

CREATIVE EUROPE – MEDIA SUB-PROGRAMME

GUIDE FOR EXPERTS

ON ASSESSMENT OF SUPPORT TO MARKET ACCESS

CALL EACEA/27/2019

managed by the Education, Audiovisual and Culture Executive Agency

Unit B2 - MEDIA

1. INTRODUCTION

The European Commission's Education, Audiovisual and Culture Executive Agency (hereafter 'the Agency') is responsible for the implementation of the actions of the Creative Europe Programme¹ under the supervision of the European Commission. The Agency is in charge of the selection of projects to be funded.

The Agency runs these selections with the assistance of independent experts. The aim is to ensure that only proposals² of the highest quality are selected for funding. The experts hired by the Agency have an advisory role; the final decision on the selection or rejection of applications remains with the Agency. For each selection round, the Agency appoints an Evaluation Committee whose role it is to give an advisory opinion to the authorising officer in view of taking the financing decision on the award of grants based on the quality assessments. The Committee is composed of representatives of the Executive Agency and the European Commission.

This Guide is a tool for experts providing instructions and guidance in order to ensure a standardised and high quality assessment of applications.

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: MARKET ACCESS 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 Market Access action 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 European Union and international markets.

The expected results of the Market Access 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.

¹ The Creative Europe Programme was established by Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the 'Creative Europe Programme (2014 to 2020)' and its corrigendum of 27/06/2014.

² Please note that the terms "proposal" and "application" are used interchangeably in this Guide.

-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 a peer review system following a transparent process that guarantees 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 an essential part of the selection procedure. Based on the experts' assessment, their review by and the resulting recommendations of the Evaluation Committee, a list of grant applications in order of quality is established, which serves as a basis for the Agency to determine which proposals may be financed.

Based on the experts' comments, the Executive 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 recruited through an open call for expression of interest³. They are appointed on the basis of their skills and knowledge in the areas and the specific fields of the audiovisual industry in which they are asked to assess applications. Experts perform assessments on a personal basis, not as representatives of their employer, their country or any other entity.

For the assessment of project applications, the Agency applies a system of rotation of experts.

To ensure their independence, the Agency does not disclose information or contact details of experts in relation with a given proposal they assess. The Agency however publishes a list of experts who signed contracts with it annually on its website⁴.

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 code of conduct for experts can be found in Annex 2.

Experts are bound by confidentiality, as all information related to the assessment process is strictly confidential. They are not allowed to disclose any information about the applications submitted and results of the assessment and selection to anyone.

The assessment of applications will be undertaken by two independent experts, external to the Agency. Experts must not have a conflict of interest⁵ in relation to the proposals on which they are requested to

³ The list resulting from this call for expression of interest is valid for the duration of the current generation of programmes managed by the Agency, i.e. until 31.12.2020 https://eacea.ec.europa.eu/about-eacea/working-expert/call-for-expressions-interest-n%C2%B0-eacea201301_en

⁴ https://eacea.ec.europa.eu/about-eacea/working-expert-eacea/call-for-expressions-interest-n%C2%B0-eacea201301_en

give their opinion. When a potential conflict of interest is reported by the expert or brought to the attention of the Agency by any means, the 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.

By signing their contract with the Agency, experts are bound by the obligations of impartiality (absence of conflict of interest) and confidentiality.

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.

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 Market Access Guidelines⁶ 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 assessment forms are accessible through OEET. Experts are provided with technical instructions for the use of OEET by the Agency as part of their briefing.

⁵ Financial Regulation Art. 61(3): « ... 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 direct or indirect personal interest.»

⁶ https://eacea.ec.europa.eu/creative-europe/funding/support-for-access-markets-eacea-2019_en

The standard assessment forms are established by the Agency to ensure a coherent evaluation of applications across the scheme. 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.

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

	Criteria	Definitions	Max. points
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

	Criteria	Definitions	Max. points
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 30 or more 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.** Market Access - 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

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
Relevance and European added value (maximum 30 points)	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	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.
Quality of the content and activities (maximum 30 points)	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.	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.

		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.
Dissemination of project results, and impact and sustainability (maximum 30 points)	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	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.

Organisation of the project team (maximum 10 points)	4. Distribution of the roles and responsibilities of the team vis-à-vis the objectives of the action	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.
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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
Relevance and European added value (maximum 30 points)	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	1a) How relevant is the proposed business-to-business promotional activity with regards to the objectives of the call?	10	Relevance of the business-to-business promotional activity with regards to the objectives of the call.
		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?	10	Added value in terms of visibility and circulation of European works on European and international markets.
		1c) To which extent does it demonstrate innovation and deployment of digital technologies?	10	Innovation and deployment of digital technologies.

Quality of the content and activities (maximum 30 points)	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	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?	10	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.
		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?	10	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. The following elements could be taken into account: <ul style="list-style-type: none"> o Co-financing: diversity of funds, financial sustainability and proactive strategy to raise co-financing; o For Action 1: Price per participant: adequate price per participant to the overall budget, taking into account prices of similar events in relevant sub-markets (country/region) o Participants: balanced ratio between national and non-national professionals attending; o Salaries for personnel and project management: consistency between budget allocated to the staff remuneration and the size and scope of the event (nature of activities proposed, number of participants, number of days, number of projects);

Annex 1 MARKET ACCESS – Award Criteria

		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 impact as well as relevance to existing synergies and new business models within the A/V industry.
Dissemination of project results, and impact and sustainability (maximum 30 points)	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	3a) How do you evaluate the systemic impact of the proposed action for the targeted projects and participants?	10	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.
		3b) What are the prospects in terms of the structuring effects on the European audiovisual industry and added value to enter new market opportunities and reinforce the international circulation of European audiovisual works?	10	Structuring effects on the European audiovisual industry and added value to enter new market opportunities and reinforce the 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.
Organisation of the project team (maximum 10 points)	5. Distribution of the roles and responsibilities of the team vis-à-vis the objectives of the action	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>

Support to Market Access Guidelines:

https://eacea.ec.europa.eu/creative-europe/funding/support-to-market-access-eacea-2020_en

CODE OF CONDUCT FOR EXPERTS

1. PERFORMING THE WORK

1.1. The expert must work independently, in a personal capacity and not on behalf of any organisation.

1.2. The expert must:

- (a) evaluate each proposal in a confidential and fair way, in accordance with the applicable rules;
- (b) perform his/her work to the best of his/her abilities, professional skills, knowledge and applying the highest ethical and moral standards;
- (c) follow the instructions and time-schedule given by the Agency.

1.3. The expert may not delegate the work to another person or be replaced by another person.

1.4. If a person or entity involved in a proposal(s) approaches the expert before or during the evaluation, s/he must immediately inform the Agency.

2. IMPARTIALITY

2.1. The expert must perform his/her work **impartially** and take all measures to prevent any situation where the impartial and objective implementation of the work is compromised for reasons involving economic interest, political or national affinity, family or emotional ties or any other shared interest ('**conflict of interest**').

The following situation will **automatically** be considered as **conflict of interest**:

(a) **for a proposal(s) s/he is requested to evaluate**, if s/he:

- (i) was involved in the preparation of the proposal(s);
- (ii) is a director, trustee or partner or is in any way involved in the management of an applicant (or linked third party or other third party involved in the action);
- (iii) is employed or contracted by one of the applicants (or linked third parties, named subcontractors or other third parties involved in the action).

In this case, the expert must be excluded from the evaluation of the proposal(s) concerned (and may not take part in the consensus group, panel review or hearings when the proposal(s) is being discussed). Part(s) of an evaluation to which the expert already participated must be declared void. Comments and scores already given must be discounted. If necessary, the expert must be replaced and the proposal(s) concerned must be re-evaluated.

However, in exceptional and duly justified cases, the responsible Agency staff may decide to nevertheless invite the expert to take part in the panel meeting, if:

- the expert works in a different department/laboratory/institute from the one where the action is to be carried out and
- the departments/laboratories/institutes within the organisation concerned operate with a high degree of autonomy and
- the participation is justified by the requirements to appoint the best available experts and by the limited size of the pool of qualified experts.

In this case, the other experts in the group of evaluators will be informed about the situation of the expert.

(b) **for a proposal(s) s/he is requested to evaluate AND for all proposal(s) competing for the same call budget-split**, if s/he:

- (i) was involved in the preparation of any proposal(s) submitted to the same topic/other topic within the same call budget-split;

- (ii) would benefit if any proposal(s) submitted to the same topic/other topic within the same call budget-split is accepted or rejected;
- (iii) has close family ties (spouse, domestic or non-domestic partner, child, sibling, parent etc.) or other close personal relationship with a person (including linked third parties or other third parties) involved in the preparation of any proposal(s) submitted to the same topic/other topic within the same call budget-split, or with a person which would benefit if such a proposal(s) is accepted or rejected.

In this case, the expert must be excluded from the evaluation of the proposal(s) concerned AND from all the proposal(s) competing for the same call budget-split. Part(s) of an evaluation to which the expert already participated must be declared void. Comments and scores already given must be discounted. If necessary, the expert must be replaced and the proposal(s) concerned must be re-evaluated.

(c) **for ALL proposal(s) under the call in question**, if s/he:

- (i) is a member of an advisory group set up by the Commission to advise on the preparation of EU or Euratom Horizon 2020 work programmes or work programmes in an area related to the call in question;
- (ii) is a National Contact Point (NCP) or is working for the Enterprise Europe Network (EEN);
- (iii) is a member of a programme committee.

In this case, the expert must be excluded from the evaluation of the call concerned. Part(s) of an evaluation to which the expert already participated must be declared void. Comments and scores already given must be discounted. If necessary, the expert must be replaced and the proposal(s) concerned must be re-evaluated.

The following situations **may be** considered as **conflict of interest** if the responsible Agency staff so decides, in view of the objective circumstances, the available information and the potential risks:

- (a) employment of the expert by one of the applicants (or linked third parties or other third parties involved in the action) in the last three years;
- (b) involvement of the expert in a contract, grant, prize or membership of management structures (e.g. member of management or advisory board etc.) or research collaboration with an applicant, a linked third party or another third party involved in the action in the last three years;
- (c) any other situation that could cast doubt on his/her ability to participate in the evaluation impartially, or that could reasonably appear to do so in the eyes of an outside third party.

In this case, the responsible Agency staff may decide to exclude the expert from the evaluation (and on the scope, i.e. only for the proposal(s) concerned or also for competing proposal(s) or the entire call) and, if necessary, to replace him/her and organise a re-evaluation.

2.2. The expert will be required to **confirm** – for each proposal(s) s/he is evaluating – that there is no conflict of interest, by signing a declaration in the Participant Portal electronic exchange system (see Article 21).

If the expert is (or becomes) aware of a conflict of interest, s/he must immediately **inform** the responsible Agency staff and stop working until further instructions.

2.3. If the expert breaches any of his/her obligations under Points 2.1 and 2.2, the Agency may apply the measures set out in Chapter 5, and in particular terminate the Contract (see Article 17).

3. CONFIDENTIALITY

3.1. During implementation of the Contract and for five years after the date of the last payment, the expert must keep confidential all data, documents or other material (in any form) that is disclosed (in writing or orally) and that concerns the work under the Contract (**'confidential information'**).

Unless otherwise agreed with the responsible Agency staff, s/he may use confidential information only to implement the Contract.

The expert must keep his/her work under the Contract strictly confidential, and in particular:

- (a) not disclose (directly or indirectly) any confidential information relating to proposal(s) or applicants without prior written approval by the Agency;
- (b) not discuss proposal(s) with others (including other experts or Agency staff that are not directly involved in the evaluation of the proposal(s)), except during evaluation meetings and with prior approval by the responsible Agency staff;
- (c) not disclose:
 - details on the evaluation process or its outcome, without prior written approval by the Agency;
 - detail on his/her position/advice;
 - the names of other experts participating in the evaluation.
- (d) not communicate with applicants (including linked third parties or other third parties involved in the actions) during the evaluation or afterwards – except in panel hearings.

If the Agency makes documents or information available electronically for remote work, the expert is responsible for ensuring adequate protection and for returning, erasing or destroying all confidential information after the end of the evaluation (if so instructed).

If the expert works on Agency premises, the expert:

- (a) may not remove from the premises any documents, material or information on the proposal(s) or on the evaluation;
- (b) is responsible for ensuring adequate protection of electronic documents and information and for returning, erasing or destroying all confidential information after the end of the evaluation (if so instructed).

If the expert uses outside sources (for example internet, specialised databases, third party expertise etc.) for his/her evaluation, s/he:

- (a) must respect the general rules for using such sources;
- (b) may not contact third parties, without prior written approval by the Agency.

The confidentiality obligations no longer apply if:

- the Agency agrees to release the expert from confidentiality obligations;
- the confidential information becomes public through other channels;
- disclosure of the confidential information is required by law.

3.2. If the expert breaches any of his/her obligations under Point 3.1, the Agency may apply the measures set out in Chapter 5.