

## 6. Negotiation and Selection of Proposals

### 6.1. Negotiation of proposals

Immediately following the preparation of the ranked list by the Commission services, the coordinators of proposals not to be rejected and for which funding is available are invited to begin negotiations. In addition to the ESR, the proposers may receive requests for further administrative information necessary for the preparation of a project contract and may be requested to take into account in the revised work programme any technical changes proposed during the evaluation. A deadline for replying to any request for further information or adjustments may be given, beyond which, if the information is not received, the Commission will terminate discussions on contract preparation and reject the particular proposal.

Negotiation may cover any scientific, legal or financial aspects of the proposal, based on the comments of the independent experts and on any other issue that was taken into consideration at the ranking stage. The scientific aspects would cover, in particular, revisions to the work programme and adjustments to it, resulting from the evaluation and/or other requirements of the Commission. The legal aspects would cover, in particular, review of any special contractual clauses or conditions required for the project, and other aspects relating to the development of the final contract (including date of start of project, timing of reports - in particular audit certificates and other legal requirements). The financial aspects would cover negotiation of the EC contribution, the amount of the initial pre-financing, timing of reporting and payments and, if necessary, any financial security which may be requested by the Commission.

The Financial Regulation<sup>18</sup> requires future contractors to certify that they are not in one of the situations listed below:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- (c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- (e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- (f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

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<sup>18</sup> Articles 114 and 93

Any potential contractor who can not certify that none of the above situations apply, shall be excluded from participation in any future contract.

In addition, any potential contractor subject to a conflict of interest or having been found guilty of misrepresentation in supplying the information required as a condition for participation in the contract or failing to supply such information shall be excluded from participation in any future contract.<sup>19</sup>

Any potential contractor who has committed an irregularity in the implementation of any other indirect action under the Framework Programmes may be excluded from the selection procedure at any time, with due regard being given to the principle of proportionality. Any proposal that contravenes fundamental ethical principles or which does not fulfil the conditions set out in the work programme or in the call for proposals shall not be selected.<sup>20</sup>

Any arrangements for clustering/coordination and/or fusion of projects are also dealt with in this phase, as well as clarifications of individual exclusion criteria and ethical issues (see *Annex G* for details of ethical review procedures).

If it proves impossible to reach agreement with any proposers within a reasonable deadline that the Commission may impose, negotiations on contract preparation may be terminated and the proposal rejected by Commission decision.

Negotiation of reserve list proposals may begin once it is clear that sufficient budget has become available to fund one or more of the projects on the reserve list. Subject to budget availability, negotiations should begin with the proposals at the top of the reserve list and in the order of the final ranking.

## **6.2. Selection of proposals**

If negotiations are successful, that is once the contractual details have been finalised with the proposers and all the necessary checks carried out, the Commission selects the proposal for funding following its internal procedures and the procedure provided for in the Specific Programme decision. Once the Commission has completed its internal financial and legal procedures and the selection decision has been taken, it may then enter into the contract with the coordinator and the other contractors.

<sup>19</sup> Financial Regulation Articles 114 and 94

<sup>20</sup> Rules for Participation, Article 10.5

# **Annexes**

**Annex A**

**Appointment letter for Independent Experts**

[town], [date]

[*name of the expert*]

[*function*]

[*full address*]

**APPOINTMENT LETTER**

[...*registration number of the letter*...]

**Subject :** [Call Identifier ... ][*name of the programme or priority*]

Dear [Mr/Mrs [*name of the expert*]],

The European Union represented by the European Commission would like to thank you for agreeing to assist its services as an independent expert to the evaluation sessions for proposals received in response to the above-mentioned call under the [sixth framework programme of the European Community for research, technological development and demonstration activities contributing to the creation of the European Research Area and to innovation<sup>21</sup>] [sixth framework programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities aimed at contributing towards the creation of the European Research Area<sup>22</sup>].

**Description of the work**

Evaluation work includes formulating recommendations on the proposals submitted in order to gear research towards optimum achievement of the aims of the programme in line with any guidelines given by the Commission. You should act impartially, in a totally independent and confidential manner, in your personal capacity and apply to the best of your abilities your professional skills, knowledge and ethics, in accordance with the guidelines and time-schedules provided by the Commission. You should provide the Commission with any information it may request for the management of the evaluation. Evaluation work requires you to complete forms and provide comments on proposals and submit these to the Commission. In addition, you may be asked to act as a rapporteur or chairperson for consensus discussions or meetings of panels of experts.

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<sup>21</sup> OJ L 232, 29.08.2002, p.1

<sup>22</sup> OJ L 232, 29.08.2002, p.34

## **Evaluation dates**

*[Option: CENTRAL evaluation]*

[To this end the European Commission invites you to attend the evaluation sessions at [...address...] to be held between the dates of [...insert date...] and [insert date]. If for some reason you are not able to attend during some or all of the days proposed, please contact the Commission's services immediately. You may not delegate or be replaced for the work described without the prior written approval of the Commission.]

*[Option: REMOTE evaluation]*

[To this end, you will be required to perform the evaluation work at your own home or place of work between the dates of [...insert date...] and [...insert date...]. [An initial briefing session will take place at [...insert place...] on [...insert date...].] If for some reason, you are not able to undertake these duties, please contact the Commission's services immediately. You may not delegate or be replaced for the work described without the prior written approval of the Commission.

The work entrusted to you requires you to submit the appropriate evaluation forms and comments to the Commission's official whose name appears at the end of this letter [by ...insert date][within insert number days after the receipt of the proposal(s) to be evaluated]. If you fail to provide all appropriate forms and comments by this date, the Commission reserves the right not to pay all or part of the lump sum payment foreseen below.]

*[Option : REMOTE EVALUATOR who may also attend a central evaluation meeting]*

[To this end, you will be required to perform the evaluation work at your own home or place of work (remote evaluation) between the dates of [...insert date...] and [...insert date...]. After completion of the remote evaluation you will be invited to attend the evaluation sessions (central evaluation) at [...address...] between the dates of [...insert date...] and [...insert date...]. [An initial briefing session will take place at [...insert place...] on [...insert date...].] If for some reason you are not able to undertake these duties or attend the evaluation sessions during the days proposed, please contact the Commission's services immediately. You may not delegate or be replaced for the work described without the prior written approval of the Commission.]

The work entrusted to you requires you to submit the appropriate evaluation forms and comments to the Commission's official whose name appears at the end of this letter [by ...insert date][within insert number days after the receipt of the proposal(s) to be evaluated] . If you fail to provide all appropriate forms and comments by this date, the Commission reserves the right not to pay all or part of the lump sum payment foreseen below.]

In accordance with the "Rules for Participation"<sup>23</sup>, the Commission is required to avoid situations of conflict of interest regarding any matter on which you are required to give an opinion. To this end, the Commission will require you to sign a declaration

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<sup>23</sup> Regulation (EC) N°2321/2002 of the European Parliament and the Council of 16 December 2002 concerning the rules for participation of undertakings, research centres and universities in, and for the dissemination of research results for the implementation of the European Community Sixth Framework Programme (2002-2006) (OJ L 355 of 30 December 2002).

Council Regulation (EC) N°2322/2002 of 5 November 2002 concerning the rules for participation of undertakings, research centres and universities in the implementation of the European Atomic Energy Community (2002-2006) (OJ L 355 of 30 December 2002).

- (a) that no such conflict of interest exists at the start of your duties and
- (b) that the Commission will be immediately informed if such a situation should arise in the course of your duties.

Furthermore, you will be required to act in conformity with the code of conduct included in annex I to the present letter, [Option : *CENTRAL evaluation*] [and to sign this appointment letter and the conflict of interest and confidentiality declaration included in annex II to the present letter **before the start of the evaluation session.**] [Option : *REMOTE evaluation and REMOTE Evaluator who may also attend a central meeting*] [and to have **signed and returned** to the Commission's services this appointment letter and the conflict of interest and confidentiality declaration included in annex II to the present letter **before you receive any proposals to be evaluated and by the first evaluation date mentioned above**]. You will undertake not to make use of and not to divulge any facts, information, knowledge, documents or other matters communicated to you or brought to your attention in the performance of the evaluation work or any results arising therefrom.

Any results obtained by you in performance of the evaluation work shall be the property of the European Community, which may use them as it sees fit, except where industrial or intellectual property rights already exist.

### **Payments**

If you so wish, you may claim a payment of € 450 in the form of a lump sum for each full working day spent assisting the European Commission's services in their evaluation. The total reimbursement will be calculated to the nearest half day.

If you wish to claim this payment, please note that you should send your application for reimbursement of expenses form (enclosed at annex III) together with all supporting documents relating to the expenses claimed to the Commission within no more than 60 days of the completion of your duties. If you have not submitted these documents within this period, it is presumed that no claim for payment or for reimbursement of expenses will be requested.

[Option : *CENTRAL and/or REMOTE + CENTRAL evaluation*]

[Your travel and subsistence expenses may also be reimbursed on the basis of the provisions in force within the Commission as defined in annex V.]

To obtain the reimbursement of your expenses, you will also be required to complete and send to the Commission the banking form (included in Annex IV to the present letter) and indicate your bank account details.

The maximum number of days spent assisting the Commission will not exceed [Option : *CENTRAL evaluation*] [...*X full days plus Z half days* ...] [Option : *REMOTE and/or REMOTE + CENTRAL evaluation*] [...*X full days plus Z half days*...] for evaluation at home or place of work] and [...*Y full days plus Z half days*...] for central evaluation determined in accordance with the payment schedule set out in annex VII to the present letter.]

Only the number of days (calculated to the nearest half day) actually spent assisting the Commission's services will be taken into consideration by the Commission when making the final payment.

Please note that claims for expenses relate only to the travel and subsistence costs and not to equipment or other resources required for evaluation. Travel costs are reimbursed on the basis of actual expenditure and subsistence costs are based on a flat rate per diem.

[OPTION only for Russia and NIS, MED, DEV, Western Balkan]

[The Commission may, at your request, pay a pre-financing (advance) equal to 40% of the estimated amount, which could be claimed by you on the completion of the evaluation work. This pre-financing will be deducted from subsequent payments. If, for whatever reason, you subsequently do not spend any days carrying out the foreseen evaluation work, it is stressed that the pre-financing paid to you must be returned immediately to the Commission. In the case where the pre-financing exceeds the amount due to you for the days actually spent in carrying out evaluation work, the part of the pre-financing not due to you must be returned immediately to the Commission.

If you wish to claim this pre-financing, please note that you should send your application for pre-financing (advance) of expenses (included in annex VI), and sign and return by registered mail to the Commission's services this appointment letter and the conflict of interest and confidentiality declaration (included in Annex II), at least [...insert number...] days **before the above-mentioned starting date of the evaluation session.**

Please note that, as regards all payments, these arrangements are between you and the Commission, even if you are employed by an organisation. It will be for you and your employer to come to any particular agreement concerning the final destination of any payments; the Commission will not intervene in this agreement.

### **Conditions**

You should also note that, in accepting the provisions of this appointment letter and its annexes, you commit yourself to respect applicable national legislation (including taxation and VAT) with regard to any payments received from the Commission and with regard to social security matters and working rights. Upon request by any competent national authorities, the Commission may inform them about any payment made for the performance of your duties.

In the event of a serious failure to fulfill your obligations arising from the performance of the evaluation work or in respect of the terms of the code of conduct or the confidentiality and conflict of interest declaration, the Commission may terminate your appointment immediately at any time without formal notice or payment of any compensation whatsoever. The termination of appointment shall become effective on the date of receipt of the notification.

The Commission reserves the right to recover any payment made and to exclude from further evaluation any expert who has breached the obligations arising from the declaration of confidentiality and conflict of interest.

The European Commission shall not under any circumstances or for any reason whatsoever be liable for damage sustained by you during the performance of the evaluation work.

The provisions of the present appointment letter, of the code of conduct and the confidentiality and conflict of interest declaration do not constitute an employment agreement and the Commission is not liable to provide you with any compensation or coverage in the event of injury or illness.

Except in the case of force majeure, you shall be required to indemnify the European Commission for any damage it may sustain in the performance, poor or otherwise, of the evaluation work.

The Court of First Instance or the Court of Justice of the European Communities, as is appropriate in the specific case, shall have sole jurisdiction to hear any disputes between the Community and the expert as regards the validity, the application or any interpretation of this agreement. The law of [Belgium/Luxembourg] shall govern this agreement.

For further information relating to the performance of your work you may consult the Guidance Notes for Evaluators, which will be provided to you, or the Guidelines on Proposal Evaluation and Selection Procedures available at the following web-site address: [insert web address: <http://www.cordis.lu/fp6/...>]

All correspondence related to the performance of your work and all documents related to the reimbursement of your travel and subsistence expenses should, if required, be sent to the following address:

[...name...]  
European Commission  
[...office...]  
B-1049 Brussels

Yours sincerely,

For the Commission:

Brussels,

I, the undersigned, confirm that I accept the conditions set out in the current appointment letter and its annexes.

For the expert:



Place, date:

**ANNEXES :**

- ANNEX I:** Code of Conduct for Independent Experts appointed as Evaluators (see Annex B of the Guidelines)
- ANNEX II:** Conflict of Interest and Confidentiality Declaration  
*(N.B. this Declaration must be signed and submitted/returned to the Commission before the start of the evaluation session)*  
(see Annex C of the Guidelines)
- ANNEX III:** Application for reimbursement of expenses<sup>24</sup>
- ANNEX IV:** Banking form (Financial Identification)<sup>25</sup>
- ANNEX V:** Rules for reimbursement of expenses and Table of daily allowances<sup>26</sup>
- ANNEX VI:** Application for pre-financing (advance) payment<sup>27</sup>
- ANNEX VII:** (Optional) Payment provisions and provisional planning<sup>28</sup> [*OPTION: REMOTE EVALUATION and OPTION : REMOTE EVALUATOR who may also attend a central evaluation meeting*]

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<sup>24</sup> Not attached to the Guidelines for evaluation and selection of proposals

<sup>25</sup> Idem

<sup>26</sup> Idem

<sup>27</sup> Idem

<sup>28</sup> Idem

**Annex B**

**Code of Conduct for  
Independent Experts Appointed as Evaluators**

(Annex I to Appointment letter – see Annex A)

1. The task of an evaluator is to participate in a confidential, fair and equitable evaluation of each proposal according to the procedures described in this guide and in any programme-specific evaluation document. He/she must use his/her best endeavours to achieve this, follow any instructions given by the Commission to this end and deliver a constant and high quality of work.
2. The evaluator works as an independent person. He/she is deemed to work in a personal capacity and, in performing the work, does not represent any organisation.
3. The independent expert must sign a declaration of conflict of interest and confidentiality before starting the work, by which he/she accepts the present Code of Conduct. Invited independent experts who do not sign the declaration will not be allowed to work as an evaluator.
4. In doing so, the independent expert commits him/herself to strict confidentiality and impartiality concerning his/her tasks. If an evaluator has a direct or indirect link with a proposal, or any other vested interest, is in some way connected with a proposal, or has any other allegiance which impairs or threatens to impair his/her impartiality with respect to a proposal, he/she must declare such facts to the responsible Commission official as soon as he/she becomes aware of this. In addition the evaluator signs a declaration at the bottom of the individual evaluation report for each proposal that he/she examines for the Commission notifying that no conflicts of interest for this particular proposal exist. The Commission ensures that, where the nature of any link is such that it could threaten the impartiality of the evaluator, he/she does not participate in the evaluation of that proposal, and, if necessary, competing proposals.
5. Evaluators may not discuss any proposal with others, including other evaluators or Commission officials not directly involved in the evaluation of the proposal, except during the formal discussion at the meetings moderated by or with the knowledge and agreement of the responsible Commission official.
6. Evaluators may not communicate with proposers, except in the case of panel hearings between evaluators and proposers organised by the Commission as part of the evaluation process. No proposal may be amended during the evaluation session. Evaluators' advice to the Commission on any proposal may not be communicated by them to the proposers or to any other person.
7. Evaluators are not allowed to disclose the names of other evaluators participating in the evaluation. The Commission makes public lists of names of appointed evaluators at regular intervals without indicating which proposals they have evaluated.
8. Where it has been decided that proposals are to be posted or made available electronically to evaluators, who then work from their own or other suitable premises, the evaluator will be held personally responsible for maintaining the confidentiality of any documents or electronic files sent and returning, erasing or destroying all confidential documents or files

upon completing the evaluation as instructed. In such instances, evaluators may seek further information (for example through the internet, specialised databases, etc.) in order to allow them to complete their examination of the proposals, provided that the obtaining of such information respects the overall rules for confidentiality and impartiality. Evaluators may not show the contents of proposals or information on proposers to third parties (e.g. colleagues, students, etc.) without the express written approval of the Commission. It is strictly forbidden for evaluators to make contact with proposers.

9. Where the evaluation takes place in an office or building controlled by the Commission, evaluators are not allowed to take outside the evaluation building any parts of proposals, copies or notes, either on paper or in electronic form, relating to the evaluation of proposals. Evaluators may be given the possibility of seeking further information (for example through the internet, specialised databases, etc.) to allow them to complete their examination of the proposals, but they may not contact third parties without the express consent of the Commission staff supervising the evaluation.
10. Evaluators are required at all times to comply strictly with any rules defined by the Commission for ensuring the confidentiality of the evaluation process and its outcomes. Failure to comply with these rules may result in exclusion from the immediate and future evaluation processes, without prejudice to penalties that may derive from other applicable Regulations.

**Annex C**

**Conflict of Interest and Confidentiality Declaration**  
(Annex II to Appointment letter – see Annex A)

*(Please tick whichever is applicable)*

I, the undersigned, confirm that I have read, understood and accepted the code of conduct for independent experts established in Annex I to the appointment letter No. .... sent by the Commission related to the performance of the evaluation tasks.

I declare that I have not submitted, nor am I, to my knowledge, directly or indirectly involved in any proposal submitted for evaluation under the ..... Call for Proposals.

I declare that my participation in the evaluation of the following proposal(s) could create a conflict of interest:

<i>Acronym</i>	<i>Title</i>	<i>Area</i>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

In particular, I undertake to inform the Commission staff immediately if I discover any conflict of interest, direct or indirect, with any proposal that I am asked to evaluate or which is the subject of discussion in any evaluation meeting at which I am present.

I also declare that I will not reveal any detail of the evaluation process and its outcomes or of any proposal submitted for evaluation without the express written approval of the Commission. In case of evaluation carried out outside Commission controlled premises, I understand that I 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, unless otherwise instructed.

Signed .....

Name .....

Date.....

<p style="text-align: center;"><b>Guidelines on and Code of Conduct for Independent Observers of the evaluation process</b></p>
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### Profile

The Commission may assign independent experts as observers, in accordance with Article 11 of the Rules for Participation. The Commission is responsible for choosing the observers so as to ensure the transparency of the process.

In general, for each activity/research area, at least one independent observer per year should be chosen from among the independent experts appointed as members of the specific programme monitoring panel, in accordance with Article 11(2)(a).

The Commission may inform the Programme committees of the choice of independent experts as observers and their terms of reference.

### Tasks

The task of the independent observers is to look at the operation of evaluation sessions from the point of view of their working and not the outcome, unless the outcome of the evaluations is a direct result of the operational aspects. For this reason, it is not necessary that the observers have expertise in the area of the proposals being evaluated. Indeed, it may be advantageous to avoid having observers with too intimate a knowledge of the particular S&T area in order to avoid conflicts between their opinions on the outcome of the evaluations and the functioning of the sessions. In any case, they will not express views on the proposals under examination or the evaluators' opinions on the proposals.

The role of the observers is to give independent advice to the Commission on the conduct of the evaluation sessions, ways in which the procedures could be improved, the application of the evaluation criteria used in the sessions, and the way in which the evaluators apply these criteria. The observers verify that the procedures set out or referred to in these guidelines are adhered to and report to the programme management on ways in which the process could be improved.

Observers are required to respect the same confidentiality obligations as evaluators (see *Annex B*) and to sign confidentiality agreements. They are not permitted to divulge details of the proposals, the evaluators assigned to examining the proposals, nor the discussions in the evaluation panels.

### Reporting

The observers report on their findings to the Commission. As well as producing a report, the observers are also encouraged to enter into informal discussions with the Commission officials involved in the evaluation sessions and to make observations on any possible improvements that could be put into practice immediately.

The Commission may inform the programme committee of the observers' findings and may make available publicly a summary of their report.

**Two-stage proposal submission and evaluation procedures**

The call for proposals may opt for a two-stage proposal submission and evaluation procedure. For this, proposers must submit first an outline proposal, which is evaluated against the criteria for this stage set out in the call.

The evaluation process for first-stage proposals is based on the process for full proposals as detailed in section 4.5. Outline proposals for Integrated Projects and Networks of Excellence are evaluated by a minimum of 3 independent experts. Consensus discussions may be convened, where necessary.

For the evaluation of first-stage proposals, the consensus report may consist of a collation of the individual evaluation forms signed by each of the experts. The consensus marks for a proposal may be based on either the average marks awarded for each criterion or block of criteria or on the majority judgement as to whether or not each applicable threshold has been achieved. If this option is used, it will be announced in the call for proposals, along with the marking procedure.

Coordinators of those proposals that have passed all thresholds are invited to submit a full proposal within a given period. The invitation is sent to the proposal coordinator together with the evaluation summary report on the outline proposal.

The Commission adopts a rejection decision on the outline proposals which have not passed all thresholds. Immediately after this decision, coordinators of rejected outline proposals are informed in writing of the Commission's decision and receive the evaluation summary report.

Full proposals for the second stage are submitted and evaluated according to the same procedures as for single stage proposals, as described in section 4.5. The marking system applied is the same as the marking system described for single stage proposals. Applicable criteria, thresholds and weightings for this second stage are those set out in the call.



**Annex F**

**Measures for continuously open calls for proposals**

Some calls for proposals may be continuously open (usually for the duration of a Specific Programme) to allow proposal submission at any time but may have intermediate closure dates for receipt of proposals to be considered in any particular evaluation session. In this case, all proposals received before any intermediate closure date are evaluated in an evaluation session that is normally organised within a month after this date. Intermediate and final closure dates are specified in the relevant calls.

In general, all proposals received before any intermediate or final closure date are evaluated in an evaluation session that is normally organised within a month after this date. However, some calls may provide that proposals are evaluated individually when they arrive before any intermediate or final closure date. They are then all reviewed and ranked after this date and evaluation results are made available immediately.

For continuously open calls, for all proposals arriving at least three weeks before each intermediate closure date, the Commission may carry out pre-proposal checks (see section 3.3) as the proposals are received.

Where a proposal is found not to meet the call requirements or where a doubt exists over whether the proposal fulfils these requirements, the proposal coordinator is contacted by the Commission in order to request further information to verify any requirements which cannot be judged or to indicate that the proposal as submitted may not meet the call requirements.

In such instances, the proposal coordinator may withdraw the proposal or may provide additional information, before the intermediate call closure, to allow the checks to be completed. If such additional information is not received or the proposal is not withdrawn before the intermediate call closure, the proposal is evaluated as it stands. A written record of all such contacts is attached to the proposal file.

Continuously open calls may also follow a two-stage proposal submission and evaluation process. In this case, short first stage (outline) proposals may be evaluated individually as they are received and a closure date for the submission of a full proposal for the second-stage evaluation is provided for in the call.

## **Ethical Review Procedures**

### **Introduction**

In order to implement Article 3 of the Framework Programme and Article 10 of the Rules for Participation, the evaluation procedure includes a check of ethical issues raised by the proposals. A ethical review of proposals involving sensitive ethical issues may take place after the evaluation and before any selection decision by the Commission.

The objective of this ethical review is to make sure that the European Union does not support research which would be contrary to fundamental ethical principles as embodied in the Decisions on the Sixth Framework Programme and Specific Programmes. To this end, additional information on ethical aspects may be requested from proposers to allow the ethical review to be carried out.

### **Proposals**

Where appropriate and/or required by the call, proposals include a section which:

- describes the potential ethical aspects of the proposed research regarding its objectives, the methodology and the possible implications of the results
- justifies the design of the research project
- explains how the ethical requirements set out in the work programme will be fulfilled
- indicates how the proposals meets the national legal and ethical requirements of the country where the research is performed
- indicates the timing for approval by any relevant authority at national level.

### **The evaluation**

In the first instance the independent experts make a check of any ethical issues raised by a proposal. During the individual evaluation, experts check whether the proposal raises specific ethical issues (such as clinical trials, use of human tissues and in particular foetal and/or embryonic tissues, use of animals and in particular non-human primates and genetically modified animals).

The evaluators identify those proposals requiring a special attention due to the importance of the ethical issues raised and/or the inadequacy of the way the ethical issues are addressed in the proposal. The evaluation summary report should include any comments of the evaluators concerning ethical issues raised by the proposal.

## Ethical review procedure and organisation of the ethical review panel

### **Submission to the Ethical Review (ER) panel**

The Commission may decide to submit the proposals proposed for funding to a specific ethical review panel. In any case, all proposals proposed for funding involving the use of human embryonic and/or foetal tissues and non-human primates are submitted to an ethical review panel.

### **Composition of the Ethical Review (ER) panel**

The ER panel is composed of independent experts from different disciplines such as law, sociology, psychology, philosophy and ethics, medicine, molecular biology, veterinary science with a parity of scientific and non-scientific members. The panels are transnational.

Representatives of civil society may be invited.

The independent experts are bound to the European Commission requirements concerning conflicts of interest and confidentiality as defined in *Annex B*.

### **The review phase**

The experts individually read the proposals and any additional information that may have been requested from the proposers. The experts prepare an individual assessment using the criteria set out in the work programme. Proposals are read by a minimum of 4 experts with different disciplinary backgrounds.

Discussion and consensus: Once the proposals have been individually assessed, the ER panel meets to discuss. A consensus is sought. The rapporteur prepares a draft report based on the comments expressed by the different experts.

The ethical review report includes the list of the different ethical issues, an account of the way the issues are handled by the proposers and the recommendations of the ER panel. The report is signed by the experts of the ER panel.

In case no consensus can be reached, the report reflects the opinion of the majority of the ER panel and mentions any dissenting opinion.

### **The Ethical Review report**

The proposers are informed of the outcome of the ethical review through the ethical review report. This is sent without the signatures of the experts.

The ethical review report may indicate the need to organise a follow up review at a later stage of the project.

In its decision to fund a project the Commission takes into account the results of the ethical review, which may be introduced into the technical annex of the project contract following contract negotiation.

**Evaluation of Proposals submitted to the Human Resources and Mobility Activities and the New and Emerging Science and Technologies Activity of the Sixth Framework Programme**

**1. Introduction**

Proposals submitted to the Human Resources and Mobility (HRM) action and the New and Emerging Science and Technology (NEST) activity will, in general, be evaluated following the evaluation process described elsewhere in this document. However due to the wide variety of actions within the HRM action, and in view of the large number of proposals anticipated for some activities, and due to the wide scientific range and the multi-disciplinary character of the NEST activity, some details of the evaluation procedure will vary from those described elsewhere in this document.

The principal differences in the proposal evaluation and selection process are summarised below.

**2. Specific Rules and Procedures for HRM Activities**

**(1) Evaluation of Return and Re-integration Grants**

In the case of Return and Re-integration Grant applications, proposals are submitted and evaluated on a continuous basis. Proposals submitted up to pre-defined dates are compared against each other in batches and ranked by the Commission services.

**(2) Marks, Weightings and Thresholds**

Initial marks awarded by evaluators will normally be given in a range of 0 to 5 as indicated in section 4.3. Due to the large number of proposals submitted to some activities, initial marks may be awarded with a resolution of one decimal place. After individual evaluation the evaluators will see the marks and comments of other relevant evaluators. Evaluators may revise their marks taking into account the views of other evaluators. The Commission records draft marks and comments as well as their evolution.

Consensus marks may be derived, where appropriate, by averaging the scores of evaluators and this process may be widely applied where remote evaluation is used. Where remote evaluation is used for the consensus process, the consensus report will be signed by the rapporteur.

**(3) Comments from evaluators**

Comments will be provided by evaluators for the overall mark awarded for each proposal and, where practicable, for each block of criteria.