



Call for proposals VP/2013/011

Preparatory action: Information centres for EU migrant workers and posted workers

Budget heading 04.0316

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1. General background and context

The call for proposals stems from the consideration that free movement of workers is one of the four freedoms granted to EU citizens by the Treaty on the Functioning of the European Union (hereinafter TFEU). The idea at the basis of this provision is that mobility of people, alongside that of goods, capitals and services, represents the cornerstone for a solid economic growth throughout the European Union. In this framework, Article 45 TFEU, directly applicable in the Member States, requires them to safeguard and enforce this right, by eliminating any forms of barrier that could hamper EU workers from freely moving within Europe. It specifically includes the right not to be discriminated against on the grounds of nationality as regards access to employment, remuneration and other conditions of work.

This provision of the TFEU is further developed by secondary legislation, notably by Regulation (EU) No 492/2011¹ which aims at guaranteeing the respect of fair working conditions for EU migrant workers. Accordingly, every form of unequal treatment on the grounds of nationality in respect of any condition of employment and work is prohibited. It should be remembered that certain non-EU nationals are also entitled under EU law to intra-EU mobility for the purpose of work, and thus can be considered as EU migrant workers for the purpose of this call for proposals².

Despite the existence of a sound legislative framework, in practice there are still numerous barriers to the free movement of EU workers within the European labour market. For example, on the one hand EU workers are not aware of their rights when moving within the EU and, on the other hand, local advisors have a limited knowledge of the legislative tools provided for to guarantee the rights of foreign national EU workers.

President Barroso has highlighted this gap between theory and practice and has called for the principle of free movement and equal treatment to become a reality in peoples' everyday lives³. The Commission, while monitoring the application of the existing legal framework, is looking at other ways to address the challenges that migrant workers face within the EU and is considering how to promote and enhance mechanisms for the effective implementation of the principle of equal treatment for EU migrant workers exercising their right to free movement within the EU.

In order to further facilitate the enjoyment of the existing rights conferred by EU law on EU migrant workers, a legislative initiative from the Commission aiming at enforcing Regulation (EU) No 492/2011 was adopted on 26 April 2013. This initiative will, amongst other things, include a requirement to set up/empower structures or bodies at a national level which will promote the exercise of the right to free movement by providing information and supporting and assisting EU migrant workers who suffer from nationality - based discrimination.

¹ Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union, OJ L 141, 27.5.2011, p. 1–12. This Regulation codifies the previously applied Regulation 1612/68 and its successive amendments.

² Notably such as certain long term residents (subject to Directive 2003/109/EC), Blue-Card holders (Directive 2009/50/EC) or researchers (Directive 2005/71/EC). As for Intra-corporate transferees, the legislation which will be including intra-EU mobility is currently under negotiation.

³ Political guidelines for the 2010-2014 Commission.

Alongside this legislative initiative, the present Preparatory Action, taken following the request of the European Parliament, lays the framework for a future EU-wide network of bodies – that can include existing bodies – at national level to support EU migrant workers. In addition specific activities could focus on workers in posting situations and on the implementation of EU-law in the domain. Such bodies would provide the concerned workers with information, advice and other support, including legal support. In this way, existing barriers to mobility of workers in the EU could be eliminated by means of a combination of a better enforcement of EU rights and by raising awareness with employers. Better provision of information would also help to reduce unfair practices against non-national workers. Specific activities, especially providing information to posted workers on their rights in the host country, would help enhance their capacity to better defend their rights.

The functions of the bodies that would be part of the future network could also be exercised by existing Equality bodies, which have already been established by Member States to combat discrimination (EU legislation requires such bodies to be designated for discrimination on grounds of sex or on grounds of race or ethnic origin – see Directives 2000/43/EC, 2004/113/EC and 2006/54/EC⁴), or agencies with responsibility at national level for the defence of human rights or the protection of individuals' rights. This would avoid duplication of tasks and institutions. At present EU law does not require discrimination on grounds of nationality to be covered by the competence of the existing Equality bodies, although in fact it is covered by Equality bodies in 19 Member States⁵.

It should be also borne in mind that there are already a number of European networks, whose activities might potentially include combatting discrimination on grounds of nationality and the provision of information to EU migrant workers. Cooperation with such networks should therefore be included in this Preparatory Action in order to avoid duplication of work and to ensure that actions taken to assist migrant workers are complementary.

A previously implemented Pilot Project “Working and Living Conditions of Posted Workers” (VP/2010/011)⁶, was aimed at assessing, through specific transnational activities, the conditions of posted workers within European countries and funded initiatives relating to the application and/or enforcement of national rules regarding such workers. This Preparatory Action shall build on and complement the achievements reached by the previous Pilot Project.

At the same time, there is a parallel call for proposals published by the European Commission concerning posting of workers – enhancing administrative cooperation and access to information (VP/2013/008).

2. Specific objectives of this call for proposals

The overall scope of this Preparatory Action is to assess the possibilities and set out a framework for the future creation of a transnational EU-wide network of information centres involved in the provision of information and legal support.

⁴ Respectively: OJ L 180 , 19.07.2000, p. 22 –26; OJ L 373, 21.12.2004, p. 37–43; and OJ L 204, 26.7.2006, p. 23–36.

⁵ AT, BE, BG, EE, FI, FR, HU, IE, IT, LT, LV, NL, PL, PT, RO, SE, SI, SK, UK.

⁶ <http://ec.europa.eu/social/main.jsp?catId=631&langId=en&callId=268&furtherCalls=yes>

These activities should take into account the specificities of the different categories of workers and be in line with existing EU law on free movement of workers and on posted workers. The activities of the network should also take into account the activities performed by other EU-wide networks. Any members that are part of an established national network may continue to operate on a national basis, as well as in cooperation with their cross-EU counterparts.

With this overall scope in mind, this call for proposals is intended to support a maximum of two initiatives aimed at networking between the already-existing Equality bodies and/or entities established at national level to support EU migrant workers. Each initiative shall cover a minimum of three eligible countries.

Each initiative shall encompass the following components:

A. Pilot activities of the network

Applicants are asked to present and detail actions which

- shall focus on enhancing the applicant's capacity in the following fields:
 - activities aimed at providing EU migrant workers with legal support and information on the labour market and on employment legislation in force in the host country and other relevant national issues through back-office and front-office activities and the setting up of help-desks;
- and
- measures to monitor existing sources of legal information for EU migrant workers and posted workers and actions aimed at updating, enhancing and simplifying such legal information to ensure the full recognition of rights, in particular as regards employment rights. Such measures shall be specially designed to combat discrimination in individual cases as well as to combat discriminatory measures of a more general nature.

or

- in addition to existing activities in the two above-listed fields, shall develop at least one of activities listed below, operating in the following two main areas:

1/ Provision and distribution of information to EU migrant workers and posted workers

- Fostering cooperation and exchange of information between employment and immigration services as well as setting out learning and training modules for staff, and others.
- Running campaigns on labour-market shortages to encourage and reinforce lawful free movement of workers within the EU.
- Provision and distribution of other legal information to ensure the full recognition of rights of EU migrant workers and any other kind of informative support.

2/ Legal support to EU migrant workers

- Provision of legal assistance to EU migrant workers who are in an irregular situation in the labour market or who may be object of exploitation or harassment.
- Provision of legal services to migrant workers in the EU in the event of employment litigation, including counselling in dispute resolution.
- Actions against discrimination concerning access to and integration in the host labour market as well as tackling fight against undeclared work.
- Provision of any other kind of legal and administrative counselling to EU migrant workers.

B. Analytical Report

At the conclusion of the pilot activities, each of the successful applicants will be required to produce an extensive analytical report.

The report will provide an overall assessment and inventory of the existing sources of information provided to EU migrant workers and posted workers, with the aim of evaluating the effectiveness and correctness of such information and making it more accessible, user-friendly and coherent. Recommendations to increase efficiency in monitoring information sources shall also be included in the report.

The report will also demonstrate the outcomes of the experience of the networking. This should include a detailed explanation of the scope and areas of activity of the network and the cooperation arrangements put in place between the information centres as well as any obstacles encountered and good practices to be shared. If applicable, the report will also include information on the extent to which the project beneficiary worked together with members and/or representatives of other European networks.

Finally, the report will include recommendations for a possible establishment of a future large-scale network, considering how such a network would fit into and/or complement activities of other existing European networks (such as EURES, the Europass network, Euraxess, the Your Europe portal, Your Europe Advice, SOLVIT).

This deliverable will represent the guidance for further action aiming at facilitating the access of migrant EU workers to the host country's labour market.

C. Participation in the final conference

A final conference may be organised and financed by the European Commission at the end of the Preparatory Action. It will represent the occasion for stakeholders and any other involved partners to provide information about the results and best practices built up during the implementation of the action. The successful applicants will be asked to participate actively in the conference and make available the reports delivered by them for the purpose of the conference.

3. Admissibility, exclusion, eligibility, selection and award criteria

3.1. Submission deadlines and implementation period

The **deadline** for submission of complete applications is as follows:

29 November 2013

For actions commencing no earlier than **01/02/14** and no later than **01/03/14**

3.2. Admissibility requirements

Only applications for operations starting in 2014 will be considered. In view of the time needed to examine applications, actions may not start before the deadlines given above. Applicants should note that if their project is approved, they will not necessarily receive the grant agreement prior to the action starting dates indicated and should, therefore, take this into account in programming the timing of their project. Any expenditure incurred before written confirmation that the application has been accepted is at the applicant's risk.

Proposals which indicate an earlier starting date than the ones indicated will not be considered by the Evaluation Committee.

The maximum project duration is 12 months. Application for the project in excess of 12 months will not be considered.

Extensions after the maximum duration will not be granted, except in very exceptional circumstances if it becomes impossible to complete the project within the scheduled period for reasons beyond the control of the beneficiary, duly notified in advance and before the deadline specified in the grant agreement.

3.3. Budget available

The total budget earmarked for the co-financing of projects is **EUR 300 000⁷**.

The European Union co-financing percentage will be limited to a maximum of 80% of the total eligible costs of the action. Applicants must contribute at least 20 % of the total eligible costs of the action. Contributions in kind will not be taken into account. Any application which requests a grant of more than 80 % will be excluded automatically from the selection.

The Commission intends to award a maximum of two grants.

⁷ The availability of funds is subject to the adoption of the first revision of Financing Decision C(2013)1833.

3.4. Exclusion criteria

Applicants must be in conformity with Article 106(1) and Articles 107 to 109 of the Financial Regulation.⁸

3.5. Eligible applicants

Eligible applicants and co-applicants must:

- be an already existing Equality body as established by EU law or be an entity established at national level to support EU migrant workers;
- altogether be established in at least three different Member States.

3.6. Eligible activities

This Call for proposals is intended to finance specific actions, projects or initiatives. Therefore grants are not intended to finance the normal operations of the bodies presenting applications; they are intended only to cover **additional expenditure** linked directly to the activities of the project.

The eligible activities must be fully carried out in the Member States and must be in line with the specific objectives set out in chapter 2 of this document. Eligible activities may consist of (non-exhaustive):

- case studies;
- cooperation projects;
- training activities;
- monitoring actions;
- awareness and dissemination actions;
- counselling and mentoring activities;
- research and collection activities
- dissemination of information.

The eligible activities must not overlap with or duplicate actions for which applications are made under call for proposals "Posting of workers: enhancing administrative cooperation and access to information" (VP/2013/008).

⁸ *The situations referred to include bankruptcy, compulsory winding-up, being under court administration, in an arrangement with creditors or any other similar proceedings; convictions of professional misconduct; non-fulfilment of social security or tax payment obligations; convictions of fraud, corruption, involvement in a criminal organisation or any other illegal activity; declared in serious breach of contract in relation to activities funded by the EU budget; subject to conflict of interest; guilty of misrepresentation in supplying the required information.*

3.7. Eligible applications

To be eligible, applications must:

- Be presented by a consortium of at least 3 entities established in different Member States;
- Be submitted by the deadlines indicated in section 3.1;
- Respect the EU co-financing percentage as stipulated in chapter 3.3 (budget available) of this document;
- Demonstrate that the proposed activities are not being financed twice from two different sources within the EU budget (particularly in cases where applicants are already participating in other EU programmes);
- Be submitted on-line before being printed, and sent in 2 copies as a paper application duly signed (one original dossier and one copy of all submitted documents). Please see section 4 for further details on the submission of the application;
- Be complete and include all the documents indicated in the annex to these specifications. Applicants should note that the Evaluation Committee will not examine applications lacking one or more of these documents.

Please note that for the following documents, the official templates, which can be accessed via the SWIM electronic application form, must be used: declaration on honour (different templates to be completed by the lead applicant and the co-applicants/affiliated entity); letter of mandate; financial identification form; legal entity form; letter of commitment; form concerning contracts for implementing the action.

3.8. Selection criteria

Only organisations (applicants and co-applicants) with the necessary financial and operational capacity may be considered for award.

3.8.1.1. Financial capacity

The applicant and co-applicants must have access to solid and adequate funding to maintain the activities for the period of the action and to help finance it as necessary.
The verification of financial capacity does not apply to public bodies.

3.8.1.2. Proof of financial capacity

In order to demonstrate the financial capacity, the applicant and co-applicants for whom the financial verification applies are invited to provide:

- A declaration on their honour (see chapter 3.4 – exclusion criteria)

- The most recent balance sheet which, by definition, must include assets and liabilities. The applicant should specify which currency is being used in the balance sheet.

3.9. Operational capacity

Operational capacity to complete the proposed action: the applicant and co-applicants must have the operational resources (technical, management) and the professional skills and qualifications needed to successfully complete the proposed action, as well as the ability to implement it. The applicant and co-applicants must have a strong track record of competence and experience in the field of social security and in particular in the type of action proposed. **The verification of operational capacity does not apply to public bodies.**

3.9.1.1. Proof of operational capacity

In order to demonstrate the operational capacity, the applicant and co-applicants are invited to provide the following documentation:

- The CV of the project coordinator and the CV of at least 5 additional key resources that they would like to use in the project;
- A list of main previous projects and activities performed and connected to the actions to be carried out - this requirement does not apply to public bodies;
- A written declaration signed by the project manager certifying the professional competence of the team performing the tasks associated with the action for which funding is requested.

3.10. Award criteria⁹

Proposals which fulfil the eligibility and selection criteria indicated above will be assessed according to the following award criteria:

- The extent to which the project, action or initiative meets the objectives of this call for proposals (10 points);
- The extent to which the project, action or initiative has a genuine transnational dimension and the quality of consortia, i.e. the degree of involvement, commitment and/or joint participation at the application stage of co-applicants in the proposed project, action or initiative (20 points);
- The effectiveness and rationality of the proposed methodology and organisation of the action (including the timetable and monitoring) (20 points);
- The arrangements to publicise the action and quality of dissemination methods envisaged (30 points);
- The extent to which proposed actions can be continued by a future larger scale network (10 points);

⁹ Art. 132 FR, 203 RAP.

- The overall quality, clarity and completeness of the proposal and budget explanation and the cost-effectiveness of the action (10 points).

With consideration of the budget available for this call for proposals, the two proposals with highest evaluation scores will be selected for award. Proposals with a total score of **less than 60%** of the maximum score **will not be considered for award**.

4. Submission of proposals

4.1. Application form

The compulsory on-line grant application form is an electronic form which must be filled by using the Internet Web system "SWIM" at the following internet address:

<https://webgate.ec.europa.eu/swim/external/displayWelcome.do>

This system allows the introduction, edition, validation, printing and submission of the grant application form. Once the application is submitted electronically, a print out of an exemplar has to be signed by the legal representative of the organization submitting the proposal and be sent to the Commission as per point 4.2. After submission of the application electronically no changes are possible.

At the above quoted web site other requested forms, the financial guidelines for applicants and other useful documents can be found.

4.2. Submission formalities

The deadline for submission of proposals is

29/11/2013

Please send your covering letter of application, together with all the documents listed in the checklist (annex to this document), as signed originals as well as one copy of all these documents (in total: 2 sets of documents), **by the deadline of 29/11/2013**, either:

- a) **by registered mail** (date of postmark serving as proof of timely shipment) to the following address

*Call for proposals VP/2013/011
European Commission
Employment, Social Affairs and Inclusion Directorate-General
Unit EMPL-B.4
J-54 02/057
1049 Brussels
Belgium*

or

- b) **by courier service** (date of deposit slip serving as proof of timely shipment) to the following address

*Call for proposals VP/2013/011
European Commission
Employment, Social Affairs and Inclusion Directorate-General
Unit EMPL-B.4
J-54 02/057
Service central de reception du courrier
Avenue du Bourget, 1-2
1140 Brussels
Belgium*

or

- c) **delivered by hand**, in person or by an authorised representative (date of acknowledgement of receipt by the Commission service serving as proof for timely submission) to the following address

*Call for proposals VP/2013/011
European Commission
Employment, Social Affairs and Inclusion Directorate-General
Unit EMPL-B.4
J-54 02/057
Service central de reception du courrier
Avenue du Bourget, 1-2
1140 Brussels
Belgium*

In case of hand-delivery, please keep a receipt as proof of submission, signed and dated by the official in the Commission's central mail department who took delivery. This department is open from 08.00 to 17.00 from Monday to Thursday and from 08.00 to 16.00 on Friday; it is closed on Saturdays, Sundays and on Commission holidays. Please note that for security reasons, hand deliveries (including courier services) are not accepted in other Commission buildings.

4.3. Presentation of applications

Regarding the presentation of the application file, it is recommended to:

- follow the order of documents as listed in the checklist in Annex;
- print the documents double-sided, where possible;
- use only 2-hole folders (please do not bind or glue).

If an applicant submits more than one proposal, each one must be submitted separately.

4.4. Contacts

Contacts between the awarding authority and potential applicants can only take place in certain circumstances and under the following conditions:

a) Before the submission deadline

At the request of the applicant, the Commission may provide information solely for the purpose of clarifying the nature of the call.

Any requests for additional information must be made in writing by e-mail only to the address given below. Requests for additional information should reach the Commission at the latest 5 days before the deadline for submission. After this date, the Commission does neither commit to provide a timely answer nor to publish the corresponding information.

The Commission may, on its own initiative, inform interested parties of any error, inaccuracy, omission or other clerical error in the text of the call for proposals.

Any additional information including that referred to above will be published on the Internet in accordance with the various call for proposal-documents.

b) After the submission deadline

If clarification is requested or if obvious clerical errors in the proposal need to be corrected, the Commission may contact the applicant provided the terms of the proposal are not modified as a result.

If the Authorising Officer finds that those proposals, which have been listed for award, need limited adaptations, the applicant(s) concerned will receive a formal letter setting out the requested modifications. Any such modification must stay within the limits of the request. This phase will not lead to a re-evaluation of the proposal(s) but a proposal may be rejected if the applicant does not provide a positive follow-up to the request.

Contact address: EMPL-VP-2013-011@ec.europa.eu

4.5. Accepted and rejected applications – indicative time-table

Applications will be examined by an Evaluation Committee, which will meet, in principle, within 60 working days following the deadline for submission indicated in point 4.2. Only proposals which satisfy the eligibility and the selection criteria will be assessed against the award criteria. The Evaluation Committee will draw up a list of proposals recommended for funding.

Rejected applications

The European Commission will notify unsuccessful applicants in writing. Requests concerning the progress of dossiers will not be answered.

Selected applications

The successful applicant will receive two original copies of the Grant Agreement for acceptance and signature. Both these copies must be sent back to the Commission, which will then return one of them once it has been signed by both parties.

Indicative time-table

- a) Applicants will be informed of the outcome of the award procedure no later than 31 January 2014
- b) Scheduled signature of the awarded grant agreements during January 2014
- c) Starting date of actions: between 1 February 2014 and 1 March 2014

Annex

Checklist: The Evaluation Committee will not examine applications lacking one or more of the following documents:

1	Official covering letter of application quoting the reference number of the call for proposals (VP/2013/011) with the original signature of the legal representative of the applicant organization.
2	Print-out of the duly completed and submitted on-line application form, dated and with the original signature of the legal representative. NOTE: The on-line form must first be electronically submitted before printing. After the electronic submission no further changes to the application are possible. The detailed and signed print-out must be submitted as set in section 4 of the specifications.
3	A signed declaration of honour (to be found on-line as an annex to the application form) to be provided by the lead applicant and by each co-applicant, certifying that the entity is not in one of the situations listed in Article 106 §1 and 107 to 109 of the Financial Regulation as well as the financial and operational capacity. This must have the original signature of the legal representative of each entity.
4	A letter of mandate from each co-applicant. This mandate must follow the template provided, be written on the official letterhead paper of the organisation and have the original signature of the entity's legal representative. It must also be submitted electronically in annex to the on-line application form.
5	"Financial identification" forms duly completed by the lead applicant only with the original signature of the account holder and the original signature and stamp of the bank. The financial identification form can be found annexed to the on-line application form. NOTE: The bank account must be held in the name of the applicant. Applications cannot be accepted with an account held in the name of an individual.
6	"Legal entity" forms for the lead applicant and each co-applicant, duly completed with the original signature of the legal representative of the entity. The legal entities form can be found annexed to the on-line application form. The lead applicant and co-applicants must also provide: <ul style="list-style-type: none"> ▪ a copy of the certificate of official registration or other official document attesting to the establishment of the entity (for public bodies, a copy of the law, decree or decision establishing the entity in question); ▪ a copy of the articles of association/statutes or equivalent (if available), proving the eligibility of the organisation; ▪ a copy of a document confirming the applicant's tax or VAT number, if available.
7	A detailed description of work for the proposed action, signed by the legal representative of the lead applicant. This document must be provided as an annex to the on-line application and must also include a detailed work plan, time-table and the distribution of tasks between partner organisations. The detailed description of the action and work program should be submitted in English, French or German.
8	A signed letter of commitment of each co-applicant entity, explaining the nature of the entity's involvement (technical and financial). These letters of commitment shall be annexed to the on-line submission form and shall be submitted in English, French or German.
9	A written declaration signed by the project manager certifying the professional competence of the team performing the tasks associated with the action for which funding is requested. This declaration shall be accompanied by the Curriculum vitae of the project manager indicating clearly the current employer with whom there exists either a permanent or temporary contract of employment. The declaration must include also the curriculum vitae of the 5 key staff members (see chapter 3.9) who will perform the tasks associated with the action for which funding is requested.
10	The most recent balance sheets of the lead applicant and each co-applicant (not applicable for public bodies). The balance sheet, by definition, must include assets and liabilities. The entity shall specify the currency used.