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**RULES OF PROCEDURE**

**FOR CALL FOR PROJECTS AND PROJECT SELECTION**

**UNDER THE**

**“HOME AFFAIRS” PROGRAMME**

**Thematic area No. 20: *International police cooperation
and combating crime***

**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 Focal Point (NFP) – Ministry of Development Funds and Regional Policy (former Ministry of Investment and Economic Development), Aid Schemes Department,

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

“Home Affairs” Programme – a Programme financed by the Norwegian Financial Mechanism 2014–2021, operated by the Ministry of the Interior and Administration supported by 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 “NMF 2014–2021 Regulation”.

**I. INTRODUCTION AND PROGRAMME DESCRIPTION**

These *Rules of Procedure for call for projects and project selection* (hereinafter the ‘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, in order to avoid possible mistakes which may result the application being rejected at any stage of the call for projects and 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). This is the third edition of the aforementioned grants. 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 12th September 2019.

The programme will be used for the purpose of implementing projects in the following three 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 the Thematic area No. 20.

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. 20 “*International police cooperation and combating crime”* of the “Home Affairs” Programme financed by the Norwegian Financial Mechanism 2014–2021, hereinafter referred to as the “Programme”.

The Programme aims to strengthen cooperation between law enforcement services to prevent and detect combating organised crime by:

* ensuring that law enforcement officers have access to modern technologies and appropriate training to enhance their investigative capabilities;
* strengthening cooperation between national and international law enforcement authorities, such as Eurojust, Europol, Interpol or Frontex.

Projects with international cooperation components, involving Eurojust, Europol, Interpol or Frontex, addressing issues such as trafficking in human beings, combating domestic and/or gender-based violence, as well as projects aimed at the bodies operating as part of the “*Justice chain*” and conducted jointly with the donor state (Norway) actors will score additional points.

**I.2. Areas of support**

Projects implemented under Thematic Area No. 20 may involve initiatives supporting:

* cooperation between national and international law enforcement agencies, such as Eurojust, Europol, Interpol or Frontex,
* efficiency of cooperation between law enforcement agencies in combating organised crime,
* cooperation between authorities, including national law enforcement authorities, and relevant stakeholders, such as non-governmental organisations, and the general public, especially vulnerable groups,
* the “Justice chain” – cooperation and networking between justice institutions, including courts, prosecution services, police and correctional services,
* combating transnational crime, including cybercrime, trafficking in and smuggling of human beings, and itinerant criminal groups,
* combating hate crime and violent extremism,
* combating gender-based violence,
* combating crimes against employees, work-related crime, money laundering and corruption,
* effectiveness of the police system and its performance,
* systems to protect and support victims of crime,
* child-friendly justice.

**I.3. Programme objectives (Thematic Area No. 20), 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 result indicator and to set up at least one own indicator for the project.

|  |  |
| --- | --- |
| **Expected objectives and results of the Programme** | **Indicator** |
| **Objective**Improved capacity of law enforcement services to prevent and detect the organised crime | Level of competence of law enforcement units at a regional level in prevention and detection of organised crime[[1]](#footnote-2) |
| A new standard for organised crime prevention developed and adapted by law enforcement authorities |
| **Result 1**Increased efficiency of Polish law enforcement services supported | Number of professional staff trained in crime prevention and investigation (disaggregated by gender)  |
| **Result 2**Improved effectiveness of international cooperation between law enforcement services supported | Number of foreign institutions engaged |
| Number of study visits within projects |

**Additional indicators for bilateral cooperation**

For projects implemented jointly with the Norwegian institution, it is obligatory to select at least one result indicator specified for the “Home Affairs” Programme.

|  |  |
| --- | --- |
| **Expected objectives and results of the Programme** | **Indicator** |
| **Objective**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[[2]](#footnote-3) |
| Level of satisfaction with the partnership[[3]](#footnote-4) |
| Level of trust between cooperating entities in Beneficiary States and Donor State[[4]](#footnote-5) |
| **Result**Capacity building provided on strengthening of 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 template provided by the Programme Operator / EPIC MIA (Annex 1 to the *Call*). Applications submitted using another template will be excluded from any further formal assessment.

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 *NMF 2014–2021 Regulation*. Detailed information, the financial flows system and other guidelines for Project Promoters regarding the reporting and accounting system for expenses incurred are provided in the *Guidelines for Project Promoters of the “Home Affairs” Programme NFM 2014–2021,* attached to the *Call* as Annex 2.

The application must be submitted in writing (on paper), in Polish, in two identical copies.

Annexes to the application:

1. a copy of the document confirming the legal status and eligibility of the applicant[[5]](#footnote-6) (e.g. a statute in the case of NGOs, constitutive act of the international organisation, its body or agency) is the mandatory attachment to the application;
2. power of attorney for the signatory (if applicable)[[6]](#footnote-7);
3. letter of intent or a partnership agreement (if applicable);
4. declaration of not being excluded from potentially applying for financing pursuant to:
* Article 207(4) of the Public Finance Act (Dz. U. [Journal of Laws] of 2019, item 869),
* Article 12(1)(1) of the Act on the effects of employing foreigners residing illegally on the territory of the Republic of Poland (Dz. U. of 2012, item 769),
* Article 9(1)(2a) of the Act on the liability of collective entities for acts prohibited under penalty (Dz. U. of 2019, item 628, as amended);

Market insight (justifying level of rates) is a non-compulsory Annex to the application. During assessment only market insight conducted among at least 3 entities, not more than 1 year before submitting the application.

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

Both paper copies and the electronic copy should all 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 registered office (address below, the secretariat is located on the 1st floor) during its working hours (Mon–Fri, 8 a.m. – 4 p.m.). Possible exceptions to the working hours/days provided are announced on [www.copemswia.gov.pl](http://www.copemswia.gov.pl).

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

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

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

***NFM – “Home Affairs” Programme – Call for projects under PA 20.***

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

NOTE:

An application with any potential attachments may be submitted in an electronic form only (.xlsx file) 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. Only one copy is required for applications submitted via ePUAP. If the file format of the application signed in that manner is different than .xlsx format – the applicant shall include an application in that format (.xlsx) as well.

The date of receipt by the EPIC MIA is the:

1. date of posting (postmark) – only if posted at a Polish post office of the operator designated under the Act of 23 November 2012 – *Postal law* (Dz. U. of 2018, item 2188, as amended). The applications submitted to the Office of EPIC MIA mentioned above, within 14 days from the closing date of the call, will be recognised as having been submitted within the deadline;
2. date of submission to the EPIC MIA – if submitted in person, posted via postal operator other than the designated one, as referred to in point 1, or posted via courier service;
3. date of sending the applications to EPIC MIA electronic address – if sent via ePUAP.

**III. ASSESSMENT OF APPLICATIONS**

The assessment of applications for financing under the Programme is divided into two separate stages:

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

**III.1. Formal assessment**

Formal assessment is conducted by the EPIC MIA pursuant to the *Formal Assessment Sheet*. It is a “zero-one” assessment. Before conducting the assessment, 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 in the formal assessment grid are not met, the application is left without consideration.

All applications which meet the *non-supplementable criteria* are further checked in formal terms using *supplementable criteria*. If any of the *supplementable criteria* are not complied with, EPIC MIA requests the applicant to make the necessary adjustments and/or supplementations. 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 feedback from EPIC MIA and submit the corrected and/or supplemented application to the EPIC MIA (place and form of submitting the corrected and/or supplemented application is identical to the rules of submitting applications presented in chapter II) within 7 days from the date of receiving the feedback. If the deadline is not met, the application will be rejected and not subject to any further assessments. Adjustments and/or supplementations other than requested by EPIC MIA will not be taken into account (original wording will be assessed).

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

If the application has received a negative assessment or has been left without consideration, the aforementioned information shall include information on the possibility of lodging an appeal on the terms and in the mode referred to in III.2, specifying:

1. time limit for lodging an appeal,
2. the institution with which the appeal must be lodged (NFP through EPIC MIA),
3. formal requirements of the appeal referred to in point III.2.

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

**III.2. Appeal procedure regarding formal assessment**

1. The applicant, in the case of a negative formal assessment of their application or said application being left without consideration (if applicable), shall have the right to appeal in order for the submitted application to be re-checked for its compliance with formal conditions.
2. The appeal is lodged with the National Focal Point through the EPIC MIA.
3. The applicant may lodge an appeal within 14 days from the date of delivery of information on the results of the formal assessment referred to in point III.1.
4. The appeal shall be lodged in writing and contain:
5. the name of the applicant,
6. application number assigned by EPIC MIA,
7. objection to the assessment with reference to all of the unfulfilled formal conditions indicated by EPIC MIA, together with justification as to why the applicant does not agree with the assessment of these conditions,
8. the signature of the applicant or a person authorized to represent them, with the attachment of the original or a copy of the document confirming this person’s authorisation to represent the applicant, if their authorisation is not based on documents previously provided to EPIC MIA[[7]](#footnote-8).
9. EPIC MIA returns the appeal to the applicant and at the same time calls on them to supplement or adjust the application, in accordance with point III.1, if it finds that the applicant has not been properly informed to fill in the blanks or to correct any obvious errors in complying with the formal conditions of the application. If so, EPIC MIA shall repeat the assessment of compliance with the formal conditions of the application, in accordance with point III.1.
10. Should the appeal not meet the formal requirements referred to in point III.2.4, or contain obvious errors, EPIC MIA:
11. calls on the applicant to supplement it or correct its obvious errors, within 7 days from the date of delivering call, under the pain of the appeal being left without consideration, or
12. provides the applicant with instructions on the possibility of lodging an appeal, in accordance with point III.2, if EPIC MIA finds that the applicant has not been properly informed on the possibility of lodging an appeal. In this case, the applicant may lodge an appeal within 14 days from delivering this information.
13. The appeal referred to in point III.2.5 may be supplemented only with respect to the formal requirements 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 for the time needed to supplement or correct the appeal referred to in point III.2.6 (a).
15. The applicant's right to lodge an appeal shall not be adversely affected by incorrect information or lacking information referred to in point III.1.
16. EPIC MIA leaves the appeal without consideration if, despite being provided the correct instruction referred to in point III.1, the appeal has been lodged:
17. after the deadline,
18. in breach of the requirements specified in point III.2.4 (c),

– of which the applicant is informed in writing.

1. If EPIC leaves the appeal without consideration, the applicant shall not be entitled to lodge any other appeal.
2. The applicant may withdraw the appeal until it is settled by the NFP.
3. Withdrawal of the appeal is made by submitting to EPIC MIA a written declaration of its withdrawal.
4. In the case of the appeal being withdrawn by the applicant, EPIC MIA:
5. leaves the appeal without consideration, informing the applicant in writing;
6. submits the declaration of the appeal’s withdrawal to the NFP, if it has lodged an appeal with that institution.
7. In the case referred to in point III.2.14 (b), the NFP leaves the appeal without consideration, informing the applicant and EPIC MIA in writing.
8. If an appeal is withdrawn, it may not be lodged again.
9. Within 21 days of receiving the appeal, EPIC MIA verifies the results of its assessment of the application against the formal conditions referred to in point III.2.4 (c), and:
10. recognises the appeal in its entirety and changes the decision taken, which results in the project being submitted for the appropriate stage of assessment and the applicant being informed in writing that their appeal met with positive consideration, subject to point III.2.18, or
11. does not recognise the appeal in its entirety and submits it, along with the relevant documentation, to the NFP, enclosing the justification regarding the lack of grounds for changing the decision taken, together with information about the failure to meet other formal conditions against which the applicant has not lodged an appeal (if applicable), and inform the applicant in writing that the appeal has been submitted.
12. NFP verifies the correctness of the project assessment against formal conditions referred to in point III.2.4 (c), within a maximum of 21 days from the date of receipt.
13. NFP informs the applicant in writing of the result of their appeal. This information contains in particular the content of the decision on whether their appeal was recognised or not, together with the reasoning behind it.
14. If the appeal is recognised, the NFP submits the project to the appropriate assessment stage. The NFP may indicate actions to be taken by EPIC MIA.
15. If the NFP does not recognise the appeal, the applicant shall not be entitled to resort to any other appeal measures.
16. EPIC MIA informs the applicant in writing about the result of the formal assessment made following the appeal being recognised by the NFP, and:
17. should the formal assessment of the application be positive, submits the project to the substantive assessment stage;
18. should the formal assessment of the application be negative, attaches an additional instruction to the information, on the possibility to appeal on the basis of the rules set in point III.1.

**III.3. Substantive assessment**

Substantive assessment is performed on the basis of the substantive assessment sheet. Each application is evaluated by two experts indicated/designated by the Programme Operator, one of whom is the PO’s or the EPIC MIA employee, and the other is an expert external to the PO and the EPIC MIA. Before conducting the assessment, the expert signs a declaration of impartiality. Applications are assessed on a 0–115 scale, with the final score representing the average of points awarded by both experts. If the difference between the number of points awarded by the two experts exceeds 30%, the application undergoes a substantive assessment by a third independent expert indicated by the PO. In such cases, the average score of the two closest scoring results shall be used.

The minimum total score (averaged over the experts' assessments) that would allow an application to be recommended is: **65 points**, provided that the **eligibility criteria** have also been met, i.e. under criterion 1, the application should:

* score at least 19 points,
* score at least 8 points under criterion 1.4,
* choose at least one indicator provided for the “Home Affairs” Programme,
* develop at least one own indicator for the project,
* in the case of the project run in partnership with Norwegian institution and/or international organisation – choose at least one bilateral indicator provided for the “Home Affairs” Programme,

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

Results of the substantive assessment cannot be subject to an appeal procedure.

The projects that have reached the minimum score (65 points) are recommended, but only projects within the limit of available funds will receive funding.

**IV. APPROVING APPLICATIONS**

Following the substantive assessment, the Programme Operator prepares 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 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 – the representatives of the Programme Operator, i.e. the chairman and the secretary, as well as at least four voting members, including two members designated by the Programme Operator and two members designated by the Donor Programme Partners. Representatives of the NFP and the Norwegian MFA will be invited to participate as observers in the process of project selection. Detailed operating procedures of the PSC are defined in its rules of procedure.

The PSC reviews the ranking list of projects during meetings or by mail. The PSC may make changes to the list in justified cases. Detailed reasoning behind the changes in the ranking list will be included in the PSC protocol. The protocol, together with the list of recommended projects (covered by the available financial allocation) and with the list of reserve projects (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 financing should be accepted by the *Inter-ministerial Team for the Home Affairs European Funds*[[8]](#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 PSC and the *Inter-ministerial Team for the Home Affairs European Funds* were issued in line with the Programme’s rules and objectives. After performing such an analysis, the Programme Operator makes the final decision on whether to grant the financing under the Programme. The Programme Operator communicates the final results of the Call to all applicants and then the results are made available to the public via the PO’s/EPIC MIA websites.

**V. SIGNING CONTRACTS/AGREEMENTS**

The tripartite project contract (with the units from outside the public finance sector) or the 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 Programme Operator, EPIC MIA 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. The Project Promoter will be required to carry out a survey on this indicator before and after the project activity aimed at achieving said indicator. [↑](#footnote-ref-2)
2. The Project Promoter will be required to carry out a survey on this indicator during the project activity aiming at implementing the indicator (once a year) and after its successful implementation. [↑](#footnote-ref-3)
3. The Project Promoter will be required to carry out a survey on this indicator prior to the project activity aiming at implementing the indicator (once a year), during this activity and after its successful implementation. [↑](#footnote-ref-4)
4. The Project Promoter will be required to carry out a survey on this indicator prior to the project activity aiming at implementing the indicator (once a year), during this activity and after its successful implementation. [↑](#footnote-ref-5)
5. This does not apply to the institutions representing the public finance sector established on the basis of legal acts published in official journals. This also does not apply to the situation when registration document is accessible in the public register. [↑](#footnote-ref-6)
6. This does not apply to the situation when the document containing information on legal representation of the applicant is accessible in the public register. [↑](#footnote-ref-7)
7. This does not apply to the situation when the document is accessible in the public register. [↑](#footnote-ref-8)
8. Inter-ministerial Team for the Home Affairs European Funds, hereinafter referred to as the “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, Internal Security Fund and 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 organisational unit competent for European financial instruments in internal affairs area), one member – being either Secretary of State or Undersecretary of State – appointed each 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 Customs Service, 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)