suspends the deadline referred to in point III.2.17. The deadline is suspended until the appeal is supplied with missing information or corrected, as referred to in point 3.2.6.a.
15. The applicant’s right to lodge an appeal is not impacted negatively by an erroneous instruction or lack of instruction referred to in point III.1.
16. The EPIC MIA shall leave an appeal without consideration if, despite a proper instruction referred to in point III.1, the appeal was submitted:
17. after the deadline,
18. without meeting the conditions specified in point III.2.4.c,

– the applicant is informed about this in writing.

1. If the EPIC MIA left the appeal without consideration, the applicant has no other remedies at their disposal.
2. The applicant can withdraw the appeal, as long as the NCP did not finish considering the appeal.
3. An appeal is withdrawn when a written declaration on withdrawing the appeal is submitted to the EPIC MIA.
4. If the applicant withdraws the appeal, the EPIC MIA:
5. leaves the appeal without consideration and informs the applicant about this fact in writing;
6. sends the declaration on withdrawing the appeal to the NCP, if it forwarded the appeal to this institution.
7. In the case set out in point III.2.14.b, the NCP leaves the appeal without consideration, informing the applicant and the EPIC MIA of this fact in writing.
8. If the appeal is withdrawn, it cannot be lodged again.
9. The EPIC MIA verifies the results of its application evaluation in terms of formal conditions referred to in point III.2.4.c within 21 days from the day of receiving the appeal, and:
10. accepts the appeal and changes its decision, after which the project is directed to the proper evaluation stage and the applicant is informed in writing about the positive appeal decision; or
11. rejects the appeal and forwards it, together with documentation, to the NCP, together with its position on the lack of grounds for changing the decision, and informs the applicant in writing about forwarding the appeal.
12. The NCP considers the appeal, verifying the correctness of the project evaluation in terms of formal conditions referred to in point III.2.4.c within 21 days from the day of receiving the appeal.
13. The NCP informs the applicant in writing about the decision on their appeal. This information includes mainly the content of the decision either accepting or rejecting the appeal, together with a justification.
14. If the appeal is accepted, the NCP directs the project to the proper evaluation stage. The NCP may suggest the actions to be taken by the EPIC MIA.
15. If the NCP rejects the appeal, the applicant has no other remedies at their disposal.
16. The EPIC MIA informs the applicant in writing on the result of the evaluation of formal conditions performed after the NCP accepts the appeal, and:
17. if the evaluation of formal conditions of the application is positive, it directs the project to the selection criteria evaluation stage;
18. if the evaluation of formal conditions of the application is negative, the information also includes an instruction on the possibility of lodging an appeal under rules set out in point III.1

There is not further internal appeal procedure against the decision of the National Focal Point.

**III.3. Substantive evaluation**

Substantive evaluation is performed on the basis of the substantive evaluation sheet. Each application is evaluated by two experts indicated/designated by the Programme Operator – one is an employee of the PO or the EPIC MIA, and the other is an expert independent of the PO and the EPIC MIA. Before conducting the evaluation, the expert signs a declaration of impartiality. Applications are evaluated on a scale from 0 to 115 points, and the final score comes from the average scores awarded by both experts. If the difference between the number of points awarded by experts exceeds 30%, the application is verified in substantive terms by a third independent expert nominated by the PO. In such cases, the average score of the two closest scoring results is used.

The minimum total number of points (averaged over the experts' evaluations) that would allow an application to be considered as recommended is: **65 points**, provided that the **admission criteria** have also been met, i.e. under criterion 1, one should:

* obtain at least 19 points,
* obtain at least 8 points in section 1.4,
* choose at least one indicator provided for the “Home Affairs” Programme,
* specify at least one own indicator for the project,
* in the case of a project run in partnership with a Norwegian institution and/or international organisation – choose at least one bilateral indicator specified for the “Home Affairs” Programme;

under criterion 2, one should: obtain at least 10 points.

Substantive evaluation results cannot be subject to an appeal procedure.

Projects that have received the minimum number of points (65 points) are recommended for funding, which is not equivalent to receiving funding. Projects will be funded within the limits of available funds.

**IV. APPROVING APPLICATIONS FOR FINANCING**

Following substantive evaluation, the Programme Operator draws up a ranking list of recommended projects (average score of at least 65 points) presented in a descending order according to the number of points awarded, and a list of not recommended projects (average score below 65 points). The Programme Operator submits the projects ranking list together with the list of applications rejected due to formal reasons to the Selection Committee (SC). The Selection Committee is composed of non-voting members – representatives of the Programme Operator, i.e. the chairman and the secretary, as well as at least four voting members, including two representatives appointed by the Programme Operator, and two representatives of the Donor Programme Partners. Representatives of the NFP and the Norwegian MFA will be invited to participate in the process of project selection as observers. Detailed operating procedures of the SC are defined in its Rules of Procedure of the functioning of the SC.

The SC reviews the ranking list of projects during meetings or by mail. The PSC may modify the list in justified cases. Detailed justification of modifications in the ranking list will be included in the SC protocol. The record, together with the list of recommended projects (covered by the available financial allocation) and with the list of projects with a score of at least 65 points but not covered by the available financial allocation, as well as the list of rejected projects, is submitted to the Programme Operator.

The final recommendation of projects for co-financing should be made by the *Interministerial Team for Home Affairs European Funds*[[9]](#footnote-9) by way of a resolution. Moreover, the resolution constitutes a guarantee that the projects in the ranking list are in line with the guidelines indicated in the call.

The Programme Operator verifies if the project selection process was conducted in line with the *NFM 2014–2021 Regulation* and if the recommendations issued by the SC and the Interministerial Team for Home Affairs European Funds were issued in line with the Programme’s rules and objectives. After performing this analysis, the Programme Operator takes the final decision on granting the co-financing under the Programme. The final results of the call are communicated by the Programme Operator to all applicants and published on PO / EPIC MIA websites.

Projects which failed to receive financing due to insufficient amount of funding will be placed on the reserve list.

Questions on rules and scope of the call can be submitted via e-mail: fundusze.kontakt@mswia.gov.pl, not later than 7 working days before the deadline for the submission of applications.

**V. SIGNING CONTRACTS/AGREEMENTS**

The tripartite project contract (with the units from outside the public finance sector) or the project contract/agreement on project implementation (with the units from the public finance sector) is signed based on the application assessment results and the Programme Operator’s decision on whether to grant financing under the Programme. The contract/agreement is concluded between the Department of European Funds MIA, EPIC MIA (both institutions play a role of the Programme Operator) and the Project Promoter. The Programme Operator prepares a draft contract/agreement and sends it to the Programme Operator for approval. The signed Contract/Agreement on project implementation constitutes a legal basis for that implementation.

1. Survey among beneficiary entities and their project partners from donor states, based on standard, anonymous, on-line survey questionnaire, will be conducted. The survey will be administered via the FMO, at the end of each project. [↑](#footnote-ref-1)
2. Survey among beneficiary entities and their project partners from donor states, based on standard, anonymous, on-line survey questionnaire, will be conducted. The survey will be administered via the FMO, at the start and end of each project. [↑](#footnote-ref-2)
3. Survey among beneficiary entities and their project partners from donor states, based on standard, anonymous, on-line survey questionnaire, will be conducted. The survey will be administered via the FMO, at the start and end of each project. [↑](#footnote-ref-3)
4. Not applicable when a registration document or a document containing information on the applicant’s legal representation is available in public registers. [↑](#footnote-ref-4)
5. Not applicable when a registration document or a document containing information on the applicant’s legal representation is available in public registers. [↑](#footnote-ref-5)
6. Does not apply when the applicant is a public finance sector entity established under legal acts published in official journals. Also not applicable when a registration document or a document containing information on the applicant’s legal representation is available in public registers. [↑](#footnote-ref-6)
7. Not applicable when a document containing information on the applicant’s legal representation is available in public registers. [↑](#footnote-ref-7)
8. Not applicable when the document is available in public registers. [↑](#footnote-ref-8)
9. The Interministerial Team for Home Affairs European Funds, hereinafter referred to as “Team”, is a Prime Minister’s subsidiary body. The Team’s tasks include coordination of programming and implementing measures i.a. under the Norwegian Financial Mechanism, the Internal Security Fund, and the Asylum, Migration and Integration Fund. The Team is composed of: the chair (Secretary of State or Undersecretary of State appointed by the minister competent for the interior), deputy chair (director or deputy director of the organisational unit competent for European financial instruments in the internal affairs area), one member each – either a Secretary of State or Undersecretary of State – appointed by: the minister competent for foreign affairs, the Minister of Justice, the minister competent for social security, the minister competent for labour, the minister competent for regional development, the minister competent for public finances, and the Head of the National Revenue Administration, the Head of the Internal Security Agency, the Head of the Office for Foreigners, the Commander-in-Chief of the Police, the Commander-in-Chief of the Border Guard, the Commander-in-Chief of the National Fire Service, as well as the Team’s secretary. [↑](#footnote-ref-9)