

2014 WORK PROGRAMME FOR GRANTS AND PROCUREMENT IN SCIENCE

Cover Note

Scientific cooperation is a key priority for EFSA that supports the development of risk assessments within the Authority's remit. To ensure the contribution of organisations from Member States and third countries, through scientific cooperation projects, EFSA has implemented the grant and procurement schemes. Each year, the activities related to grants and procurement are based on an annual work programme, which is approved by EFSA's Management Board following consultations with EFSA's Advisory Forum, the Scientific Committee and sister EU agencies, such as, ECDC, ECHA and EMA.

As stated in the Financial Regulation, the annual work programme for grants and procurement in science has to be adopted by the Management Board and published on EFSA's website before 31 March of the year of implementation.

The programme for grants under Article 36, scientific cooperation with Member State organisations can also take place via public procurement procedures. The choice on whether to address a scientific support need via the grant or the procurement scheme is based on the provisions set in EFSA's Founding Regulation and the Implementing Rules for Article 36 Cooperation, the provisions set in the Financial Regulation and its Rules of Application regarding grants and public procurement, and EFSA's experience with these schemes.

The total amount of funds spent or planned for cooperation projects with institutions and organisations in Member States and third countries to support EFSA in its scientific tasks (grants and procurement) has considerably increased (nearly doubled) between 2008 and 2013. Over the same period, grants have mainly been used for cooperation projects, e.g. for supporting general risk assessment activities, where networking is of particular importance, while procurement projects have mainly been used to undertake preparatory work to support the Panel risk assessments in the area of regulated substances. EFSA has tried to opt, when possible for the use of long-term procurement contracts (incl. framework contracts) over the more specific and short-term contracts (e.g. direct contracts and negotiated procedures) to increase efficiency and capacity building in the context of medium-term planning.

The proposed budget of €10.275 million for scientific cooperation activities in 2014 is lower compared to the approved 2013 budget of €10.52 million for the same activities.

To further anticipate the implementation of the 2014 work programme for Article 36 grants and scientific procurement projects, the draft 2014 programme is presented at the October 2013 meeting of the EFSA Management Board. This is in line with Article 84(2) of the Financial Regulation, which states that: *"Except in the case of appropriations which can be implemented without a basic act in accordance with point (e) of the first subparagraph of Article 54(2), the commitment of expenditure shall be preceded by a financing decision adopted by the institution or the authorities to which powers have been delegated by the institution"*.

This will allow EFSA to enhance the execution of the programme by anticipating the preparation and launch of some of the 2014 calls already in 2013, and to provide more time to potential applicants/tenderers to prepare their proposals/offers, in line with the recommendations of the European Court of Auditors. The 2014 work

programme may need adjustment in December 2013 to match the final decision on the 2014 budget by the EU Budgetary Authority.

Conclusion

The EFSA Management Board is requested to adopt the draft 2014 work programme for grants and procurement in science subject to the final approval of the 2014 budget by the budgetary authority in December 2013.

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1. Introduction

Article 128 of the Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (hereafter referred to as “the Financial Regulation”) states that: *“Grants shall be subject to a work programme, to be published prior to its implementation.”*

Furthermore, Article 84(2) of the Financial Regulation states that: *“Except in the case of appropriations which can be implemented without a basic act in accordance with point (e) of the first subparagraph of Article 54(2), the commitment of expenditure shall be preceded by a financing decision adopted by the institution or the authorities to which powers have been delegated by the institution”.*

Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (hereinafter referred to as “the Rules of Application”), states under paragraph 2, that the financing decision shall in particular set out certain essential elements for an action involving the expenditure from the budget for grants and for procurement. In addition under paragraph 3 it is stated that the work programme which contains the information set out in paragraph 2 shall be considered to be the financing decision for grants and procurement.

Within the scientific cooperation programme, the choice on whether to address a scientific support need via the grant or procurement scheme is based on the provisions set in EFSA's Founding Regulation and EFSA's experience with these schemes.

Article 5(2) of Commission Regulation (EC) No 2230/2004 (of 23 December 2004 laying down detailed rules for the implementation of European Parliament and Council Regulation (EC) No 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority's) foresees that financial support for tasks entrusted to organisations on the Article 36 list shall take the form of subsidies awarded in accordance with EFSA's financial regulation and implementing rules. Based on these rules the grants shall be subject to a public annual work programme which, as a rule, will be implemented through the publication of calls for proposals.

2. Basic act and financing source

Basic Act:

Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002.

Article 36 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

Commission Regulation (EC) No 2230/2004 of 23 December 2004 laying down detailed rules for the implementation of European Parliament and Council Regulation (EC) No 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority's.

Budget lines: 3010, 3110, 3201 and 3210.

3. Tasks to be entrusted, objectives to be achieved, priority areas, and results to be expected

Outsourcing work to institutions and organisations in Member States, or to those in third countries, enables EFSA to use a wider spectrum of scientific excellence.

Tasks entrusted to institutions and organisations are foreseen for the following preparatory activities:

- I. Provision of scientific opinions and advice and risk assessment approaches;
- II. Evaluation of products, substances and claims subject to authorization;
- III. Data collection, scientific cooperation and networking.

The deliverables of grant and procurement projects will help EFSA in responding more effectively and flexibly to its growing workload. In addition, it will further support networking amongst EFSA, the Member States and third countries.

4. Eligibility of the applicants

- For grants:
 - the applicants must be on the list adopted by the Management Board of EFSA on 19 December 2006, and as regularly updated, implying fulfillment of the criteria laid down in the Commission Regulation (EC) No 2230/2004;
 - the applicants shall not be, at the time of a grant award procedure, in one of the situations referred to in Articles 106 and 107 of the Financial Regulation.
- For procurement:
 - the tenderers must be established in an EU Member State. This implies that tenderers established in third countries (non-EU countries) do not have the right to participate in EFSA tendering procedures, unless other bilateral or special international agreements in the field of public procurement grant them the right to do so. In case there is no such agreement, or the agreement does not apply to the kind of contracts put out to tender, tenderers of third countries are not entitled to participate, unless otherwise explicitly allowed in the given calls published by EFSA;
 - the tenderers shall not be, at the time of a contract award procedure, in one of the situations referred to in Articles 106 and 107 of the Financial Regulation.

5. Selection and award criteria

The eligible proposals/tenders and offers will be evaluated against the selection criteria indicated in each specific call. In general, there are two sets of selection criteria to be assessed:

- Financial capacity;
- Technical capacity.

The proposals/tenders which meet the selection criteria will be evaluated against the award criteria indicated in each specific call. In general, there are three standard sets of award criteria to be assessed:

- the quality of the submitted proposal/tender;
- the proposed project management by the applicant/tenderer;
- the cost effectiveness of the estimated budget (in case of grants) / the price of the financial offer (in case of procurement).

In addition, other award criteria as specified in each specific call may apply.

6. Maximum rate of co-financing for grants

Up to 90% of the eligible costs.

7. Schedule of calls for proposals and tenders for 2014

Launch of calls for proposals/tenders: November 2013 – October 2014¹.

8. Indicative amounts available for calls for proposals / tenders for 2014

Grants and procurements are used to support the work of three main areas of scientific activities. The amounts presented in Table 1. are the amounts which are expected to be committed under scientific co-operation agreements and contracts in 2014.

Table 1: Amounts expected to be committed under scientific co-operation agreements and contracts in 2014

| Activity | Amount (€) | Percentage |
|--|-------------------|-------------|
| Provision of scientific opinions and advice & Risk Assessment approaches | 3 106 000 | 30% |
| Evaluation of products, substances and claims subject to authorisation | 2 384 000 | 23% |
| Data collection, scientific cooperation and Networking | 4 785 000 | 47% |
| Total | 10 275 000 | 100% |

The total amount of funds spent (2008-2012) or planned (2013 and 2014) for cooperation projects (through grants and procurement in science) with institutions and organisations in Member States or third countries is presented in Table 2.

Table 2: Annual budget for grants and procurement in science as executed (2008 – 2012) or as planned (2013 – 2014)

| | 2008 as executed | 2009 as executed | 2010 as executed | 2011 as executed | 2012 as executed | 2013 as approved | 2014 as proposed |
|---------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Budget (million €) | 5.54 | 6.73 | 7.84 | 7.11 | 9.43 | 10.52 | 10.275 |

9. Precondition

The proposed 2014 work programme for grants and procurement in science is subject to the approval of EFSA's 2014 budget by the budgetary authority in December 2013.

Adopted in Parma
on 24 October 2013

For EFSA's Management Board

[SIGNED]
Sue Davies
Chair of the Management Board

¹ In case a call for proposals/tenders is launched before the official approval of the budget, a respective clause will be added to indicate that the project is subject to the approval of EFSA's 2014 budget by the budgetary authority and that no grant/procurement project will be awarded before such approval.