

**Creative Europe – MEDIA Sub-programme**

**GUIDE FOR EXPERTS**

**ON ASSESSMENT OF TELEVISION PROGRAMMING ACTIONS**

**Call for proposals EACEA/20/2019**

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

**Unit B2 – MEDIA**

## **1. INTRODUCTION**

The European Commission's Education, Audiovisual and Culture Executive Agency (the Agency) is responsible for the implementation of the Actions of the Creative Europe MEDIA. The Agency is in charge of the selection of projects to be funded.

The Agency runs these selections with the assistance of independent experts to ensure that only those of the highest quality are selected for funding. Thus, the final decision on the selection or rejection of applications is taken by the Agency. 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 for Experts provides instructions and guidance for experts when assessing applications, in order to ensure a standardised and high quality assessment.

The Guide for Experts provides information on:

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

## **2. THE MEDIA SUB-PROGRAMME: TV PROGRAMMING 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 TV programming scheme is directly linked to these general objectives in the sense that the support to TV works contributes to the strength and competitiveness of European production companies by enabling them to realise their projects, and at the same time the scheme encourages the circulation of TV works in Europe.

The specific objective of the support to TV programming is to increase the capacity of audiovisual producers to develop projects presenting innovative aspects in term of content and financing, with the potential to circulate throughout Europe and beyond, and to facilitate European and international co-productions within the TV sector.

The scheme aims to strengthen the independence of TV producers in relation to broadcasters by providing funds to produce strong, competitive content with wide circulation potential in the international markets and to encourage broadcasters to be involved in high quality programming aimed at wide international distribution.

The expected results are:

- Increased feasibility of high European quality works for the TV market.
- Stronger producer's independence in relation to broadcasters.

### 3. EXPERTS

#### 3.1 Role of experts

The assessment and selection of grant applications is organised on the basis of 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 essential part of the selection procedure. Based on the experts' assessment, their review by and the resulting 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 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>1</sup>. They are appointed on the basis of their skills and knowledge in the areas and the specific fields of the audiovisual 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>2</sup>.

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

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>3</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

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<sup>1</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>2</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)

<sup>3</sup> Financial Regulation Art. 61(3): « ... 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 direct or indirect personal interest.»

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, 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 Television programming Guidelines<sup>4</sup> which provides all necessary information to potential applicants on the actions for which they can apply for a grant;
- have an in-depth understanding of the award criteria applicable to the applications under assessment (cf. section 3.3);
- be familiar with all the reference documents and tools provided by the Executive Agency.

Experts have to read the whole application carefully before completing the 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.

### **4.2 Assessment forms**

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

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award criterion, enter their scores for each applicable criterion and provide comments on each award criterion and on the application as a whole (cf. section 3.3).

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 several 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 arrive at the final assessment of the criterion in question.

In order to give clear guidance to experts as to how individual elements of analysis should be assessed, further information is provided in the above mentioned annexe.

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	Relevance and European added-value	European dimension of the financing of the project	20
2	Quality of the content and activities	Quality of the project and quality of the distribution and promotion strategies	55
3	Dissemination of project results	Broadcaster's involvement and potential for international circulation on both linear and non-linear services	20
4	Organisation of the project team	Distribution of the roles and responsibilities of the production and creative team	5

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 points 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". For obvious particular cases, experts should contact the agency staff à priori.

Experts are expected to give comments on each award criterion highlighting its relative strengths and weaknesses 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.

If relevant, experts will also be asked to evaluate the application's entitlement to the 5 additional points for projects specifically targeted at a young audience.

As their comments will be used by the Executive 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 Executive 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.

#### **4.5 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 about this situation immediately.

#### **4.6 Panel of experts, 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 all applications have been assessed by two experts, the experts meet in Brussels to fulfil the following further evaluation steps:

**First phase of the Expert panel:** Consolidation of each assessment between the two experts.

In this phase, the two experts having assessed the project compare their evaluations and reach to an agreement for a consolidated score. In case the two experts fail to agree on the consolidation, the project will be discussed collectively by the expert panel in the second phase.

**Second phase of the Expert panel:**

During the second phase of the Expert panel, the following evaluation steps will be carried out by all experts:

- validate scores of all projects that have been subject to consolidation process;
- discuss any issues/questions related to projects;

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

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 expert involved in the assessment to provide additional elements of information on the assessment as necessary.

Annexes:

1. Award criteria for TV Programming
2. Reference documents on policy priorities in the field of the audiovisual
3. Code of conduct for experts

<b>Annex 1</b>	<b>TV PROGRAMMING – Award Criteria</b>
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	Criteria	Definitions	Max. Weighting
<b>1</b>	<b>Relevance and European added-value</b>	<b>European dimension of the financing of the project</b>	<b>20</b>

For the assessment of the criterion, please refer to the confirmed Financing Plan of the project and to section E. 1 of the Application form.

**How to assess, How to score:**

Experts will have to assess the following sub-criteria:

- European dimension of the financing of the project: percentage of non-national financing, strategies of the producer and efforts made to reach the confirmed financing, originality and innovation of the financing structure: **0-15 points**;

*To what extent has the producer gone beyond his traditional production market and use the European market in order to finance his production? Is the financing structure creative? Is the part of non-national financing important?*

- European co-production: existence of European co-production and level of cooperation on creative aspects, level of cooperation between countries with different market sizes, including distribution of MEDIA grant among co-producers: **0-5 points**;

*Is there a European coproduction? Is it an "organic" coproduction with creative collaboration or only a financing coproduction? Is there a collaboration between countries with different market sizes? Is the MEDIA grant split between the coproducers? Is this split favourable to the smallest company/country?*

	Criteria	Definitions	Max. Weighting
<b>2</b>	<b>Quality of the content and activities</b>	<b>Quality of the project and quality of the distribution and promotion strategies</b>	<b>55</b>

For the assessment of the criterion, please refer to the confirmed Financing Plan of the project and to section E.2 of the Application form.

**How to assess, How to score:**

Experts will have to assess the following sub-criteria:

Artistic quality of the project: innovation, originality and quality of the subject/format/treatment; quality of the pitch/trailer; for second and third seasons of series: quality of the new developments in the stories and characters; **0-15 points**.

*Assessment of artistic and creative quality of the project.*

Overall quality of the financing of the project: feasibility of the project; coherence between the budget and the financing; **0-5 points**

*Assessment of the overall quality of the financing: is the budget coherent, is the gap manageable, can the production be completed as foreseen?*

Quality of the distributor's involvement: experience and track record of the distributor involved with similar projects; financial involvement and risk taken by the distributor (i.e. amount of the MG); if applicable and if the production company is acting as distributor: experience and track record of the producer as distributor; **0-15 points**

*Assessment of the distributors/sales agents involvement, including their track record and financial involvement.*

Quality of distribution strategy: coherence and development of the distribution strategy, key aspects of the distribution; **0-10 points**

*Assessment of the distribution strategy: is the distribution strategy in terms of sales to the broadcasters well developed, tailor-made to the project, realistic and potentially successful?*

Quality of the promotion and marketing strategy: coherence and relevance of the promotion and marketing strategies developed in order to promote the project to the audiences; B2C marketing strategies and innovative promotion strategies towards the audience, including on-line and social media promotion strategies and promotion strategies developed with broadcasters; **0-10 points**

*Assessment of the promotion and marketing strategy: Is the marketing strategy and the promotion strategy towards the audience innovative and relevant?*

	Criteria	Definitions	Max. Weighting
3	Dissemination of project results	Broadcaster's involvement and potential for international circulation on both linear and non-linear services	20

For the assessment of the criterion, please refer in particular to the confirmed Financing Plan of the project.

This criterion should be scored on the basis of the following table as follows<sup>5</sup>:

For works from France, Germany, Italy, Spain and United Kingdom	For works from Austria, Belgium, Denmark, Finland, Ireland, Norway, Netherlands, Poland, Sweden, Switzerland	For works from Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, FYROM, Greece, Hungary, Iceland, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Portugal, Romania, Republic of Serbia, Slovakia, Slovenia <sup>6</sup>
1-20 points	5-20 points	10-20 points

<sup>5</sup> The application of this grid is subject to the condition of fulfilment of the conditions set out in section 6.1 Eligible countries.

<sup>6</sup> And any other participating country not listed but fulfilling the conditions set out in section 6.1 Eligible countries.

**How to assess, How to score:**

- for a project submitted by a company based in France, Germany, Italy, Spain or the UK, the experts will have to give a score between 1 and 20 points.
- for a project submitted by a company based in the second category (Austria, Belgium, Denmark, etc), the experts will have to give a score between 5 and 20 points.
- for a project submitted by a company based in the second category (Albania, Bosnia, etc), the experts will have to give a score between 10 and 20 points.

In order to decide the score to attribute, the experts will have to analyse the following aspect:

- is the number and nature of the broadcasters involved confirming the potential of international circulation of the project?
- the number of European and non-European broadcasters involved;
- the financial involvement of the broadcasters: strong financial involvement increases the score / small amounts would be less considered than high amounts;
- the geographic and linguistic diversity of the broadcasters involved: *are the broadcasters involved coming from diverse areas?*
- the strength of the commitment of the involved broadcasters (contracts, letters of commitment, letters of intent): *are these only letters confirming the broadcasters' participation or do they have signed contracts? (stronger commitment). Please refer to the table "comment" in the Financing Plan for details on the nature of commitment.*
- the potential audience reach: *are the broadcasters involved able to reach a wide audience?*

	Criteria	Definitions	Max. Weighting
4	Organisation of the project team	Distribution of the roles and responsibilities of the production and creative team	5

*For the assessment of the criterion, please refer to the Track record of the Production company in the last 5 years (Annex V of the application), the CVs of the Director and Producer and the section E.4 of the Application form.*

**How to assess, How to score:**

Experts will have to score this criterion on a scale between 0 to 5 points and take into account:

- Distribution of roles and responsibilities of the creative and creative team, including adequacy of the collaboration in relation to the objective of the project.

**The Legal basis of Creative Europe:**

**[http://ec.europa.eu/culture/creative-europe/index\\_en.htm](http://ec.europa.eu/culture/creative-europe/index_en.htm)**

**TV Programming Guidelines:**

**[http://eacea.ec.europa.eu/creative-europe/funding/tv-programming-2020\\_en](http://eacea.ec.europa.eu/creative-europe/funding/tv-programming-2020_en)**

**ARTICLE 1 – PERFORMING THE WORK**

1.1 The expert must work independently, in a personal capacity and not on behalf of any organisation.

1.2. The experts must:

- (a) evaluate each proposal in a confidential and fair way, in accordance with the applicable rules;
- (b) perform his/her work to the best of his/her abilities, professional skills, knowledge and applying the highest ethical and moral standards;
- (c) follow the instructions and time-schedule given by the Agency..

1.3. The expert may not delegate the work to another person or be replaced by another person.

1.4. If a person or entity involved in a proposal(s) approaches the expert before or during the evaluation, s/he must immediately inform the Agency.

**ARTICLE 2 – IMPARTIALITY**

2.1. The expert must perform their work **impartially**. To this end, the expert is required to:

The expert must perform his/her work **impartially** and take all measures to prevent any situation where the impartial and objective implementation of the work is compromised for reasons involving economic interest, political or national affinity, family or emotional ties or any other shared interest ('**conflict of interests**').

The following situation will **automatically** be considered as **conflict of interest**:

(a) **for a proposal(s) s/he is requested to evaluate**, if s/he:

- (i) was involved in the preparation of the proposal(s);
- (ii) is a director, trustee or partner or is in any way involved in the management of an applicant (or linked third party or other third party involved in the action);
- (iii) is employed or contracted by one of the applicants (or linked third parties, named subcontractors or other third parties involved in the action).

In this case, the expert must be excluded from the evaluation of the proposal(s) concerned (and may not take part in the consensus group, panel review or hearings when the proposal(s) is being discussed). Part(s) of an evaluation to which the expert already participated must be declared void. Comments and scores already given must be discounted. If necessary, the expert must be replaced and the proposal(s) concerned must be re-evaluated.

However, in exceptional and duly justified cases, the responsible Agency staff may decide to nevertheless invite the expert to take part in the panel meeting, if:

- the expert works in a different department/laboratory/institute from the one where the action is to be carried out and
- the departments/laboratories/institutes within the organisation concerned operate with a high degree of autonomy and
- the participation is justified by the requirements to appoint the best available experts and by the limited size of the pool of qualified experts.

In this case, the other experts in the group of evaluators will be informed about the situation of the expert.

**(b) for a proposal(s) s/he is requested to evaluate AND for all proposal(s) competing for the same call budget-split, if s/he:**

- (i) was involved in the preparation of any proposal(s) submitted to the same topic/other topic within the same call budget-split;
- (ii) would benefit if any proposal(s) submitted to the same topic/other topic within the same call budget-split is accepted or rejected;
- (iii) has close family ties (spouse, domestic or non-domestic partner, child, sibling, parent etc.) or other close personal relationship with a person (including linked third parties or other third parties) involved in the preparation of any proposal(s) submitted to the same topic/other topic within the same call budget-split, or with a person which would benefit if such a proposal(s) is accepted or rejected.

In this case, the expert must be excluded from the evaluation of the proposal(s) concerned AND from all the proposal(s) competing for the same call budget-split. Part(s) of an evaluation to which the expert already participated must be declared void. Comments and scores already given must be discounted. If necessary, the expert must be replaced and the proposal(s) concerned must be re-evaluated.

**(c) for ALL proposal(s) under the call in question, if s/he:**

- (i) is a member of an advisory group set up by the Commission to advise on the preparation of EU or Euratom Horizon 2020 work programmes or work programmes in an area related to the call in question;
- (ii) is a National Contact Point (NCP) or is working for the Enterprise Europe Network (EEN);
- (iii) is a member of a programme committee.

In this case, the expert must be excluded from the evaluation of the call concerned. Part(s) of an evaluation to which the expert already participated must be declared void. Comments and scores already given must be discounted. If necessary, the expert must be replaced and the proposal(s) concerned must be re-evaluated.

The following situations **may be** considered as **conflict of interest** if the responsible Agency staff so decides, in view of the objective circumstances, the available information and the potential risks:

- (a) employment of the expert by one of the applicants (or linked third parties or other third parties involved in the action) in the last three years;
- (b) involvement of the expert in a contract, grant, prize or membership of management structures (e.g. member of management or advisory board etc.) or research collaboration with an applicant, a linked third party or another third party involved in the action in the last three years;
- (c) any other situation that could cast doubt on his/her ability to participate in the evaluation impartially, or that could reasonably appear to do so in the eyes of an outside third party.

In this case, the responsible Agency staff may decide to exclude the expert from the evaluation (and on the scope, i.e. only for the proposal(s) concerned or also for competing proposal(s) or the entire call) and, if necessary, to replace him/her and organise a re-evaluation.

2.2. The expert will be required to **confirm** – for each proposal(s) s/he is evaluating – that there is no conflict of interest, by signing a declaration in the Participant Portal electronic exchange system (see Article 21).

If the expert is (or becomes) aware of a conflict of interest, s/he must immediately **inform** the responsible Agency staff and stop working until further instructions.

2.3. If the expert breaches any of his/her obligations under Points 2.1 and 2.2, the Agency may apply the measures set out in Chapter 5, and in particular terminate the Contract (see Article 17).

### ARTICLE 3 – CONFIDENTIALITY

3.1. During implementation of the Contract and for five years after the date of the last payment, the expert must keep confidential all data, documents or other material (in any form) that is disclosed (in writing or orally) and that concerns the work under the Contract ('**confidential information**').

Unless otherwise agreed with the responsible Agency staff, s/he may use confidential information only to implement the Contract.

The expert must keep his/her work under the Contract strictly confidential, and in particular:

- (a) not disclose (directly or indirectly) any confidential information relating to proposal(s) or applicants without prior written approval by the Agency;
- (b) not discuss proposal(s) with others (including other experts or Agency staff that are not directly involved in the evaluation of the proposal(s)), except during evaluation meetings and with prior approval by the responsible Agency staff;
- (c) not disclose:
  - details on the evaluation process or its outcome, without prior written approval by the Agency;
  - detail on his/her position/advice;
  - the names of other experts participating in the evaluation.
- (d) not communicate with applicants (including linked third parties or other third parties involved in the actions) during the evaluation or afterwards – except in panel hearings.

If the Agency makes documents or information available electronically for remote work, the expert is responsible for ensuring adequate protection and for returning, erasing or destroying all confidential information after the end of the evaluation (if so instructed).

If the expert works on Agency premises, the expert:

- (a) may not remove from the premises any documents, material or information on the proposal(s) or on the evaluation;
- (b) is responsible for ensuring adequate protection of electronic documents and information and for returning, erasing or destroying all confidential information after the end of the evaluation (if so instructed).

If the expert uses outside sources (for example internet, specialised databases, third party expertise etc.) for his/her evaluation, s/he:

- (a) must respect the general rules for using such sources;

(b) may not contact third parties, without prior written approval by the Agency.

The confidentiality obligations no longer apply if:

- the Agency agrees to release the expert from confidentiality obligations;
- the confidential information becomes public through other channels;

disclosure of the confidential information is required by law.

3.2. If the expert breaches any of his/her obligations under Point 3.1, the Agency may apply the measures set out in Chapter 5.