

REGULATIONS FOR PROJECT SELECTION

Intermediate Body	Foundation for Polish Science
Programme	European Funds for Smart Economy (FENG)
Priority	2. Enhancing research and innovation
Action	02.02 FIRST TEAM
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The Regulations for Projects Selection (hereinafter: Regulations, RPS) have been prepared in order to present the Regulations for submitting applications and the Regulations for selecting projects for funding under Measure FENG.02.02: First TEAM. The document has been developed on the basis of applicable national and EU law. Any discrepancies between this document and the provisions of law shall be resolved in favour of the provisions of law.

Please note that this is a translation of the Polish version of the document. In the event of any discrepancy between the English and Polish versions, the Polish version shall be legally binding.

Table of contents

Table of contents	2
I. Introduction.....	3
II. Legal basis.....	3
III. Explanation of terms	5
IV. General conditions for the First Team Measure	8
1. General information about the call for proposals.....	8
2. Conditions for the implementation of the Project.....	9
3. Project objectives	9
4. Thematic scope of Projects.....	9
V. Financial conditions	9
VI. How to submit the Application for funding.....	10
VII. Evaluation and selection of Projects	11
1. General Regulations for the evaluation of Projects.....	11
2. Formal evaluation.....	13
3. Substantive assessment.....	14
4. Approval of evaluation results and information on the results of the call for proposals	16
VIII. Appeal procedure	17
1. General information	17
2. Formal requirements for a protest.....	18
3. Proceedings for the examination of protests	19
4. Consideration of the protest.....	20
5. Complaint to the Voivodship Administrative Court (VAC).....	21
6. Additional information	21
IX. Conclusion of the grant agreement	21
X. Final provisions.....	24
XI. Contact.....	25
XII. Attachments.....	26

I. Introduction

1. The information contained in this document (also referred to as the Regulations for Project Selection or Regulations or RPS) sets out the Regulations for submitting funding proposals and their evaluation under Measure 2.2 First Team, financed by the European Regional Development Fund from the European Funds for Smart Economy 2021-2027 programme (hereinafter referred to as FENG).
2. The First Team Measure is implemented by the Foundation for Polish Science with its registered office in Warsaw, ul. I. Krasickiego 20/22, 02-611 Warsaw, acting as the Intermediate Body (hereinafter referred to as IB or Foundation) under Priority 2 of FENG.
3. The selection of projects for funding is carried out on a competitive basis, as referred to in Article 44(1) of the Act of 28 April 2022 on the principles of implementation of tasks financed from European funds in the 2021-2027 financial perspective (Journal of Laws of 2022, item 1079). The project evaluation is divided into stages.
4. The Regulations are the basic document for the call for proposals, and the annexes indicated in Chapter XII form an integral part thereof.
5. All dates specified in the Regulations concerning the obligations of Applicants **are the dates of receipt of documents by the IB**, not the dates of dispatch. In the case of deadlines specified in days, a calendar day is considered. If the end of the deadline for performing an action falls on a day that is a public holiday or a Saturday, the deadline expires on the next day that is not a public holiday or a Saturday.

II. Legal basis

1. The IB conducts the call for proposals on the basis of:
 - 1.1. **Implementation Act** – Act of 28 April 2022 on the principles of implementing tasks financed from European funds in the 2021-2027 financial perspective (Journal of Laws of 2022, item 1079);
 - 1.2. **Agreement on entrustment** implementation of the European Funds for a Modern Economy 2021-2027 Programme concluded on 23 December 2022 between the Minister of Funds and Regional Policy and the Foundation for Polish Science.

2. In addition, the IB conducts recruitment in accordance with EU and national regulations.

2.1. EU regulations include, in particular:

- a. REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (EU) 2021/1060 of 24 June 2021 specifying common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund, as well as financial Regulations for those funds and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for 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 the GBER;
- d. COMMISSION COMMUNICATION No. 2022/C 414/01 of 28 October 2022 **Framework** for State aid for research, development and innovation.

2.2. National regulations include, in particular:

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

III. Explanation of terms

1. **Industrial research** – research referred to in Article 2(85) of the GBER.
2. **Beneficiary** – a research organisation which is an entity referred to in Article 2(9) of the General Regulation and specified 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(83)), the applicant.
3. **Project budget** – the financial plan for the project, including tasks, categories of eligible costs and the project schedule presented in the grant application.
4. **Doctoral student** – a person who is preparing a doctoral dissertation as part of doctoral education (at a doctoral school), participating in the project under the supervision of the research team leader (Principal Investigator).
5. **Expert** – a person referred to in Chapter 17 of the Implementation Act.
6. **Experimental development work** – development work referred to in Article 2(86) of the GBER Regulation.
7. **FENG** – European Funds for a Smart Economy Programme 2021-2027.
8. **GBER** – 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.
9. **Principal Investigator** – a scientist holding at least a doctoral degree (regardless of nationality) who obtained a doctoral degree no later than 2 and no earlier than 9 years before the deadline for submitting applications in the call for proposals who meets the conditions specified in the Funding Agreement in § 4(3) (Appendix 2 to the RPS), the main author and investigator of the First Team project who is an employee of the Beneficiary, involved in the work for at least 0.5 FTE, as the leader of the research team.
10. **Intermediate Body (IB)** – the entity referred to in Article 2(10) of the Implementation Act, which has been entrusted, by way of an agreement concluded with the MA, with the implementation of tasks under the FENG; this is the Foundation for Polish Science.
11. **Managing Authority (MA)** – the institution referred to in Article 71 of the General Regulation; this is the minister responsible for regional development.
12. **Catalogue of eligible expenditure** – catalogue of eligible expenditure under Measure 2.2 of the FENG First Team, constituting Annex 3 to the RPS. The catalogue specifies the eligible expenditure in the Measure, i.e. expenditure necessary for the implementation of the Project,

incurred in accordance with the Regulations for Project Selection, the Funding Agreement and the Eligibility Guidelines.

13. **Project Evaluation Committee (PEC)** – the project evaluation committee referred to in Article 53 of the Implementation Act, appointed to assess the fulfilment of the selection criteria for projects submitted in the call for proposals.
14. **National Smart Specialisations (NSS)** – a document specifying the thematic scope covered by funding under the call for proposals, available on the IB website. The binding version is the document in force on the date of the call for proposals, constituting Annex 2 to these Regulations.
15. **Domestic economic partner** – an enterprise within the meaning of Article 1 of Annex I to EC Regulation No 651/2014 GBER. Under Measure 2.2. First TEAM, the project must be implemented in cooperation with at least one domestic economic partner.
16. **Young doctor** – a person conducting scientific activity who was selected to work in the project team in a competition referred to in the Agreement and who, in the year of the announcement of the competition for this position, had held a doctoral degree for no longer than 7 years (counting consecutive years from the year following the year of obtaining the degree). For women, 1 year is added to this period for each child born or adopted, and for men, 1 year is added for each child if they took a break from work lasting at least 6 months without interruption for this reason. In addition, regardless of gender, this period may be extended by one year in the case of an uninterrupted break in scientific work lasting at least six months for other reasons.
17. **Research organisation** – an entity specified in Article 7(1) of the Act of 20 July 2018 on Higher Education and Science and meeting the definition of an organisation conducting research and popularizing knowledge – in accordance with the definition specified in the GBER (Article 2(83)). The primary objective of a research organisation, regardless of its legal status or method of financing, is to conduct basic research, industrial research or experimental development work independently, or to popularize the results of such activities on a large scale through teaching, publication or knowledge transfer.
18. **Project personnel** – persons involved in the implementation of the project's R&D work (e.g. scientists, persons in scientific-technical or technical positions) and the person(s) performing the tasks of a broker, as referred to in the Catalogue of Eligible Expenditure under Measure 2.2 FENG.
19. **Portal** – the internet portal referred to in Article 46(b) of the General Regulation, available at www.funduszeuropejskie.gov.pl.

20. **Project** – this should be understood as an undertaking that is the subject of the Funding Proposal submitted under Measure 2.2 FIRST TEAM FENG, referred to in Article 2(22) of the Implementation Act.
21. **RPEC** – Regulations of procedure of the project evaluation committee specifying the Regulations of operation of the PEC during the evaluation of funding proposals submitted in the call for proposals in respect of meeting the project selection criteria.
22. **Regulations** - these Regulations for Project Selection.
23. **Research internship** – research work in an entity other than the entity in which the Principal Investigator obtained their academic degree, conducting scientific activity in the Republic of Poland or abroad for the purpose of acquiring knowledge and skills, including in the field of conducting scientific research, lasting no less than 3 months.
24. **Student** – a person who has the status of a first-cycle, second-cycle or uniform master's degree student or equivalent.
25. **Stipend holder** – a student of first or second cycle studies or uniform master's studies or equivalent, or a person preparing a doctoral dissertation as part of doctoral education (at a doctoral school), receiving a scholarship under the project on the basis of the Regulations for granting scholarships constituting assistance for the Project's Scholarship Holders within the framework of Measure 2.2 First TEAM (FENG 2021-2027) of the Foundation for Polish Science
26. **IB IT system** – the IB IT system available at <https://wnioski2023.fnp.org.pl>.
27. **Agreement** – an agreement for funding a Project implemented under the First Team Measure, specifying the rights and obligations of the parties, including detailed regulations for funding the Project.
28. **Proposal** – an application for Project funding (Funding proposal), together with attachments, containing information about the Applicant and a description of the Project, on the basis of which the Project's compliance with the project selection criteria is assessed.
29. **Applicant** – the entity referred to in Article 2(34) of the Implementation Act.
30. **Eligibility guidelines** – Guidelines on the eligibility of expenditure for the years 2021-2027, which are available on the Managing Authority's website¹.
31. **Foreign scientific partner** – a person holding at least a doctoral degree and working in a foreign entity (public or private) that meets the definition of a research organisation. Under Measure 2.2.

¹ <https://www.funduszeuropejskie.gov.pl/strony/o-funduszach/fundusze-na-lata-2021-2027/prawo-i-dokumenty/wytyczne#/domyslne=1>

First TEAM, the project must be implemented in cooperation with at least one foreign scientific partner.

IV. General conditions for the First Team Measure

1. General information about the call for proposals

- 1.1. The selection of projects for funding is carried out on a competitive basis, as referred to in Article 44(1) of the Implementation Act. The selection of projects is divided into stages.
- 1.2. Under the call for proposals entities that meet the definition of a research organisation may apply for funding for projects.
- 1.3. Applications for funding may only be submitted electronically using the IB IT system, by registering at <https://wnioski2023.fnp.org.pl>.
- 1.4. The call for proposals is open from **20 January 2026** until **17 February 2026 at 4 p.m. (CET)**.
- 1.5. The deadline for submitting Proposals may be:
 - a. shortened, provided that the call for proposals lasts at least 10 days and may end no earlier than 40 days after the date of publication of the call for proposals, and the IB shall announce the shortening of the deadline for submitting proposals no later than 7 calendar days before the planned end date of the call for proposals or
 - b. extended.
- 1.6. Each change in the call deadline entails a change in the RPS in accordance with point X.2. In such a case, the IB changes the deadline for submitting proposals in the RPS and includes the change in the call announcement. Circumstances that may affect the end date of the call include:
 - a. an increase in the amount allocated for funding Projects under the call for proposals
 - b. long-term technical problems with the IB's IT system preventing the submission of Applications.
- 1.7. The total amount allocated for the call for proposals is **PLN 52 000 000 (in words: fifty-two million PLN)**.
- 1.8. The total amount of funding requested for the implementation of the First Team Project may not exceed **PLN 4 000 000 (in words: four million PLN)**.

2. Conditions for the implementation of the Project

- 2.1. The applicant is obliged to implement the Project in accordance with the conditions specified in the Funding Agreement. A template of the Funding Agreement is attached as Annex 2 to the RPS.
- 2.2. As part of the call for proposals, in accordance with the provisions of the Guidelines on the implementation of equality principles in EU funds for 2021-2027, the reasonable accommodation mechanism (RAM) will not be applied.

3. Project objectives

- 3.1. The objective of the First Team action is to attract the best early-stage researchers from around the world to work in Polish research organisations and to create opportunities for individuals with a doctoral degree (2 to 9 years after the date of obtaining their doctoral degree), in particular women, to set up a research team (with the participation of students and young scientists), achieve scientific independence and develop international scientific cooperation, and establish cooperation with economic entities operating in Poland. The programme is also intended to contribute to enhancing the competitiveness of Polish applications submitted to ERC call.
- 3.2. Projects submitted to the competition are focused on cooperation with the economy, and the action will contribute to building Poland's image as a country that promotes young researchers in achieving scientific independence and provides them with development and attractive jobs.

4. Thematic scope of Projects

Under the First TEAM Measure, funding will be provided for projects that fit in with the priorities set out in the list of National Smart Specialisations, which constitutes Appendix 1 to these Regulations.

V. Financial conditions

1. No public aid is granted as part of the Project funding.
2. Expenditure incurred on value added tax **(VAT) is eligible.**²

² If VAT is considered eligible under the project, the competent tax authorities will check for double financing of expenditure in relation to VAT costs that can be recovered by the Beneficiary.

3. The eligibility period for expenditure may not exceed 31 December 2029.
4. The Project budget includes planned expenditures that meet the conditions specified in these Regulations and the Funding Agreement, in accordance with the Catalogue of Eligible Expenditures under Measure 2.2 First TEAM (Annex 3 to the Regulations) and the Eligibility Guidelines, and in accordance with the Instructions for filling out the Proposal, which constitute Annex 5 to the Regulations.

VI. How to submit the Funding Proposal

1. The applicant is required to complete the Application for funding (Annex 4 to the Regulations) in accordance with the Instructions for filling out the Application for funding, which constitute Annex 5 to the Regulations.
2. The Application for funding and its attachments must be filled out in Polish or English, in accordance with the Act of 7 October 1999 on the Polish language with later amendments.
3. In the case of a letter of intent from a foreign scientific partner, the Applicant shall use the template prepared by the Intermediate Body, which is attached to the Application for funding template.
4. The applicable templates for attachments and declarations are available on the First Team website and in the IB IT system.
5. Attachments forming part of the Application for funding must meet the following requirements:
 - a. .pdf format,
 - b. the number of pages/characters/words specified in the description of the attachment must be observed.
6. The applicant attaches to the electronic Application for funding form a copy of the signed Statement by the Principal Investigator of the Project, a template of which is attached to the Instructions for filling out the Application for funding.
7. The IB IT system allows changes to be made to the electronic Application for funding form and attachments to be replaced until the Proposal is finalised, which the Applicant confirms by clicking the "Finish editing data" button on the form.
8. After completing the electronic version of the Application for funding, it should be downloaded in .pdf format. The downloaded Application for funding, with the generated closing date of the

Application for funding on the first page, should be signed with a qualified electronic signature and attached to the IB IT system.

9. The Application for funding is signed by an authorised person in the Applicant's organisation (the authorisation should be based on the statutes or another document issued by an authorised person). If, in accordance with the statutes or other document in force at the Applicant's institution, the countersignature of another person is required, their signature with their first name, surname and position/function should also appear on the Application.
10. The date and time of submission of the Application for funding is the date generated by the IB IT system at the time of submission of the Proposal.
11. The Application for funding may be withdrawn at any stage of the call for proposals (until the list of Projects selected for funding is published). The basis for withdrawing the Application for funding is a request from the Applicant in written or electronic form, submitted to the IB. The method of contacting the IB regarding the withdrawal of the Proposal is described in Chapter XI. Contact.
12. When the Application for funding is submitted in the IB's IT system, it will be assigned a Proposal number. Information about the Proposal number and that it was submitted correctly will be available to the Applicant via the IB's IT system.
13. After submitting the Application for funding, the Applicant will be able to view the submitted Application for funding.
14. In the event of technical problems with the IB IT system, please contact the person indicated in Chapter XI. Contact. In the event of prolonged technical problems, the IB may extend the Proposal submission period, which will be announced on the IB website.

VII. Evaluation and selection of Projects

1. General Regulations for the evaluation of Projects

- 1.1. The evaluation of the Proposal is a three-stage process consisting of a formal evaluation and a substantive evaluation (stages I and II).
- 1.2. Applications are assessed on the basis of the criteria set out in Annex 6 to the Regulations.
- 1.3. Projects are evaluated by **the Project Evaluation Committee (PEC)** on the basis of the information provided in the Application for funding and attachments, as well as any supplements and explanations provided by the Applicant, in accordance with the



provisions of the RPS. If the Applicant fails to provide the relevant clarifications and supplements within the specified time limit, the Application for funding shall be evaluated by the PEC on the basis of the originally submitted Proposal.

- 1.4. If obvious clerical or accounting errors are found in the Application for funding, in accordance with Article 55 of the Implementation Act, the IB may: correct them without having to ask the Applicant to correct them (in which case the IB corrects the error ex officio and notifies the Applicant thereof via the IB's IT system or by e-mail) or may request the Applicant to correct them.
- 1.5. At the formal evaluation stage, the application is assessed by IB employees. At stages I and II of the substantive evaluation, the Proposal is assessed by IB employees and external experts who jointly form the PEC. At stages I and II of the substantive evaluation, the PEC works in the form of panels. An element of the evaluation process at stage II of the substantive evaluation is an interview with the Principal Investigator of the Project.
- 1.6. The Project evaluation process, counted from the day following the end of the call for proposals to the date of announcement of the list of Projects selected for funding, lasts up to 154 calendar days.
- 1.7. In justified cases, the deadline for the evaluation and approval of the evaluation results may be extended, which will be announced by the IB on the call for proposals website.
- 1.8. The accuracy of the statements and of the data provided in the Application for funding and the compliance of the Project with the required criteria may be verified by the IB at any stage of the evaluation, as well as before and after the conclusion of the Funding Agreement.
- 1.9. If the Regulations set out in the Project Selection Criteria for Measure 2.2 FIRST TEAM FENG so permit, the Applicant may be requested to provide explanations or supplements in the sections of the Proposal indicated by the PEC, which will be used to assess the Project's compliance with the Project selection criteria.
- 1.10. The Applicant has the right to submit explanations to the PEC's comments indicated in the request if they do not provide additional information.
- 1.11. Explanations and supplements to the Proposal and other information submitted by the Applicant at the request of the PEC, submitted via the IB IT system, shall be treated as an integral part of the Application.
- 1.12. If it is necessary to correct or supplement the Application for funding as a result of the request referred to above, the Applicant may not make any changes other than those



indicated in the request. The date and time of submission of corrections or supplements to the Application for funding shall be the date generated by the IB electronic system at the time of submission of the corrected or supplemented Proposal in accordance with the provisions of the Instructions for filling out the Proposal (Annex 5).

2. Formal evaluation

- 2.1. The formal evaluation of Projects is carried out in accordance with the formal criteria specified in the Project Selection Criteria (Annex 6 to the RPS).
- 2.2. During the formal assessment, the Applicant may be requested to supplement or correct the Application for funding in order to meet the criteria of the formal evaluation stage – if deficiencies in these criteria are found (if the rules for assessing the criterion specified in Annex 6 to the RPS allow for the correction of the application in terms of the information verified in the criterion). Information on the PEC's comments on the Application for funding shall be sent to the following e-mail addresses: the contact person indicated by the Applicant and the Principal Investigator of the Project.
- 2.3. With regard to the formal evaluation, the Applicant may correct/supplement the Proposal as indicated **within 7 days** of receiving a request.
- 2.4. The deadline specified in the above-mentioned request shall be counted from the day following the date of sending the request by e-mail.
- 2.5. It is permissible to make corrections/additions to the Application for funding once, as indicated by the IB in the request.
- 2.6. If the Applicant makes changes to the Proposal other than those indicated in the above request or fails to submit a corrected/supplemented Proposal within the specified time limit, the Project will be evaluated on the basis of the information available in the originally submitted Application for funding.
- 2.7. All corrections or supplements to the Application for funding in the formal evaluation procedure shall be submitted via the IB electronic system, the same system in which the original Application for funding was submitted. The new, corrected version of the Application for funding must be re-signed with a qualified electronic signature in accordance with the Regulations set out in point VI.9 of the Regulations.
- 2.8. As a result of the formal evaluation:
 - a. The Application for funding may be qualified for the next stage of evaluation if it meets all the mandatory criteria for a positive assessment.

- b. The application will be assessed negatively if it fails to meet any of the mandatory criteria.

3. Substantive evaluation

- 3.1. The substantive evaluation of Application for funding is carried out in accordance with the substantive criteria specified in the Project Selection Criteria (Annex 6 to the RPS).
- 3.2. During the first stage of the substantive evaluation, the Applicant is not allowed to correct/supplement the Application for funding.
- 3.3. As a result of the first stage of substantive evaluation:
 - a. The project may be qualified for the next stage of evaluation if it has achieved at least the minimum score specified in each of the ranking criteria and has achieved the minimum total score specified for this stage of evaluation;
 - b. The project will receive a negative assessment if it does not meet any of the ranking criteria or does not achieve the minimum total score required for a positive assessment.
- 3.4. During the second stage of the substantive evaluation, the Applicant may be asked to supplement or correct the Application for funding in order to meet the criteria of the second stage of the substantive evaluation if deficiencies in these criteria are found. (if the Regulations for assessing the criterion specified in Annex 6 to the RPS allow for the application to be supplemented or corrected in terms of the information verified in the criterion). After receiving the request referred to in the first sentence, the Applicant may make a single correction/supplement to the Proposal or provide adequate explanations as indicated by the IB **within 7 days** of receiving the request in this matter to the e-mail addresses of the person indicated by the Applicant as the contact person and the Principal Investigator of the Project.
- 3.5. If the Applicant makes changes to the Application for funding other than those indicated in the above-mentioned request or fails to submit a corrected/supplemented Proposal within the specified deadline, the Project will be evaluated on the basis of the information available in the originally submitted Application for funding.
- 3.6. All corrections or additions to the Application for funding during the second stage of the substantive evaluation shall be submitted via the IB electronic system, the same system used to submit the original Application for funding. The new, corrected version of the

Application for funding must be re-signed with a qualified electronic signature in accordance with the rules specified in point VI.9 of the Regulations.

- 3.7. An element of the assessment carried out by the PEC during the second stage of the substantive evaluation of Projects is a meeting and interview between PEC members and the Principal Investigator of the Project at the IB headquarters.
- 3.8. Information about the date of the interview with the PEC panel shall be sent to the Applicant no later than 14 days before the planned meeting to the e-mail addresses of the person indicated by the Applicant as the contact person and the Principal Investigator of the Project.
- 3.9. In exceptional cases, i.e. when the Applicant is abroad, caring for family members or in a health situation, at the Applicant's request, the meeting with the Principal Investigator of the Project referred to in point 3.8 above may be conducted online.
- 3.10. If the Principal Investigator of the Project does not participate in the PEC panel meeting on the appointed date, the PEC panel meeting will take place without his/her participation. The IB may change the appointed date of the PEC panel meeting in the event of unforeseen circumstances beyond the control of the Applicant or the IB, which prevent the Principal Investigator of the Project or members of the PEC panel from participating in the PEC panel meeting on the appointed date, with the proviso that the next appointed date of the PEC panel meeting may not affect the date of approval of the project evaluation results referred to in point VII.1.6 of the Regulations.
- 3.11. The final assessment of the Application for funding in the second stage of substantive evaluation is made on the basis of the final version of the Proposal and explanations provided by the Applicant and the Principal Investigator of the Project during the interview with the PEC panel referred to in point 3.8 above.
- 3.12. The course of the PEC interview with the Principal Investigator of the Project is subject to audio recording by the IB. It is prohibited to record the course of the Panel meeting by participants other than the IB.
- 3.13. The deadline specified in the above-mentioned requests shall be counted from the day following the date of sending the request by e-mail.
- 3.14. As a result of the second stage of the substantive evaluation:
- a. The Project may be selected for funding if:
 - it meets all the mandatory criteria and

- it has achieved at least the minimum score specified in each of the ranking criteria and
- it has achieved the minimum total score from the first and second stages of the substantive assessment, which is a prerequisite for a positive assessment;

b. The project will receive a negative assessment if it does not meet any of the mandatory criteria or does not achieve the minimum score in any of the ranking criteria or does not achieve the minimum total score required for a positive assessment in stages I and II of the substantive evaluation.

3.15. A project may receive funding (positive assessment) if:

- a. it has met all the mandatory criteria and achieved at least the minimum scores specified in each of the ranking criteria, and when it has achieved the minimum total score required for a positive assessment, and
- b. the amount allocated for project funding in the call for proposals referred to in point IV.1.7. of the Regulations allows for the funding of all projects referred to in point (a) (if this amount does not allow for the funding of these projects, the project's ranking in the evaluation will determine whether it receives support).

3.16. 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 the same number of points, the order on the ranking list is determined by the number of points received in the decisive criteria specified in the Project Selection Criteria constituting Annex 6 to the RPS.

3.17. If the decisive criteria are not sufficient to determine the order of projects on the ranking list, the order of projects with the same number of points is determined by the involvement of a woman as the Project Leader/Principal Investigator (projects with women as Project Leaders/Principal Investigators are favoured).

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

4.1. After completing each of the three stages of project evaluation, the IB shall immediately approve the evaluation and publish 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 evaluation in accordance with Article 57(1) of the Implementation Act on the call for proposals website and on the portal. The results shall be published no later than 7 days from the date of approval of the evaluation results. The Applicant shall be

informed of the evaluation result by the IB immediately, in writing, with confirmation of receipt.

- 4.2. In the event of a negative assessment of the Project, referred to in Article 56(5) and (6) of the Implementation Act, the IB shall send the Applicant information together with a justification and instructions on the possibility of lodging an appeal, in accordance with Article 64 of the Implementation Act. A negative assessment also includes a case where the Project cannot be selected for funding due to the exhaustion of the amount allocated for funding projects in a given call for proposals, in accordance with Article 56(6) of the Implementation Act.
- 4.3. The IB's notification of a negative assessment 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).
- 4.4. Pursuant to Article 57(5) of the Implementation Act, the IB may also select for funding projects that have been negatively assessed due to the exhaustion of the amount allocated for funding projects in that procedure, provided that the conditions specified in that provision are met.

VIII. Appeal procedure

1. General information

- 1.1. Pursuant to Article 63 of the Implementation Act, in the event of a negative assessment of the Project, the Applicant has the right to lodge an appeal in order to have their Application for funding re-examined in terms of its compliance with the Project Selection Criteria, in accordance with the Regulations set out in Chapter 16 of the Implementation Act and in these Regulations.
- 1.2. The Applicant's right to lodge an appeal is not affected by incorrect instructions or the lack of instructions in the letter informing them of the negative assessment of the Project.
- 1.3. The Foundation for Polish Science is the competent authority for considering protests referred to in Article 66(2) of the Implementation Act.
- 1.4. The provisions of the Act of 14 June 1960 – Code of Administrative Procedure shall not apply to the appeal procedure, with the exception of Article 24 and the provisions concerning notifications and the calculation of due dates, which shall apply accordingly.

- 1.5. The appeal proceedings shall be conducted in Polish.
- 1.6. The appeal procedure shall not suspend the conclusion of funding agreements with Applicants whose Projects have been selected for funding.

2. Formal requirements for a protest

- 2.1. The Applicant may lodge a protest **within 14 days** of the date of delivery of the information on the negative assessment of the Project. This period shall be counted from the day following the date of delivery of the information on the negative assessment of the Project.
- 2.2. The protest shall contain:
 - a. the name of the institution competent to consider the protest – the Foundation for Polish Science;
 - b. the name of the Applicant;
 - c. the number of the Funding Proposal;
 - d. an indication of the Project selection criteria with which the Applicant disagrees, together with justification;
 - e. an indication of procedural objections regarding the evaluation, if, in the opinion of the Applicant, such violations occurred, together with justification;
 - f. the signature of the Applicant or a person authorised to represent them, with the original or a copy of the document certifying that person's authority to represent the Applicant attached.
- 2.3. The documents should be submitted in writing and in the manner indicated by the IB in the letter containing information about the negative assessment of the project at a given stage.
- 2.4. Documents in writing shall be submitted to the address indicated in Chapter XI. Contact.
- 2.5. A protest submitted in writing must be signed by hand.
- 2.6. Deadlines are calculated in accordance with the provisions of the Act of 14 June 1960 – Code of Administrative Procedure, Article 57 § 1 – 4. If the deadline for performing an action falls on a day that is a public holiday or a Saturday, the deadline expires on the next day that is not a public holiday or a Saturday.
- 2.7. Deadlines shall be deemed to have been met if, before their expiry, the documents have been:
 - a. delivered in person or by courier, or

- b. sent at a Polish post office of the designated operator as referred to in the Act of 23 November 2012 – Postal Law or at a post office of an operator providing universal postal services in another Member State of the European Union.

3. Proceedings for the examination of protests

- 3.1. If the protest lodged does not meet the formal requirements referred to in point VIII.2. of the Regulations, the IB shall request the Applicant to supplement it **within 7 days** from the date of receipt of the request, otherwise it will not be considered. After the deadline has passed without effect, the IB shall inform the Applicant that their protest has not been considered, instructing them on the possibility of lodging a complaint with the administrative court in this regard. The deadline specified in the request shall be counted from the day following the date of delivery of the request.
- 3.2. The supplement to the protest as referred to above may only be made in relation to formal requirements, in accordance with Article 64 of the Implementation Act.
- 3.3. The request to supplement the protest as referred to above shall suspend the time limit for considering the protest until the protest is supplemented.
- 3.4. If an obvious error is found in the protest lodged, the IB may correct it ex officio, informing the Applicant thereof.
- 3.5. The Applicant may withdraw the protest until it has been considered by the IB by submitting a statement of withdrawal of the protest to the IB in the same form in which the protest was submitted.
- 3.6. If the Applicant withdraws the protest, the IB shall not consider the protest and inform the Applicant thereof.
- 3.7. If the protest is withdrawn, it may not be resubmitted.
- 3.8. If the protest is withdrawn, the Applicant may not lodge a complaint with the administrative court.
- 3.9. The IB shall consider the protest by verifying the correctness of the Project assessment within the scope indicated in the protest, within a period **not exceeding 21 days** from the date of its receipt. In justified cases, in particular when it is necessary to consult experts during the consideration of the protest, the deadline for considering the protest may be extended, of which the IB shall inform the Applicant. The deadline for considering the protest may not exceed a total of 45 days from the date of its receipt.
- 3.10. During the appeal procedure, the IB:



- a. may not request certificates and documents confirming facts or legal status if they are known to the IB ex officio or can be determined on the basis of:
 - i. its own records;
 - ii. public registers held by other public entities to which the IB has electronic access under the Regulations laid down in the Implementation Act or in the Act of 17 February 2005 on the computerisation of the activities of entities performing public tasks (i.e. Journal of Laws of 2023, item 57, as amended);
 - iii. exchange of information with another public entity on the terms specified in the provisions on the computerisation of the activities of entities performing public tasks;
 - iv. official documents submitted by the Applicant for inspection;
- b. may require the Applicant to submit statements confirming the facts or legal status necessary to evaluate the Project or include it in the funding.

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

4. Consideration of the protest

- 4.1. If the protest is upheld, the IB shall inform the Applicant accordingly about the qualification of their Application for funding for the next stage of evaluation or about the selection of their Project for funding, together with the justification and the amount of funding granted.
- 4.2. The IB shall update the list of Projects approved for funding on the IB website and on the FENG portal **within 7 days** of the occurrence of the grounds for such an update.
- 4.3. A protest shall not be considered if it is lodged:
 - a. after the deadline;
 - b. by an entity excluded from receiving funding on the basis of separate regulations;
 - c. without indicating the project selection criteria with which the Applicant disagrees, together with justification;
 - d. by an entity other than the Applicant.
- 4.4. The IB shall inform the Applicant that the protest was not considered, instructing them on the possibility of lodging a complaint with the administrative court in accordance with the rules specified in these Regulations and in the Implementation Act.

5. Complaint to the Voivodship Administrative Court (VAC)

5.1. In the event of:

- a. the protest is not upheld;
- b. the protest is not considered;

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

- 5.2. A final court decision, with the exception of the complaint referred to in Article 73(8)(1) of the Implementation Act, concludes the appeal procedure and the Project selection procedure.

6. Additional information

In matters not regulated by the Implementation Act and this RPS, the provisions of the Act of 30 August 2002 shall apply accordingly to proceedings before administrative courts. – Law on proceedings before administrative courts concerning acts or activities referred to in Article 3 § 2(4), with the exception of Articles 52–55, Article 61 § 3–6, Articles 115–122, Article 146, Article 150 and Article 152 of that Act.

IX. Conclusion of the funding agreement

1. The Agreement and its annexes constitute the basis for the Beneficiary's obligation to implement the project.
2. The funding agreement may only be signed if:
 - 2.1. the project has been included in the approved list of projects selected for funding;
 - 2.2. the project meets all the criteria on the basis of which it was selected for funding;
 - 2.3. the project selection procedure has not been invalidated;
 - 2.4. the Applicant did not waive the funding;
 - 2.5. the Applicant has provided the correct documents attached to the funding agreement within the specified time limit;
- 2.6. The applicant has submitted an agreement with a domestic economic partner, on the basis of which, prior to signing the funding agreement, the IB will be able to exclude the risk of indirect state aid to the enterprise, specifying, inter alia: the purpose of the planned cooperation, the division and scope of work, the contributions of the parties to the implementation of the project, responsibility for project-related risks, cost sharing, access

to intellectual property rights and the rules for their distribution, and the rules for distributing the results of the project;

- 2.7. The applicant has submitted a completed form "Analysis of the project's compliance with environmental policy" (Annex 7 to the RPS) together with the attached investment permit (building permit or decision on the investment permit, or another administrative decision concluding the preparation of the investment process if the law does not require a building permit for a given project)³;
- 2.8. there are no negative grounds for concluding the funding agreement as a result of the verification of the documents referred to in point 5;
- 2.9. The Applicant has not been excluded from receiving funding on the basis of separate provisions;
- 2.10. the conditions specified in Article 207(4) of the Public Finance Act (Journal of Laws 2009, item 1240) do not apply to the Applicant;
- 2.11. on the basis of the certificate of no criminal record submitted by the Applicant, there are no grounds specified in:
 - a. Article 12(1)(1) of the Act of 15 June 2012 on the consequences of entrusting work to foreigners staying in the territory of the Republic of Poland in violation of the regulations (Journal of Laws 2021, item 1745),
 - b. Article 9(1)(2) and (2a) of the Act of 28 October 2002 on the liability of collective entities for acts prohibited under penalty of law (Journal of Laws 2020, item 358, as amended);
- 2.12. on the basis of a certificate submitted by the Applicant and positively verified by the IB, the Applicant is not in arrears with payments of public law liabilities and social security and health insurance contributions;
- 2.13. on the basis of the statement submitted by the Applicant and positively verified by the IB, the conditions specified in:
 - a. Article 2 of Council Regulation (EC) No 765/2006, which would result in a prohibition on making funds or economic resources available,

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



- b. Articles 2 and 9 of Council Regulations (EU) No 269/2014 and (EU) No 208/2014, or Article 2 of Council Decision 2014/145/CFSP, which would result in a prohibition on making funds or economic resources available,
 - c. Articles 2 and 3 of the Act on Special Measures to Counteract Support for Aggression against Ukraine, which would result in a prohibition on making funds, financial resources or economic resources available,
 - d. Article 5l of Council Regulation (EU) No 833/2014, which would result in a prohibition on providing direct or indirect support, including financing and financial assistance or granting any other benefits under the national programme;
- 2.14. on the basis of a statement submitted by the Applicant and positively verified by the IB, the funding will not be allocated:
 - a. for activities prohibited under EU legislation 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. to satisfy 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;
 - c. for trade with Russia or investment in Russia, for trade with Belarus 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);
- 2.15. the appeal procedure for the project for which the Applicant applied for funding under the call for proposals has been resolved (if applicable).
- 3. A template of the Funding Agreement is attached as Annex 2 to the RPS. The terms of the Agreement are not subject to negotiation or amendment.
- 4. Pursuant to Article 61(4) of the Implementation Act, in justified cases, the IB may refuse to conclude the Agreement if there is a risk of damage to public property as a result of concluding the project funding agreement, in particular if criminal or fiscal proceedings are pending against the Applicant who is a natural person or a member of the management bodies of the Applicant who is not a natural person for the offence of giving false testimony, bribery, against property, document authenticity, money and securities trading, economic trading, the banking system or

other offences related to the conduct of business activities or committed for financial gain, in connection with funding granted from public funds for the implementation of a project by that Applicant, an entity personally or financially related to it, or a member of the management bodies of that Applicant or entity.

5. In the case of an Applicant that is a subsidiary or controlled entity of a local government unit, the Applicant declares that no discriminatory local laws established by the local government authorities that are contrary to the principles referred to in Article 9(3) of the General Regulation⁴ are in force in the territory of that local government unit.
6. The Applicant shall provide the documents (signed by a person authorised to represent the Applicant) within 14 days of the date of electronic notification of their approval by the IB.
7. If the above-mentioned documents are not provided in accordance with the request and within the time limit specified by the IB, the IB may withdraw from the conclusion of the Agreement.
8. If, after selecting a project for funding and before concluding a project funding agreement, the IB becomes aware of circumstances that may have a negative impact on the outcome of the project evaluation, it shall refer the project for re-evaluation to the extent necessary and shall inform the Applicant thereof. The provisions on the appeal procedure shall apply accordingly (cf. Article 61(8) of the Implementation Act). The IB shall immediately inform the Applicant of the need to resubmit the application for assessment.
9. The Agreement shall be signed with qualified electronic signatures. If the documents required for the conclusion of the Agreement are correct, the IB shall forward the Agreement to the Applicant for signature, which, after return, shall be signed by the IB.

X. Final provisions

1. In matters not covered by the RPS, the provisions of generally applicable law shall apply.
2. The IB reserves the right to amend the Regulations or any document specifying the conditions for recruitment referred to in the Regulations, with the following reservations:
 - 2.1. The RPS may not be amended in the part concerning the method of selecting projects for funding and its description;

⁴ Before concluding the agreement, the Applicant is required to submit a statement that no discriminatory local laws established by the local government authorities and contrary to the principles referred to in the general regulation are in force in the local government unit.

- 2.2. The RPS may be amended in terms of the project selection criteria only if no Applications have been submitted yet. Such an amendment shall result in a corresponding extension of the deadline for submitting Applications;
- 2.3. In the event of an amendment to the RPS, the IB shall publish announcements on the call for proposals website and on the portal informing about the amendments made, containing in particular information about the amendment, the current content of the regulations, the justification for the amendment and the date from which the amendment applies. The IB shall make previous versions of the RPS available on the call for proposals website and on the portal;
- 2.4. If the IB has changed the RPS and Applications for funding have been submitted in the call for proposals, the IB shall immediately and individually inform each Applicant thereof. Information about the changes made to the RPS shall be sent to the e-mail address indicated in the Application.
3. The changes described in X.2. above shall apply from the date indicated in the announcement on the IB website. The changes may not result in unequal treatment of Applicants within the call for proposals to which these Regulations apply.
4. The IB reserves the right to cancel the call for proposals on the terms specified in Article 58 of the Implementation Act.
5. Entities evaluating programmes may access the information provided by Applicants, provided that they ensure its confidentiality and protect information constituting legally protected secrets.

XI. Contact

1. Questions regarding applications for funding in the call for proposals can be sent to the following e-mail address: first_team@fnp.org.pl
2. Information on the call for proposals can be obtained by contacting:
Dr Marta Siek – e-mail: siek@fnp.org.pl, mobile: +48 502 648 327
Joanna Rychlińska - e-mail: rychlinska@fnp.org.pl, mobile: +48 693 340 242;
3. Unless otherwise specified by the RPS, communication between the IB and the Applicant shall take place via e-mail, using the e-mail addresses provided by the Applicant in the Proposal.

4. If, for technical reasons, communication via e-mail is not possible, the IB will indicate another method of communication with the Applicant on the call for proposals website.
5. Documents in writing shall be submitted to the following address: ul. I. Krasickiego 20/22, 02-611 Warsaw, to the Foundation's office, 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 via a courier.
6. The Applicant is obliged to notify the IB of any change of address, including e-mail address. In the event of failure to comply with this obligation, correspondence sent to the previous address shall be deemed effectively delivered.
7. Requests to supplement or correct the Proposal shall be sent by e-mail to the e-mail addresses of the contact person indicated by the Applicant and the Principal Investigator of the Project indicated by the Applicant in the Funding Proposal. Information about the approved result of the Project evaluation, including letters concerning a positive result of the formal or substantive evaluation, or a negative result of the formal or substantive evaluation, shall be delivered in writing with confirmation of receipt to the Applicant.
8. A request to withdraw the Proposal shall be submitted in writing to the IB address, via a postal operator within the meaning of the Act of 28 November 2012 – Postal Law (i.e. Journal of Laws of 2022, item 896, as amended), in person or via a courier. A request to withdraw the Proposal in electronic form shall be submitted via e-mail to the address indicated in point XI.1.

XII. Attachments

1. National Smart Specialisations.
2. Template of the Funding agreement.
3. Catalogue of eligible expenditure under Measure 2. 2 of the FENG.
4. Template of the Application for funding with attachments.
5. Instructions for filling out the Application for funding.
6. Project selection criteria for the First Team Measure.
7. Template form "Analysis of project compliance with environmental policy".