

THE REGULATIONS FOR PROJECT SELECTION

Intermediate Body	Foundation for Polish Science
Programme	European Funds for Smart Economy
Priority	2. innovation-friendly environment
Measure	02.01 INTERNATIONAL RESEARCH AGENDAS
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The Regulations for Project Selection have been prepared to present the rules for the submission of applications and the rules for project selection for funding under Measure 2.1 of the FENG, based on the applicable national and EU laws. Any discrepancies between this document and the law should be resolved in favour of the law.

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I. Introduction

1. The information contained in this document (hereinafter referred to as the Regulations) outlines the rules for the submission of applications for funding and their evaluation in Measure 2.1 International Research Agendas (hereinafter referred to as IRAP), funded by the European Regional Development Fund from the European Funds for a Smart Economy (FENG) 2021 - 2027 programme.
2. Measure IRAP is implemented by the Foundation for Polish Science with its seat in Warsaw, ul. I. Krasickiego 20/22, 02-611 Warsaw, acting as an Intermediate Body (hereinafter referred to as IB) within the FENG Priority 2.
3. The selection of projects for co-financing shall be carried out in a competitive manner as referred to in Article 44(1) of the Act of 28 April 2022 on the rules for the implementation of tasks financed from the European funds in the financial perspective 2021-2027 (Journal of Laws of 2022, item 1079). The project evaluation is divided into stages.
4. The Regulations for Project Selection is the basic document of the call and its integral part are the attachments indicated in Chapter No. X.
5. All dates specified in the Rules (unless otherwise indicated), concerning the Applicant's obligations, **are dates of receipt of documents by the IB**, not dates of posting. In the case of deadlines specified in days, a day is considered to be a calendar day. If the end of the deadline falls on a public holiday or Saturday, the last day of the deadline shall be the next working day.

II. Legal basis

1. The IP conducts the call on the basis of:
 - 1.1. **Implementation Act** - the Act of 28 April 2022 on the principles of the implementation of tasks financed from European funds in the financial perspective 2021-2027 (Dz.U. of 2022, item 1079);
 - 1.2. **Agreement** on entrusting the implementation of the Programme European Funds for Modern Economy 2021-2027 concluded on 23 December 2022 between the Minister of Funds and Regional Policy and the Foundation for Polish Science.
2. In addition, the IP carries out the call in accordance with EU and national regulations.

2.1. EU regulations are primarily:

- a. REGULATION (EU) 2021/1060 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Fair Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and the financial rules for these Funds and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the instrument of financial support for border management and visa policy, hereinafter referred to as the General Regulation or CPR;
- b. REGULATION (EU) No 2021/1058 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 June 2021 on the European Regional Development Fund and the Cohesion Fund;
- c. 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, hereinafter referred to as GBER;
- d. COMMISSION COMMUNICATION 2014/C 198/01 of 27 June 2014. **Framework Guidelines** on State aid for research, development and innovation;

2.2. National regulations are primarily:

- a. European Funds for a Smart Economy (**FENG**) 2021-2027 programme, approved by European Commission decision of 27 September 2022, **referred to as FENG**;
- b. Detailed Description of the Priorities of the Programme European Funds for a Modern Economy 2021-2027, referred to as **SZOP**;
- c. Act of 20 July 2018. Law on higher education and science (Journal of Laws 2023 item 742);
- d. Partnership Agreement for the Implementation of the Cohesion Policy in Poland for 2021-2027 approved by the European Commission on 30 June 2022;
- e. Guidelines on the eligibility of expenditure 2021-2027, referred to as the **Eligibility Guidelines**;
- f. Guidelines for project selection 2021-2027;
- g. Guidelines for the implementation of equality principles in EU funds 2021-2027;

III. Explanation of terms

Terms used in these Regulations shall mean:

1. **Fundamental research** - empirical or theoretical work aimed primarily at acquiring new knowledge about the fundamentals of phenomena and observable facts without aiming at direct commercial application.
2. **Beneficiary** - a research unit as defined in Article 7(1) of the Act of 20 July 2018. Law on Higher Education and Science and meeting the definition of a research and knowledge dissemination organisation - as defined in the GBER (Article 2, paragraph 83).
3. **Project budget** - the financial plan of the project, including tasks, categories of eligible costs and the Project Schedule, which is part of the Application for funding.
4. **Foundation** - Foundation for Polish Science (FNP).
5. **Head researcher of the project** - a person with 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. The Head researcher of the project is at the same time the leader of one of the research teams.
6. **Intermediate Body (IB)** - an entity referred to in Article 2 (10) of the Implementation Act which has been entrusted, by means of an agreement concluded with the Managing Authority, with the implementation of tasks within a national operational programme. For Measure 2.1, Priority 2 of the FENG it is the Foundation for Polish Science.
7. **Managing Authority (MA)** - the authority referred to in Article 71 of the General Regulation - the minister responsible for regional development.
8. **Partner unit from abroad** - a research organisation based outside the territory of the Republic of Poland (public or private), which is a leading organisation in an international environment in the IRAP thematic area and with which the IRAP unit has an agreement cooperation agreement in the framework of a IRAP project.
9. **IRAP implementing unit (IRAP unit)** - a research organisation or a separate organisational structure within it, in which a project supported by the IRAP Programme is implemented and which fulfils the requirements of these Regulations and the Funding Agreement. The IRAP implementing unit must meet the definition of a research organisation (below).
10. **Catalogue** of eligible expenditures in Measure FENG 2.1 International Research Agendas, which is Attachment 5 to these Rules. Catalogue of eligible expenditures of the Measure, i.e. expenditures necessary for the implementation of the project incurred in accordance with these Rules, the Grant Agreement and the Guidelines for the eligibility of expenditures for the years 2020-2020. for co-financing and the *Guidelines on Expenditure Eligibility for 2021-*

2027¹ which are published on the website of the Managing Authority and the Intermediate Body.

11. **National Smart Specialisation (NSS)** - document defining the thematic scope covered by the call, The binding version is the document in force on the day of the call's announcement, constituting Attachment No. 2 to these Rules of Procedure. The binding version is the document in force on the day of the call's announcement, which constitutes attachment No. 2 to these Rules of Procedure.
12. **Research group leader** - a researcher performing the duties of a research group leader in the IRAP implementing unit (IRAP unit) responsible for the substantive work of the team concerned.
13. **International Research Agenda (IRAP)** - a research programme defining a clearly defined scientific challenge of supranational importance within the scope of the KIS and the method of work and approach to solving it, which is to be the substantive basis for the activity of the unit implementing the IRAP. The IRAP, in addition to a precisely defined research problem, should be characterised by an innovative and competitive approach to solving it, which should ensure that the unit implementing the IRAP gains a leading position in the world² among units dealing with similar research problems. A IRAP that falls within the scope of the KIS may require the work of researchers from different disciplines and interdisciplinary input from different research groups to solve the problem identified in it. Because of the holistic approach to the IRAP issue, a 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 application for funding.
14. **International Scientific Committee (ISC)** - an international advisory body to the IRAP entity, composed of eminent representatives of science, internationally recognised authorities in fields related to the implementation of the IRAP and, if justified by facilitating the project objective, Entrepreneur with experience in cooperation with scientists or Entrepreneur with extensive experience in implementing new technologies. Representatives of science must make up at least half of the ISC. Entrepreneur may not have preferential access to research results.

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

² World-leading position can be taken to mean, depending on the field in which the research unit specialises, e.g.: bringing inventions resulting from research into the market, publishing papers that are in the top 10% of the world's best cited papers in a given field, employing ERC grant winners.

15. **Project implementation** period - the period specified in the Contract, needed to carry out the tasks of the project, the same as the period of eligibility of costs in the project, which may be extended under the rules provided for in the Contract.
16. **Research** unit - an entity as defined in Article 7(1) of the Act of 20 July 2018. Law on Higher Education and Science and meeting the definition of an organisation conducting research and disseminating knowledge - as defined in the GBER (Article 2, paragraph 83). The primary objective of a Research unit regardless of its legal status or method of funding is to conduct fundamental research, industrial research or experimental development independently or to disseminate the results of such activities on a large scale through teaching, publication or knowledge transfer.
17. **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 the project.
18. **IRAP project** - a project aimed at implementing the International Research Agenda (IRAP) (as described in the Application for funding) and achieving a set objective defined by indicators with an indicated start and end of implementation, covered by co-financing under the IRAP Measure in the FENG.
19. **Entrepreneur** - an enterprise as defined in Article 1 of Attachment I to the GBER Regulation.
20. **GBER Regulation** - Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain types of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.
21. **General regulation (CPR)**- Regulation (EU) No 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down 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 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.
22. **Funding agreement (Agreement)** - an agreement for the implementation of a IRAP project concluded between the IB and the Applicant whose project has been selected for funding.
23. **Implementation Act** - Act of 28 April 2022 on the rules for the implementation of tasks financed from European funds in the financial perspective 2021-2027.

24. **Application for funding (so-called Application)** - application for funding of the project together with attachments, submitted by the Applicant to the IB on an electronic form made available by the IB submitted in accordance with the requirements of these Regulations (see Chapter V.).
25. **Applicant** - an entity referred to in Article 2(34) of the Implementation Act, whereby the Applicant may only be an entity defined in Article 7(1) of the Act of 20 July 2018. Law on Higher Education and Science and meeting the definition of a research organisation. The Applicant has legal personality and in the application indicates the organisational unit that will implement the IRAP project (IRAP unit).
26. **Project indicators** - indicators established before the start of the project, in order to monitor the project and assess the degree of its implementation in relation to previously adopted objectives, defined in the Application Manual, whose values and justifications are indicated in the application for funding.
27. **Guidelines** - Guidelines referred to in Article 5 of the Implementation Act.
28. **Framework Guidelines** - Communication from the Commission, Framework Guidelines for State aid for research, development and innovation (2022/C 414/01).

IV. General conditions for Measure M and International Research

Agendas

4.1. General information about the call

- 4.1.1. Units meeting 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 call.
- 4.1.2. The application for funding can only be submitted electronically, using the using the IP electronic system by registering at <https://wnioski2023.fnp.org.pl>.
- 4.1.3. The call for applications runs from **19 August 2024** until **16 September 2024 at 16.00 (GTM+1)**.
- 4.1.4. The deadline for submissions may be:
 - a) shortened - with the reservation that the call for applications lasts at least 10 days and may end no earlier than after 40 days from the day of making the announcement of the

- call for applications public, and the IB shall inform about the shortening of the call for applications no later than 7 calendar days before the planned date of its completion, or
- b) extended.
- 4.1.5. The change of the call for proposals deadline is each time connected with the change of the CPR according to point 8.2.2. In such a case, the IB shall change the deadline for submission of applications in the CPR and include the change in the call for proposals notice. in the call for proposals notice. Circumstances that may affect the closing date of the call for proposals include:
- a) an increase in the amount of money earmarked for funding projects under the call;
- b) technical problems with the IP ICT resources preventing the submission of applications.
- c) all circumstances amounting to force majeure.
- 4.1.6. The funds earmarked for co-financing in the call for proposals amount to **PLN 120 million** (in words: one hundred and twenty million zloty).

4.2. Purpose of projects

- 4.2.1. Support for IRAP projects is intended to enable the establishment and development in Poland of specialised, world-leading research teams and organisations in which scientific excellence and international competitiveness of research can be achieved. The support is intended to implement world best practices in Poland:
- a) conducting world-class research, identifying research programmes and topics,
- b) personnel policy,
- c) management of R&D activities and commercialisation of R&D results.

4.3. Conditions for project implementation

- 4.3.1. In relation to the project objective, the project implementation period indicated in the application for co-financing must cover at least 4 years, however, it is possible to change the planned project implementation period on the conditions provided for in the Funding agreement. The implementation of the projects must end no later than 31 December 2029.
- 4.3.2. The call, in accordance with the provisions of the Guidelines for the Implementation of Equality Principles in EU Funds 2021-2027, will not use the mechanism of reasonable accommodation (MRA).
- 4.3.3. The Applicant is obliged to implement the project in accordance with the conditions specified in the in the Funding Agreement. A model Funding Agreement is attached as

Attachement 4 to the CPR.

4.4. Financial conditions of the project

- 4.4.1. The total amount of support requested for the implementation of the project may not exceed **PLN 30 million**.
- 4.4.2. No state aid is provided as part of the project funding.
- 4.4.3. The period of eligibility of expenditure may not extend beyond 31 December 2029.
- 4.4.4. The Project budget is planned to cover expenditure that meets the conditions set out in these Regulations and the Funding Agreement, in particular in accordance with the Catalogue of eligible expenditures in Measure 2.1 FENG applicable to the call and the Guidelines for the eligibility of expenditure for the period 2021-2027 and presented in the application in accordance with the Application Manual attached as Attachment 6 to the Regulations.

V. Call for proposals and Project Application

5.1. How to apply for funding

- 5.1.1. The application for funding must be completed in accordance with the Application Manual, which is Attachment 7 to these Regulations.
- 5.1.2. The application and the attachments to the application should be completed in Polish in accordance with the Act of 7 October 1999 on the Polish language (Journal of Laws of 2021, item 672)
- 5.1.3. If the Letter of Intent from the partner unit was drawn up in a language other than Polish - the letter and its sworn translation into Polish must be attached to the application.
- 5.1.4. The applicable templates for annexes and declarations are made available on the Measure IRAP website and on the IP electronic system (both within the Files to download section and directly in the Annexes and declarations section).
- 5.1.5. The Applicant shall attach to the electronic application form (in the section "Annexes and declarations") the Declaration of the Head researcher of the project to the application.
- 5.1.6. Annexes to the application for funding should meet the following requirements:
 - a) *pdf* format,

b) to maintain the number of pages, words or characters specified in the appendix description.

- 5.1.7. The IP's electronic system allows changes to be made to the electronic Application form and attachments to be exchanged until the editing of the Application has been completed.
- 5.1.8. Once the application has been completed, the application should be closed for editing by clicking on the "Finish editing data" button in the form and downloaded in pdf format. The application with the generated date of application closure on the first page should be signed with a qualified electronic signature and attached to the electronic system of the IB.
- 5.1.9. Signing the Application for funding (so-called Application) must be performed by a person authorised in the Applicant's organisation to submit applications (authorisation should result from the statutes or another document issued by the authorised person). If, according to the statutes or another document in force at the Applicant's institution, a countersignature of another person is necessary, his/her signature together with his/her name and position/function should also appear on the Application for funding.
- 5.1.10. The date and time of submission of a grant application is the date generated by the IP's electronic system at the time of submission.
- 5.1.11. An application may be withdrawn at any stage of the call for applications (until the publication of the list of projects selected for funding). The basis for withdrawing an application is the Applicant's request in writing or in an electronic form, submitted to the IB. The way of contacting the IB regarding the withdrawal of an application is described in chapter IX CONTACT.
- 5.1.12. At the start of the application for funding, an application number will be assigned in the IP electronic system. Information on the application number and the correct submission of the application will be available to the Applicant via the IP electronic system.
- 5.1.13. Once submitted, the Applicant will have the opportunity to review the submitted application.
- 5.1.14. In case of technical problems with the IP electronic system, please contact the Project Coordinator indicated in Chapter IX CONTACT. In case of prolonged technical problems, the IP may extend the application period, of which the IP will inform on its website.

VI. Evaluation and selection of projects

6.1. How to apply for funding

- 6.1.1. Evaluation of Applications for funding is a three-stage process and consists of a formal evaluation stage and substantive appraisal (stage I and II).
- 6.1.2. The assessment of Applications shall be carried out on the basis of the criteria attached as Annex 1 to the CPR.
- 6.1.3. The evaluation of projects is conducted by the **Project Evaluation Committee (PEC)** on the basis of information provided in the Application for funding (so-called Application), clarifications and supplementations submitted by the Applicant (if the Applicant was called to submit them), as well as on the basis of information provided by the Applicant and the Head researcher of the project during the interview with the PEC (at the second stage of substantive assessment). If the Applicant fails to provide relevant clarifications and complements within the specified deadline, the assessment of the application is carried out by the Committee on the basis of the originally submitted application.
- 6.1.4. If obvious clerical or calculation errors are found in the Application, pursuant to Article 55 of the Implementation Act, the IB may correct them without calling the Applicant to do so (in such a case, the IB corrects the error ex officio and shall notify about it by sending information to the e-mail address of persons indicated in the Application to contact the Applicant and the Head researcher of the project).
- 6.1.5. The formal assessment stage is carried out by the IB staff only. At stages I and II stages of substantive appraisal, the NCP consists of the IB staff and external experts. At stages I and II of substantive appraisal, the SC works with the use of IT systems or in the form of panels. Substantive appraisal of applications is carried out by external experts.
- 6.1.6. The assessment of the project at the first and second stage of substantive assessment under the Mandatory criteria is determined by the panel of experts on the basis of consensus, and in the case of divergent assessments of individual members of the panel of experts, by voting.
- 6.1.7. The rating of the project under the ranking criteria is determined by the panel of experts on a consensus basis and, in the event of a discrepancy, the arithmetic average of the ratings awarded by the individual experts is calculated.

- 6.1.8. The project appraisal process, counted from the day following the day of closing the call for applications for funding to the day of announcing the list of projects selected for funding, lasts up to 150 calendar days. In justified cases, the evaluation deadline may be extended, about which the IB will inform on the call's website and on the portal.
- 6.1.9. The veracity of statements and data included in the Application for funding and the compliance of the project with the required criteria may be verified by the IB at each stage of the evaluation, as well as before and after concluding the funding agreement.
- 6.1.10. The Applicant, if the rules specified in the Project Selection Criteria for Measure 2.3 IRAP allow it, may be called upon to submit clarifications or additions in the areas of the application indicated by the SCOP.
- 6.1.11. In clarifications or additions to the application, the Applicant shall be entitled to refer to the comments indicated in the call with which it disagrees.
- 6.1.12. Explanations and supplements to the application for funding and other information indicated by the Monitoring Committee, submitted via the IB IT system, should be treated as an integral part of the application.
- 6.1.13. If the documentation needs to be improved or supplemented as a result of a call from the IB, the Applicant may not make any changes to the application other than those indicated in the call.

6.2. Formal assessment

- 6.2.1. The formal assessment of projects is carried out in terms of formal criteria indicated in the Project Selection Criteria (Annex 1).
- 6.2.2. During the formal appraisal, the Applicant may be called upon to supplement or improve the Application or submit an explanation as to whether the criteria of the formal appraisal stage have been met - if any deficiencies have been identified with respect to these criteria.
- 6.2.3. The Head researcher of the project and the contact persons indicated by the Applicant shall be sent information on the comments of the NCP on the Application to the e-mail addresses indicated in the Application.
- 6.2.4. As regards the formal assessment, the Applicant may correct/complete the Application or submit explanations in accordance with the scope indicated by the IB **within 7 days by 16:00 (GTM+1)** of receiving a call to do so.
- 6.2.5. The deadline specified in the aforementioned call shall be counted from the day following the day on which the call is sent by e-mail.

- 6.2.6. It is permissible to correct/complete the Application once or to submit clarifications within the scope indicated by the IB in the request.
- 6.2.7. If the Applicant fails to provide a corrected/complete application or clarifications by the deadline, the project evaluation will be carried out on the basis of the information available in the originally submitted application for funding.
- 6.2.8. If the Applicant makes changes to the Application other than those indicated in the above-mentioned request or fails to provide a corrected/complete Application by the deadline, the Project appraisal will be carried out on the basis of the information available in the originally submitted Application for funding.
- 6.2.9. All corrections or additions to an application in the formal assessment mode are submitted in the IB electronic system, the same in which the original application was submitted. The new, corrected version of the application must be re-signed by an electronic signature according to the rules specified in point 5.1.8. 5.1.8.
- 6.2.10. As a result of the formal assessment:
- a) An application will be admitted to the next stage of assessment if it meets all the mandatory criteria for a successful assessment;
 - or
 - b) A proposal will be assessed negatively if any of the following obligatory criteria are not fulfilled of the mandatory criteria.

6.3. Substantive evaluation

- 6.3.1. Substantive appraisal of projects is carried out within the scope of substantive criteria of the first and second stage of appraisal indicated in Selection Criteria which constitute annex No. 1 to these Regulations.
- 6.3.2. At the first stage of substantive appraisal, the Applicant does not have the possibility to correct and supplement the application and submit clarifications according to the Project Selection Criteria.
- 6.3.3. As a result of the assessment carried out by the NCP during the first stage of substantive assessment:
- a) the project will be qualified for the next stage of assessment if it has reached at least the minimum score thresholds specified in each ranking criterion and if it has reached the minimum aggregated score threshold for passing the assessment;
 - or

- b) A project will be given a failing grade if it fails to meet the minimum threshold in any of the ranking criteria or fails to meet the minimum aggregated score for pass mark. of the ranking criteria or has not reached the minimum total score threshold for a positive assessment.
- 6.3.4. As far as the substantive appraisal at stage II is concerned, the Applicant may be called upon to improve/complete the application or to provide clarifications regarding the fulfilment of the criteria for stage II of substantive appraisal - if deficiencies are identified with regard to these criteria, **within 7 days until 16:00 (GTM+1)** from the receipt of the request to the e-mail addresses of the contact persons indicated by the Applicant and the Head researcher of the project.
- 6.3.5. The deadline specified in the aforementioned call shall be counted from the day following the day on which the call was sent by e-mail.
- 6.3.6. It is permissible to correct/complete the Application once or to submit explanations within the scope indicated by the IB in the call for proposals or, at the request of the members of the Monitoring Committee, to present possible additional explanations during the interview referred to in in point. 6.3.9.
- 6.3.7. All corrections or supplements to the application under stage II of substantive appraisal are submitted in the IB electronic system, the same in which the original application was submitted. The new, corrected version of the application must be re-signed by an electronic signature according to the rules specified in point 5.1.8. 5.1.8.
- 6.3.8. If the Applicant makes changes to the Application other than those indicated in the above-mentioned request or fails to provide a corrected/complete Application by the deadline, the Project appraisal will be carried out on the basis of the information available in the originally submitted Application for funding.
- 6.3.9. An element of the assessment carried out by the SCP during the second stage of substantive appraisal of projects is a conversation of the members of the SCP with a representative of the Applicant and the Head researcher of the project at the premises of the IB, during which they have an opportunity to comment on the comments of the SCP.
- 6.3.10. Information about the date of the interview with the NOP panel shall be sent to the Applicant **no later than 14 days before the** scheduled meeting to the e-mail addresses of the Head researcher of the project and persons indicated by the Applicant for contact.
- 6.3.11. During the meeting with the panel at Stage II of the assessment, on the Applicant's side, the interview includes:

- a) Applicant;
- b) the person designated as Head researcher of the project;
- c) Optionally, at the Applicant's request, the team leaders indicated in the application.

6.3.12. In exceptional cases, i.e. being out of the country, taking care of family members or a health situation, at the request of the person indicated in point 6.3.11(a or b), the interview referred to in point 6.3.9. may take place with his/her participation remotely online.

6.3.13. If the Applicant or the Head researcher of the project fail to attend the meeting of the NCP panel at the appointed time, the meeting of the NCP panel shall be held without the participation of the Applicant or the Head researcher of the project. The IB may change the appointed date of the COP panel meeting in case of fortuitous events beyond the Applicant's or IB's control which make it impossible for the Applicant, the Head researcher of the project or the members of the COP panel to participate in the COP panel meeting at the appointed date, with the reservation that the next appointed date of the COP panel meeting shall not affect the date of approval of the project evaluation results referred to in point 6.4. 6.4.

6.3.14. The course of the meeting of the NOP Panel with the Applicant shall be subject to audio recording by the IB. It is prohibited for participants other than the IB to record the course of the Panel meeting.

6.3.15. The final assessment of the project in the second stage of evaluation is made on the basis of the final version of the application and clarifications provided by the Applicant and the Head researcher of the project during the interview with the NCP panel referred to in point 6.3.9.

6.3.16. As a result of the evaluation during the second stage of the substantive assessment:

- a) A project may **be selected for co-financing if** it meets all the obligatory criteria and if it has reached at least the minimum scoring thresholds specified in each of the ranking criteria and if it has reached the minimum total scoring threshold for a positive assessment;
- or
- b) A project will be given **a failing grade if** it fails to meet any of the of the Mandatory criteria or if it fails to reach the minimum score threshold in any of the Ranking criteria or if it fails to reach the minimum aggregate score threshold for a positive assessment.

6.3.18. A project can receive funding when:

- a) has met all the Mandatory criteria and has reached at least the minimum scores specified in each of the Ranking criteria and has reached the minimum aggregate scores in both Stages I and II of the substantive assessment in order to be considered favourably; and
- b) the amount allocated for projects in the call for proposals, referred to in 4.1.6, allows for financing of all projects referred to in letter a) (if this amount does not allow for financing of these projects, the ranking position of the Project in the assessment decides about support).

6.3.19. The ranking position on the list of projects selected for funding depends on the total number of points received in the criteria. In the case of projects with an equal number of points, the order on the ranking list shall be determined by the number of points received in the determining criteria set out in the selection criteria annexed to the CPR.

6.4. Approval of the evaluation results and information on the results of the call for proposals

- 6.4.1. After completion of each of the three stages of project appraisal, the IB immediately approves the appraisal and publishes a list of applications that have qualified for the next stage or a list of applications selected for funding and a list of applications that have received a negative appraisal pursuant to Article 57(1) of the Implementation Act. Publication of results takes place no later than 7 days after the approval of the assessment results. The IB immediately informs the Applicant about the outcome of the assessment of its application in writing against acknowledgement of receipt.
- 6.4.2. In the case of a negative evaluation of the project, referred to in Article 56(5) and (6) of the Implementation Act, the IB sends to the Applicant information about the negative evaluation of the application together with justification and instructions on the possibility to lodge a protest, in accordance with Article 64 of the Implementation Act. A negative evaluation shall also cover a case, in which the project cannot be selected for co-financing due to the exhaustion of the amount allocated for project financing in a given call for proposals, pursuant to Article 56(6) of the Implementation Act. Information of the IB on a negative evaluation does not constitute a decision in the meaning of the Act of 14 June 1960 Code of Administrative Procedure (Journal of Laws of 2022, item 2000, as amended).
- 6.4.3. Pursuant to Article 57(5) of the Implementation Act, the IB may, on the basis of Article 57(5) of the Implementation Act, select for co-financing also projects which have been negatively

assessed due to the exhaustion of the amount allocated for cofinancing projects in this procedure, provided that the conditions specified in this provision have been met.

- 6.4.4. Once the results of the project evaluation have been approved by the IB, the Applicant has the right to:
- a) access to the documents relating to the evaluation of his/her project without being able to access the personal data of those who evaluated his/her project;
 - b) to view the recording after the call for applications has been closed, only at the premises of the IB after a written request and prior appointment has been made. The recording may be made available only to persons authorised to represent the Applicant and listened to in the presence of an IP employee during one visit during working hours of the IP. While listening to the recording, the Applicant may take notes, but secondary recording with own devices is not allowed.

VII. Appeal procedure

7.1. General information

- 7.1.1. Pursuant to Article 63 of the Implementation Act, the Applicant, in the case of a negative evaluation of the project, has the right to lodge a protest in order to re-check the application submitted by him/her with respect to meeting the project selection criteria, in accordance with the rules set out in Chapter 16 of the Implementation Act and The Regulations for Project Selection.
- 7.1.2. The Applicant's right to lodge a protest shall not be adversely affected by erroneous instructions or the lack of instructions in the letter on the outcome of the negative project appraisal.
- 7.1.3. The IB is the Institution competent to examine protests, referred to in Article 66(2) of the Implementation Act.
- 7.1.4. The provisions of the Act of 14 June 1960 shall not apply to the appeal procedure. - Code of Administrative Procedure, with the exception of Article 24 and the provisions concerning service and the manner of calculating time limits, which shall apply accordingly.
- 7.1.5. The appeal proceedings shall be conducted in Polish.
- 7.1.6. All documents shall be presented in Polish.

7.1.7. The appeal procedure does not stop the conclusion of Funding Agreements with Applicants whose projects have been selected for funding.

7.2. Formal requirements of the protest

7.2.1. The Applicant may lodge a protest **within 14 days** from the date of receipt of information about the negative evaluation of the project. The time limit shall be counted from the day following the date of the delivery of the information on the negative evaluation of the project.

7.2.2. The protest includes:

- a) Designation of the institution competent to examine the protest - Foundation for Polish Science;
- b) designation of Applicant;
- c) Application number for funding of the project;
- d) indication of project selection criteria with which the Applicant disagrees with the assessment, together with a justification;
- e) indicate objections of a procedural nature concerning the conducted evaluation, if, in the Applicant's opinion, such infringements have occurred, along with a justification;
- f) signature of the Applicant or of a person authorised to represent him/her, attaching the original or a copy of a document certifying the powers of such a person to represent the Applicant.

7.2.3. The documents must be submitted in the form and manner indicated by the IB in the letter containing information on the negative evaluation of the project.

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

7.2.5. A protest lodged in writing must bear a handwritten signature.

7.2.6. Time limits shall be calculated in accordance with the provisions of the Act of 14 June 1960. - Code of Administrative Procedure art. 57 § 1 - 4. If the end of the time limit to perform an action falls on a day which is a public holiday or on Saturday, the time limit expires on the next day which is neither a public holiday nor a Saturday.

7.2.7. The time limits shall be deemed to have been observed if, before their expiry, the letters have been respectively:

- a) delivered personally or by courier, or
- b) posted in a Polish postal facility of an operator designated within the meaning of the Act of 23 November 2012. - Postal Law or a post office of an operator providing universal

postal services in another Member State of the European Union.

7.3. Procedure for dealing with the protest

- 7.3.1. If a protest is lodged which does not meet the formal requirements referred to in Point. 7.2 of the Rules, the IB shall call the Applicant to supplement the protest **within 7 days** from the date of receipt of the call, under pain of leaving the protest unprocessed. After the time limit has expired ineffectively, the IB shall inform the Applicant about leaving its protest unprocessed, informing it about the possibility of lodging a complaint to the administrative court in this respect. The time limit specified in the call is counted from the day following the day of delivery of the call.
- 7.3.2. The protest referred to above may be supplemented only with regard to formal requirements, in accordance with Article 64 of the Implementation Act.
- 7.3.3. The call to supplement the protest referred to above shall suspend the time limit for considering the protest until the protest has been supplemented.
- 7.3.4. If an obvious mistake is found in the submitted protest, the IB may correct it ex officio, informing the Applicant thereof.
- 7.3.5. The Applicant may withdraw the protest until its consideration by the IB is complete by submitting to the IB a statement of withdrawal of the protest, in the same form in which the protest was submitted.
- 7.3.6. If the Applicant withdraws the protest, the IB shall leave the protest unprocessed, informing the Applicant accordingly.
- 7.3.7. If the protest is withdrawn, re-filing is not allowed.
- 7.3.8. If the protest is withdrawn, the Applicant may not lodge a complaint with the Administrative Court.
- 7.3.9. The IB examines the protest by verifying the correctness of the project assessment within the scope indicated in the protest, within a period **not longer than 21 days** from the day of its receipt. In justified cases, in particular when during the protest examination it is necessary to use expert assistance, the deadline for the protest examination may be extended, of which the IB shall inform the Applicant. The deadline for considering the protest shall not exceed a total of 45 days from the date of its receipt.
- 7.3.10. IP during the appeal procedure:
- 1) may not require certificates and documents to prove facts or the legal situation if these are known to the IP ex officio or are ascertainable on the basis of:

- a) records in its possession;
 - b) public registers held by other public entities to which the IB has electronic access under the rules set out in the Implementation Act
or
in the Act of 17 February 2005 on Informatisation of the Activity of Entities Performing Public Tasks (i.e. Journal of Laws of 2023, item 57, as amended);
 - c) exchange information with another public entity according to the rules set out 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 make statements of fact or law necessary for the evaluation of the project or its inclusion in the grant.

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

7.4. Consideration of the protest

- 7.4.1. If the protest is upheld, the IB shall inform the Applicant accordingly about qualifying his/her project to the next appraisal stage or selecting his/her project for co-financing, together with the justification, and indicating the amount of the grant awarded.
- 7.4.2. On its website and portal, the IB will update the list of projects approved for funding within **7 days** of there being grounds for such an update.
- 7.4.3. The protest shall be left unprocessed if lodged:
- a) after the deadline;
 - b) by an entity excluded from receiving funding on the basis of separate provisions;
 - c) without indicating the project selection criteria with which the Applicant disagrees, with reasons;
 - d) by an entity other than the Applicant.
- 7.4.4. The IB shall inform the Applicant about leaving the protest unprocessed, instructing it on about the possibility of lodging a complaint to the administrative court on principles specified in these Rules and in the Implementation Act.

7.5. Appeal to the Provincial Administrative Court (WSA)

7.5.1. In the case of:

- a) disregard of the protest,
- b) leave the protest unprocessed,

Applicant may lodge a complaint to the administrative court in accordance with the procedure set out in Articles 73-78 of the Implementation Act.

7.5.2. A final court decision, excluding acceptance of a complaint referred to in Article 73 par. 8 point 1 of the Implementation Act ends the appeal procedure and the Project selection procedure.

7.6. Additional information

7.6.1. To the extent not regulated by the Implementation Act and these Regulations, the provisions of the Act of 30 August 2002 - 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.

VIII. Conclusion of Funding Agreement

8.1. Conclusion of Funding Agreement

8.1.1. The contract and its annexes are the basis for the Beneficiary's commitment to the project.

8.1.2. A Funding Agreement can only be signed if:

- 1) the project was included in the approved list of projects selected for funding;
- 2) the project meets all the criteria on the basis of which it was selected for funding;
- 3) there was no cancellation of the project selection procedure;
- 4) The Applicant has not waived funding;
- 5) The Applicant has provided the correct documents as annexes to the Funding agreement and a list of proposed persons to be part of the ISC in accordance with the requirements set out in the agreement within the deadline;
- 6) The Applicant has provided the Agreement with the partner entity by the deadline;

- 7) The Applicant has provided the completed form "Analysis of the compliance of the project with the environmental protection policy" (Annex No. 7) together with the attached investment permit (building permit or decision to allow the implementation of the investment, or any other administrative decision completing the preparation of the investment process if for a given project the legislation does not provide for the need to obtain a building permit)³.
- 8) there are no negative prerequisites for concluding a Funding Agreement as a result of the verification of the documents referred to in points 5-7;
- 9) The Applicant has not been excluded from receiving funding under separate legislation;
- 10) the Applicant is not subject to the conditions set out in Article 207(4) ufp;
- 11) on the basis of the Applicant's certificate of no criminal record, the conditions set out in:
 - a) Article 12(1)(1) of the Act of 15 June 2012 on the consequences of employing foreigners unlawfully residing on the territory of the Republic of Poland (Journal of Laws 2012, item 1745),
 - b) Article 9(1)(2) and (2a) of the Act of 28 October 2002 on the responsibility of collective entities for acts prohibited under penalty (Journal of Laws of 2020, item 358, as amended);
- 12) on the basis of a certificate submitted by the Applicant and positively verified by the IP, the Applicant is not in arrears with payments of public and legal dues and social and health insurance contributions
- 13) based on the statement submitted by the Applicant and positively verified by the IP, the prerequisites set out in:
 - a) Article 2 of Council Regulation (EC) No 765/2006, which would prohibit the making available of funds or economic resources,
 - b) Article 2 and Article 9 of Council Regulations: (EU) No. 269/2014, (EU) No. 208/2014 or Article 2 of Decision Council 2014/145/CFSP, which would have the effect of prohibiting the provision of funds or economic resources,

³ If, prior to the signing of the agreement, the Applicant is only able to submit the "Conformity Analysis..." form and does not have the investment permit required for the project at that stage, but obtains it after the Funding agreement is signed, then, at the latest before the first payment of the grant, he shall submit an updated form together with a copy of the investment permit

- c) Articles 2 and 3 of the Law 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,
- 14) on the basis of a statement submitted by the Applicant and positively verified by the IP, the grant will not be allocated:
- a) for activities prohibited under acts of EU law adopted or amended in connection with Russia's 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,
 - b) for the settlement of 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.
 - c) for trade with or investment in Russia, for trade with or investment in Belarus in accordance with Article 2e of Council Regulation (EU) No 833/2014 and Article 1t of Council Regulation (EC) No 765/2006 (if applicable).
- 15) the appeal procedure against the project was settled with a positive result, the Applicant applied for funding under the call (if applicable).
- 8.1.3. The agreement is concluded between the IB and the Applicant/Beneficiary who is a IRAP unit or in whose organisational structure a IRAP unit will be established. The agreement is non-negotiable and constitutes an annex to the Rules of Procedure (Annex 4).
- 8.1.4. Pursuant to Article 61, paragraph 4 of the Implementation Act, in justified cases, the IB may refuse to conclude a project funding agreement if there is a concern of causing damage to public property as a result of concluding a project funding agreement, in particular, if an Applicant who is a natural person or a member of managing bodies of an Applicant who is not a natural person is subject to criminal or fiscal penal proceedings for the crime of making false statements, bribery, against property, credibility of documents, trading in money and securities, economic turnover, the banking system or any other

offence connected with the performance of economic activity or committed for the purpose of making a financial gain, in relation to a grant which has been granted from public funds for the implementation of a project to that Applicant, an entity related to it personally or by capital, or a member of the management bodies of that Applicant or entity.

- 8.1.5. In the case of an Applicant that is a subsidiary or controlled by a Local Government Unit (SGEU), the Applicant declares that there are no discriminatory local laws enacted by the SGEU authorities on the territory of that SGEU contrary to the principles referred to in Article 9(3) of the General Regulation⁴.
- 8.1.6. The Applicant shall provide the documents (signed by a person authorised to represent the Applicant) within 14 days from the date of electronic transmission of information on their approval by the IB.
- 8.1.7. If the above-mentioned documents are not provided in accordance with the request and within the deadline indicated by the IB, the IB may withdraw from concluding the Agreement.
- 8.1.8. If the IB, after selecting the project for cofinancing and before concluding the agreement, finds out about circumstances which may negatively influence the result of the project appraisal, it shall re-direct the project for appraisal within a relevant scope, of which it shall inform the Applicant. The provisions on the appeal procedure apply accordingly (cf. Article 61(8) of the Implementation Act). The information about the need to redirect the application for appraisal is sent to the Applicant immediately by the IB.
- 8.1.9. 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.

8.2. Final provisions

- 8.2.1. In matters not covered by the Rules, the provisions of generally applicable law shall apply.
- 8.2.2. The IB 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 reservations:
 - a) The CPR cannot be amended in the part concerning the indication of the method of selecting projects for funding and its description;

⁴ Prior to conclusion of the contract, the Applicant shall be obliged to declare that no discriminatory local legislation contrary to the principles referred to in the General Regulation enacted by the authorities of that JST is in force in the JST.

- b) The possibility of amending the CPR regarding the project selection criteria exists only in a situation where no application has yet been submitted. This change results in a corresponding extension of the application deadline;
- c) If the CPR is amended, the IB shall post on the call for proposals website and on the portal notices of the amendments made, containing in particular information about the amendment, the current content of the rules, the justification for the amendment and the date from which the amendment applies. The IB shall make previous versions of the CPR available on the call for proposals website and on the portal;
- d) If the IB has changed the CPR and applications for funding have been submitted in the call for applications, the IB shall immediately and individually inform each Applicant thereof. Information on the changes made to the CPR shall be sent to the e-mail address indicated in the application.

Amendments are valid as of the date indicated in the announcement on the IB website. Changes may not result in unequal treatment of Applicants under the call for proposals to which these Rules apply.

- 8.2.3. The IB reserves the right to cancel the call for proposals under the rules defined in Article 58 of the Implementation Act.
- 8.2.4. The information submitted by applicants may be accessed by programme evaluators on condition that they ensure its confidentiality and protect information that constitutes legally protected secrets.

IX. Contact

8.1. Questions about applying for funds in the call can be sent to the e-mail address: mab@fnp.org.pl.

8.2. Information on the call can also be obtained by contacting the persons indicated below:

Dr. eng. Anna Skarżyńska

Tel.

Mobile: +48 604 129 901

skarzynska@fnp.org.pl

Dr. eng. Kasper Marchlewicz

Tel. +48 22 845 95 24

Mobile: +48 693 340 159

marchlewicz@fnp.org.pl

- 8.3. Unless otherwise indicated in the CPR, communication between the IB and the Applicant shall take place via email, using the email addresses indicated by the Applicant in the Application for funding.
- 8.4. If, for technical reasons, communication by e-mail is not possible, the IP will indicate on the call site another means of communication with the Applicant.
- 8.5. Written documents shall be submitted to: ul. I. Krasickiego 20/22, 02-611 Warsaw, to the office of the Foundation, through a postal operator, within the meaning of the Act of 23 November 2012. - Postal Law (i.e. Journal of Laws of 2022, item 896 as amended), in person or through a messenger.
- 8.6. The Applicant is obliged to notify the IP of any change of address, including e-mail address. If this obligation is neglected, correspondence sent to the previous address shall be deemed to have been effectively delivered.
- 8.7. Calls for completion or improvement of the application are sent via e-mail to the e-mail addresses of the contact persons indicated by the Applicant and the Head researcher of the project. Information on the approved outcome of the Project appraisal, including letters concerning a positive outcome of the formal or substantive appraisal, or a negative outcome of the formal or substantive appraisal, is delivered to the Applicant in writing against acknowledgement of receipt.
- 8.8. A request for withdrawal of an application in writing shall be submitted to the IP address, via a postal operator, within the meaning of the Act of 23 November 2012. - Postal Law (i.e. 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 point. 8.1.

X. Attachments to The Regulations for Project Selection

1. Project selection criteria for the IRAP competition.
2. National Intelligent Specialisations - Detailed description⁵.
3. Model application for funding.
4. Model Funding agreement with annexes.

⁵ <https://www.gov.pl/web/rozwoj-technologie/krajowe-inteligentne-specjalizacje>

5. Catalogue of eligible expenditures in Measure 2.1 FENG .
6. Application Manual.
7. Model form "Analysis of the compatibility of the project with environmental policy"