

Annex IV - Call for proposals BIN SGS03 - Statute and Rules of Selection Committee

# **STATUTE and RULES OF PROCEDURE**

## **SELECTION COMMITTEE**

EEA Financial Mechanism  
and Norwegian Financial Mechanism 2014-2021

Business Development, Innovation and SMEs Programme

### **Art. 1 Introductory provisions**

1. In accordance with the Memorandum of understanding on the implementation of EEA Financial Mechanism 2014 – 2021 (hereinafter “EEA FM”) and Memorandum of understanding on the implementation of Norwegian Financial Mechanism (hereinafter “NFM”) 2014 – 2021 concluded on 28<sup>th</sup> November 2016, Research Agency (hereinafter “RA”) shall be the Programme Operator (hereinafter “PO”) of the Business Development, Innovation and SMEs Programme. (hereinafter “Programme”).
2. In accordance with Article 4.2 of Annex II of the Programme Agreement, RA as the PO hereby establishes the Selection Committee (hereinafter also “SC”) of the Programme.

### **Art. 2 Role of the Selection Committee**

1. The SC shall function in accordance with Art. 7.4. of Regulation on the Implementation of EEA Financial Mechanism 2014-2021 and Regulation on the Implementation of the Norwegian Financial Mechanism 2014-2021, Programme Agreement and Programme Implementation Agreement.
2. The SC is a body in charge of reviewing the ranked list of projects based on expert evaluation by experts.
3. The SC may modify the ranking of the projects in justified cases. The SC can mainly give priority to the projects enabling to achieve the target value of the indicators, to cover certain geographical regions lagging behind; and clearly defined less privileged target groups.
4. The SC shall submit the list of recommended project applications to PO for approval.

### **Art. 3 Composition of the Selection Committee**

1. The SC shall be composed of its chairman, members, observers and secretary.
2. The SC shall consist of minimum 3 members.
3. The SC shall consist of the following members with voting rights:
  - Programme Operator,
  - Donor Programme Partners (hereinafter “DPP”). Innovation Norway is the member for the calls BIN 01, BIN 02 and BIN SGS 01 and DIKU and/or AIBA for the calls BIN SGS02 and BIN SGS03,
  - External member who is in external relationship to the PO and is an expert with relevant experience in the given field on which the calls are focused.
4. Financial Mechanism Office (hereinafter “FMO”), representatives of embassies from donor countries in the Slovak Republic, as well as the National Focal Point (hereinafter “NFP”) shall be invited to participate at SC meetings as observers.
5. The members and observers shall nominate their representatives. Statutory representative of the member/observer in SC, or a person which is eligible to represent member/observer according to organizational structure, shall send a nomination of a SC member/observer to the PO. Nominated SC representatives shall be appointed by Director General of Research Agency (DG RA).

6. The representative may appoint his/her substitute by a written notification submitted to the PO. The substitute shall have the same rights as the representative in the representative's absence.

#### **Art. 4 Membership and Termination of Membership in Selection Committee**

1. SC members shall be appointed and withdrawn by DG RA by issuing a nomination//withdrawal decree, while respecting principles of proficiency, impartiality, confidentiality, ethics and complying with the rule of impartiality and non-existence of conflict of interests.
2. The function of SC member and observer shall not be compatible with participation in expert evaluation of project applications submitted to SC meeting due to conflict of interests.
3. DG RA shall recall a member/observer of SC if it turns out during the SC meeting that the appointment of SC member/observer is in conflict with this article.
4. DG RA shall recall SC member, if he/she shall breach his/her obligations of SC member under Article 5 hereof.
5. DG RA shall recall a SC observer, if he/she shall breach his/her obligations of SC observer under Article 6 hereof.
6. DG RA can recall SC member and observer:
  - a) if his/her health condition does not allow him/her duly perform tasks of SC member and observer at least during one year,
  - b) if he/she did not participate at two consecutive SC meetings without written apology,
  - c) on any other serious grounds.
7. SC member and observer can give up his/her membership by written notification to DG RA. In such case DG RA shall nominate a new SC member and observer in accordance with this article.
8. SC membership shall terminate:
  - a) when he/she is recalled by DG RA,
  - b) after giving up of membership in writing,
  - c) when SC activity is brought to end.

#### **Art. 5 Duties of Selection Committee Members**

1. The participation of members at SC meetings is mandatory.
2. SC members shall be obliged to maintain confidentiality regarding all facts and information they acquire in connection with performance of their function, which cannot be provided to other persons in order to protect project applicant's interests to which they commit themselves at the first meeting of SC by signing Declaration on Impartiality, Confidentiality and non-existence of Conflict of Interests which forms Annex I hereto.
3. SC member may not participate in the preparation of the evaluated project application and in the implementation of the project.
4. SC member shall refrain from any activity that might be incompatible with his/her activity in the SC.

5. In case SC member learns about facts suggesting his/her bias in connection with the applicant, or project application, he/she shall inform SC chairman without delay. SC chairman shall instruct SC member to refrain from his/her rights and duties during discussion about respective project application.

#### **Art. 6 Duties of Selection Committee Observers**

1. SC observers shall have the right to comment on respective project applications, to express their opinion and point out to shortcomings in connection with SC work. They cannot limit SC activities with their participation and they are not allowed to interfere with its activity.
2. SC observers shall not have voting right.
3. SC observers shall be obliged to maintain confidentiality regarding all facts and information they acquire in connection with performance of their function and which cannot be provided to other persons in order to protect project applicant's interests to which they commit themselves at the first meeting of SC by signing the Declaration on Impartiality, Confidentiality and non-existence of Conflict of Interests which forms Annex I hereto.
4. SC observers cannot participate in preparation of assessed project application and project implementation.
5. SC observer shall refrain from any activity that might be incompatible with his/her activity in SC.
6. In case SC observer learns about facts suggesting his/her bias in connection with the applicant, or project application, he/she shall inform SC chairman without delay. SC chairman shall instruct SC member to refrain from his/her rights and duties during discussion about respective project application.

#### **Art. 7 Selection Committee Chairman**

1. SC chairman shall be a representative of the PO determined by DG RA, as a rule, Director of Office of the Director General.
2. SC chairman is a SC member with a voting right.
3. SC chairman:
  - a) shall represent SC to the outside,
  - b) shall convene SC meetings,
  - e) shall propose SC agenda,
  - f) shall chair SC meetings,
  - g) shall ensure compliance with the principles of impartiality, confidentiality of information and exclusion of conflict of interest,
4. SC chairman may, if necessary, propose to DG to appoint his/her temporary deputy.

#### **Art. 8 Selection Committee Secretary**

1. SC secretary shall be a representative of the PO authorized by SC chairman.
2. SC secretary shall have no voting right.

3. SC secretary:
  - a) shall ensure organization of SC meetings,
  - b) shall write minutes from SC meetings,
  - c) shall ensure other administrative activities connected with activities of the SC following the instructions of SC chairman.
4. SC secretary shall be obliged to maintain confidentiality regarding all facts and information they acquire in connection with performance of their function which cannot be provided to other persons in order to protect project applicant's interests to which they commit themselves at the first meeting of the SC by signing the Declaration on Impartiality, Confidentiality and non-existence of Conflict of Interests which forms Annex I hereto.

### **Art. 9 Invited Persons**

1. Invited persons can participate at the SC meeting upon invitation of SC chairman.
2. Experts performing the evaluation can be invited to the meetings of SC to provide expert reasoning of a specific project and to answer any questions that SC members might have. If the experts are invited to the meeting, this should be clearly reflected in the minutes of the meeting.
3. Invited persons shall not limit the work of the SC in any way and they are not allowed to interfere with its activity. Invited persons are not SC members, thus, they have no voting right.
4. Invited persons shall be obliged to maintain confidentiality regarding all facts and information they acquire in connection with performance of their function which cannot be provided to other persons in order to protect project applicant's interests to which they commit themselves at the first meeting of SC by signing the Declaration on Impartiality, Confidentiality and non-existence of Conflict of Interests which forms Annex I hereto.

### **Art. 10 Functioning of Selection Committee**

1. The SC meets at least once for each call.
2. Additional meetings of the SC may be organized based on a justified proposal of any of the members and with the agreement of the chairman.
3. SC secretary shall send the meeting invitation, draft agenda, ranked list of projects based on an expert evaluation, project applications, experts' evaluations and other relevant documents to all members and observers of the SC sufficient time in advance, at latest 10 working days before the scheduled SC meeting.
4. Meetings may be conducted via video conference, by agreement of SC members.
5. A meeting of the SC is deemed to be valid if all members are represented, or if none of the missing members explicitly objected to the meeting's session or meeting in its absence.
6. If a member of the SC or an SC observer is unable to attend the meeting, he/she is obliged to notify the Secretary of the SC in writing without undue delay, but no later than

- 3 working days before the beginning of the meeting. He/she may be represented by an alternate or may provide a written input to the PO before the meeting.
7. The quorum of SC shall be reached when:
    - a) majority of all its members with voting right is present
    - b) all members signed the Declaration on Impartiality, Confidentiality and non-existence of Conflict of Interests,
    - c) meeting agenda is approved.
  8. SC meeting shall be a closed session.
  9. The language of SC meetings shall be English. If necessary, upon instruction of SC chairman, SC secretary shall ensure an interpreter. Meeting documents are drafted in English.
  10. In case of need and with the consent of all members SC meetings can be conducted also as per-rollam meetings (written form).

#### **Art. 11 Review of Project Application Ranking**

1. The members express their opinion concerning project applications at the meeting. The meeting shall end upon the closing of a review of ranked list of projects within SC scope and by taking a decision on the ranking of project applications.
2. While the members agree that it is not possible to reach consensus on each and every project application submitted, the members endeavor to closely cooperate in order to make sure that the votes and objections of any of the other members are carefully considered. Mutual trust and confidence should be applied whenever an objection is raised.
3. If a member votes against a project application or if an objection is raised, proper justification is required. The justification shall be detailed enough to enable the applicant to understand the reasons for the rejection of the application and shall follow the selection criteria.
4. Upon review of the Selection Committee, the PO shall be obliged to inform applicant in writing of any change of ranking, which results in project application refusal for such applicant, specifying reasons for such change in ranking, while the applicant shall have 5 working days to ask the PO for a review of SC decision.

#### **Art. 12 Adoption of Decision and Drafting Minutes of Meeting**

1. The decision of SC shall be adopted by absolute majority of all SC members.
2. SC shall prepare a list of recommended project applications, which is usually divided into:
  - a) project applications recommended for approval within allocation,
  - b) project applications recommended for inclusion into reserve list (it is not possible to support them due to insufficient allocation for the call),
  - c) project application which cannot be supported (specifying reason).
3. SC secretary shall draft minutes from each SC meeting.
4. The minutes record the whole process of SC meeting.  
The minutes from SC meeting mainly include:

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- a) meeting place and date,
  - b) summarizing the discussed points of the agenda,
  - c) statements of SC members, observers or invited persons, if relevant
  - d) list of all reviewed project applications, including overview of SC committee members voting on each project application under review,
  - e) list of project applications recommended for approval,
  - f) signed Declarations on Impartiality, Confidentiality and non-existence of Conflict of Interests of all participants,
  - g) attendance sheet of participants.
5. The minutes are signed by the SC chairman.
  6. Draft minutes from the SC meeting shall be sent by the PO to all SC members and observers not later than 5 working days after the SC meeting. Comments on the minutes can be sent within 5 working days.
  7. Final version of the minutes shall be send to the members and observers of the SC within 2 weeks after the meeting. The PO shall keep original copy of minutes.
  8. SC decision shall take an effect after the last SC member shall express his/her written consent with the final version of the minutes or in case there are no objections within 5 working days.

#### **Art.13 Final Provisions**

1. Any changes and supplements hereto shall be made by way of written numbered amendments.
2. SC shall cease to exist upon the signature of last project contract with project promoter within last call opened within Programme. Its activity can be renewed in case of a need upon instruction of the SC chairman.
3. The Statute and Rules of Procedure shall enter into force upon the signature of DG RA.

Bratislava, date:

Stanislav Sipko,

DG RA

Annex I

**DECLARATION ON IMPARTIALITY, CONFIDENTIALITY  
AND NON-EXISTENCE OF CONFLICT OF INTEREST**

I, the undersigned hereby declare that, after I became familiar with submitted project applications, no facts emerged which would prevent me from the performance of my duties as selection committee member ("SC") with voting right/selection committee member without voting right /selection committee observer/invited person<sup>1</sup>.

I hereby declare that, in the performance of my duties in connection with my membership in Selection Committee within the specified Call, I will act impartially, maintain confidentiality of information and undertake to exclude any conflict of interest, in particular, but not exclusively, as described in Art 7.5 Regulation on the Implementation of the European Economic Area (EEA) Financial Mechanism 2014-2021 and Norwegian Financial Mechanism 2014 – 2021, so as not to distort or threaten the impartial, transparent, non-discriminatory, effective, efficient and objective performance of my duties under selection committee membership from financial, personal, family or other reasons. If a conflict of interest or any other similar situation nevertheless occurs, I undertake to inform the Chairman of Selection Committee without delay, in order to prevent that such a situation affects the integrity of the tasks carried by SC. I hereby further declare, that I shall maintain confidentiality regarding all facts concerning activities of SC and I shall use them exclusively in line with the purpose of this process, in particular I shall refrain from their disclosure, provision or making them accessible to any third person, including after termination of my duties under membership in SC. I shall not make copies, or reproduce facts regarding SC activities in any other way, if it is not in conjunction with performance of my duties as SC member. I am aware of the consequences resulting from failure to comply with the duties in accordance with this Affidavit.

<b>Call for proposal's name:</b>	
<b>Call code:</b>	
<b>Selection Committee meeting date:</b>	
<b>Name, surname, degree:</b>	
<b>Organization:</b>	
<b>Date:</b>	
<b>Signature:</b>	

<sup>1</sup> Choose relevant