

**CREATIVE EUROPE – MEDIA SUB-PROGRAMME**

**GUIDE FOR EXPERTS**

**ON ASSESSMENT OF ACCESS TO MARKETS**

**CALL EACEA/31/2018**

**managed by the Education, Audiovisual and Culture Executive Agency**

**Unit B2 - MEDIA**

## 1. INTRODUCTION

The European Commission's Education, Audiovisual and Culture Executive Agency (the Agency) is responsible for the implementation of the Actions of the Creative Europe MEDIA. The Agency is in charge of the selection of projects to be funded, it assesses projects with the assistance of independent experts to ensure that only those of the highest quality are selected for funding. Thus, the final decision on the selection or rejection of applications is taken by the Agency.

This Guide for Experts provides instructions and guidance for experts when assessing applications, in order to ensure a standardised and high quality assessment.

The Guide for Experts provides information on:

- the role and appointment of experts;
- the principles of the assessment;
- the assessment process in practice;
- information on how to assess the award criteria for each action and field.

## 2. THE MEDIA SUB-PROGRAMME: ACCESS TO MARKETS SCHEME

The general objectives of the MEDIA sub-programme of Creative Europe are to strengthen the competitiveness and distribution of the audiovisual industry in Europe and thus contribute to growth and jobs as well as to cultural and linguistic diversity.

The specific objectives include the aim to support the capacity of the European cultural and creative sectors to operate transnationally and internationally; and to promote the transnational circulation of cultural and creative works and transnational mobility of cultural and creative players, in particular artists, as well as to reach new and enlarged audiences and improve access to culture and creative works in the Union and beyond, with a particular focus on children, young people, people with disabilities and under-represented groups.

The Access to Markets scheme shall encourage business-to-business exchange by facilitating access to markets and business tools enabling audiovisual operators to increase the visibility of their projects on Union and international markets.

The expected results of the Access to Markets scheme are in particular:

- to improve the European/international dimension and effectiveness of existing large industry markets and to increase the systemic impact of smaller initiatives;
- to increase the visibility of professionals and A/V works from European countries with a low production capacity;
- to encourage the development of networks and increase the number of European co-productions and a greater diversification of talents and sources of funding;
- to improve the competitiveness and circulation of European A/V works on international markets.
- to ensure that Europe's AV industry is taking full advantage of digitisation;
- to foster talent, creativity and innovation.

### **3. EXPERTS**

#### **3.1 Role of experts**

The assessment and selection of grant applications is organised on the basis of impartiality and equal treatment of all applicants.

The role of experts allows providing a fair, impartial, and consistent assessment of project applications according to the objectives and the policy priorities of the Programme.

The assessment is a key part in the selection procedure. Based on the experts' assessment, a list of grant applications ranked in quality order is established, which serves as a basis for the Agency to take the grant award decision, following the proposal of the Evaluation Committee.

Based on the experts' comments, the Agency provides feedback to the applicants on the quality of their application (cf. section 4).

#### **3.2 Appointment of experts, code of conduct and conflict of interest**

Experts are appointed on the basis of their skills and knowledge in the areas and the specific field(s) of the audiovisual sector in which they are asked to assess applications.

To ensure their independence, the names of the experts are not made public.

Experts are required to perform the assessment to the highest professional standards and within the deadline agreed with the Agency.

Through the appointment by the Agency experts are bound to a code of conduct as set out in the appointment letter or contract with the expert.

The assessment of applications will be undertaken by two independent experts, external to the Agency. Experts must not have a conflict of interest<sup>1</sup> in relation to the proposals on which they are requested to give their opinion. To this end, they sign a declaration provided by the Executive Agency that no such conflict of interest exists at the time of their appointment and that they undertake to inform the Executive Agency of both the existence and its nature should such conflict arise (cf. template in annex 3 to this Guide). The same declaration binds experts to confidentiality.

When a potential conflict of interest is reported by the expert or brought to the attention of the Executive Agency by any means, the Executive Agency will consider the circumstances and decide either to exclude the expert from the assessment of the given application or the whole selection round or allow the expert to take part in the assessment, depending on the objective elements of information at its disposal.

### **4. ASSESSMENT OF APPLICATIONS**

#### **4.1 Preparation for assessment**

Before the start of the assessment, the experts are briefed by the Agency on the Programme and the action under assessment, as well as on the assessment process.

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<sup>1</sup> Financial Regulation Art. 57(2): « ... a conflict of interests exists where the impartial and objective exercise of the functions of a financial actor or other person, ..., is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a recipient.»

Experts are provided with the reference documents for the assessment and get access to the Online Evaluation Expert Tool (OEET), in which they perform the assessment using the standard quality assessment forms.

Before starting the assessment of applications, experts must:

- have a sound knowledge of the Access to Markets Guidelines<sup>2</sup> which provides all necessary information to potential applicants on the actions for which they can apply for a grant;
- have an in-depth understanding of the award criteria applicable to the applications under assessment (cf. section 3.3);
- be familiar with all the reference documents and tools provided by the Executive Agency.

Experts have to read the whole application carefully before completing the assessment form. It is recommended to read several applications before assessing any one of them in full: this allows experts to benchmark answers in different sections of the applications.

Each expert works individually and independently, gives scores and comments for each criterion and summarises his/her assessment in the quality assessment form.

The eligibility criteria are assessed by the Agency in the first phase of the selection process. Only eligible projects are sent to experts for evaluation. Each eligible project is sent to two experts for an independent evaluation.

#### **4.2 Assessment forms**

Experts carry out their assessment in English, using the Online Expert Evaluation Tool (OEET). The applications to be assessed as well as the evaluation forms are accessible through OEET. Experts are provided with technical instructions for the use of OEET by the Agency as part of their briefing.

Experts examine the issues to be considered under each award criterion, enter their scores for each applicable criterion and provide comments on each award criterion and on the application as a whole (cf. section 3.3).

On completion of the assessment, experts validate the individual assessment in the Online Expert Evaluation Tool, thereby confirming that they have no conflict of interest with respect to the assessment of that particular proposal.

#### **4.3 Assessment of award criteria and scoring**

Experts assess applications only against the award criteria defined in the Guidelines. These award criteria are listed and further explained in Annex 1 of this Guide.

Each of the award criteria is defined through several elements which must be taken into account by experts when analysing an application. These elements form a list of points to be considered before giving a score for the given criterion. They are intended to help experts arrive at the final assessment of the criterion in question.

In order to give clear guidance to experts as to how individual elements of analysis should be assessed, further information is provided in the above mentioned annex.

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<sup>2</sup> [https://eacea.ec.europa.eu/creative-europe/funding/support-for-access-markets-eacea-2019\\_en](https://eacea.ec.europa.eu/creative-europe/funding/support-for-access-markets-eacea-2019_en)

When assessing applications against award criteria experts make a judgement on the extent to which applications meet the defined criteria. This judgement must be based on the information provided in the application. Experts cannot assume information that is not explicitly provided. Information relevant for a specific award criterion may appear in different parts of the application and experts take all of them into account when scoring the award criterion.

An application can receive a maximum of 100 points for all criteria relevant for the action. The tables below show the relative marks of each criterion per type of Action:

### **Action 1**

	<b>Criteria</b>	<b>Definitions</b>	<b>Max. points</b>
1	Relevance and European added value	This criterion evaluates the relevance of the content of the action including the innovative aspects and the International and European dimension vis-à-vis the objectives of the call for proposals and the needs of the audiovisual industry including video games, television series, cross media and shorts.	30
2	Quality of the content and activities	This criterion assesses the adequacy of the methodology to the objectives including the format, the target group, selection methods, synergy and collaboration with other projects, the tools including the use of digital technologies relevant to new business models, the feasibility and cost efficiency.	30
3	Dissemination of project results, and impact and sustainability	This criterion assesses the impact of the support on the financing, the international circulation and global audience of the projects and works and/or the structuring effect on the European audiovisual industry.	30
4	Organisation of the project team	This criterion assesses the distribution of the roles and responsibilities of the team vis-à-vis the specific objectives of the action.	10

### **Action 2**

	<b>Criteria</b>	<b>Definitions</b>	<b>Max. points</b>
1	Relevance and European added value	This criterion evaluates the relevance of the B2B promotional activity with regards to the objectives of the call, the added value in terms of visibility and circulation of European works on European and international markets as well as the innovation and deployment of digital technologies.	30
2	Quality of the content and activities	This criterion assesses the quality and feasibility, the effectiveness of the strategy to reinforce the distribution and circulation of European works on European and international markets and the cost efficiency of the action.	30
3	Dissemination of project results, and impact and sustainability	This criterion assesses the systemic impact in terms of increased visibility, circulation and audience reach, the effectiveness in terms of structuring effects on the European audiovisual industry and the added value to enter new market opportunities.	30
4	Organisation of the project team	This criterion assesses the distribution of the roles and responsibilities of the team vis-à-vis the specific objectives of the action.	10

Within the maximum number of points per award criterion, ranges of scores are defined that correspond to a fixed definition of the expected quality standard so that an as coherent approach as possible is implemented, across experts as well as across actions. The standards on a 10 points scale are as follows:

- 9-10 Very good – the application addresses all relevant aspects of the criterion in question convincingly and successfully. The answer provides all the information and evidence needed and there are no concerns or areas of weakness.
- 7-8 Good – the application addresses the criterion well, although some small improvements could be made. The answer gives clear information on all or nearly all of the evidence needed.
- 5-6 Acceptable – the application broadly addresses the criterion, but there are some weaknesses. The answer gives some relevant information, but there are areas where detail is lacking or the information is unclear.
- 3-4 Fair – the application addresses the criterion, but there are many weaknesses. The answer gives some relevant information, but there are several areas where detail is lacking or the information is unclear.
- 1-2 Very weak – the application fails to address the criterion or cannot be judged due to missing or incomplete information. The answer does not address the question asked, or gives very little relevant information.
- 0 No evidence –the application fails to include a minimum amount of evidence to enable the criterion to be evaluated.

N.B. Although indicated on the scoring scale, experts should avoid "0" which relates to "no evidence". For obvious particular case, experts should contact the Agency staff a priori.

Experts are expected to give comments on each award criterion and, in their comments, refer explicitly to the elements of analysis under the relevant criterion. The comments on each award criterion have to reflect and justify the score given for it. Experts are advised to translate their assessment into a list of explicit "bullet points" (or equivalent) instead of complete sentences in order to save time and facilitate the consolidation with the other expert. This will allow easy rephrasing of opinions in the consolidated assessment.

At the end of the assessment, experts give overall comments on the application as a whole. In the comments, experts must provide a thorough analysis of the application highlighting its relative strengths and weaknesses.

As their comments will be used by the Executive Agency to provide feedback to applicants, experts must pay particular attention to clarity, consistency and appropriate level of detail. All evaluation reports are to be written in English.

The Executive Agency monitors the quality of expert assessments and can require the expert to revise the assessment should the necessary quality standard not be met.

Experts must assess all applications in full, regardless of the score given to any award criterion.

#### **4.5 Possible problems with applications**

Experts are under no circumstances allowed to contact applicants directly. In case of any problems arising during the assessment, experts contact the Agency. The Agency decides whether the applicant will be asked to provide additional information or clarifications or if the application should be assessed in the form it was submitted.

Also, if experts notice during the assessment that the same or similar text appears in two or more applications submitted, as well as any other indications of possible double submissions and overlaps, they inform the Agency about that immediately.

#### **4.6 Panel of experts and consolidated assessment and final score**

Once all applications have been assessed by two experts, the experts meet in Brussels to fulfil the following further evaluation steps:

**First phase of the Expert panel:** Consolidation of each assessment between the two experts.

In this phase, the two experts having assessed the project compare their evaluations and reach to an agreement for a consolidated score. In case the two experts fail to agree on the consolidation, the project might be assessed by a third expert. A third expert is assigned in any case where there is a discrepancy of min. than 30 points.

#### **Second phase of the Expert panel:**

During the second phase of the Expert panel, the following evaluation steps will be carried out by all experts:

- to discuss any issues/questions related to projects;
- to debrief on the overall evaluation process including:
  - the success of the Call, including the overall quality of the applications and how well applications responded to the priorities of the Call the relevance of the Call priorities to the context of the A/V sector
  - the relevance of the Call priorities to the context of the A/V sector
  - the selection process and recommendations

#### **5. Feedback to applicants**

As explained in the Guidelines, the Agency notifies the applicant in writing of the selection result once the grant award decision is taken, providing the relevant information on the assessment scores and comments.

In case of a request for further information or appeal by an applicant, the Agency may request the expert involved in the assessment to provide additional elements of information on the assessment as necessary.

Annexes:

- 1.** Access to Markets - Award criteria per type of Action
- 2.** Reference documents on policy priorities in the audiovisual field
- 3.** Template for the Declaration of absence of conflict of interests and of confidentiality

**ACTION 1**

<b>AWARD CRITERIA</b>	<b>Definition of the award criteria</b>	<b>Elements of analysis of award criteria relevant for all projects</b>	<b>Weighting of the criterion</b>	<b>Aspects to be taken in consideration</b>
<b>Relevance and European added value</b>  (maximum 30 points)	<b>1. Relevance of the content of the action including the innovative aspects and the International and European dimension vis-à-vis the objectives of the call for proposals and the needs of the audiovisual industry including video games, television series, cross media and shorts</b>	1a) To what degree is the proposed action in line with the objectives of the call?	10	Clarity and consistency of the business to business action with regards to the objectives of the call including attention to video games, television series, cross media and shorts.
		1b) How well does it meet a need of the industry and include innovative aspects?	10	Adequacy to the needs of the audiovisual industry including the innovative aspects.
		1c) To which extent does it demonstrate a clear added value and a good positioning compared to similar activities and how do you evaluate its European/international dimension?	10	Added value and quality of the positioning of the action compared to similar activities and European/international dimension.
<b>Quality of the content and activities</b>  (maximum 30 points)	<b>2. Adequacy of the methodology to the objectives including the format, the target group, selection methods, synergy and collaboration with other projects, the tools including the use of digital technologies relevant to new business models, the feasibility and cost efficiency.</b>	2a) How appropriate is the methodology?	10	Adequacy of the methodology to the objectives taking into account the choice of format/content/ target group, the tools including the use of digital technologies relevant to new business models, the strategy of selection of projects/ invitation of decision makers and the strategy to facilitate the distribution and circulation, visibility of low production capacity professionals and/or works, fostering of talent and creativity.

**Annex 1 ACCESS TO MARKETS – Award Criteria**

		2b) Is the proposed budget cost efficient and justified? Is there a strategy to raise co-financing and a business model?	10	Cost efficiency of the action taking into account the forecast budget and the co-financing strategy in relation with the number of participants, projects and days.
		2c) How do you evaluate the quality and the feasibility of the proposed action?	10	Quality and feasibility taking into account consistency between budget, objectives and proposed content as well as relevance to existing synergies and new business models within the A/V industry.
<b>Dissemination of project results, and impact and sustainability</b>  (maximum 30 points)	<b>3. Impact of the support on the financing, the international circulation and global audience of the projects and works and/or the structuring effect on the European audiovisual industry</b>	3a) How do you evaluate the systemic impact for the targeted projects and participants?	10	Systemic impact for the targeted projects and participants, in terms of facilitation of co-production, financing, visibility, international circulation, global audience reach, based on track record as well as adequacy and level of assistance/follow up after the event.
		3b) What are the prospects in terms of the structuring effect for the European A/V industry? <i>In case of international action, what are the prospects for the European A/V industry within the targeted markets?</i>	10	Structuring effects on the European audiovisual industry and added value to enter the targeted markets / reinforce the co-production/the international circulation.
		3c) How well is demonstrated the impact on the A/V industry/professionals at an International and European level (including low production capacity countries and regional level)?	10	Impact and structuring effects at European/international level including low production capacity countries or regional level.

**Annex 1 ACCESS TO MARKETS – Award Criteria**

<p><b>Organisation of the project team</b>  (maximum 10 points)</p>	<p><b>4. Distribution of the roles and responsibilities of the team vis-à-vis the objectives of the action</b></p>	<p>4a) How relevant is the distribution of the roles and responsibilities vis-à-vis the objectives of the action? In case of a multi-beneficiaries proposal: Is the role and added value of each member of the grouping clear and adequate?</p>	<p>10</p>	<p>Relevance of the distribution of the roles and responsibilities of the team vis-à-vis the specific objectives of the action (i.e. event organisation/ international expertise/ audiovisual expertise/digital expertise).  In case of multiple applicants: added value and clarity of role of each member of the proposed grouping.  The ability of the team to execute the project has already been assessed at the Selection stage. It should not be called into question when assessing this criteria.</p>
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**ACTION 2**

AWARD CRITERIA	Definition of the award criteria	Elements of analysis of award criteria relevant for all projects	Weighting of the criterion	Aspects to be taken in consideration
<p><b>Relevance and European added value</b>  (maximum 30 points)</p>	<p><b>1. Relevance of the B2B promotional activity with regards to the objectives of the call, the added value in terms of visibility and circulation of European works on European and international markets as well as the innovation and deployment of digital</b></p>	<p>1a) How relevant is the proposed business to business promotional activity with regards to the objectives of the call?</p>	<p>10</p>	<p>Relevance of the business to business promotional activity with regards to the objectives of the call.</p>
		<p>1b) To which extent does it demonstrate a clear added value in terms of visibility and circulation of European works on European and international markets ?</p>	<p>10</p>	<p>Added value in terms of visibility and circulation of European works on European and international markets.</p>
		<p>1c) To which extent does it demonstrate innovation and deployment of digital technologies?</p>	<p>10</p>	<p>Innovation and deployment of digital technologies.</p>

**Annex 1 ACCESS TO MARKETS – Award Criteria**

<p><b>Quality of the content and activities</b>  (maximum 30 points)</p>	<p><b>2. Quality and feasibility, effectiveness of the strategy to reinforce the distribution and circulation of European works on European and international markets and the cost efficiency of the action</b></p>	<p>2a) How effective is the strategy and methodology to facilitate the distribution and circulation of European works on European and international markets, impact in terms of visibility of low production capacity professionals and/or works as well as fostering of talent and creativity?</p>	10	<p>Effectiveness of the strategy and methodology to facilitate the distribution and circulation of European works on European and international markets, impact in terms of visibility of low production capacity professionals and/or works as well as fostering of talent and creativity.</p>
		<p>2b) Is the proposed budget cost efficient and justified taking into account the co-financing strategy in relation with the number of targeted projects and new market opportunities? Is there a strategy to raise co-financing and a business model?</p>	10	<p>Cost efficiency of the action taking into account the forecast budget and the co-financing strategy in relation with the number of targeted projects and new market opportunities.</p>
		<p>2c) How do you evaluate the quality and the feasibility of the proposed action?</p>	10	<p>Quality and feasibility taking into account consistency between budget, objectives and impact as well as relevance to existing synergies and new business models within the A/V industry.</p>
<p><b>Dissemination of project results, and impact and sustainability</b>  (maximum 30 points)</p>	<p><b>3. Systemic impact in terms of increased visibility, circulation and audience reach, the effectiveness in terms of structuring effects on the European audiovisual industry and the added value to enter new market opportunities</b></p>	<p>3a) How do you evaluate the systemic impact of the proposed action for the targeted projects and participants?</p>	10	<p>Systemic impact for the targeted projects and participants, in terms of increased visibility, circulation, audience reach, based on track record as well as adequacy and level of follow up.</p>
		<p>3b) What are the prospects in terms of the structuring effects on the European audiovisual industry and added value to</p>	10	<p>Structuring effects on the European audiovisual industry and added value to enter new market opportunities and reinforce the</p>

**Annex 1 ACCESS TO MARKETS – Award Criteria**

		enter new market opportunities and reinforce the international circulation of European audiovisual works?		international circulation of European audiovisual works.
		3c) How well is demonstrated the impact and structuring effects at European/international level including low production capacity countries or regional level?	10	Impact and structuring effects at European/international level including low production capacity countries or regional level.
<b>Organisation of the project team</b>  <b>(maximum 10 points)</b>	<b>5. Distribution of the roles and responsibilities of the team vis-à-vis the objectives of the action</b>	4a) How relevant is the distribution of the roles and responsibilities vis-à-vis the objectives of the action? In case of a multi-beneficiaries proposal: Is the role and added value of each member of the grouping clear and adequate?	10	Relevance of the distribution of the roles and responsibilities of the team vis-à-vis the specific objectives of the action (i.e. event organisation/ international expertise/ audiovisual expertise/digital expertise).  In case of multiple applicants: added value and clarity of role of each member of the proposed grouping.  The ability of the team to execute the project has already been assessed at the Selection stage. It should not be called into question when assessing this criteria.

**The Legal basis of Creative Europe:**

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32013R1295:EN:NOT>

**Access to Markets Guidelines:**

[https://eacea.ec.europa.eu/creative-europe/funding/support-for-access-markets-eacea-2019\\_en](https://eacea.ec.europa.eu/creative-europe/funding/support-for-access-markets-eacea-2019_en)

**CODE OF CONDUCT FOR EXPERTS****ARTICLE 1 – PERFORMANCE OF THE CONTRACT**

1. The expert works independently, in a personal capacity and not on behalf of any organisation.
2. The experts must:
  - (a) carry out their tasks in a confidential and fair way, in accordance with the EACEA guidelines for submission of proposals and the related evaluation, selection and award procedures
  - (b) assist the contracting party or relevant service to the best of their abilities, professional skills, knowledge and applying the highest ethical and moral standards
  - (c) follow any instructions and time-schedules given by the contracting party or relevant service and deliver consistently high quality work.
3. The expert may not delegate another person to carry out the work or be replaced by any other person.
4. If a legal entity involved in a proposal approaches the expert during the evaluation of this proposal, s/he must immediately inform the contracting party or relevant service.

**ARTICLE 2 – OBLIGATIONS OF IMPARTIALITY**

1. The expert must perform their work **impartially**. To this end, the expert is required to:
  - (a) take all necessary measures to prevent any situation of conflict of interest;
  - (b) inform without delay the contracting party or relevant service of any conflicts of interest arising in the course of their work including of any proposal competing with the proposal where the expert may have a conflict of interest;
  - (c) confirm there is no conflict of interest for each proposal s/he is evaluating by signing a declaration in the electronic evaluation system.
2. **Definition of the conflict of interest:** Such situation arises where the impartial and objective performance of the Contract is compromised for reasons involving economic interest, political or national affinity, familial or emotional ties, or any other shared interest.

For a given proposal, a conflict of interest exists if an expert:

- (a) was involved in the preparation of the proposal
- (b) stands to benefit directly or indirectly if the proposal is accepted
- (c) has a close family or personal relationship with any person representing an applicant or participating legal entity
- (d) is a director, trustee or partner or is in any way involved in the management of an applicant legal entity
- (e) is employed or contracted by one of the applicant legal entities<sup>3</sup> or any named subcontractors

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<sup>3</sup> However, the contracting party or relevant service may decide to invite an expert who is employed or contracted by one of the applicant legal entities or any named subcontractors to take part in the panel

(f) is a member of an Advisory Group set up by the Commission to advise on the preparation of EU work programmes related to, or in an area related to, the call for proposals in question

(g) is a National Contact Point

(h) is a member of a Programme Committee

In the following situations the contracting party or relevant service will decide whether a conflict of interest exists, taking account of the objective circumstances, available information and related risks.

when an expert:

(i) was employed by one of the applicant or participating legal entities in the last three years

(ii) is involved in a contract or grant agreement, grant decision or membership of management structures (e.g. member of management or advisory board etc.) research collaboration with an applicant or participating legal entity or a fellow researcher, or had been so in the last three years

(iii) is in any other situation that could cast doubt on their ability to participate in the evaluation of the proposal impartially, or that could reasonably appear to do so in the eyes of an external third party.

### 3. Consequences of a situation of conflict of interest:

**If a conflict becomes apparent at any stage of the evaluation, the expert must immediately inform the contracting party or relevant service staff. If a conflict is confirmed, the expert must stop evaluating the proposal concerned. Any comments and scores already given by the expert will be discounted. If necessary, the expert will be replaced.**

If it is revealed during an evaluation that an expert has knowingly concealed a conflict of interest, the expert will be immediately excluded, and sanctions will apply (see Articles 14, 15, 16 and 18 of the Contract or in the Financial Regulation and its implementing rules).

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review session, if the expert works in a different department/laboratory/institute from the one where the work is to be carried out, and if the constituent bodies operate with a high degree of autonomy, and if such a role is justified by the requirement to appoint the best available experts and by the limited size of the pool of qualified experts. In this case, the expert must not take part in any detailed panel discussion (or electronic forum) of the proposal involving the legal entity concerned or in any hearings concerning the proposal.

In exceptional duly justified cases, experts in the circumstances described above may also participate in the consensus group for the proposal in question, provided valid reasons are given. The contracting party or relevant service will inform the other experts in the group of the affiliation of the expert concerned.

**ARTICLE 3 – OBLIGATIONS OF CONFIDENTIALITY**

1. The contracting party and the expert must treat confidentially<sup>4</sup> any information and documents, in any form (i.e. paper or electronic), disclosed in writing or orally in relation to the performance of the Contract.

2. The expert undertakes to observe strict **confidentiality** in relation to their work. To this end, the expert:

(a) must not use confidential information or documents for any purpose other than fulfilling their obligations under the Contract without prior written approval of the contracting party

(b) must not disclose, directly or indirectly, confidential information or documents relating to proposals or applicants, without prior written approval of the contracting party.

In particular, the expert:

i. must not discuss any proposal with others, including other experts or contracting party or relevant service staff not directly involved in evaluating the proposal, except during the formal discussion at the meetings moderated by or with the knowledge and approval of the responsible contracting party or relevant service staff

ii. must not disclose:

- any detail of the evaluation process and its outcomes or of any proposal submitted for evaluation for any purpose other than fulfilling their obligations under the Contract without prior written approval of the contracting party
- their advice to the contracting party or relevant service on any proposal to the applicants or to any other person (including colleagues, students, etc.)
- the names of other experts participating in the evaluation.

iii. must not communicate with applicants, beneficiaries or any person linked to the applicant or participating legal entity on any proposal:

- during the evaluation or on-site visits, except in hearings or on-site visits between experts and the applicants or beneficiary organised by the contracting party or relevant service as part of the evaluation process;
- after the evaluation.

3. If the proposals are made available electronically to the expert who then works from their own or other suitable premises, s/he will be held personally responsible for maintaining the confidentiality of any documents or electronic files sent, and for returning, erasing or destroying all confidential documents or files upon completing the evaluation as instructed.

4. If the evaluation takes place in premises controlled by the contracting party or relevant service, the expert:

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<sup>4</sup> In this context, the term 'confidentiality' should not be taken as equating to the security classification 'EU CONFIDENTIAL'. The procedures related to 'EU CONFIDENTIAL' documents apply only to information and material the unauthorised disclosure of which would harm the essential interests of the EU of one of its Member States (Commission provisions on security (Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending its internal rules of procedure (OJ L 317, 3.12.2001, p. 1).

- (a) must not remove from the premises proposals, copies or notes on evaluation, either on paper or in electronic form
  - (b) will be held personally responsible for maintaining the confidentiality of any documents or electronic files sent, and for returning, erasing or destroying all confidential documents or files on completing the evaluation as instructed.
5. If the expert seeks further information (for example through the internet, specialised databases, etc.) to complete their examination of the proposals, s/he:
- (a) must respect the overall rules for confidentiality for obtaining such information
  - (b) must not contact applicants, beneficiaries or any person linked to the applicant legal entity
  - (c) must not contact third parties without prior written approval of the contracting party.
6. These confidentiality obligations are binding on:
- (a) the contracting party (see Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials  
and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community<sup>5</sup>10
  - (b) the expert during performance of the Contract and for five years starting from the date of the last payment made to the expert unless:
    - i. the contracting party agrees to release the expert from the confidentiality obligations earlier
    - ii. the confidential information becomes public through other channels
  - iii. disclosure of the confidential information is required by law.

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<sup>5</sup> OJ 45, 14.6.1962, p. 1385.