

**Guidelines of the Minister of Regional Development  
on the call for proposals procedure regarding contest projects under the EEA  
Financial Mechanism for the period 2009-2014 and the Norwegian Financial  
Mechanism for the period 2009-2014<sup>1</sup>**

**Section I. General provisions**

1. The call for proposals procedure includes:

- submission of applications,
- evaluation of projects,
- the appeal procedure.

2. In the calculation of time limits, the following rules will apply:

- a time limit expressed in days ends on the last day. In the calculation of time limits expressed in days, working days are considered, which means the days from Monday to Friday during business hours indicated by the appropriate Programme Operator, except for public holidays,<sup>2</sup>,
- sending a letter in the post office (analogously - by courier) is equivalent to its submission. In such cases the postmark date (or letter registration receipt) is decisive, however the delivery date of the letter may not be later than 10 days from the expiry date of the time limit.

**Section II Call for applications**

**(1) Application will be submitted following the publication of a proper notice by the appropriate Programme Operator on its website. Rules of submission of applications will be specified in the notice.**

(2) The call for application notice will determine the minimum total number of points (threshold), which qualifies the project for inclusion in the ranking list or the minimum number of points (threshold) within a specified criterion of substantive and technical appraisal required to be achieved by the project in order to be included in the ranking list.

(3) Application are registered in the filing system under a procedure adopted by the Programme Operator. Each application is provided with at least information about the date of receipt.

(4) Only applications submitted within the time limit specified in the call for proposals will be registered by the Programme Operator and subjected to formal appraisal.

**Section III Appraisal of projects**

1. General provisions

(1) The appraisal of projects under the EEA Financial Mechanism for the period 2009-2014 and the Norwegian Financial Mechanism for the period 2009-2014 consists of two stages:

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<sup>1</sup> Pursuant to the Act of 30 April 2010 on the National Centre for Research and Development (Journal of Laws of 2010 No. 96, item. 616), the guidelines do not apply under the program implemented by the National Centre for Research and Development.

<sup>2</sup> Public holidays meaning the days specified in the Act of January 18,1951 on statutory holidays (Journal of Laws No. 4 item 28, as amended.)

- stage I - formal appraisal: evaluation of projects in terms of meeting formal criteria. Positively appraised projects are moved to the second stage of appraisal.
  - stage II - substantive and technical appraisal: evaluation of projects in terms of meeting substantive and technical criteria. As a result, a ranking list of projects by the number of points awarded is drawn up.
- (2) Criteria for project appraisal (both formal and substantive and technical) with the number of points for each criterion will be determined by the Programme Operator in the call for proposals notice.
  - 3) Until the end of the call for proposals procedure, institutions participating in it (the Programme Operator, institutions supporting Operators) keep applications in conditions ensuring confidentiality of data and information contained therein. Only persons involved in the organisation of the call for proposals and the appraisal of proposals may have access to the applications.
  - (4) All persons participating in the call for proposals procedure are required to maintain the confidentiality of data and information contained in the applications, the principle of confidentiality includes at least: proper securing the applications database, adequate securing of verification lists or appraisal sheets of the verified proposals, a ban on the transmission of any information or documents to unauthorised persons.
  - (5) Project appraisal is carried out according to the the appropriate verification sheet appropriate for each stage of project appraisal referred to in paragraph 1.
  - (6) Project appraisal is made by a person/persons or team/ teams on project appraisal appointed by and acting in compliance with the rules specified by the Programme Operator.
  - (7) A person, who at least in part prepared the project documentation or otherwise calls into question the impartiality of the project appraisal is excluded from the project appraisal process.
  - (8) Prior to commencing the appraisal, the person referred to in paragraph 4 signs an impartiality and confidentiality declaration. Specimen declaration constitutes attachment No. 1 to these Guidelines.

## 2. Formal appraisal<sup>3</sup>

- (1) The purpose of the formal appraisal of the project is to verify whether it satisfies the formal criteria.
- (2) The formal appraisal will include verification of whether a given criterion has or has not been satisfied (the so-called zero-one evaluation).
- (3) If even one formal criterion is not met and the application may be corrected in this regard, the applicant will be called via e-mail and fax (with receipt confirmation) to supplement it or to provide clarification. The call specifies which criteria were not met and includes a detailed indication of the extent of non-compliance. Supplements or clarifications will be made presented within 3 days of the date of the Programme Operator calling the applicant to submit supplements. Supplements or clarifications submitted after this deadline will not be taken into consideration during the appraisal. It is not possible to call the applicant again to submit supplements or clarifications.
- (4) The condition for a positive appraisal on the basis of formal criteria is the meeting of all formal criteria by the application. If, after the submission of supplements/clarifications to the application under the procedure referred to in paragraph 3, even one formal criterion is not met, the project is rejected.
- (5) Within 7 days from the completion of the formal appraisal, the applicant will be informed of the acceptance of the application to the substantive and technical appraisal or of the rejection of the application, stating the reasons for rejection.
- (6) If the application was rejected due to non-compliance with formal criteria, the information about the rejection of the application also includes an instruction about the right to an appeal, as well as

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<sup>3</sup> This section is not applicable if under a given programme, no formal appraisal was provided for.

the time limit and manner of its filing. It also contains information about the possibility of leaving the appeal unprocessed, as specified in Section IV, paragraph 1 (4).

### 3. Substantive and technical appraisal<sup>4</sup>

- (1) The aim of the substantive appraisal is verifying the project with regard to meeting substantive and technical criteria and creating a ranking list of submitted projects, based on the scores they obtained.
- (2) The substantive and technical appraisal consists in scoring. Project appraisal is carried out by two independent and impartial experts appointed by the Programme Operator. In partnership programmes with donors devoted exclusively to partner projects with donors, one of the experts is appointed by the Programme Operator, and the other is appointed by a programme partner from the donor countries.
- (3) Prior to commencing the appraisal, the appointed expert signs an impartiality and confidentiality declaration. Specimen declaration constitutes attachment No. 1 to these Guidelines.
- (4) Experts give points to each project in accordance with the appraisal criteria separately. For the purpose of creating a ranking list of projects, an averaged number of points awarded by the experts to a given project is used.
- (5) In the case of discrepancies amounting to more than 30% of the higher result in the appraisal made by both experts, the Programme Operator commissions an independent appraisal of the project to a third expert. In such cases, for the purpose of drawing up the ranking list of projects, an averaged number of points of the two most concurrent results is used.
- (6) A project which has been granted a number of points below the threshold making the project non-eligible for inclusion in the ranking or below a threshold within a certain substantive and technical appraisal criterion specified in the call for proposals is rejected.
- (7) Following the appraisal of all projects, the Programme Operator creates a ranking list of projects which includes projects, which have received a score above the specified threshold, in the order from highest to the lowest number of points awarded.
- (8) Within 10 days of the of completion of the substantive appraisal, i.e. from the date of drawing up the ranking list, the applicant is informed about the inclusion of the proposal in the ranking list, along with the score awarded or about the rejection of the application along with the score awarded and the reasons for rejection.
- (9) Information on inclusion of the application in the ranking list and information on the rejection of the application also includes an instruction about the right to an appeal, the time limit and manner of its filing. It also contains information about the possibility of leaving the appeal unprocessed, as specified in Section IV, paragraph 2 (4).
- (10) The ranking list is forwarded for debate to the Committee for Project Selection.

## **Section IV. Appeal procedure**

### 1. Appeal against the formal appraisal score<sup>5</sup>

- (1) The aim of the appeal proceedings is to verify the correctness of the formal appraisal of the project in accordance with the adopted criteria for project selection and the call for proposals notice, and serves applicants whose projects have been rejected from the call of proposals due to failure to meet formal criteria.
- (2) The appeal procedure is two-instance. The appeal in the first instance is considered by the Programme Operator. The appeal in the second instance is considered by the National Focal Point.

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<sup>4</sup> This section is not applicable if under a given programme, no substantive and technical appraisal was provided for.

<sup>5</sup> This section is not applicable if under a given programme, no formal appraisal was provided for.

- (3) An appeal should contain:
- a) designation of the applicant (including the mailing address),
  - b) designation of the application for funds (title, project number),
  - c) charges concerning the score granted in the zero-one system (contesting the score granted), or charges of infringing provisions of the formal appraisal procedure (contesting the correctness of actions taken within the appraisal). The appeal should include a justification and the nature and extent of the demand and indicate documents supporting the charges, if applicable,
  - d) signature, stating the name and official position of the person authorised to represent the applicant.
- (4) No appeal will be processed which, despite proper instructions on the right to file an appeal:
- was filed after the specified appeal deadline,
  - was filed in a manner non-compliant with the instruction,
  - was filed to the wrong institution.
- (5) The authority competent for the consideration of a project decides about leaving the appeal without consideration and informs the applicant about this fact.
- (6) Erroneous instructions regarding an appeal to which the applicant is entitled have no negative impact on the applicant who has complied with their content.
- (7) A person who, at least in part, prepared or appraised the project documentation or otherwise calls into question the impartiality of the project appraisal, or was carrying out activities related to the project at any stage, is the applicant or remains with the applicant in such a legal or factual relation that the outcome of the case could affect his/her rights or obligations, is excluded from the project appraisal process.
- (8) Prior to commencing the examination of the appeal, the person examining the appeal signs an impartiality and confidentiality declaration. Specimen declaration constitutes attachment No. 1 hereto.
- (9) In the case of the appeal's non-compliance with the requirements specified in paragraph (3) or in the case of receipt of incomplete documentation in the case, doubts regarding the contents of the documents (including the appeal), the institution examining the appeal may request the supplementation of the documents or submission of a clarification within a specified time limit under pain of rejection of the appeal.
- (10) The appeal is examined within 10 days of the date of lodging the appeal to the competent institution.
- (11) If the appeal examination requires addressing a call referred to in paragraph (9) or obtaining expert advice, the time limit of the appeal examination may be extended by the time needed to carry out the activities, but not longer than 10 days, whereas the institution informs the applicant of that fact prior to the lapse of the time limit referred to in paragraph (10).
- (12) The institution examining the appeal always investigates the correctness of the formal appraisal procedure within the range indicated by the applicant, regardless of the charges raised in the appeal.
- (13) The competent authority decides on the appeal basing on the collected information and documents in the case.
- (14) An appeal to the first instance is lodged in writing within 7 days of receipt of the information about the rejection of the application at the formal appraisal stage.
- (15) As a result of the appeal procedure, the competent institution may:
- a) approve the appeal - if it considers that the charges raised by the applicant are reasonable, i.e. if the institution determines that the contested appraisal of the submitted application with selection criteria of the project has been carried out incorrectly or when the competent institution determines that a breach of the procedure influencing the outcome of the appraisal has occurred.

- b) reject the appeal - if it considers that the examination of the application submitted with the selection criteria of the project has been conducted in a correct manner, i.e. the institution determines that the evaluation of all the contested criteria has been carried out correctly and if it determines that no breach of procedure influencing the outcome of the appraisal has occurred.
- (16) In the case of breach of procedure which has influenced the outcome of the proposal appraisal, the resolution should indicate a procedure aiming at eliminating the negative effects of the breach, for example, by repeating the appraisal phase or part thereof.
  - (17) The Programme Operator immediately notifies the applicant in writing of the outcome of the appeal procedure. Information on the rejection of the appeal also includes a detailed justification and instruction about the right to an appeal, the time limit and manner of its filing.
  - (18) In the case of rejection of the appeal by the Programme Operator or leaving the appeal unprocessed, the applicant, within 7 days of receipt of information on the outcome of the appeal procedure, has the right to appeal directly to the second instance in an unchanged scope.
  - (19) An appeal to the second instance serves the examination of issues subject to an appeal in the first instance.
  - (20) In the case of rejection of the appeal by the National Focal Point in the second instance, the application is deemed non-compliant with formal requirements and is not subject to further appraisal. The same effect occurs in the event of the applicant's failure to contest, within the specified time limit allowed, information on rejection of the appeal to the first instance.
  - (21) In the case of approval of the appeal, the application is submitted to the appraisal performed by the Programme Operator.
  - (22) The results of the appeal procedure in the second instance are binding and end the appeal procedure with regard to the given application. The Applicant is not entitled to any further appeal.

## 2. Appeal against the substantive and technical appraisal score<sup>6</sup>

- (1) The aim of the appeal proceedings is to verify the correctness of the substantive and technical appraisal of the project according to the adopted criteria for project selection and the provisions of the call for proposals procedure and serves applicants whose projects were included in the ranking list or were rejected from the call of proposals due to receiving a score below the specified threshold.
- (2) The appeal procedure is two-instance. The appeal in the first instance is considered by the Programme Operator. The appeal in the second instance is considered by the National Focal Point.
- (3) An appeal should contain:
  - a) designation of the applicant (including the mailing address),
  - b) designation of the application for funds (title, project number),
  - c) charges concerning the score granted (contesting the score granted), or charges of infringing provisions of the substantive and technical appraisal procedure (contesting the correctness of actions taken within the appraisal). The appeal should include a justification, as well as the nature and extent of the demand and indicate documents supporting the charges, if applicable,
  - d) signature, stating the name and official position of the person authorised to represent the applicant.
- (4) No appeal shall be processed which, despite proper instructions on the right to file an appeal:
  - was filed after the specified appeal deadline,
  - was filed in a manner non-compliant with the instruction,

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<sup>6</sup> This section is not applicable if under a given programme, no substantive and technical appraisal was provided for.

- was filed to the wrong institution.

- (5) The authority competent for the consideration of a project decides about leaving the appeal without consideration and informs the applicant about this fact.
- (6) Erroneous instructions regarding an appeal, to which the applicant is entitled, have no negative impact on the applicant who has complied with their content.
- (7) A person, who at least in part prepared or appraised the project documentation or otherwise may call into question the impartiality of the project appraisal, or was carrying out activities related to the project at any stage, is the applicant or remains with the applicant in such a legal or factual relation that the outcome of the case could affect his/her rights or obligations, is excluded from the project appraisal process.
- (8) Prior to commencing the examination of the appeal, the person examining the appeal signs an impartiality and confidentiality declaration. Specimen declaration constitutes attachment No. 1 hereto.
- (9) In the case of the appeal's non-compliance with the requirements specified in paragraph (3) or in the case of receipt of incomplete documentation in the case, doubts regarding the contents of the documents (including the appeal), the institution examining the appeal may request the supplementation of the documents or submission of a clarification within a specified time limit under pain of rejection of the appeal.
- (10) The appeal is examined within 15 days of the date of lodging the appeal to the competent institution.
- (11) If the appeal examination requires addressing a call referred to in paragraph (9) or obtaining expert advice, the time limit of the appeal examination may be extended by the time needed to carry out the activities, but not longer than 10 days, whereas the institution informs the applicant of this fact prior to the lapse of the time limit referred to in paragraph (10).
- (12) The institution examining the appeal always investigates the correctness of the substantive and technical appraisal procedure within the range indicated by the applicant, regardless of the charges raised in the appeal., subject to paragraph (21).
- (13) The competent authority decides on the appeal basing on the collected information and documents in the case.
- (14) An appeal to the first instance is lodged in writing within 7 days of the receipt of information on the inclusion of the proposal in the ranking list or on its rejection.
- (15) As a result of the appeal procedure, the Programme Operator may:
  - a) approve the appeal - if it considers that the charges raised by the applicant are reasonable, or if it determines that a breach of appraisal procedure provisions influencing the outcome of the appraisal has occurred.
  - b) reject the appeal - if it considers that the charges raised by the applicant are not reasonable, or if it determines that a breach of appraisal procedure provisions influencing the outcome of the appraisal has not occurred.
- (16) In the case of breach of the appraisal procedure provisions influencing the outcome of the application appraisal, the resolution should indicate a procedure aiming at eliminating the negative effects of the breach, for example, by repeating the appraisal phase or part thereof or performing a particular action.
- (17) In the case of approving the appeal due to finding that at least one appraisal criterion contested by the applicant has been performed incorrectly, the Programme Operator re-evaluates the application form.
- (18) The Programme Operator immediately notifies the applicant in writing of the outcome of the appeal procedure. Information on the rejection of the appeal also includes a detailed justification and instruction about the right to an appeal, the time limit and manner of its filing.
- (19) In the case of rejection of the appeal by the Programme Operator or leaving the appeal unprocessed, the applicant, within 7 days of receipt of information on the outcome of the appeal procedure, has the right to lodge again the same appeal directly to the second instance in an unchanged scope.

- (20) The aim of the appeal procedure in the second instance is to inspect the project appraisal procedure conducted by the Programme Operator solely in terms of its compliance with applicable regulations and the project appraisal procedure adopted by the Programme Operator.
- (21) As a result of the appeal procedure, the National Focal Point may:
- a) Approve the appeal - if it considers that a breach of appraisal procedure provisions influencing the outcome of the appraisal has occurred.
  - b) Reject the appeal - if it does not consider that a breach of appraisal procedure provisions influencing the outcome of the appraisal has occurred.
- (22) In the case of approval of the appeal, the National Focal Point annuls the appraisal outcome and returns the application to the Programme Operator for a renewed appraisal, indicating the reasons of the annulment and the Programme Operator's course of action aiming at eliminating the negative effects of the breach, for example, by repeating the appraisal phase or part thereof.
- (23) An appeal against a renewed substantive and technical appraisal carried out due to the acceptance of the appeal is not possible.
- (24) Rejection of the appeal by the National Focal Point sustains the outcome of the substantive and technical appraisal.
- (25) The results of the appeal procedure in the second instance are binding and end the appeal procedure with regard to the given application. The applicant is not entitled to any further appeal.