

REGULATIONS FOR PROJECT SELECTION

Intermediate Body	Foundation for Polish Science
Programme	European Funds for Smart Economy
Priority axis	2. Enhancing research and innovation
Measure	02.02 FIRST TEAM
Call	1/2024
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The Regulations for project selection (hereinafter: RPS) have been prepared in order to present the principles for the submission of applications and the rules for selecting projects for funding under Measure FENG.02.02: First TEAM. The document has been prepared on the basis of the applicable national and EU legislation. Any discrepancies between this document and the law should be resolved in favour of the law.

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

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I. Introduction

1. The information contained in this document (also referred to as the Regulation for selection) presents the rules for the submission of grant applications and their evaluation within the framework of Measure 2. 2 First Team, funded by the European Regional Development Fund from the European Funds for Smart Economy 2021-2027 programme (hereinafter FENG).
2. First Team measure is implemented by the Foundation for Polish Science seated in Warsaw, ul. I. Krasickiego 20/22, 02-611 Warsaw, that is acting as an Intermediate Body (hereinafter referred to as IB) within the FENG Priority 2.
3. The selection of projects for co-financing shall be carried out in a competitive manner as referred to in Article 44(1) of the Act of 28 April 2022 on the rules for the implementation of tasks financed from the European funds in the financial perspective 2021-2027 (Journal of Laws of 2022, item 1079). The project evaluation is divided into stages.
4. The Regulation for selection are the basic document for the call, and its integral part is the annexes indicated in Chapter XII.
5. All dates specified in the Regulation for selection regarding the obligations of Applicants **are dates of receipt of documents by the IB**, not dates of posting. In the case of deadlines specified in days, a day shall be considered a calendar day. If the end of the deadline for performance of an activity falls on a day which is a public holiday or on a Saturday, the deadline shall be the next day which is not a holiday or a Saturday.

II. Legal basis

1. The IB conducts recruitment on the basis of:
 - 1.1. **Implementation Act** - the Act of 28 April 2022 on the rules for the implementation of tasks financed from European funds in the financial perspective 2021-2027 (Journal of Laws of 2022, item 1079);
 - 1.2. **Agreement** on entrusting the implementation of the Programme European Funds for Smart Economy 2021-2027 concluded on 23 December 2022 between the Minister of Funds and Regional Policy and the Foundation for Polish Science.
2. In addition, the IB shall implement the call in accordance with EU and national regulations.
 - 2.1. EU regulations are primarily:

- a. REGULATION (EU) 2021/1060 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and the financial rules for these Funds and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Financial Support Facility for Border Management and Visa Policy, hereinafter referred to as the General Regulation or the CPR;
 - b. REGULATION (EU) No 2021/1058 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 June 2021 on the European Regional Development Fund and the Cohesion Fund;
 - c. COMMISSION REGULATION (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, hereinafter referred to as GBER;
 - d. COMMISSION COMMUNICATION 2014/C 198/01 of 27 June 2014. State aid rules for research, development and innovation.
- 2.2. National regulations are primarily:
- a. European Funds for Smart Economy 2021-2027 programme, approved by the European Commission decision of 27 September 2022, **referred to as FENG**;
 - b. Detailed Description of the Priorities of the Programme European Funds for Smart Economy 2021-2027, referred to as **SZOP**;
 - c. Act of 20 July 2018. Law on higher education and science (Journal of Laws 2023 item 742);
 - d. Partnership Agreement for the Implementation of the Cohesion Policy in Poland for 2021-2027 approved by the European Commission on 30 June 2022;
 - e. Guidelines on the eligibility of expenditure for the period 2021-2027, referred to as the **Eligibility Guidelines**
 - f. Project selection guidelines 2021-2027;
 - g. Guidelines for the implementation of equality principles under EU funds 2021-2027.

III. Explanation of terms

1. **Industrial research** - research as referred to in Article 2(85) of the GBER.

2. **Beneficiary** - a research organisation which is an entity referred to in Article 2, point 9 of the General Regulation and defined in Article 7, paragraph 1 of the Act of 20 July 2018 Law on Higher Education and Science and meeting the definition of a research and knowledge dissemination organisation - as defined in the GBER (Article 2, point 83), applicant,
3. **Project budget** - the financial plan of the project, including tasks, eligible cost categories and project schedule presented in the WoD.
4. **Doctoral student** - a person preparing a doctoral dissertation in the doctoral training mode in a doctoral school or external mode, participating in the project under the supervision of the leader of the research team (Principal Investigator of the Project).
5. **Expert** - a person referred to in Chapter 17 of the Implementation Act.
6. **Experimental development** - development work as referred to in Article 2(86) of the GBER.
7. **FENG** - European Funds for Smart Economy Programme 2021-2027.
8. **GBER** - Commission Regulation (EU) No 651/2014 of 17.06.2014 declaring certain types of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.
9. **Principal Investigator of the Project** - a scientist/scientist with a minimum of a doctoral degree (regardless of nationality), who has defended his/her doctoral thesis no earlier than 12 years before the date of submission of the application, fulfilling the conditions indicated in the Grant Agreement in §. 4(3) Annex No. 2 to these Regulations), the lead author or author and executor of the First Team project who is an employee of the Beneficiary, employed and engaged in the work in the amount of not less than half-time (0.5 FTE), as a leader of the research team,
10. **Intermediate Body (IB)** - an entity referred to in Article 2, point 10 of the Implementation Act, which was entrusted, by means of an agreement concluded with the MA, with the implementation of tasks within the framework of the FENG; it is the Foundation for Polish Science.
11. **Managing Authority (MA)** - the institution referred to in Article 71 of the General Regulation; this is the minister responsible for regional development.
12. **Eligible expenditure catalogue** - the catalogue of eligible expenditures under Measure 2.2 FENG First Team constituting Annex No. 3 to these Regulations. The catalogue defines eligible expenditures of the Measure, i.e. expenditures necessary for the implementation of the Project incurred in accordance with the Project Selection Rules, the Grant Agreement and Eligibility Guidelines.

13. **Project Evaluation Committee (PEC)** referred to in Article 53 of the Implementation Act, appointed for the assessment of fulfilment of project selection criteria submitted in the call for proposals.
14. **National Intelligent Specialisation (NIS)** - document defining the thematic scope covered by the call for proposals, available on the website of the IB. The binding version is the document in force on the day of the call's announcement, which constitutes attachment No. 2 to these Rules.
15. **National economic partner** - an enterprise within the meaning of Article 1 of Annex I to EC Regulation 651/2014GBER.
16. **Young doctor** - a person, conducting scientific activity, who was selected to work in the project team in the competition referred to in the Agreement and who, in the year of announcement of the competition for this position, held a doctoral degree for no longer than 7 years (counting consecutive years from the year following the year in which the degree was obtained). To this period is added, for women, 1 year for each child born or adopted, and for men, 1 year for each child, if they have benefited from breaks in work for a continuous period of min. 6 months. In addition, a period of extension of 1 year is granted irrespective of gender in the event of an uninterrupted break in scientific work of at least 6 months for other reasons.
17. **Research organisation** - an entity as defined in Article 7(1) of the Act of 20 July 2018 Law on Higher Education and Science and meeting the definition of an organisation that conducts research and disseminates knowledge - as defined in the GBER (Article 2, paragraph 83). The primary objective of a research organisation, regardless of its legal status or method of funding, is to conduct fundamental research, industrial research or experimental development independently or to disseminate the results of such activities on a large scale through teaching, publication or knowledge transfer.
18. **Project personnel** - persons involved in the implementation of the R&D work of the project (e.g. scientists, persons in scientific-technical or technical positions) and person(s) performing the tasks of a broker, as referred to in the Catalogue of Eligible Expenditure under Measure 2.2 of the FENG.
19. **Portal** - the web portal referred to in Article 46(b) of the General Regulation, available at www.funduszeuropejskie.gov.pl.
20. **Project** - should be understood as an undertaking, which is the subject of an application for co-financing submitted within Measure 2.2 FIRST TEAM FENG referred to in Article 2 point 22 of the Implementation Act.

21. **Rules of Procedure of the Project Evaluation Committee** defining principles of the Committee's work during the assessment of grant applications submitted in the call for proposals in terms of meeting project selection criteria.
22. **Regulations** - these Regulations for Project Selection.
23. **Student** - a person who has the status of a student in a first or second cycle or uniform master's degree programme or equivalent.
24. **Scholarship holder** - a student or doctoral student receiving a scholarship under the project on the basis of the Regulations for Awarding Scholarships Granting Assistance to Scholarship Holders in Action 2.2 First Team (FENG 2021-2027) of the Foundation for Polish Science.
25. **Agreement** - an agreement for the co-financing of a Project carried out within the framework of the First Team Measure, defining the rights and obligations of the parties, including detailed rules concerning the co-financing of the Project.
26. **Application** - an application for financing of the Project together with annexes, which includes information about the Applicant and a description of the Project, on the basis of which the Project's fulfilment of project selection criteria is assessed.
27. **Applicant** - an entity referred to in Article 2(34) of the Implementation Act.
28. **Foreign scientific partner** - a person with at least a PhD degree and working in a foreign entity (public or private) meeting the definition of a Research Organisation. Under Measure 2.2 First TEAM, the project must be carried out in cooperation with a minimum of one foreign scientific partner.

IV. General conditions for First Team Measure

1. General information about the call
 - 1.1. The selection of Projects for financing shall be made on a competitive basis, as stipulated in Article 44 par. 1 of the Implementation Act. The selection of Projects is divided into stages.
 - 1.2. Units meeting the definition of a Research Organisation may apply for funding of Projects under the call.
 - 1.3. A grant application can only be submitted electronically using the IP's IT system by registering at <https://wnioski2023.fnp.org.pl>.
 - 1.4. The Call for Proposals runs from **2 September 2024** until **2 October 2024 at 16:00 (GTM+1)**.
 - 1.5. The deadline for the submission of Applications may be:

- a. shortened - with the reservation that the call lasts at least 10 days and may end no sooner than after 40 days from the day of making the announcement of the call public, and the IB shall inform about the shortening of the call for proposals no later than 7 calendar days before the planned date of its completion, or
 - b. extended.
- 1.6. The change of the call for proposals deadline is each time connected with the change of the RPS in accordance with point X.2. In such a case, the IB shall change the deadline for submission of applications in the RPS and include the change in the call for proposals notice. Circumstances which may affect the call for proposals closing date include:
- a. increase of the amount foreseen for the co-financing of Projects within the call
 - b. prolonged technical problems of the IB's electronic information and communication system, preventing the submission of Applications.
- 1.7. A total of **PLN 64 000 000 (in words: sixty-four million PLN)** is allocated for the call.
- 1.8. The total amount of the grant applied for for the implementation of the First Team Project cannot exceed **PLN 4,000,000 (in words: four million PLN)**.

2. Project implementation conditions

- 2.1. The Applicant is obliged to implement the Project in accordance with the conditions stipulated in the Grant Agreement. The model of the Grant Agreement is enclosed as appendix 2 to the RPS.
- 2.2. Within the framework of the call, in accordance with the provisions of the Guidelines for the Implementation of Equality Principles under EU Funds 2021-2027, the mechanism of reasonable accommodation (MRU) will not be applied.

3. Purpose of the Projects

- 3.1. The aim of the First Team programme is to attract the best early-career researchers from all over the world to work in Polish research organisations and to create an opportunity for people with a doctoral degree (up to 12 years after the date of their doctoral defence), especially women, to set up a research team (with the participation of students and young scientists), achieve scientific independence and develop scientific international cooperation and establish cooperation with business entity/s operating in Poland. The programme is also expected to contribute to increasing the competitiveness of Polish applications submitted to ERC competitions.

3.2. Projects submitted to the competition are aimed at cooperation with the economy, and the activity will contribute to building the image of Poland as a country that promotes young researchers in achieving scientific independence and provides them with development and attractive jobs.

4. Thematic scope of the Projects

Within the framework of the First TEAM Measure, projects will be financed which are in line with the priorities set out in the list of National Intelligent Specialisations, which constitutes Annex No. 1 to these Regulations.

V. Financial conditions

1. No State aid is provided as part of the Project funding.
2. Expenditure incurred on value added tax (**VAT**) is eligible¹.
3. The period of eligibility of expenditure may not extend beyond 31 December 2029.
4. Within the Project's budget, expenditures are planned that fulfil the conditions stipulated in these Regulations and in the Grant Agreement, in accordance with the Catalogue of Eligible Expenditures under Measure 2.2.First TEAM (Annex No. 3 to the Regulations) and the Eligibility Guidelines and in accordance with the Instruction for filling in the Application form constituting Annex No. 5 to the Regulations.

VI. Method of submitting a Grant Application

1. The Applicant is required to complete the Application (Annex 4 to the Regulations) in accordance with the Instructions for Completing the Application attached as Annex 5 to the Regulations.
2. The Application and the attachments to the Application should be completed in Polish in accordance with the Polish Language Act of 7 October 1999 (Journal of Laws of 2021, item 672).
3. In the case of a letter of intent from a foreign scientific partner, the Applicant uses the template prepared by the Institution as an annex to the Application form.

¹ In the event that VAT is considered eligible under the project, control of double-financing of expenditures in relation to VAT costs recoverable by the Beneficiary will be carried out by the relevant tax services

4. The applicable templates for annexes and declarations are made available on the First Team Action website and in the IB information system.
5. The annexes forming part of the Grant Application must meet the following requirements:
 - a. .pdf format,
 - b. maintaining the number of pages/characters/words specified in the description of the Annex.
6. The Applicant shall attach to the electronic Application form a copy of the signed Declaration of the Principal Project Contractor, a specimen of which is annexed to the Instructions for Completing the Application.
7. The IT system of the IB allows changes to be made to the electronic Application form and attachments to be exchanged until the editing of the Application has been completed, which the Applicant confirms by clicking on the "Finish editing data" button in the form.
8. After completing the electronic version of the Application, the Application should be downloaded in .pdf format. The downloaded Application with the generated closing date of the Application on the first page should be signed with a qualified electronic signature and attached to the computer system of the IB.
9. A grant application is signed by an authorised person in the Applicant's organisation (the authorisation should result from the statutes or another document issued by the authorised person). If, in accordance with the statutes or another document in force at the Applicant's institution, the countersignature of another person is necessary, his/her signature together with his/her name and position/function should also appear on the Grant Application.
10. The date and time of submission of a Grant Application shall be the date generated by the IB IT system at the time of submission of the Grant Application.
11. An Application can be withdrawn at any stage of the call (until the publication of the list of Projects selected for cofinancing). The basis for withdrawal of the Application is a written or electronic request of the Applicant submitted to the IB. Contact with the IB in case of withdrawal of an Application is described in chapter XI. Contact.
12. At the beginning of the submission of the Grant Application, an Application number will be assigned in the IB IT system. Information on the Application number and the correct submission of the Application will be available to the Applicant via the IB IT system.
13. Once the Application has been submitted, the Applicant will have a preview of the submitted Application.

14. In the event of technical problems with the IB IT system, please contact the person indicated in section XI. Contact. In case of prolonged technical problems, the IB may extend the period for the submission of Applications, of which the IB will inform on its website.

VII. Evaluation and selection of Projects

1. General principles of Project evaluation

- 1.1. The evaluation of a Grant Application is a three-stage process and consists of a formal assessment stage and a substantive assessment stage (stages I and II).
- 1.2. The assessment of Applications shall be carried out on the basis of the criteria attached as Annex 6 to the RPS.
- 1.3. The projects are evaluated by the Project Evaluation Committee (**PEC**) on the basis of information included in the Grant Application and annexes as well as possible supplementary information and clarifications provided by the Applicant, according to the provisions of the RPS. If the Applicant fails to provide relevant clarifications and additions within the prescribed period, the assessment of the Application is carried out by the Committee on the basis of the originally submitted Application.
- 1.4. If obvious clerical or calculation errors are found in the Application, pursuant to Article 55 of the Implementation Act, the IB may: correct them without the need to call the Applicant to correct them (in such a case, the IB corrects the mistake ex officio and notifies the Applicant via the IB IT system or e-mail), or may call the Applicant to correct them.
- 1.5. At the stage of formal assessment, the application is assessed by the IB employees. At the first and second stage of substantive appraisal, the application is appraised by employees of the IB and external experts jointly within the Project Evaluation Committee (PEC). At stages I and II of substantive appraisal, the PEC works in the form of panels. An element of the appraisal process at stage II of substantive appraisal is an interview with the Principal Investigator.
- 1.6. The Project appraisal process, counted from the day following the day of closing the call for Project Applications to the day of announcing the list of Projects selected for cofinancing, lasts up to 150 calendar days.

- 1.7. In justified cases, the deadline for the evaluation and approval of the evaluation results may be extended, which will be announced by the IB on the call website.
- 1.8. The veracity of statements and data included in the Grant Application and the compliance of the Project with the required criteria can be verified by the IB at each stage of the evaluation, as well as before and after conclusion of the Grant Agreement.
- 1.9. The Applicant, if the rules specified in the Project Selection Criteria for Measure 2.2 FIRST TEAM FENG allow it, may be requested to submit clarifications and/or additions in the areas of the Application indicated by the Project Evaluation Committee, which will be used to assess whether the Project meets the selection criteria.
- 1.10. The applicant shall have the right to submit explanations to the comments of the Project Evaluation Committee indicated in the call, if they do not make additions to the Application.
- 1.11. Explanations and supplements to the Grant Application and other information submitted by the Applicant on the call of the Co-financing Committee, submitted via the IB IT system, should be treated as an integral part of the Application.
- 1.12. If the Application needs to be corrected or supplemented as a result of the request referred to above, the Applicant must not make any changes other than those indicated in the call.

2. Formal assessment

- 2.1. The formal appraisal of Projects is carried out within the scope of formal criteria indicated in the Project Selection Criteria (Annex No. 6 to these Regulations).
- 2.2. During the formal appraisal, the Applicant may be requested to supplement or correct the Application in terms of meeting the criteria of the formal appraisal stage - if deficiencies are identified in the scope of these criteria. The information about the comments of the Project Evaluation Committee on the Application is sent to the e-mail addresses: the person indicated by the Applicant for contact and the Principal Investigator of the Project.
- 2.3. As far as the formal assessment is concerned, the Applicant may correct/complement the Application to the extent indicated **within 7 days** of receiving a request to do so.
- 2.4. The deadline specified in the aforementioned call shall be counted from the day following the day on which the call was sent by e-mail.

- 2.5. It is allowed to correct/complete the Application only once within the scope indicated by the IB in the call.
- 2.6. If the Applicant makes changes to the Application other than those indicated in the above-mentioned request or fails to provide a corrected/complete Application within the deadline, the Project appraisal will be carried out on the basis of the information available in the originally submitted Grant Application.
- 2.7. All corrections or additions to the Application in the formal assessment mode are submitted in the IB electronic system, the same in which the original Application was submitted. The new, corrected version of the Application must be re-signed with a qualified electronic signature according to the rules specified in VI.9 of the these Regulations.
- 2.8. As a result of the formal assessment:
 - a. A proposal may qualify for the next stage of assessment if it meets all the mandatory criteria for a positive assessment;
 - b. A proposal will be assessed negatively if any mandatory criterion is not met.

3. Substantive evaluation

- 3.1. Substantive appraisal of Projects is carried out in terms of substantive criteria indicated in the Project Selection Criteria (Annex No. 6 to these Regulations).
- 3.2. Within the scope of the 1st stage of substantive assessment, the Applicant is not allowed to improve/complete the application.
- 3.3. As a result of the first stage of the substantive assessment:
 - a. A project may qualify for the next stage of appraisal if it has reached at least the minimum scoring thresholds specified in each of the criteria—ranking criteria and has reached the minimum aggregate threshold defined for this stage of evaluation;
 - b. A project will receive a negative evaluation if it fails to meet any of the ranking criteria or does not reach the minimum total score threshold for a positive evaluation.
- 3.4. As far as Stage II of the substantive appraisal is concerned, the Applicant may be called upon to supplement or correct the application - if deficiencies are identified in the scope of the criteria (if the rules of criterion evaluation indicated in appendix No. 6 to these Regulations allow for supplementing or correcting the application as regards information verified in the criterion). After receiving the above-mentioned request, the Applicant may correct/complete the application or provide adequate explanations only once, in

accordance with the scope indicated by the IB **within 7 days** of receiving the call to do so. The information about the comments of the Project Evaluation Committee on the Application is sent to the e-mail addresses: the person indicated by the Applicant for contact and the Principal Investigator of the Project.

- 3.5. If the Applicant makes changes to the Application other than those indicated in the above-mentioned request or fails to provide a corrected/complete Application within the deadline, the Project appraisal will be carried out on the basis of the information available in the originally submitted Grant Application.
- 3.6. All corrections or additions to the Application under stage II of the substantive appraisal shall be submitted in the electronic system of the IB, the same in which the original Application was submitted. The new, corrected version of the Application must be re-signed with a qualified electronic signature according to the rules specified in VI.9 of these Regulations.
- 3.7. One of the elements of the assessment carried out by the Project Evaluation Committee (PEC) during stage II of substantive appraisal of projects is a meeting and interview of the members of the PEC with the Principal Investigator at the premises of the IB.
- 3.8. Information about the date of the interview with the Project Evaluation Committee is sent to the Applicant no later than 14 days before the scheduled meeting to the e-mail addresses of the contact person indicated by the Applicant and the Principal Investigator of the Project.
- 3.9. In exceptional cases, i.e. being out of the country, taking care of family members or health situation, at the request of the Applicant, the interview with the Principal Investigator referred to in point 3.7. may take place remotely (online).
- 3.10. If the Principal Investigator does not take part in the meeting of the Project Evaluation Committee panel on the appointed date, the panel shall be held without his/her participation. The IB may change the appointed date of the PEC panel meeting in case of fortuitous events beyond the control of the Applicant or the IB which make it impossible for the Principal Investigator or the members of the PEC panel to participate in the meeting at the appointed date, with the reservation that the next appointed date of the meeting may not affect the date of approval of the project evaluation results referred to in VII.1.6.
- 3.11. The final assessment of the Project in the second stage of substantive appraisal is made on the basis of the final version of the application and clarifications provided by the Applicant

and the Principal Investigator during the interview with the Project Evaluation Committee panel referred to in point. 3.7.

3.12. The course of the conversation between the Project Evaluation Committee and the Principal Invesatigator shall be subject to audio recording by the IB. It is forbidden to record the course of the panel meeting by participants other than the IB.

3.13. The deadline specified in the above-mentioned calls shall be counted from the day following the day on which the call is sent by e-mail.

3.14. As a result of the second stage of the substantive assessment:

a. A project can be selected for funding if it:

- meets all the mandatory criteria and
- achieved at least the minimum score thresholds specified in each of the ranking criteria, and
- has achieved the minimum total score threshold in the first and second stage of substantive assessment for a positive evaluation;

b. The project will be given a negative score if it fails to meet any of the obligatory criteria or fails to reach the minimum score threshold in any of the ranking criteria or fails to reach the minimum total score threshold for passing the assessment from the first and second stage of substantive appraisal.

3.15. A project can receive funding (positive assessment) when it:

- a. has met all the mandatory criteria and has achieved at least the minimum scores specified in each ranking criterion and has reached the minimum total score required for a successful assessment; and
- b. the amount allocated for the co-financing of projects in the call for proposals, referred to in IV.1.7, allows for the co-financing of all projects referred to in letter a) (if this amount does not allow for the co-financing of these projects, the ranking position of the Project in the assessment decides about the support).

3.16. The ranking position in the list of Projects selected for cofinancing depends on the total number of points obtained in the criteria. For Projects with the same number of points, the ranking position on the ranking list is determined by the number of points obtained in the determining criteria specified in the Project Selection Criteria constituting Annex No. 6 to these Regulations.

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

- 4.1. After completion of each of the three stages of Project appraisal, the IB immediately approves the appraisal and publishes (on the call website and on the portal) the list of Applications that qualified to the next stage or the list of Applications selected for co-financing and the list of Applications that were given a negative appraisal, in accordance with Article 57(1) of the Implementation Act. Publication of results takes place no later than 7 days after the approval of the assessment results. The Applicant is informed by the IB about the assessment results immediately, in writing with acknowledgement of receipt.
- 4.2. In case of a negative Project evaluation, referred to in Article 56 par. 5 and 6 of the Implementation Act, the IB sends to the Applicant information with a justification and instructions on the possibility to lodge a protest, according to Article 64 of the Implementation Act. Negative assessment shall also include a case, in which the Project cannot be selected for co-financing due to exhaustion of the amount allocated for Project financing in a given call for proposals, in accordance with Article 56 par. 6 of the Implementation Act.
- 4.3. The information of the IB on a negative evaluation does not constitute a decision within the meaning of the Act of 14 June 1960 Code of Administrative Procedure (Journal of Laws of 2022, item 2000, as amended).
- 4.4. Pursuant to Article 57(5) of the Implementation Act, the IB may, on the basis of Article 57(5) of the Implementation Act, select for cofinancing also projects which have been negatively assessed due to the exhaustion of the amount allocated for cofinancing projects in this procedure, provided that the conditions specified in this provision have been met.

VIII. Appeal procedure

1. General information

- 1.1. Pursuant to Article 63 of the Implementation Act, the Applicant, in case of a negative assessment of the Project, has the right to lodge a protest in order to re-check the submitted Application with respect to fulfilling the Project selection criteria, according to the rules stipulated in Chapter 16 of the Implementation Act and in these Regulations.

- 1.2. The applicant's right to lodge a protest is not adversely affected by erroneous instructions or lack of instructions in the letter on the outcome of the negative appraisal of the Project.
- 1.3. The FNP is the institution competent to examine protests referred to in Article 66(2) of the Implementation Act.
- 1.4. The provisions of the Act of 14 June 1960 shall not apply to the appeal procedure - Code of Administrative Procedure, with the exception of Article 24 and the provisions on service and the manner of calculating time limits, which shall apply accordingly.
- 1.5. The appeal proceedings shall be conducted in Polish.
- 1.6. The appeal procedure shall not suspend the conclusion of grant agreements with Applicants whose Projects have been selected for funding.

2. Formal requirements of the protest

- 2.1. The Applicant may lodge a protest **within 14 days** from the date of delivery of information on the negative appraisal of the Project. This deadline is counted from the day following the day of service of the information on the negative Project appraisal.
- 2.2. The protest includes:
 - a. Designation of the institution competent to examine the protest - Foundation for Polish Science;
 - b. designation of the Applicant;
 - c. number of the Project Application;
 - d. indication of the selection criteria for the Projects with which the Applicant disagrees with the assessment, together with justification;
 - e. an indication of objections of a procedural nature with regard to the assessment carried out, if, in the opinion of the Applicant, such infringements have occurred, together with a justification;
 - f. signature of the Applicant or of the person authorised to represent him/her, attaching the original or a copy of the document confirming the powers of such a person to represent the Applicant.
- 2.3. The documents must be submitted in writing and in the manner indicated by the IB in the letter containing information about the negative assessment of the project at the given stage.
- 2.4. Written documents shall be submitted to the address indicated in Chapter XI. Contact.
- 2.5. A protest lodged in writing must bear a handwritten signature.

- 2.6. Time limits shall be calculated in accordance with the provisions of the Act of 14 June 1960 - Code of Administrative Procedure art. 57 § 1 - 4. If the end of the time limit to perform an action falls on a day which is considered to be a public holiday or a Saturday, the time limit expires on the next day which is not a public holiday or a Saturday.
- 2.7. The time limits shall be deemed to have been observed if, before their expiry, the letters have been respectively:
- delivered personally or by courier, or
 - posted in a Polish postal facility of an operator designated within the meaning of the Act of 23 November 2012 - Postal Law or a post office of an operator providing universal postal services in another Member State of the European Union.

3. Procedure for examination of the protest

- 3.1. If a protest is lodged which does not meet the formal requirements referred to in Section VIII.2, the IB shall call the Applicant to supplement it **within 7 days** from the date of receipt of the call, otherwise the protest shall be left unprocessed. After the time limit expires without effect, the IB shall inform the Applicant about leaving the protest unprocessed and shall inform the Applicant about the possibility of lodging a complaint to the administrative court in this respect. The time limit specified in the call is counted from the day following the day of delivery of the call.
- 3.2. The protest referred to above may be supplemented only with regard to formal requirements, in accordance with Article 64 of the Implementation Act.
- 3.3. The call to supplement the protest referred to above shall suspend the time limit for considering the protest until the protest has been supplemented.
- 3.4. In the case of an obvious mistake in a submitted protest, the IB may correct it ex officio, informing the Applicant thereof.
- 3.5. The Applicant may withdraw the protest until its consideration by the IB is complete by submitting to the IB a statement of withdrawal of the protest, in the same form in which the protest was submitted.
- 3.6. If the Applicant withdraws the protest, the IB shall leave the protest unprocessed and inform the applicant accordingly.
- 3.7. If the protest is withdrawn, re-filing is not allowed.
- 3.8. If the protest is withdrawn, the Applicant may not file a complaint with the administrative court.

- 3.9. The IB examines the protest by verifying the correctness of the Project appraisal within a **maximum period of 21 days**, counting from the day of its receipt. In justified cases, in particular when it is necessary to use expert assistance during the protest examination, the deadline for the protest examination may be extended, of which the IB shall inform the applicant. The deadline for considering the protest shall not exceed a total of 45 days from the date of its receipt.
- 3.10. IB during the appeal procedure:
- a. may not require certificates and documents to prove facts or the legal situation if these are known to the IB ex officio or are ascertainable on the basis of:
 - i. records in its possession;
 - ii. public registers possessed by other public entities, to which the IB has access electronically on the principles set out in the Implementation Act or in the Act of 17 February 2005 on informatisation of the activity of entities performing public tasks (i.e. Journal of Laws of 2023, item 57 as amended);
 - iii. exchange information with another public entity according to the rules set out in the provisions on computerisation of the activities of entities performing public tasks;
 - iv. official documents presented by the Applicant for inspection;
 - b. may require the Applicant to submit statements of fact or law necessary for the assessment of the project or its inclusion in the grant.

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

4. Consideration of the protest

- 4.1. If the protest is accepted, the IB shall inform the Applicant respectively about the selection of its Project to the next appraisal stage or about the selection of its Project for cofinancing, together with the justification and the amount of cofinancing granted.
- 4.2. On the Foundation website and on the FENG portal, the FNP(IB) will update the list of Projects approved for **funding within 7 days** after the prerequisites for such an update have arisen.
- 4.3. The protest shall be left unprocessed if lodged:
- a. after the deadline;

- b. by an entity excluded from receiving funding on the basis of separate provisions;
 - c. without indicating the criteria for selection of Projects with which the Applicant disagrees, with reasons;
 - d. by an entity other than the Applicant.
- 4.4. The IB shall inform the Applicant about leaving the protest unprocessed, instructing him/her about the possibility of lodging a complaint to the administrative court under the rules specified in these Rules and in the Implementation Act.
5. Appeal to the Provincial Administrative Court (WSA)
- 5.1. In the case of:
- a. disregarding of the protest;
 - b. leaving the protest unprocessed;
- the Applicant may lodge a complaint to the administrative court in accordance with the procedure set out in Articles 73-78 of the Implementation Act.
- 5.2. A final court decision, excluding acceptance of a complaint referred to in Article 73(8)(1) of the Implementation Act, shall end the appeal procedure and the project selection procedure.

6. Additional information

Within the scope not regulated in the Implementation Act and in this THESE REGULATIONS, the provisions of the Act of 30 August 2002 shall apply respectively to proceedings before administrative courts - Law on Proceedings before Administrative Courts concerning the acts or actions referred to in Article 3 § 2 item 4, excluding Articles 52-55, Article 61 § 3-6, Articles 115-122, Article 146, Article 150 and Article 152 of that Act.

IX. Conclusion of Grant Agreement

1. The contract and its annexes are the basis for the Beneficiary's commitment to the project.
2. A Grant Agreement can only be signed if:
 - 2.1. the project was included in the approved list of projects selected for funding;
 - 2.2. the project meets all the criteria on the basis of which it was selected for funding;
 - 2.3. there was no cancellation of the project selection procedure;
 - 2.4. the applicant has not abandoned the funding;

- 2.5. the applicant has provided the correct documents as annexes to the grant agreement within the deadline;
- 2.6. the applicant has provided an agreement with the national economic partner, on the basis of which, before signing the Grant Agreement, the IB will be able to exclude the risk of indirect public aid for the enterprise, specifying, among others: the purpose of the planned cooperation, the division and scope of work, the contributions of the parties to the execution of the project, responsibility for the risks associated with the project, the division of costs, access to intellectual property rights and the rules of their distribution, and the rules of dissemination of the results created during the project;
- 2.7. the applicant has provided the completed "Analysis of the compliance of the project with the environmental policy" form (Annex 7) together with the attached investment permit (building permit or decision on the permission for the implementation of the investment, or any other administrative decision completing the preparation of the investment process if for a given project the legislation does not provide for the necessity to obtain a building permit)² ;
- 2.8. there are no negative prerequisites for the conclusion of a grant agreement as a result of the verification of the documents referred to in point. 5;
- 2.9. the applicant has not been excluded from receiving funding under separate legislation;
- 2.10. the prerequisites set out in Article 207(4) ufp do not apply to the Applicant;
- 2.11. on the basis of the certificate of no criminal record submitted by the Applicant, the conditions set out in:
 - a. Article 12(1)(1) of the Act of 15 June 2012 on the consequences of employing foreigners unlawfully residing on the territory of the Republic of Poland (Journal of Laws 2021, item 1745),
 - b. Article 9(1)(2) and (2a) of the Act of 28 October 2002 on the responsibility of collective entities for acts prohibited under penalty (Dz.U. of 2020, item 358, as amended);
- 2.12. on the basis of a certificate submitted by the Applicant and positively verified by the IB, the Applicant is not in arrears with payments of public and legal dues and social and health insurance contributions;

² If the Applicant is able to submit only the "Conformity Analysis..." form before the agreement is signed and does not have the investment permit required for the project at this stage, but obtains it after the grant agreement is signed, then, at the latest before the first payment of the grant, the Applicant shall submit an updated form together with a copy of the investment permit.

- 2.13. on the basis of the declaration submitted by the Applicant and positively verified by the IB, the prerequisites specified in:
- a. Article 2 of Council Regulation (EC) No 765/2006, which would prohibit the making available of funds or economic resources;
 - b. Articles 2 and 9 of Council Regulations: (EU) No. 269/2014, (EU) No. 208/2014 or Article 2 of Council Decision 2014/145/CFSP, which would have the effect of prohibiting the making available of funds or economic resources;
 - c. Articles 2 and 3 of the Law on Special Arrangements for Countering Support for Aggression against Ukraine, which would have the effect of prohibiting the provision of financial resources, funds or economic resources;
 - d. Article 5l of Council Regulation (EU) No 833/2014, which would have the effect of prohibiting direct or indirect support, including the provision of funding and financial assistance or the granting of any other benefit under the national programme;
- 2.14. on the basis of a declaration submitted by the Applicant and positively verified by the IB, the grant will not be allocated:
- a. for activities prohibited under acts of EU law adopted or amended in connection with Russia's aggression against Ukraine, i.e. Council Regulations: (EU) 2022/263, (EU) No 833/2014, (EU) No 692/2014 or (EC) No 765/2006, Council Decisions: (CFSP) 2022/266, 2014/512/CFSP, 2014/145/CFSP or 2012/642/CFSP,
 - b. for the settlement of claims referred to in Article 11 of Council Regulations: (EU) No 833/2014, (EU) No 269/2014, (EU) No 208/2014, Article 10 of Council Regulation (EU) 2022/263, Article 6 of Council Regulation (EU) No 692/2014, Article 8d of Council Regulation (EC) No 765/2006, Article 7 of Council Decision 2014/512/CFSP or Article 2n of Council Decision 2012/642/CFSP;
 - c. in favour of trade with or investment in Russia, in favour of trade with or investment in Belarus in accordance with Article 2e of Council Regulation (EU) No 833/2014 and Article 1t of Council Regulation (EC) No 765/2006 (if applicable).
- 2.15. the appeal procedure of the project, for which the Applicant applied for co-financing under the call, has been decided (if applicable).
3. A model Grant Agreement is attached as Annex 2 to these Regulations. The provisions of the Grant Agreement are not subject to negotiation and amendment.
4. Pursuant to Article 61 par. 4 of the Implementation Act, in justified cases, the IB may refuse to conclude a project co-financing agreement if there is a concern of causing damage to public

property as a result of concluding a project co-financing agreement, in particular if in relation to the Applicant who is a natural person or a member of the Applicant's management bodies who is not a natural person, criminal or fiscal criminal proceedings are in progress for an offence of making false statements, bribery, against property, credibility of documents, trading in money and securities, economic turnover, the banking system or other offences related to the performance of economic activity or committed for the purpose of achieving material benefits, in relation to a grant which was granted from public funds for the implementation of a project to this applicant, an entity related to him/her personally or by capital or a member of managing bodies of this applicant or entity.

5. In the case of an Applicant that is a subsidiary or controlled entity of a territorial self-government unit, the Applicant declares that no discriminatory local acts established by the territorial self-government unit's bodies contrary to the principles referred to in Article 9(3) of the General Regulation³ are in force in the territory of this territorial self-government unit.
6. The applicant shall deliver the documents (signed by a person authorised to represent the applicant) within 14 days of the date of electronic transmission of information on their approval by the IB.
7. If the above-mentioned documents are not provided in accordance with the request and within the deadline indicated by the IB, the IB may withdraw from concluding the Agreement.
8. If the IB, after selecting the project for co-financing and before concluding the project financing agreement, becomes aware of circumstances which may have a negative impact on the outcome of the project appraisal, it shall re-direct the project for appraisal within a relevant scope, of which it shall inform the Applicant. The provisions on the appeal procedure apply accordingly (cf. Article 61(8) of the Implementation Act). The information about the need to redirect the application for appraisal is sent to the Applicant immediately by the IB.
9. The Agreement is signed with qualified electronic signatures. If the documents needed to conclude the Agreement are correct, the IB forwards the Agreement to the Applicant for signature, which, when returned, is signed by the IB.

³ Before concluding the contract, the applicant is obliged to submit a declaration that no discriminatory local legislation contrary to the principles of the General Regulation enacted by the authorities of that JST is in force in the area of the JST.

X. Final provisions

1. In matters not regulated in these Regulations, the provisions of generally applicable law shall apply.
2. The IB reserves the right to amend the Regulations or any document setting out the terms and conditions of the call to which the Regulations refer, subject to reservations:
 - 2.1. These Regulations cannot be amended in the part concerning the indication of the method of selecting projects for funding and its description;
 - 2.2. The possibility of amending the Regulations for Project Selection regarding the selection criteria for Projects only exists if no Application has been submitted yet. This change results in a corresponding extension of the deadline for the submission of Applications;
 - 2.3. If Regulations for Project Selection are amended, the IB shall post on the call for proposals website and on the portal notices of the amendments made, containing in particular information about the amendment, the current content of the rules, the justification for the amendment and the date from which the amendment applies. The IB shall make previous versions of the Regulations for Project Selection available on the call for proposals website and on the portal;
 - 2.4. If the IB has changed the Regulations for Project Selection and Applications for funding have been submitted in the call for proposals, the IB shall inform each Applicant individually and without delay. Information about the changes made to the Regulations for Project Selection shall be forwarded to the e-mail address indicated in the Application.
3. The changes described in X.2. above are valid from the date indicated in the announcement on the IB website. Changes may not result in unequal treatment of Applicants under the call for proposals to which these Rules apply.
4. The IB reserves the right to cancel the call for proposals under the rules defined in Article 58 of the Implementation Act.
5. The information submitted by the Applicants may be accessed by programme evaluators on condition that they ensure its confidentiality and protect information that constitutes legally protected secrets.

XI. Contact

1. Questions about applying for funds in the call can be sent to the following email address:
first_team@fnp.org.pl
2. You can obtain information about the recruitment by contacting:
Dr. Maria Mosor
Mobile: +48 513 018 425
mosor@fnp.org.pl
Dr Malwina Hyjek-Składanowska
Com: +48 693 340 242
hyjek-skladanowska@fnp.org.pl
Dr Ewa Nawrocka
mobile: +48 691 601 881
nawrocka@fnp.org.pl
3. Unless otherwise indicated in the THESE REGULATIONS, communication between the IB and the Applicant shall be by e-mail, using the e-mail addresses indicated by the Applicant in the Grant Application.
4. If, for technical reasons, communication by e-mail is not possible, the IB will indicate on the call site another means of communication with the Applicant.
5. Written documents shall be submitted to: ul. I. Krasickiego 20/22, 02-611 Warsaw, to the Foundation's office, by means of a postal operator, within the meaning of the Act of 23 November 2012. - Postal Law (i.e. Journal of Laws of 2022, item 896 as amended), in person or through a messenger.
6. The applicant is obliged to notify the IB of any change of address, including e-mail address. If this obligation is neglected, correspondence sent to the previous address shall be deemed to have been effectively delivered.
7. Requests to complete or improve the Application are sent via e-mail to the e-mail addresses: the contact person indicated by the Applicant and the Principal Investigator indicated by the Applicant in the Grant Application. Information on the approved outcome of the Project appraisal, including letters concerning a positive outcome of the formal or substantive appraisal, or a negative outcome of the formal or substantive appraisal, is delivered in writing with an acknowledgement of receipt to the Applicant.

8. A request for withdrawal of an application shall be submitted in writing to the IB address , through a postal operator, within the meaning of the Act of 28 November 2012 - Postal Law (i.e. Journal of Laws of 2022, item 896, as amended), in person or through a messenger. A request for withdrawal of an application in electronic form shall be submitted by e-mail to the address indicated in point XI.1. XI.1.

XII. Annexes

1. National Intelligent Specialisations.
2. Model Grant Agreement.
3. Catalogue of eligible expenditure under Measure 2. 2 FENG First TEAM.
4. Model Project Application and Annexes.
5. Instructions for filling in the Application.
6. Project selection criteria for First Team Measurement.
7. Model form "Analysis of the compatibility of the project with environmental policy".