

**CREATIVE EUROPE – MEDIA Sub-programme**

**GUIDE FOR EXPERTS**

**ON ASSESSMENT OF SUPPORT FOR DEVELOPMENT OF  
EUROPEAN VIDEO GAMES APPLICATIONS**

**managed by the Education, Audiovisual and Culture Executive  
Agency**

**Unit B2 – MEDIA**

## 1. INTRODUCTION

The European Commission's Education, Audiovisual and Culture Executive Agency (hereafter 'the Agency') is responsible for the implementation of the actions of the Creative Europe Programme<sup>1</sup> under the supervision of the European Commission. The Agency is in charge of the selection of projects to be funded.

The Agency runs these selections with the assistance of independent experts. The aim is to ensure that only proposals<sup>2</sup> of the highest quality are selected for funding. The experts hired by the Agency have an advisory role; the final decision on the selection or rejection of applications remains with the Agency. For each selection round, the Agency appoints an Evaluation Committee whose role it is to give an advisory opinion to the authorising officer in view of taking the financing decision on the award of grants based on the quality assessments. The Committee is composed of representatives of the Executive Agency and the European Commission.

This Guide is a tool for experts providing instructions and guidance in order to ensure a standardised and high quality assessment of applications.

The Guide for Experts provides information on:

- the role and appointment of experts;
- the principles of the assessment;
- the assessment process in practice;
- how to assess the award criteria for each action and field.

## 2. THE MEDIA SUB-PROGRAMME: THE DEVELOPMENT OF EUROPEAN VIDEO GAMES SCHEME

The general objectives of the MEDIA Sub-programme of Creative Europe are to strengthen the competitiveness and distribution of the audiovisual industry in Europe and thus contribute to growth and jobs as well as to cultural and linguistic diversity.

The specific objectives include the aim to support the capacity of the European cultural and creative sectors to operate transnationally and internationally; and to promote the transnational circulation of cultural and creative works and transnational mobility of cultural and creative players, in particular artists, as well as to reach new and enlarged audiences and improve access to culture and creative works in the Union and beyond, with a particular focus on children, young people, people with disabilities and under-represented groups.

Within the specific objective of reinforcing the European audiovisual sector's capacity to operate transnationally and internationally, one of the priorities of the MEDIA Sub-programme is to increase the capacity of European video game producers to develop projects with highly innovative content and quality gameplay, which will have the potential to circulate throughout Europe and beyond and to improve the competitiveness of the European video games industry in European and international markets by enabling the retention of intellectual property by European developers.

The MEDIA Sub-programme shall provide support for the following measures:

---

<sup>1</sup> The Creative Europe Programme was established by Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the 'Creative Europe Programme (2014 to 2020)' and its corrigendum of 27/06/2014.

<sup>2</sup> Please note that the terms "proposal" and "application" are used interchangeably in this Guide.

- the concept and project development (activities to the point that the concept leads to a playable prototype or trial version) of highly innovative and creative narrative storytelling video games designed for commercial exploitation for PCs, consoles, mobile devices, tablets, smart phones and other technologies.

The MEDIA Sub-programme supports European video game production companies with recent success interested in developing a video game concept or project presenting:

- high level of originality, innovative and creative value, cultural diversity and enhanced Europe's cultural identity and heritage compared to existing mainstream works;
- high level of commercial ambition and extensive cross-border potential able to reach European and international markets.

### **3. EXPERTS**

#### **3.1 Role of experts**

The assessment and selection of grant applications is organised on the basis of a peer review system following a transparent process that guarantees impartiality and equal treatment of all applicants.

The role of experts allows providing a fair, impartial, and consistent assessment of project applications according to the objectives and the policy priorities of the Programme.

The assessment is an essential part of the selection procedure. Based on the experts' assessment and the recommendations of the Evaluation Committee, a list of grant applications in order of quality is established, which serves as a basis for the Agency to determine which proposals may be financed.

Based on the experts' comments, the Executive Agency provides feedback to the applicants on the quality of their application (cf. section 4).

#### **3.2 Appointment of experts, code of conduct and conflict of interest**

Experts are recruited through an open call for expression of interest<sup>3</sup>. They are appointed on the basis of their skills and knowledge in the areas and the specific fields of the video games industry in which they are asked to assess applications. Experts perform assessments on a personal basis, not as representatives of their employer, their country or any other entity.

For the assessment of project applications, the Agency applies a system of rotation of experts. To ensure their independence, the Agency does not disclose information or contact details of experts in relation with a given proposal they assess. The Agency however publishes a list of experts who signed contracts with it annually on its website<sup>4</sup>.

Experts are required to perform the assessment to the highest professional standards and within the deadline agreed with the Agency.

---

<sup>3</sup> The list resulting from this call for expression of interest is valid for the duration of the current generation of programmes managed by the Agency, i.e. until 31.12.2020 [https://eacea.ec.europa.eu/about-eacea/working-expert/call-for-expressions-interest-n%C2%B0-eacea201301\\_en](https://eacea.ec.europa.eu/about-eacea/working-expert/call-for-expressions-interest-n%C2%B0-eacea201301_en)

<sup>4</sup> [https://eacea.ec.europa.eu/about-eacea/working-expert-eacea/call-for-expressions-interest-n%C2%B0-eacea201301\\_en](https://eacea.ec.europa.eu/about-eacea/working-expert-eacea/call-for-expressions-interest-n%C2%B0-eacea201301_en)

Through the appointment by the Agency, experts are bound to a code of conduct as set out in the appointment letter or contract with the expert. The code of conduct for experts can be found in Annex 2.

Experts are bound by confidentiality, as all information related to the assessment process is strictly confidential. They are not allowed to disclose any information about the applications submitted and results of the assessment and selection to anyone.

The assessment of applications will be undertaken by two independent experts, external to the Agency. Experts must not have a conflict of interest<sup>5</sup> in relation to the proposals on which they are requested to give their opinion. When a potential conflict of interest is reported by the expert or brought to the attention of the Agency by any means, the Agency will consider the circumstances and decide either to exclude the expert from the assessment of the given application or the whole selection round or allow the expert to take part in the assessment, depending on the objective elements of information at its disposal.

By signing their contract with the Agency, experts are bound by the obligations of impartiality (absence of conflict of interest) and confidentiality.

## **4. ASSESSMENT OF APPLICATIONS**

### **4.1 Preparation for assessment**

Before the start of the assessment (remote evaluations off-site), the experts are briefed by the Agency on the Programme and the action under assessment, as well as on the assessment process.

Experts are provided with the reference documents for the assessment and get access to the Online Evaluation Expert Tool (OEET), in which they perform the assessment using the standard quality assessment forms.

Before starting the assessment of applications, experts must:

- have a sound knowledge of the Development of European Video Games Guidelines which provide all necessary information to potential applicants on the scheme for which they apply for a grant;
- have an in-depth understanding of the award criteria applicable to the applications under assessment (cf. Annex 1);
- be familiar with all the reference documents and tools provided by the Agency.

Experts have to read the whole application carefully before completing the quality assessment form. It is recommended to read several applications before assessing any one of them in full: this allows experts to benchmark answers in different sections of the applications.

Each expert works individually and independently, gives scores and comments for each criterion and summarises his/her assessment in the assessment form.

The eligibility criteria are assessed by the Agency in the first phase of the selection process. Only eligible projects are sent to experts for evaluation.

---

<sup>5</sup> Financial Regulation Art. 57(2): « ... a conflict of interests exists where the impartial and objective exercise of the functions of a financial actor or other person, ..., is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a recipient.»

## 4.2 Assessment forms

Experts carry out their assessment in English, using the Online Expert Evaluation Tool. The applications to be assessed as well as the assessment forms are accessible through the Online Expert Evaluation Tool. Experts are provided with technical instructions for the use of Online Expert Evaluation Tool by the Agency as part of their briefing.

The standard assessment forms are established by the Agency to ensure a coherent evaluation of applications across the scheme. Experts examine the issues to be considered under each award criterion, enter their scores for each applicable criterion and provide comments on each award criterion and on the application as a whole.

On completion of the assessment, experts validate the individual assessment in the Online Expert Evaluation Tool, thereby confirming that they have no conflict of interest with respect to the assessment of that particular proposal.

## 4.3 Assessment of award criteria and scoring

Experts assess applications only against the award criteria defined in the Guidelines. These award criteria are listed and further explained in Annex 1 of this Guide.

Each of the award criteria is defined through elements which must be taken into account by experts when analysing an application. These elements form a list of points to be considered before giving a score for the given criterion. They are intended to help experts reach the final assessment of the criterion in question.

When assessing applications against award criteria, experts make a judgement on the extent to which applications meet the defined criteria. This judgement must be based on the information provided in the application. Experts cannot assume information that is not explicitly provided. Information relevant for a specific award criterion may appear in different parts of the application and experts take all of them into account when scoring the award criterion.

An application can receive a maximum of 100 points for all criteria relevant for the action. The table below shows the relative weightings of each criterion:

|   | <b>Criteria</b>                     | <b>Definitions</b>  | <b>Max. Weighting</b> |
|---|-------------------------------------|---|-----------------------|
| 1 | Quality and content activities      | Quality of the content, the storytelling of the project and originality of the concept against existing works                               | 20                    |
| 2 | Innovative character of the project | Innovation i.e. the extent to which the project pushes the boundaries of the existing offer proposing "cutting edge" techniques and content | 20                    |
| 3 | Relevance and European added-value  | The development strategy and potential for European/ international exploitation (including management of IP rights)                         | 20                    |
| 4 | Dissemination of project results    | The distribution, communication and marketing strategy and suitability for the target audience including accessibility features             | 20                    |
| 5 | Organisation of the                 | The distribution of the roles and responsibilities of the creative team vis-  | 10                    |

|   |                           |  |    |
|---|---------------------------|--|----|
|   | project team              | à-vis the specific objectives of the proposed action   |    |
| 6 | Impact and sustainability | The financing strategy for the development and production and the feasibility potential of the project | 10 |

Within the maximum number of points per award criterion, ranges of scores are defined that correspond to a fixed definition of the expected quality standard so that as coherent approach as possible is implemented, across experts as well as across schemes. The score cannot include decimals. The standards on a 10-point scale are as follows:

- 9-10 Very good – the application addresses all relevant aspects of the criterion in question convincingly and successfully. The answer provides all the information and evidence needed and there are no concerns or areas of weakness.
- 7-8 Good – the application addresses the criterion well, although some small improvements could be made. The answer gives clear information on all or nearly all of the evidence needed.
- 5-6 Acceptable – the application broadly addresses the criterion, but there are some weaknesses. The answer gives some relevant information, but there are areas where detail is lacking or the information is unclear.
- 3-4 Fair – the application addresses the criterion, but there are many weaknesses. The answer gives some relevant information, but there are several areas where detail is lacking or the information is unclear.
- 1-2 Very weak – the application fails to address the criterion or cannot be judged due to missing or incomplete information. The answer does not address the question asked, or gives very little relevant information.
- 0 No evidence – the application fails to include a minimum amount of evidence to enable the criterion to be evaluated.

N.B. Although indicated on the scoring scale, experts should avoid "0" which relates to "no evidence". If experts want to score a "0" to a given criterion, experts should notify the agency staff à priori.

Experts are expected to give comments on each award criterion and, in their comments, refer explicitly to the elements of analysis under the relevant criterion. The comments on each award criterion have to reflect and justify the score given for it.

At the end of the assessment, experts give overall comments on the application as a whole. In the comments, experts must provide a thorough analysis of the application highlighting its relative strengths and weaknesses.

As their comments will be used by the Agency to provide feedback to applicants, experts must pay particular attention to clarity, consistency and appropriate level of detail. All evaluation reports are to be written in English.

The Agency monitors the quality of expert assessments and can require the expert to revise the assessment should the necessary quality standard not be met.

Experts must assess all applications in full, regardless of the score given to any award criterion.

#### **4.4 Possible problems with applications**

Experts are under no circumstances allowed to contact applicants directly. In case of any problems arising during the assessment, experts contact the Agency. The Agency decides whether the applicant will be asked to provide additional information or clarifications or if the application should be assessed in the form it was submitted.

Also, if experts notice during the assessment that the same or similar text appears in two or more applications submitted, as well as any other indications of possible double submissions and overlaps, they should inform the Agency immediately.

#### **4.5 Consolidated assessment and final score**

At the first stage of assessments, the role of expert 1 and expert 2 are identical. Both experts do their assessment individually and submit the evaluation through the Online Expert Evaluation Tool.

Once an application has been assessed by the two experts, the two individual assessments will be consolidated in order to arrive at the final score and comments for the application. The consolidation is an integral part of the tasks of the expert and must be done for each application.

After the submission of the two individual assessments, the Agency will open the consolidation phase in the Online Expert Evaluation Tool. The expert 1 at individual evaluation stage will act as validator of the consolidated evaluation report. The consolidation takes either a form of a technical validation of the report in the Online Expert Evaluation Tool or a consultation between the two individual experts and a consolidation of the report in the Online Expert Evaluation Tool.

The consolidated assessment is considered as the final assessment of a given application. It means that the consolidated assessment forms the basis for ranking the application on the list of eligible grant applications.

If the two experts' positions are too distant for an agreement to be reached, the Agency will decide on the need of an independent assessment by a third expert. The final score will then be determined by the two assessments that are closest in terms of their overall score and the most extreme assessment in terms of overall score is not taken into account for the consolidated assessment. Consolidation of the individual assessments follows the same rules as explained above.

Once the consolidation phase is complete, the Evaluation Committee will meet with a group of experts onsite in Brussels to discuss certain projects for which the evaluation raised specific concerns and the projects around the threshold for funding in view of establishing the final ranking list of project proposals in order of merit. Projects that do not reach the threshold imposed by the available budget will not be considered for funding.

#### **5. Feedback to applicants**

As explained in the Guidelines, the Agency notifies the applicants in writing of the selection result once the grant award decision is taken, providing the relevant information on the assessment scores and comments.

In case of a request for further information or appeal by an applicant, the Agency may request the experts involved in the assessment to provide additional elements of information on the assessment as necessary.

**Annexes:**

1. Award criteria for Development of European Video Games
2. Code of conduct for experts

## Video Games (method of funding – Budget based)

| AWARD CRITERIA                      | General interpretation of award criteria relevant for all projects and elements of analysis   | Weighting of the criterion |
|-------------------------------------|---|----------------------------|
| Quality and content activities      | <b>1. Quality of the content, the storytelling of the project and originality of the concept against existing works</b>   | <b>20</b>                  |
|                                     | 1a. Quality of the story and storytelling and originality of the concept <ul style="list-style-type: none"> <li>• quality of the story</li> <li>• quality of the storytelling</li> <li>• originality of the concept</li> </ul>  | 10                         |
|                                     | 1b. Quality of the content <ul style="list-style-type: none"> <li>• quality of the graphic and sound design (if available)</li> <li>• quality of the level and character design (if available)</li> <li>• visual approach (as shown through e.g. artwork, mock-ups, sketches, mood boards, etc.)</li> </ul> | 5                          |
|                                     | 1c. Quality of the gameplay <ul style="list-style-type: none"> <li>• quality of the proposed gameplay</li> <li>• originality of the gameplay</li> <li>• integration between gameplay and storytelling</li> </ul>  | 5                          |
| Innovative character of the project | <b>2. Innovation i.e. the extent to which the project pushes the boundaries of the existing offer proposing "cutting edge" techniques and content</b>   | <b>20</b>                  |
|                                     | 2a. Innovative techniques <ul style="list-style-type: none"> <li>• innovative aspects in terms of <ul style="list-style-type: none"> <li>○ gameplay</li> <li>○ use of new technologies or new platforms</li> <li>○ Graphical User Interface</li> <li>○ Head-up Display (or HUD)</li> </ul> </li> </ul>      | 10                         |
|                                     | 2b. Innovative content <ul style="list-style-type: none"> <li>• innovative aspects in terms of <ul style="list-style-type: none"> <li>○ storytelling</li> </ul> </li> </ul>   | 10                         |

|   |   |           |
|---|---|-----------|
|   | <ul style="list-style-type: none"> <li>○ visual/graphic approach</li> <li>○ musical/sound approach</li> </ul>   |           |
| <b>Relevance and European added-value</b> | <b>3. The development strategy and potential for European/international exploitation (including management of IP rights)</b>  | <b>20</b> |
|   | 3a. The development strategy <ul style="list-style-type: none"> <li>• adequacy of the development plan to the needs of the project</li> <li>• sufficiency of detail</li> <li>• adequacy of development schedule planned</li> </ul>  | 10        |
|   | 3b. Potential for European/international exploitation <ul style="list-style-type: none"> <li>• transnational appeal taking into account               <ul style="list-style-type: none"> <li>○ the subject</li> <li>○ the type of game</li> </ul> </li> <li>• potential to cross borders taking into account               <ul style="list-style-type: none"> <li>○ the team</li> <li>○ the story and characters</li> <li>○ the strategies presented</li> </ul> </li> </ul> | 10        |
| <b>Dissemination of project results</b>   | <b>4. The distribution, communication and marketing strategy and suitability for the target audience including accessibility features</b>   | <b>20</b> |
|   | 4a. The distribution strategy <ul style="list-style-type: none"> <li>• relevance of the distribution strategy in terms of:               <ul style="list-style-type: none"> <li>○ distribution methods foreseen,</li> <li>○ choice of platform/media</li> <li>○ partners in place or envisaged</li> <li>○ awareness of the markets, European/international vision</li> <li>○ choice of territories (local, European, international)</li> </ul> </li> </ul>                  | 10        |
|   | 4b. The communication and marketing strategy <ul style="list-style-type: none"> <li>• relevance of the marketing strategy in terms of:               <ul style="list-style-type: none"> <li>○ marketing channels and promotional activities</li> <li>○ adequacy of the communication and marketing plan</li> <li>○ unique selling points (USP)</li> </ul> </li> </ul>   | 5         |
|   | 4c. Suitability for the target audience <ul style="list-style-type: none"> <li>• identified target audience taking into account</li> </ul>  | 5         |

|   |   |           |
|---|---|-----------|
|   | <ul style="list-style-type: none"> <li>○ gender</li> <li>○ age</li> <li>○ game rating (PEGI or equivalent)</li> <li>○ type of users and platforms</li> <li>● project adapted to the target audience</li> <li>● project encouraging accessibility for gamers with disabilities and other impairments</li> </ul>  |           |
| <b>Organisation of the project team</b> | <p><b>5. The distribution of the roles and responsibilities of the creative team vis-à-vis the specific objectives of the proposed action</b></p> <ul style="list-style-type: none"> <li>● potential of the creative team</li> <li>● adequacy of the team to the project</li> <li>● complementary profiles in the creative team</li> </ul> <p>Note: The ability of the team to execute the project has already been assessed at the Selection stage. It should not be called into question when assessing this criterion.</p> | <b>10</b> |
| <b>Impact and sustainability</b>        | <p><b>6. The financing strategy for the development and production and the feasibility of the project</b></p>   | <b>10</b> |
|   | <p>6a. The financing strategy</p> <ul style="list-style-type: none"> <li>● quality and realism of the financing strategy / plan</li> <li>● adequacy of the financing strategy compared to the estimated production costs</li> <li>● awareness of the suitable potential partners</li> <li>● experience or ability of the applicant to secure the necessary co-financing</li> </ul>  | 5         |
|   | <p>6b. Feasibility potential of the project</p> <ul style="list-style-type: none"> <li>● likelihood to succeed due to artistic qualities</li> <li>● potential to attract distributor(s) / publisher(s)</li> <li>● potential to go into production</li> <li>● sales potential and revenue streams</li> </ul>   | 5         |

**CODE OF CONDUCT FOR EXPERTS****ARTICLE 1 – PERFORMANCE OF THE CONTRACT**

1. The expert works independently, in a personal capacity and not on behalf of any organisation.
2. The experts must:
  - (a) carry out their tasks in a confidential and fair way, in accordance with the EACEA guidelines for submission of proposals and the related evaluation, selection and award procedures
  - (b) assist the contracting party or relevant service to the best of their abilities, professional skills, knowledge and applying the highest ethical and moral standards
  - (c) follow any instructions and time-schedules given by the contracting party or relevant service and deliver consistently high quality work.
3. The expert may not delegate another person to carry out the work or be replaced by any other person.
4. If a legal entity involved in a proposal approaches the expert during the evaluation of this proposal, s/he must immediately inform the contracting party or relevant service.

**ARTICLE 2 – OBLIGATIONS OF IMPARTIALITY**

1. The expert must perform their work **impartially**. To this end, the expert is required to:
  - (a) take all necessary measures to prevent any situation of conflict of interest;
  - (b) inform without delay the contracting party or relevant service of any conflicts of interest arising in the course of their work including of any proposal competing with the proposal where the expert may have a conflict of interest;
  - (c) confirm there is no conflict of interest for each proposal s/he is evaluating by signing a declaration in the electronic evaluation system.
2. **Definition of the conflict of interest:** Such situation arises where the impartial and objective performance of the Contract is compromised for reasons involving economic interest, political or national affinity, familial or emotional ties, or any other shared interest.

For a given proposal, a conflict of interest exists if an expert:

- (a) was involved in the preparation of the proposal
- (b) stands to benefit directly or indirectly if the proposal is accepted
- (c) has a close family or personal relationship with any person representing an applicant or participating legal entity
- (d) is a director, trustee or partner or is in any way involved in the management of an applicant legal entity

- (e) is employed or contracted by one of the applicant legal entities<sup>6</sup> or any named subcontractors
- (f) is a member of an Advisory Group set up by the Commission to advise on the preparation of EU work programmes related to, or in an area related to, the call for proposals in question
- (g) is a National Contact Point
- (h) is a member of a Programme Committee

In the following situations the contracting party or relevant service will decide whether a conflict of interest exists, taking account of the objective circumstances, available information and related risks.

when an expert:

- (i) was employed by one of the applicant or participating legal entities in the last three years
- (ii) is involved in a contract or grant agreement, grant decision or membership of management structures (e.g. member of management or advisory board etc.) research collaboration with an applicant or participating legal entity or a fellow researcher, or had been so in the last three years
- (iii) is in any other situation that could cast doubt on their ability to participate in the evaluation of the proposal impartially, or that could reasonably appear to do so in the eyes of an external third party.

### 3. Consequences of a situation of conflict of interest:

**If a conflict becomes apparent at any stage of the evaluation, the expert must immediately inform the contracting party or relevant service staff. If a conflict is confirmed, the expert must stop evaluating the proposal concerned. Any comments and scores already given by the expert will be discounted. If necessary, the expert will be replaced.**

If it is revealed during an evaluation that an expert has knowingly concealed a conflict of interest, the expert will be immediately excluded, and sanctions will apply (see Articles 14, 15, 16 and 18 of the Contract or in the Financial Regulation and its implementing rules).

### ARTICLE 3 – OBLIGATIONS OF CONFIDENTIALITY

1. The contracting party and the expert must treat confidentially<sup>7</sup> any information and documents, in any form (i.e. paper or electronic), disclosed in writing or orally in relation to the performance of the Contract.

---

<sup>6</sup> However, the contracting party or relevant service may decide to invite an expert who is employed or contracted by one of the applicant legal entities or any named subcontractors to take part in the panel review session, if the expert works in a different department/laboratory/institute from the one where the work is to be carried out, and if the constituent bodies operate with a high degree of autonomy, and if such a role is justified by the requirement to appoint the best available experts and by the limited size of the pool of qualified experts. In this case, the expert must not take part in any detailed panel discussion (or electronic forum) of the proposal involving the legal entity concerned or in any hearings concerning the proposal.

In exceptional duly justified cases, experts in the circumstances described above may also participate in the consensus group for the proposal in question, provided valid reasons are given. The contracting party or relevant service will inform the other experts in the group of the affiliation of the expert concerned.

2. The expert undertakes to observe strict **confidentiality** in relation to their work. To this end, the expert:

- (a) must not use confidential information or documents for any purpose other than fulfilling their obligations under the Contract without prior written approval of the contracting party
- (b) must not disclose, directly or indirectly, confidential information or documents relating to proposals or applicants, without prior written approval of the contracting party.

In particular, the expert:

i. must not discuss any proposal with others, including other experts or contracting party or relevant service staff not directly involved in evaluating the proposal, except during the formal discussion at the meetings moderated by or with the knowledge and approval of the responsible contracting party or relevant service staff

ii. must not disclose:

- any detail of the evaluation process and its outcomes or of any proposal submitted for evaluation for any purpose other than fulfilling their obligations under the Contract without prior written approval of the contracting party
- their advice to the contracting party or relevant service on any proposal to the applicants or to any other person (including colleagues, students, etc.)
- the names of other experts participating in the evaluation.

iii. must not communicate with applicants, beneficiaries or any person linked to the applicant or participating legal entity on any proposal:

- during the evaluation or on-site visits, except in hearings or on-site visits between experts and the applicants or beneficiary organised by the contracting party or relevant service as part of the evaluation process;
- after the evaluation.

3. If the proposals are made available electronically to the expert who then works from their own or other suitable premises, s/he will be held personally responsible for maintaining the confidentiality of any documents or electronic files sent, and for returning, erasing or destroying all confidential documents or files upon completing the evaluation as instructed.

4. If the evaluation takes place in premises controlled by the contracting party or relevant service, the expert:

- (a) must not remove from the premises proposals, copies or notes on evaluation, either on paper or in electronic form
- (b) will be held personally responsible for maintaining the confidentiality of any documents or electronic files sent, and for returning, erasing or destroying all confidential documents or files on completing the evaluation as instructed.

---

<sup>7</sup> In this context, the term 'confidentiality' should not be taken as equating to the security classification 'EU CONFIDENTIAL'. The procedures related to 'EU CONFIDENTIAL' documents apply only to information and material the unauthorised disclosure of which would harm the essential interests of the EU of one of its Member States (Commission provisions on security (Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending its internal rules of procedure (OJ L 317, 3.12.2001, p. 1).

5. If the expert seeks further information (for example through the internet, specialised databases, etc.) to complete their examination of the proposals, s/he:

- (a) must respect the overall rules for confidentiality for obtaining such information
- (b) must not contact applicants, beneficiaries or any person linked to the applicant legal entity
- (c) must not contact third parties without prior written approval of the contracting party.

6. These confidentiality obligations are binding on:

(a) the contracting party (see Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials

and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community<sup>8</sup><sup>10</sup>

(b) the expert during performance of the Contract and for five years starting from the date of the last payment made to the expert unless:

- i. the contracting party agrees to release the expert from the confidentiality obligations earlier
- ii. the confidential information becomes public through other channels
- iii. disclosure of the confidential information is required by law.

---

<sup>8</sup> OJ 45, 14.6.1962, p. 1385.