

INTERNATIONAL RESEARCH AGENDAS

Regulations for Project Selection

under

European Funds for a Smart Economy programme 2021-2027

Priority 2: Innovation-friendly environment

Measure: 2.1 International Research Agendas

FOR UNITS COORDINATING A CONSORTIUM THAT HAS BEEN AWARDED A GRANT OR A SEAL OF EXCELLENCE UNDER THE TEAMING HORIZON EUROPE PROGRAMME (WORK PROGRAMME 2021-2022 OR SUBSEQUENT YEARS) AND WHETHER THE APPLICANT WAS TO BE A CENTRE OF EXCELLENCE UNDER THE TEAMING PROGRAMME OR A CENTRE OF EXCELLENCE UNDER THIS PROGRAMME WAS TO BE ESTABLISHED WITHIN ITS STRUCTURE.

CALL NO 1/2023

The Regulations for Project Selection have been prepared to present the rules for submitting applications and the rules for selecting projects for co-financing under Measure 2.1 of the FENG, on the basis of the applicable national and EU laws. Any discrepancies between this document and the rules of law should be resolved for the benefit of the rules of law.

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I. Introduction

1. The information contained herein (hereinafter referred to as the Regulations) outlines the rules for the submission of proposals and their review in Measure 2.1 International Research Agendas (hereinafter referred to as the IRAP), funded by the European Regional Development Fund from the European Funds for Smart Economy Operational Programme (hereinafter referred to as the FENG).
2. The IRAP measure is implemented by the Foundation for Polish Science (registered at ul. Krasickiego 20/22, 02-611 Warsaw), acting as an Intermediary Body within Priority 2 of the FENG.
3. The Regulations for Project Selection shall be the basic document of the call and its integral part shall be the appendices indicated in Section No. IX.
4. All dates mentioned in the Regulations (unless otherwise stated) relating to the applicant's responsibilities are the dates on which the documents are received by the Foundation for Polish Science, not the dates of posting. In the case of deadlines expressed in days, a day is equivalent to a calendar day. If the end of the relevant period falls on a public holiday or a Saturday, the next working day is deemed the last day of the period. It is important to note the provisions relating to individual actions, described in these Regulations.

II. Explanation of terms used

The terms used in these Regulations shall have the following meanings:

1. **Beneficiary** – research organisation acting as an entity referred to in Article 2(9) of the General Regulation.
2. **Project Budget** – the financial plan of the project, including the tasks performed, categories of eligible costs and Project Schedule, which is part of the application for funding.
3. **Senior Postdoctoral Researcher** – a scientist with at least a doctoral degree and the specific competencies necessary for implementing the project and with a minimum of 5 years' experience in research and development (the five-year period is counted as from the year in which the doctoral degree was obtained).
4. **PhD Student** – a person preparing a doctoral thesis in the doctoral school or extramural mode, participating in the project under the supervision of a research team leader. The

conditions for the recruitment and participation of research team members are included in the Funding Agreement.

5. **Foundation** – Foundation for Polish Science (FNP).
6. **Head Researcher of the Project** – a person holding a scientific degree, the main author and executor of the project working at the applicant's institution and responsible for all the substantive work of the project. At the same time, the Head Researcher of the Project is the leader of one of the research teams.
7. **Intermediate Body (IB)** – an entity referred to in Article 2(10) of the Implementation Act, which was entrusted, by means of an agreement or an agreement concluded with the Managing Authority, with the implementation of tasks within a national or regional operational programme. For Measure 2.1, Priority 2 of the FENG it is the Foundation for Polish Science.
8. **Managing Authority (MA)** – authority referred to in Article 71 of the General Regulation: the minister responsible for regional development.
9. **Partner Unit from Abroad** – a research organisation (public or private) based outside the Republic of Poland, which is a leading organisation in an international environment within the IRAP's sphere of activity and with which the IRAP unit has a co-operation agreement in the IRAP project.
10. **IRAP implementing unit (IRAP unit)** – a research organisation, or a separate organisational structure within a research organisation, in which an IRAP-supported project is carried out in accordance with the requirements of these Regulations and the Funding Agreement. The IRAP entity responsible for project implementation must fit the definition of a research organisation (below).
11. **Catalogue of Eligible Expenditures** – Catalogue of Eligible Expenditure under the Measure FENG 2.1 International Research Agendas, which is Appendix no. 6 to these Regulations. The catalogue defines eligible expenditures of the Measure, i.e., expenditures necessary to implement the project incurred in accordance with these Regulations, the Grant Agreement and the Guidelines on eligibility of expenditures for the years 2021-2027¹, which are published on the website of the Managing Authority and Intermediate Body.
12. **Knowledge Transfer Coordinator** – a person responsible for the commercialisation of research results obtained within the IRAP project; his/her tasks include carrying out

¹ www.funduszeuropejskie.gov.pl/strony/o-funduszach/fundusze-na-lata-2021-2027/prawo-i-dokumenty/wytyczne

continuous market research, working on the preparation of the most appropriate strategy for the transfer of the project results and ensuring the correct implementation of the strategy for the commercialising research results within the IRAP unit, with particular emphasis on the protection of the intellectual property developed. The Technology Transfer Coordinator must be in contact with the beneficiary's organisational unit dealing with technology transfer within the IRAP Unit (e.g. Technology Transfer Centre).

13. **National Smart Specialisation (NSS)** – the document defining the scope of activity covered by the call for proposals. The binding version is the document in force on the date of publication of the call, constituting Appendix no. 2 to these Regulations.
14. **Research Group Leader** – a scientist with the responsibility of being the leader of the research group in the IRAP implementing entity and responsible for the substantive work of the team concerned.
15. **International Research Agenda (IRAP)** – a research programme that determines a clearly defined scientific challenge of transnational relevance within the scope of the NSS , including the method of work and approach to its solution, which is to form the substantive basis for the activity of the unit responsible for implementing the IRAP. The IRAP, in addition to a precisely defining a given research problem, should take an innovative and competitive approach to solving it. This should ensure that the unit responsible for implementing the IRAP gains a leading position in the world² among units dealing with similar research problems. An IRAP that falls within the scope of the NSS may require the work of researchers from different disciplines and interdisciplinary input from different research groups to solve any problem it identifies. Given a holistic approach to the IRAP issue, the project may therefore include, for example, a project component involving researchers specialising in social sciences or humanities. The description of the IRAP is part of the application for funding.
16. **International Scientific Committee (ISC)** – an international advisory board for the IRAP unit, composed of distinguished representatives of the scientific community, internationally recognised authorities in fields related to the implementation of the IRAP and, if it makes the project objective more easily attainable, entrepreneurs with experience in working with scientists or entrepreneurs with extensive experience in implementing new technologies. At least half of the ISC must be made up of representatives of the scientific

² Depending on the field in which the research unit specialises, world leadership can mean, for example, bringing inventions resulting from research to the market, publishing papers in the top 10% of the most highly cited papers in the world in a given field, employing ERC grant winners.

community. Entrepreneurs must not have preferential access to research results.

17. **Junior Postdoctoral Researcher** – a person who has held a doctoral degree for no more than 5 years and who participates in the project under the supervision of a research team leader. However, the 5-year period is counted from the year in which the doctoral degree was obtained. The conditions for the recruitment and participation of research team members are included in the Funding Agreement.
18. **Project Implementation Period** – the period specified in the agreement and necessary to carry out the tasks involved in the project, corresponding to the project's period of cost eligibility, which may be extended in accordance with the rules stipulated in the Regulations or the Agreement.
19. **Research unit** – an organisation carrying out research and disseminating knowledge within the meaning of Article 2, point 83 of the GBER Regulation declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ EU L 187, 26.06.2014, p. 1). The primary objective of a research organisation, irrespective of its legal status or method of financing, is to perform fundamental research, industrial research or experimental development on its own account or to disseminate the results of such activities on a wide scale by means of teaching, publication or knowledge transfer.
20. **R&D activities** – work carried out as part of a research and development project as defined in Article 25 of the GBER Regulation . Only industrial research and experimental development will be eligible in a project.
21. **IRAP Project** – a project aimed at implementing an International Research Agenda (as described in the application for funding) and achieving a specific objective defined by indicators, with a specified start and end date for implementation, and co-funded by an IRAP action in the FENG.
22. **Entrepreneur** – an enterprise within the meaning of Article 1 of Annex I to the GBER.
23. **GBER Regulation** – Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.
24. **General Regulation (CPR)** – Regulation (EU) No 2021/1060 of the European Parliament and of the Council of 24 June 2021, stipulating common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Fund for Equitable Transformation and the European Maritime, Fisheries and Aquaculture Fund and the financial rules for the benefit of these Funds and for the Asylum, Migration and

Integration Fund, the Internal Security Fund and the Financial Support Facility for Border Management and Visa Policy.

25. **Student** – a person who has the status of a student at a national or foreign academic institution .
26. **Stipend holder** – a PhD student receiving remuneration for his/her work within the framework of the IRAP project in the form of a scholarship under the Regulations for the award of scholarships constituting assistance for project participants in FENG 2021-2027, within the scope of programmes of the Foundation for Polish Science.
27. **Sustainability of operations** – guarantees that, within five years of the final payment to the beneficiary, the principles of Article 65 of the General Regulation will be respected, i.e., no cessation or relocation of the beneficiary's activities outside the region where support is received, no change in the ownership of an item of infrastructure giving an undue advantage to a firm or public body, and no substantial change affecting the nature of the operation, its objectives or its implementing conditions likely to affect the original objectives of the operation (as specified in the agreement).

The date of the final payment referred to in Article 65(1) of the General Regulation shall be (a) the date on which the payment account of the body transferring the funds to the beneficiary is debited, where the funds are transferred to the beneficiary in settlement of the final payment claim; (b) the date on which the final payment claim is approved, in cases other than those referred to in point (a).
28. **Funding Agreement (Agreement)** – an agreement for the implementation of an IRAP project concluded by and between the IB and the Applicant whose project has been selected for funding.
29. **Implementation Act** – Act of 28 April 2022 on the Principles of Implementation of Tasks Financed from European Funds in the Financial Perspective 2021-2027.
30. **Intellectual property (IP)** – a term covering all works of the human mind, divided into two categories: copyright and related rights, and industrial property protected within the scope regulated by the Act of 4 February 1994 on Copyright and Related Rights. Industrial property rights should be understood in accordance with the scope covered by the Act of 30 June 2000 on Industrial Property Rights.
31. **Application for funding (Application)** – an application for funding of a project, including attachments, submitted by the Applicant to the IB in the electronic form provided by the IB submitted in accordance with the requirements of these Regulations (see Item 5).

32. **Applicant** – an entity referred to in Article 2 item 34 of the Implementation Act, whereby the Applicant may only be an entity as defined in Article 7, par. 1 of the Act of 20 July 2018 Law on Higher Education and Science and must fit the definition of a research organisation. The Applicant has a legal personality and in the application indicates the organisational unit that shall implement the IRAP project (IRAP unit).
33. **Project Indicators** – indicators established before the start of the project, in order to monitor the project and assess its degree of realisation in relation to the previously adopted goals, as defined in the Application Manual, whose values and justifications are indicated in the application for funding.
34. **Co-operation between R&D and enterprises** – is based on a co-operation agreement between the enterprise and the Beneficiary, in which the parties define a common objective based on the division of the work, its scope, participate in its planning, define the contribution to its execution and share the related financial, technological, scientific and other risks and results. Furthermore, the co-operation agreement with the enterprise regulates the sharing of costs between the two parties, the possibility of disseminating the results of the co-operation that do not give rise to intellectual property rights, the question of ownership of the intellectual property rights arising from the work carried out, and the question of possible compensation for the intellectual property rights arising for the benefit of the Research unit, where the compensation must correspond to the market value of those rights.
- NOTE:** Contract research and the provision of research services are not considered forms of co-operation between R&D and enterprises.
35. **Guidelines** – the guidelines referred to in Article 5 of the Implementation Act.
36. **Framework Guidelines** – Communication from the Commission, Framework for State aid for research, development and innovation (2022/C 414/01).

III. General conditions for the IRAP competition

3.1. General information on the call

- 3.1.1. The selection of projects for co-financing shall be made in a competitive manner, as referred to in Article 44, par. 1 of the Implementation Act. The selection of projects is divided into stages.

- 3.1.2. Units fitting the definition of a research unit and an entity forming the system of higher education and science in Poland in accordance with Article 7 of the Act on Higher Education and Science (Journal of Laws 2018, item 1668) may apply for project funding under the calls.
- 3.1.3. Projects may be applied for under this call if the applicant is the coordinator of a consortium that has been awarded a grant or a Seal of Excellence in the Teaming Horizon Europe Programme (Work Programme 0221-2022 or later) and if the applicant was to be, or was to have been, a Centre of Excellence under the Teaming Programme.
- 3.1.4. The application for funding can only be submitted electronically using the IP electronic system by registering at <https://wnioski2023.fnp.org.pl>.
- 3.1.5. The call for applications is open from **31 May 2023 to 30 June 2023 at 4 p.m. (GTM+1)**.
- 3.1.6. The applications submission deadline may be:
- shortened, with the proviso that the call lasts at least 10 days and may end no sooner than 40 days after the date of publication of the call for proposals, and the IB shall notify the shortened call for proposals no later than 7 calendar days before the planned closing date, or
 - extended.
- 3.1.7. Any change to the call period will require a change to the CPR in accordance with clause 7.2.2. 7.2.2. In this case, the IB shall amend the Application Closing Date in the Regulations for Project Selection and include the amendment in the call for proposals. Circumstances that may affect the closing date of the call for proposals include, in particular:
- an increase in the amount provided for the funding of projects under the call for proposals;
 - prolonged technical problems with the IB's ICT resources preventing the submission of applications.
- 3.1.8. The funds allocated for funding in the call amount to **PLN 106 million** (in words: PLN one hundred and six million).
- 3.1.9. The total amount of support requested for the IRAP project whose applicants have received a certificate *Seal of Excellence in the competition: Teaming for Excellence of the Horizon Europe programme* may not exceed PLN 30 million),
- 3.1.10. The total amount of support requested for the implementing an IRAP project in a unit that will receive support under the Teaming for Excellence competition run by the European Commission under Horizon Europe may not exceed EUR 8 million (the EUR exchange rate applicable to applications receiving national contributions to Teaming projects is

determined on the basis of the average exchange rate of foreign currencies announced by the National Bank of Poland (NBP) in force on the day of announcement of this competition, i.e., on 19 May 2023, the rate is EUR 1 = PLN 4.5367).

3.2. Project aims

3.2.1. Support for IRAP projects is intended to enable the establishment and development of specialised, world-leading research teams and organisations in Poland, where scientific excellence and international competitiveness of research can be achieved. The aim of the support is to implement, in Poland, the world's best practices in the field of:

- a) conducting world-class research, identifying research programmes and areas of activity,
- b) HR policy
- c) R&D works management and commercialisation of R&D results.

3.3. Conditions for project implementation

3.3.1. Proposals submitted for review should cover an implementation period of 60 months in relation to the objective of the project.

3.3.2. The Call, in accordance with the provisions of the Guidelines for the Implementation of Equality Principles under EU Funds 2021-2027, will not apply the mechanism of reasonable accommodation (MRA).

3.3.3. The applicant has the responsibility to implement the project in accordance with the terms and conditions specified in the Funding Agreement. A model agreement for funding is attached as Appendix no. 4 to the Regulations for Project Selection.

3.4. Financial conditions for projects

3.4.1. No state aid shall be provided as part of funding for a project.

3.4.2. The period of eligibility of expenditure shall not extend beyond 31 December 2029.

3.4.3. Expenditure is planned within the project budget that fulfils the conditions set out in these Regulations and the Funding Agreement, particularly in accordance with the Catalogue of Eligible Expenditure in Measure 2.1 of the FENG and the Guidelines for the Eligibility of Expenditure for 2021-2027 and in accordance with the Instructions for Submitting an Application, which constitutes Appendix no. 7 to the Regulations.

IV. Call for proposals and Application for project funding

4.1. Applying for funding

- 4.1.1. The application for funding must be completed in accordance with the Application Manual, which is Appendix no. 7 to these Regulations.
- 4.1.2. The application form and attachments to the application should be completed in Polish in accordance with the Act of Laws of 7 October 1999 on the Polish language (Journal of Laws of 2021, item 672). In addition, the data indicated in the Instructions in the application for funding form and attachments to the application should be completed in English.
- 4.1.3. Exceptions to the above are documents originally formulated in English, i.e., a letter of intent from the foreign partner unit and confirmation from the EC of receipt of a Seal of Excellence certificate or funding under the Teaming for Excellence framework run by the European Commission under Horizon Europe.
- 4.1.4. The parts of the application completed in English must be identical to their equivalents completed in Polish. The applicant is required to submit a statement confirming that the two versions of the application are identical.
- 4.1.5. The applicable model attachments and statements are made available on the IRAP Measure website and on the IB electronic system (both under the "Files to download" section and directly under the "Attachments and Statements" section).
- 4.1.6. The applicant shall attach the Head Researcher of the Project's statement to the electronic application form (in the "Attachments and Statements" section) when applying (as indicated in Appendix no. 5 of this document).
- 4.1.7. The IPP electronic system enables changes to be made to the application and attachments to be replaced until the application is finally approved.
- 4.1.8. The attachments to the application for funding should meet the following requirements:
- They must be saved in pdf format,
 - The same number of pages specified in the description of the attachment must be maintained (pages in excess of the limit set will be removed at stage I of the review of the application).
- 4.1.9. Once completed, the application should be downloaded in pdf format, electronically signed and attached to the IB electronic system.

- 4.1.10. The electronic application for funding must be signed by an authorised person within the applicant's organisation (authorisation should be based on the articles of association or another document issued by the authorised person). If another person's countersignature is required by the applicant's statutes or other binding document from the Applicant's organisation, the signature of that person, including first name, surname and position/function, should also appear in an application for funding.
- 4.1.11. An application for funding shall be deemed to have been submitted provided it meets the following conditions:
- a) It was submitted within the time limit referred to in par. 3.1.4.
 - b) It was submitted in accordance with the rules stipulated in these Regulations, including the Application Manual, as an Appendix to these Regulations.
- 4.1.12. The date and time of the application for funding shall be the date generated by the IB electronic system at the time of submission of the application for funding.
- 4.1.13. An application may be withdrawn at any stage of the call for proposals (up to the publication of the list of projects selected for funding). The basis for withdrawing an application is a written or electronic request from the applicant to the IB. The procedure for contacting the IB regarding the withdrawal of an application is described in Chapter VIII CONTACT.
- 4.1.14. When the submission of the application for funding is initiated in the IB electronic system, an application number will be assigned. Information on the application number and the correct submission of the application will be available to the applicant via the IB electronic system.
- 4.1.15. Once the application has been submitted, the Applicant will be able to view the submitted application.
- 4.1.16. In the event of technical problems with the IB's electronic system, please contact the Project Coordinator indicated in Chapter VIII CONTACT. In the event of prolonged technical problems, the IB may extend the application period indicated on its website.

V. Project review

5.1. General principles of a project review

- 5.1.1. A project review is performed to ensure that the project meets the Criteria for the Project Selection (Appendix no. 1). The project review is divided into three stages:

- a) Stage I - Formal Review;
- b) Stage II - Substantive Review;
- c) Stage III - Substantive Review.

5.1.2. A review of the project is carried out at each stage by the **Project Evaluation Committee (PEC)** on the basis of the information provided in the application, the clarifications and supplements provided by the Applicant (if requested) as well as the information provided by the Applicant and the principal investigator during an interview with the PEC (at stage III of the review). If the Applicant fails to provide the relevant clarifications and supplements within the time limit, the PEC shall review the application on the basis of the application as originally submitted.

5.1.3. If obvious errors are found in the application, the IB may correct them without the permission of the Applicant (in which case the IB will correct the error ex officio and notify the Applicant by sending information to his or her email address) or ask the applicant to correct them in the procedure stipulated in paragraph 5.2.2.

5.1.4. Stage I of the formal review is performed exclusively by IB staff. At stages II and III of the substantive review, the PEC is composed of IB staff and external experts. At stages II and III, the PEC works in the form of panels.

5.1.5. The project review under the access criteria shall be determined by consensus.

5.1.6. The project review within the ranking criteria shall be determined by consensus.

5.1.7. The project review process, counted from the day after the day of closing the call for applications for funding to the day of announcing the list of projects selected for funding, takes up to 100 calendar days. In justified cases, the deadline for the review may be extended, which the IB will indicate on the call website and on the portal.

5.1.8. The veracity of the statements and data contained in the application for funding and the compliance of the project with the required criteria can be verified by the IB at any stage of the assessment, as well as before and after the conclusion of the Funding Agreement.

5.1.9. At any stage of the review, the applicant may be requested to submit clarifications and/or additions to the application in the areas indicated by the PEC, which will serve to assess whether the project meets the Criteria for the Project Selection.

5.1.10. The applicant has the right to refer, in the revised version of the application, to any comments indicated in the call with which they disagree.

5.1.11. Clarifications and additions to the application for funding and other information indicated by the PEC, submitted through the IP computer system, should be treated as an integral part of

an application submitted in accordance with the rules described in these Regulations and in the Instructions for Submitting an Application.

- 5.1.12. In the event of the necessity to improve or supplement the documentation as a result of the call from the IB, the applicant may not introduce any changes to the application other than those indicated in the call.

5.2. Formal review

5.2.1. A formal review of projects is carried out within the scope of formal criteria indicated in the Criteria for the Project Selection (Appendix no. 1).

5.2.2. Following the formal review, an application for funding may be:

- a) qualified to the next stage of review, if it satisfies all access criteria for a positive review result;
- b) requested to be supplemented or corrected so that it fulfils the criteria of the formal review stage, in the event of deficiencies in the scope of these criteria being identified, failure to fulfil the requirements of these Regulations and the Instructions for Submitting an Application or an obvious error being found.
- c) be rejected if not all access criteria are met.

5.2.3. The Head Researcher of the Project and the person designated by the Applicant as his or her point of contact shall receive information on the PEC's comments on the Application at the email addresses indicated in the Application.

5.2.4. In the Scope for Formal Assessment (Stage I), the Applicant may perform improvements/additions to the Application in accordance with the scope indicated by the Foundation for Polish Science within seven days of receiving a request to do so.

5.2.5. The deadline specified in the aforementioned call shall be counted from the day after the day on which the request was sent by e-mail.

5.2.6. It is permissible to perform improvements/additions to the Application once to the extent that the IB has indicated in its request.

5.2.7. If the applicant makes changes to the application other than those indicated in the above-mentioned call for proposals or fails to submit a corrected and complete application within the deadline, the project will be evaluated on the basis of the information available in the original application for funding in this area, which was not subject to the call for improvement.

5.3. Substantive review

5.3.1. A substantive review of projects is performed in view of the substantive criteria for the second and third stage of assessment as indicated in the Selection Criteria which constitute Appendix no. 1 to these Regulations.

5.3.2. Following Stage II of the PEC review, the project may:

- a) be qualified for the next stage of review when it has met all the access criteria, attained at least the minimum scores determined for each of the scoring criteria and also the minimum aggregate score required for a successful review;
- b) requested to complete or correct the fulfilment of the criteria of stage II of the substantive review, in the event of deviations from these criteria being identified, the requirements of these Regulations and the Application Manual not being fulfilled or an obvious error being found.
- c) be rejected at a given stage if it fails to meet any of the access criteria or fails to meet the minimum thresholds for points in any of the scoring criteria or fails to reach the minimum aggregate threshold for approval.

5.3.3. As part of a review performed by the PEC during Phase III of the project review process, a representative of the Applicant and Head Researcher of the Project are invited to an interview with a panel representing the PEC at the Headquarters of the Foundation for Polish Science, during which they have the opportunity to address the PEC's comments.

5.3.4. Information regarding the date of the interview with the PEC panel shall be sent to the Applicant **no later than 14 days prior to** the interview, to the email addresses of the Head Researcher of the Project as well as the person designated by the Applicant as his/ her point of contact.

5.3.5. During the meeting with the panel at Stage III of the review, the following individuals may participate on behalf of the Applicant:

- a) The Applicant's representative,
- b) A person designated as the Head Researcher of the Project,
- c) Optionally, at the request of the Applicant, the team leaders indicated in the application.

5.3.6. In the event that any of the persons indicated in section 5.3.5. will not be able to attend the PEC meeting in person, the use of electronic communication tools is permitted.

5.3.7. The course of the PEC Panel meeting with the Applicant is subject to audio recording by the IP. Recording of the Panel meeting by participants other than the IP is prohibited.

5.3.8. The final assessment of the project at Stage III of the review is made on the basis of the final version of the application and the clarifications provided by the Applicant and the Head Researcher of the Project during the interview with the PEC panel referred to in section 5.3.5.

5.3.9. Following Stage III of the review, the project may:

- a) **be selected for funding**, if it meets all the access criteria, if it has reached at least the minimum scores set for each of the scoring criteria and if it has reached the minimum aggregate score required for approval;
- b) requested to be completed or corrected as regards the fulfilment of the criteria of Stage III of the substantive review, in the event of deviations from these criteria, the requirements of these Regulations and the Application Manual not being fulfilled or an obvious error being found.
- c) **be rejected** if it fails to meet any of the access criteria or fails to meet the minimum threshold scores in any of the scoring criteria or fails to meet the minimum aggregate threshold scores for approval.

5.3.10. As far as the substantive review (Stages II and III) is concerned, the Applicant may improve/complete the application or provide adequate explanations **within 14 days of receiving** the IB's request to do so, in accordance with the scope indicated by the IB.

5.3.11. The time limit specified in the aforementioned invitation shall be counted from the day after the day on which the invitation is sent via email.

5.3.12. It is permissible to correction or complement the Application once within the scope indicated by the IB in the call and, at the request of PEC Members, to provide additional clarifications during the interview referred to in paragraph. If the Applicant performs other changes in the Application than those indicated in the above-mentioned call, or fails to deliver the corrected/complemented Application within the deadline, the project assessment will be performed on the basis of the information available in the originally submitted application for funding in this scope, which was not subject to the call for improvement.

5.4. Approval of review results and notification of call results

5.4.1. Upon completion of each of the three stages of the project review, the IB shall promptly approve the review and publish a list of applications that have qualified for the next stage or, after the third stage, a list of applications that have been selected for funding, no later than seven days after the date of approval of the review results and shall promptly inform the Applicant in writing of the outcome of the review. For this purpose, the IB will send the

- applicant information on the outcome of the review of their project in writing, with a request for acknowledgement of receipt.
- 5.4.2. If an application for funding is selected, the IB informs the Applicant that all Criteria for the Project Selection have been met and the application has been approved, including a request to provide the documents necessary to conclude an agreement and how to provide them.
- 5.4.3. In the event of an application for funding being rejected, the IB informs the Applicant of the application being rejected, including reasons for rejection and instructions for lodging a protest, in accordance with Article 64 of the Implementation Act. Rejection also includes the case in which the project cannot be selected for funding due to exhausting the amount allocated for funding projects in a given call for proposals, in accordance with Article 77, par. 3 of the Implementation Act. Information of rejection by the IB does not constitute a decision within the meaning of the Act of 14 June 1960 Code of Administrative Procedure (Journal of Laws of 2022, item 2000, as amended).
- 5.4.4. Pursuant to Article 57 par. 1 of the Implementation Act, after each stage of the project review, the results thereof shall be published on the IB website and on the FENG portal in the form of project notification:
- a) of selection for the next stage of the review (in the case of Stage I: notification of the formal review; in the case of Stage II: notification of the substantive review);
 - b) of selection for funding (in the case of stage III: notification of the formal assessment)
 - c) of rejection (this also refers to the event of a non-funding due to the exhaustion of the amount allocated for funding of projects in a given call for proposals),
- immediately after the approval of the results of the project review, but no later than seven days thereafter.
- 5.4.5. A project may receive funding (approval) if:
- a) it has met all the access criteria and has reached at least the minimum scoring thresholds specified in each of the scoring criteria and has reached the minimum total scoring threshold for approval;
 - b) was selected for funding by the PEC and was included in the list of projects recommended for funding approved by the Board of the Foundation for Polish Science;
 - c) the position on the ranking list guarantees the availability of the appropriate amount in the allocation foreseen for the call for proposals.
- 5.4.6. The ranking position on the list of projects selected for funding depends on the total number of points obtained in the criteria. In the case of projects with an equal number of points, the

ranking order shall be determined by the number of points received under the relevant criteria specified in the selection criteria annexed to the Regulations for Project Selection.

- 5.4.7. After the IB has approved the results of the project review, the Applicant shall have the right to:
- a) gain access to all documents relating to the review of their project, without being able to access the personal data of the persons who evaluated their project;
 - b) listen to the recording after the decision has been taken (only on the premises of the IB), upon written request and prior appointment. The recording may be made available only to persons authorised to represent the applicant and may be listened to in the presence of an IB employee during a visit during the working hours of the Foundation for Polish Science. While listening to the recording, the applicant may take notes, but it is not permitted to make secondary recordings with his or her own equipment.

VI. Appeal procedure

6.1 General information

- 6.1.1. In the event of a project being rejected, the applicant has the right to lodge a protest in order to have the application submitted by him/her reconsidered with regard to the fulfilment of the Criteria for the Project Selection, in accordance with the rules stipulated in Chapter 16 of the Implementation Act and in these Regulations for Project Selection.
- 6.1.2. The Applicant's right to lodge a protest is not adversely affected by erroneous instructions or lack of instructions in the letter informing him/ her of the rejection of the project.
- 6.1.3. The Foundation for Polish Science is the Competent Institution for the consideration of protests, as referred to in Article 66 item 2 of the Implementation Act.
- 6.1.4. The provisions of the Act of 14 June 1960 shall not apply to the appeal procedure, i.e., the Code of Administrative Procedure, with the exception of Article 24 and the provisions concerning service and the method of calculating time limits, which shall apply accordingly.
- 6.1.5. The appeal proceedings shall be conducted in Polish.
- 6.1.6. All documents shall be presented in Polish, and if they have been drawn up in a foreign language, each of the Parties to the appeal proceedings who invoke them shall present their translation into Polish. In justified cases, the Foundation for Polish Science may require the

Applicant to present a translation of the document into Polish certified by a chartered translator.

6.1.7. The appeal procedure does not impede the conclusion of funding agreements with Applicants whose projects have been selected for funding.

6.2 Formal requirements of the protest

6.2.1. The applicant may lodge a protest within 14 days from the date of receiving notification of rejection of the project. This time limit is counted from the day after the day on which said information is received.

6.2.2. Any protest shall include:

- 1) designation of the institution competent to examine the protest: the Foundation for Polish Science;
- 2) designation of an Applicant;
- 3) the number of the applications for project funding;
- 4) indication of the Criteria for the Project Selection with which the applicant disagrees, including justification;
- 5) indication of any objections of a procedural nature to the review, if the applicant considers that such violations have occurred, with justification;
- 6) the signature of the Applicant or an individual authorised to represent the Applicant, together with an original copy of the document certifying the authorisation of said individual to represent the Applicant.

6.2.3. Documents must be submitted in writing.

6.2.4. Written documents shall be submitted to the address indicated in Chapter VIII CONTACT.

6.2.5. A protest lodged in writing must be affixed with the handwritten signature of the Applicant.

6.2.6. Time limits shall be calculated in accordance with the provisions of the Act of 14 June 1960. - Code of Administrative Procedure Article 57 § 1 - 4. If the end of the time limit for the performance of an action falls on a day recognised as a public holiday or on a Saturday, the time limit expires on the next day which is not a holiday or a Saturday.

6.2.7. The time limits shall be deemed to have been observed if, prior to their expiry, the letters have been duly:

- a) hand-delivered in person or by messenger, or

- b) registered in the electronic system of the Foundation for Polish Science, and the sender has received proof of submission of documents as referred to in Article 41 of the Act of 18 November 2020 on electronic delivery (i.e., Journal of Laws of 2022, item 569, as amended) or
- c) posted in a Polish postal facility of an operator designated within the meaning of the Act of 23 November 2012 on Postal Law or a post office of an operator providing universal postal services in another Member State of the European Union.

6.3 Procedure regarding the handling of the protest

- 6.3.1. If the protest does not comply with the formal requirements mentioned in par. 6.2 of the Regulations, the Foundation for Polish Science shall invite the Applicant to supplement it **within seven days** of the day of receiving the invitation, otherwise the protest shall not be considered. If the time limit expires without any result, the Foundation for Polish Science shall inform the applicant that the protest has not been considered and shall inform him or her of the possibility of filing a complaint with the administrative court. The time limit specified in the summons shall be counted from the day after the day on which the request is delivered.
- 6.3.2. The protest referred to above may be supplemented only with regard to the formal requirements.
- 6.3.3. The request to supplement the protest referred to above suspends the time limit (45 days) until the protest is supplemented.
- 6.3.4. In case of an obvious error in the protest submitted, the Foundation for Polish Science may correct it ex officio, informing the Applicant thereof.

The Applicant may withdraw the protest before its examination by the Foundation for Polish Science is completed by submitting to the Foundation for Polish Science a statement of withdrawal of the protest in one of the ways specified in this procedure, depending on the form in which the protest was submitted.

- 6.3.6. In case of withdrawal of the protest by the Applicant, the Foundation for Polish Science shall not consider the protest, informing the Applicant thereof.
- 6.3.7. If a protest is withdrawn, its re-submission is inadmissible.
- 6.3.8. In case of withdrawal of a protest, the Applicant may not file a complaint with the Administrative Court.

- 6.3.9. The Foundation for Polish Science will examine the protest and verify the correctness of the project review within a maximum of 45 days from the date of its receipt, as experts are involved in the examination of each protest.
- 6.3.10. Pending the appeal procedure, the Foundation for Polish Science:
- 1) may not require certificates and documents to prove facts or the legal situation if they are known to the Foundation for Polish Science ex officio or can be established on the basis of:
 - a) records in its possession;
 - b) public registers held by other public entities to which the Foundation for Polish Science has access by electronic means on the principles set out in the Act or in the Journal of Laws of 17 February 2005 on the Informatisation of the Activities of Entities Performing Public Tasks (i.e., the Journal of Laws of 2021, item 2070, as amended);
 - c) exchange of information with another public entity according to the rules stipulated in the provisions on computerisation of the activities of entities performing public tasks;
 - d) official documents presented by the applicant for inspection;
 - 2) may require the Applicant to submit statements of facts or legal status necessary for the review of the project or its inclusion in funding.

These statements shall be made under penalty of false statements. The statements shall contain the following clause: "I am aware of the criminal liability for making false statements".

6.4 Consideration of the protest

- 6.4.1. If the protest is upheld, the IB shall, accordingly, notify the Applicant of the project qualifying for the next stage of the review or of its selection for funding, including the grounds for this as well as the amount of funding awarded.
- 6.4.2. The IB will update the list of projects approved for funding on its website and portal and publish it within seven days of having made such an update.
- 6.4.3. A protest shall not be considered if it has been lodged:
- 1) after the deadline has passed;

- 2) by an entity excluded from receiving funding on the basis of separate regulations;
- 3) without indicating the Criteria for the Project Selection in the review with which the applicant does not agree, including grounds;
- 4) by an entity other than the Applicant.

6.4.4. The Foundation for Polish Science shall notify the Applicant that the protest cannot be considered, informing him/her of the option of lodging a complaint to the administrative court on the principles specified in these Regulations and in the Implementation Act.

6.5 Appeal to the Provincial Administrative Court (PAC)

6.5.1. In the case of:

- 1) rejection of the protest or
- 2) non-consideration of the protest,

the Applicant may lodge a complaint with an administrative court in accordance with the procedure stipulated in Articles 73-76 of the Implementation Act.

6.5.2. A final and binding decision of the court, excluding the upholding of a complaint referred to in Article 73 par. 8 item 1 of the Implementation Act shall terminate the appeal procedure as well as the project selection procedure.

6.6 Cassation appeal

6.6.1. The applicant or the Foundation for Polish Science may lodge a cassation appeal directly with the Supreme Administrative Court within 14 days of service of the PAC's decision.

6.6.2. The cassation appeal shall be processed **within 30 days** of lodging.

6.6.3. Lodging a cassation appeal:

- 1) after the deadline of 14 days from the date of service of the PAC determination;
- 2) without complete documentation or
- 3) without paying the fixed fee within the deadline;

causes the action to be dismissed, subject to the proviso that if the action is brought without complete documentation or without payment of the fixed fee, the court shall summon the applicant to complete the documentation or pay the fee within seven days of receipt of the request, under pain of rejection of the action. The request shall suspend the time limit for consideration of the complaint (30 days).

6.7 Additional information

- 6.7.1. Within the scope not regulated by the Implementation Act and these Regulations, the provisions of the Act of 30 August 2002 shall apply to proceedings before administrative courts accordingly: the Law on Proceedings before Administrative Courts concerning the acts or actions referred to in Article 3 § 2 item 4, excluding Articles 52-55, Article 61 § 3-6, Articles 115-122, Article 146, Article 150 and Article 152 of that Act.

VII. Concluding a Funding Agreement

7.1. Concluding a Funding Agreement

- 7.1.1. The Agreement, including its appendices, is the basis for the commitment of the Beneficiary and the IRAP entity to implementing the project.
- 7.1.2. The Agreement is signed within six months of the IB approving the application for funding.
- 7.1.3. The Funding Agreement can only be signed if:
- 1) the project has been placed on the approved list of projects selected for funding;
 - 2) the project fulfils all criteria on the basis of which it was selected for funding;
 - 3) the project selection procedure was not cancelled;
 - 4) the Applicant has not resigned from funding;
 - 5) The applicant has provided the correct documents as appendices to the Funding Agreement and the list of persons comprising the ISC as required by the agreement within the deadline ;
 - 6) there are no negative premises for concluding an agreement on funding as a result of verification of the documents referred to in item. 5;
 - 7) the Applicant has not been excluded from receiving funding on the basis of separate regulations;
 - 8) premises specified in Art. 207 par. 4 of the Act on Public Finance do not apply to the Applicant
 - 9) on the basis of the Applicant's certificate of no criminal record, there are no premises specified in:

- a) Article 12 par. 1 item 1 of the Act of 15 June 2012 on the Consequences of Employing Foreigners Illegally Staying on the Territory of the Republic of Poland (Journal of Laws of 2021, item 1745),
 - b) Article 9 par. 1 items 2 and 2a of the Act of 28 October 2002 on the Liability of Collective Entities for Acts Prohibited under Criminal Law (Journal of Laws of 2020, item 358, as amended);
- 10) on the basis of a certificate submitted by the Applicant and positively verified by the IB, the Applicant is not in arrears with payments on account of public and legal dues and social and health insurance contributions
- 11) on the basis of the statement submitted by the Applicant and positively verified by the IB, the premises specified in:
- a) Article 2 of Council Regulation (EC) No 765/2006, which would prohibit the making available of funds or economic resources,
 - b) Articles 2 and 9 of Council Regulations: (EU) No. 269/2014, (EU) No. 208/2014 or Article 2 of Council Decision 2014/145/CFSP, which would have the effect of prohibiting the making available of funds or economic resources,
 - c) Articles 2 and 3 of the Act on Special Arrangements for Countering Support for Aggression against Ukraine, which would have the effect of prohibiting the provision of financial resources, funds or economic resources,
 - d) Article 5l of Council Regulation (EU) No 833/2014, which would have the effect of prohibiting direct or indirect support, including the provision of funding and financial assistance or the granting of any other benefit under the national programme,
- 12) a statement submitted by the Applicant is positively verified by the IB, although funding will not be allocated:
- a) for activities prohibited under acts of EU law adopted or amended in connection with Russian aggression against Ukraine, i.e., Council regulations: (EU) 2022/263, (EU) No 833/2014, (EU) No 692/2014 or (EC) No 765/2006, Council Decisions: (CFSP) 2022/266, 2014/512/CFSP, 2014/145/CFSP or 2012/642/CFSP or
 - b) for the satisfaction of the claims referred to in Article 11 of Council Regulations: (EU) No 833/2014, (EU) No 269/2014, (EU) No 208/2014, Article 10 of Council Regulation (EU) 2022/263, Article 6 of Council Regulation (EU) No 692/2014, Article

8d of Council Regulation (EC) No 765/2006, Article 7 of Council Decision 2014/512/CFSP or Article 2n of Council Decision 2012/642/CFSP;

13) the appeal procedure for the project, for which the Applicant applied for funding under the call, has been resolved;

- 7.1.4. The agreement is concluded between the IB and the Applicant/Beneficiary within whose organisational structure the IRAP unit will be established. The agreement is non-negotiable and is annexed to the Regulations (Appendix no. 4).
- 7.1.5. According to Article 61 par. 4 of the Implementation Act, the IB may, in justified cases, refuse to conclude a project financing agreement if it is feared that the conclusion of the project financing agreement will cause damage to public property, particularly where criminal or tax proceedings are being conducted against an applicant who is a natural person or a member of the Applicant's management bodies who is not a natural person for the offence of making false statements, or any other offence related to the exercise of economic activity or committed for the purpose of obtaining a material benefit, in relation to public funds granted for the implementation of the project to that applicant, an entity related to him or her personally or by capital, or a member of the management bodies of that applicant or entity.
- 7.1.6. The applicant shall provide the IB with a list of persons comprising the ISC, as required by the agreement, prior to signing the agreement.
- 7.1.7. In case of an Applicant that is a subsidiary or controlled by a local government unit, the Applicant declares that there are no discriminatory local laws enacted by the authorities of the local government unit in line with general principles referred to in Article 9(3) of the General Regulation³.
- 7.1.8. The Applicant shall deliver the documents (signed by an individual authorised to represent the Applicant) within 14 days from the date of electronic transmission of information on their approval by the IB.
- 7.1.9. If the aforementioned documents are not provided as requested and within the timeframe indicated by the IB, the IB may rescind from the Agreement.

³ Prior to the conclusion of the agreement, the applicant is required to submit a statement that no discriminatory local legislation enacted by the authorities of the local government unit that is contrary to the principles referred to in the general principles is in force in the local government unit.

- 7.1.10. If the IB, having selected the project for funding and before concluding the Agreement for project funding, becomes aware of circumstances that may have a negative impact on the outcome of the project review, it shall re-direct the project for review within a relevant scope and notify the Applicant thereof. The provisions on the appeal procedure apply accordingly (cf. Article 61. Par. 8 of the Implementation Act). The IB sends information about the need to redirect the application for review to the Applicant immediately.
- 7.1.11. The agreement is signed with qualified electronic signatures. If the documents needed to conclude the agreement are correct, the IB forwards the agreement to the Applicant for signature, which, when returned, is signed by the IB.

7.2. Final provisions

- 7.2.1. In matters not regulated in the Regulations, the provisions of generally applicable law shall apply.
- 7.2.2. The Foundation for Polish Science reserves the right to amend the Regulations or any document setting out the terms and conditions of the call to which the Regulations refer, subject to the following reservations:
- a) the Regulations for Project Selection cannot be amended in the part concerning the indication of the method of project selection for funding and its description;
 - b) the possibility to amend the Regulations for Project Selection regarding the Criteria for the Project Selection exists only if no application has been submitted yet. This change results in a corresponding extension of the deadline for submission of applications;
 - c) if the Regulations for Project Selection are amended, the IB shall post notices on the call site and on the portal, indicating the amendments made, particularly information on the amendment, the current content of the Regulations, the grounds for the amendment and the date from which the amendment applies. The IB makes previous versions of the Regulations for Project Selection available on the call site and the portal.
 - d) if the IB has amended the Regulations for Project Selection and applications for funding have been submitted in the call, the IB shall immediately inform each applicant, individually. Information on changes made to the Regulations for Project Selection will be forwarded to the e-mail address indicated in the application.

Amendments are effective as of the date indicated in the announcement on the Foundation for Polish Science website. Changes may not result in unequal treatment of Applicants under the call for proposals to which these Regulations apply.

- 7.2.3. The Foundation for Polish Science reserves the right to cancel the call for proposals according to the rules set out in Article 58 of the Implementation Act, particularly in the event of significant changes in the law affecting the conditions for carrying out the call for proposals or force majeure events.
- 7.2.4. Information submitted by applicants may be accessed by programme evaluators, provided they ensure its confidentiality and protect information that constitutes legally protected secrets.

VIII. Contact

- 8.1. Questions on how to apply for funds in the call can be sent to the following email address:
IRAP@fnp.org.pl.
- 8.2. Information on the call can also be obtained by contacting the IRAP coordinator:
Dr. Eng. Anna Skarżyńska
Phone no. +48 22 311 84 43
Mobile: +48 604 129 901
skarzynska@fnp.org.pl
- 8.3. Unless otherwise indicated in the Regulations for Project Selection, communication between the IB and the Applicant shall be by email, using the email addresses indicated by the Applicant when applying for funding.
- 8.4. If, for technical reasons, it is not possible to communicate via email, the IB will indicate on the call page another means of communicating with the Applicant.
- 8.5. The Applicant is obliged to notify the IB of any change of address, including e-mail address. If this responsibility is neglected, correspondence sent to the previous address shall be deemed to have been effectively served.
- 8.6. Requests for correction of the application are sent via e-mail to the e-mail addresses indicated by the Applicant in the application for funding (see item 7.3). Information on the approved outcome of the project review, including letters concerning approval following the

formal or substantive review, or rejection following the formal or substantive review, is delivered in writing with acknowledgement of receipt.

- 8.7. A request for withdrawal of an application in writing shall be submitted to the IP address, via a postal operator, as defined in the Act of 23 November 2012 on Postal Law (i.e., the Journal of Laws of 2022, item 896, as amended), in person or through a messenger. A request for withdrawal of an application in electronic form shall be submitted by e-mail at the address indicated in Section 7.2.

IX. Appendices to the Regulations for Project Selection

1. Projects selection criteria for the IRAP competition.
2. National Smart Specialisations: Detailed description ⁴.
3. Application for funding template.
4. Funding Agreement template including appendices.
5. Statement of the Head Researcher of the Project for the application template.
6. Catalogue of eligible expenditure under Measure 2.1 of the FENG.
7. Application Manual.

⁴ <https://www.gov.pl/web/rozwój-technologia/krajowe-inteligentne-specjalizacje>