

# Terms and conditions applicable to Eurojust's financial assistance to the activities of Joint Investigation Teams (JITs)

## I. Generalities

1. These terms and conditions apply to Eurojust financial assistance to JITs and constitute an integral part of the application. The provision of financial assistance will take the form of a grant.
2. The provision of financial assistance is subject to availability. The amounts to be reimbursed, applicable ceilings and the award procedure are all subject to change from one published call for proposals to another.
3. The submission of an application does not result in any entitlement to funds.
4. In the event of funds being awarded to the applicant, the completed application and the Award Decision shall constitute a grant agreement between Eurojust and the applicant.
5. Financial assistance is provided for cases supported at Eurojust. Therefore national members<sup>1</sup>, their deputies or their assistants shall be invited by the JIT to participate in any JIT involving their Member State and for which Eurojust funding is provided. Financial support is subject to such invitation.
6. JITs involving at least one Member State are eligible to receive funding. Member States and third States that are parties to or participants in a JIT involving one or more Member States are eligible for funding.
7. Participants in a JIT are not eligible for reimbursement if they are participants from EU bodies/agencies (e.g. Eurojust, Europol, OLAF)
8. Eurojust does not fund attendance at Europol meetings under the Eurojust financial support to JITs programme.
9. The information contained in the application, once completed and submitted, and in any subsequent communication with the applicant, is treated by Eurojust as confidential, other than for budgetary control and auditing purposes, and will be processed in accordance with the applicable [Regulation 2018/1725](#)<sup>2</sup> and [Eurojust Data Protection Rules](#)<sup>3</sup>. For further details please consult the [Data Protection Notice](#).

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<sup>1</sup> This provision shall apply mutatis mutandis to Representative of Denmark at Eurojust.

<sup>2</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

<sup>3</sup> Rules of Procedure on the Processing and Protection of Personal Data at Eurojust.

10. The applicant agrees to perform an evaluation of the JIT at the time of or following its closure and to submit a completed JIT evaluation form to Eurojust. The evaluation form, as well as guidance and support to carry out the evaluation, can be found on [Eurojust's website](#).
  11. The applicant agrees that Eurojust may use the information it receives, if edited to prevent identification of any person, for analysis (including the evaluation of a JIT) and dissemination to interested parties. To prevent double funding of the same costs and protect the financial interests of the European Union, exchange of relevant information with EU institutions, agencies and bodies may take place.
  12. Unless Eurojust requests or agrees otherwise, any communication or publication made by the beneficiaries of the JITs funding, whether done jointly or individually, that relates to the funded action, including at conferences, seminars or in any information or promotional materials (such as brochures, leaflets, posters, presentations, in electronic form, etc.), shall:
    - indicate that the action has received funding from Eurojust; and
    - display the Eurojust [logo](#); additional information on the use of the logo is available on Eurojust's website.
- The obligation to display the Eurojust logo does not confer on the beneficiaries a right of exclusive use.
- Beneficiaries are invited to inform the Eurojust Corporate Communications Unit ([communications@eurojust.europa.eu](mailto:communications@eurojust.europa.eu)) when planning any communication action (press release, social media post, etc.) of the results or outcome of the case supported by the JIT.
13. Eurojust shall notify applicants of any refusal of an application or any decision to terminate financial assistance. Such refusal or termination shall not be subject to compensation. These terms and conditions are subject to change from one published call for proposals to another and revision at the discretion of Eurojust.
  14. Activities already funded under another EU programme are not eligible for financing.
  15. Eurojust reserves the right to suspend, terminate or cancel the grant agreement, reduce the grant amount, or seek recovery, should any of the following situations arise after the applicant has been given an opportunity to present his/her observations:
    - a) if the JIT agreement has not been extended for the corresponding action period and if it has been confirmed by the applicant that no money will be claimed under the grant agreement;
    - b) if amounts exceeding the financial ceilings set out in the grant agreement have been paid;
    - c) if amounts paid in accordance with the grant agreement are higher than the actual costs incurred by the applicant for the action or if the operating budget reveals a surplus *ex post*;
    - d) if, in respect of loaned equipment, usage costs are manifestly disproportionate or equipment is not returned in good working condition;
    - e) if the applicant has been unable to prove his/her costs as per these terms and conditions;or

- f) in the event of false declarations and/or claims made by the applicant;
- g) if the same costs are financed twice by the European Union budget (double funding situation).

## II. Actions supported and eligible costs

16. Through these grants, support is provided to the following actions:

- meetings of the JIT;
- participation in investigative measures carried out on the territory of another State;
- cross-border transport of seized items, evidentiary material or procedural or case-related documents;
- the JIT's evaluation or actions in relation to investigative or judicial procedures directly deriving from the JIT in which its result is to be used.

17. Eligible costs related to these actions are as follows:

- travel and accommodation costs;
- interpretation (including during investigative measures) and translation costs (including of evidentiary material or procedural or case-related documents); and
- transport costs.

18. Any financing is necessarily subject to the limited availability of funds. To enable reasonable distribution and achieve the objectives of JITs funding described above, a ceiling of EUR 50,000 has been set for each application.

19. Eligible costs shall satisfy the following criteria:

- costs must be incurred exclusively in relation to cross-border operational activities of the JIT;
- costs must be necessary for the performance of the actions for which funding has been sought and within the agreed time-frame;
- costs must be reasonable, justified and in accordance with the principles of sound financial management;
- costs must be incurred by the beneficiary:
  - during the lifetime of the JIT or in subsequent investigative or judicial procedures in which the result of the JIT is used or during the evaluation of the JIT<sup>4</sup>; and
  - within the period indicated in the relevant call for proposals; and
- costs must be recorded in the accounting records of the beneficiary and determined according to the applicable accounting standards of the State where the beneficiary is established and according to the usual cost accounting practices of the beneficiary.

20. VAT is not eligible for reimbursement.

21. To comply with the co-financing principle, Eurojust will reimburse 95% of the total eligible costs under the call for proposals. This means that the amount stipulated in the Award Decision will be reimbursed fully only in the event that this amount is less than or equal to

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<sup>4</sup>Eligible costs shall always be linked to the cross-border nature of the JIT. In the given situation, they could consist of e.g. costs of a follow-up meeting organised to examine the evidence collected by the JIT, translation costs of evidence collected by the team, or translation of a verdict passed in one of the States involved that is necessary for the investigation or prosecution of the case in another involved State. Under no circumstances shall the JITs funding scheme be used to cover costs incurred in exclusively national proceedings.

95% of the total eligible costs. An amount of at least 5% of the total eligible costs shall be borne by the national authorities of the Member States.

### A. Travel and accommodation costs

22. Travel and accommodation costs will be reimbursed on the basis of the following unit costs, following the principles set out in Article 181 of [Regulation \(EU, Euratom\) 2018/1046](#) of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014 and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

Nature of travel/accommodation (*)	Applicable unit costs
<b>Return flight within EU</b>	EUR 280 per person
<b>Return flight to and from non-EU States</b>	EUR 340 per person
<b>Return flight to and from overseas States/territories</b>	EUR 880 per person
<b>Return trip by car (**) (EU/non-EU)</b>	EUR 180 per vehicle(**)
<b>Return trip by train/bus (EU/non-EU)</b>	EUR 230 per person
<b>Return trip by boat (EU/non-EU)</b>	EUR 80 per person
<b>Accommodation (EU/non-EU)</b>	State-specific rate, according to the list published on Eurojust's <a href="#">website</a> (Reimbursement section).
<p><b>(*) For the purposes of applying travel unit costs</b>, both the point of departure and final destination will be taken into account.</p> <p><b>(**)</b> For the purposes of calculating this unit cost, one car shall be deemed to carry up to three passengers. As such, the unit cost of EUR 180 will be reimbursed on the basis of multiples of three passengers (with four to six passengers being reimbursed EUR 360, etc.).</p>	

23. Eligible costs shall relate to travels made by JIT members and/or other national public authorities participating in cross-border operational activities of the JIT or by third parties mandated by them to participate in such activities.
24. Only travel costs relating to specific and clearly identifiable activities are eligible. Travel to destinations other than those the members of the JIT are located must be shown to be relevant to the JIT.
25. No reimbursement will be made for domestic and local travel (i.e. travel costs incurred by persons participating in JIT activities within one State only).

26. Domestic accommodation costs (i.e. accommodation costs incurred by persons participating in JIT activities within their own State) may only be reimbursed if related to a JIT activity with the actual participation of the other participating State(s).

#### **B. Interpretation and translation costs**

27. Actual costs of interpretation and translation - including other associated costs for interpreters and translators - can be reimbursed.

#### **C. Costs of transport of items**

28. Actual costs of cross-border transport of seized items, evidentiary material, procedural or case-related documents can be reimbursed.

### **III. Lending of equipment**

29. As part of the funding programme, laptops with secure connections, secure mobile telephones, scanners and printers are available for loan. The loan includes the payment of all line/connection charges without the need for a separate application. The maximum loan period is the duration of the JIT, including possible extensions. Upon expiry of the JIT, if applicants wish to use the equipment for a longer period, they must submit a copy of the extension of the JIT agreement. The same equipment will be loaned for the duration of the extension of the JIT.
30. Applicants are asked to substantiate any requests for the lending of equipment, which will be decided upon by Eurojust while taking into consideration the overall objectives of the JIT as described above, the unavailability of relevant infrastructure in the area of investigation, other technical factors and operational demand.
31. The lending of equipment is subject to availability and the submission of the necessary form (i.e. IT Equipment Request) within one month of issuance of the award decision. If the form is not submitted within that period, the equipment will no longer be reserved.
32. Eurojust will deliver equipment to Member States only at its own costs.
33. The beneficiary shall return the loaned IT equipment and/or mobile telephone to Eurojust immediately at the expiration of the JIT for which it has been loaned, or when requested. Eurojust will arrange the pick-up of the loaned IT equipment in Member States only at its own costs.
34. Such equipment will remain the property of Eurojust at all times and must be returned in good working order within four weeks of the end of the loan period.
35. The beneficiaries shall be held fully liable for any damage or loss of the IT equipment or mobile telephone caused either by them or any third party. The beneficiaries shall reimburse to Eurojust the equivalent of the value of the damage or loss.

## IV. Procedure

### A. Submission of applications and admissibility criteria

36. Any application for financial assistance must be submitted using Eurojust's Joint Investigation Teams Portal and electronic application system<sup>5</sup>, accessible from Eurojust's website (hereinafter referred to as the 'JITs-PS').
37. An application submitted via the JITs-PS is considered received by Eurojust when it reaches its server and the receipt is confirmed by the automatic message from the JITs-PS.
38. The application must be complete - including description of the JIT, planned activities and foreseen costs.
39. The application must identify at least one bank account of a public institution of a State involved in the JIT that is already known and acknowledged by Eurojust<sup>6</sup>.
40. The application must be received by Eurojust on the day of the deadline at the latest. Applications will be acknowledged by Eurojust by e-mail, indicating the date of receipt.
41. Only one application for the same JIT shall be sent within one application deadline. In case of submission of multiple applications from the same JIT, Eurojust invites the applicant(s) to confirm which of the applications is relevant and withdraw the other application(s) within the given deadline. If no confirmation is received within the given deadline, only the latest application of the JIT will be accepted for further evaluation and the other application(s) will be rejected.
42. JITs are not allowed to submit an application in two consecutive calls unless the application relates to exceptionally urgent actions that do not overlap with the already awarded actions and could not have been anticipated in the framework of the previous application or at the same time as a request for an extension.
43. Applicants can seek support in the application process by sending an e-mail to [jits@eurojust.europa.eu](mailto:jits@eurojust.europa.eu). Please be aware that to enable a smooth processing of submitted applications, support cannot be guaranteed on the last day of the application deadline.

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<sup>5</sup> Should the applicant encounter technical difficulties with the electronic system, s/he should contact the JITs Network Secretariat at [jits@eurojust.europa.eu](mailto:jits@eurojust.europa.eu).

<sup>6</sup> Should the communicated bank account prove not to be already known and acknowledged by Eurojust in accordance with the applicable financial rules, the applicant will be requested to provide a completed Financial Identification Form for this account within a set deadline. In such case, award of a grant will only be made once this condition is fulfilled.

## B. Eligibility criteria

44. The applicant must prove the existence of a JIT by providing a copy of the signed JIT agreement (edited to exclude any identifying data), including possible extensions<sup>7</sup> (unless a copy of the signed JIT agreement and an extension covering the action period of this call for proposals have already been provided for in a previous application).

## C. Selection criteria

45. The application for financial assistance must be submitted by the JIT leader(s) or JIT member(s) of an EU Member State with delegated authority, in his/her professional capacity, to demonstrate the professional competencies required to participate in a JIT. The JIT leader may delegate the submission of an application to another person with relevant professional competency (i.e. JIT National Expert, Eurojust College Member, Europol Liaison Officer).

## D. Award criteria

46. Eligible applications will be evaluated by the Evaluation Committee. Eligible applications will be ranked, taking into account the following **award criteria**:
- 1) investigation of a terrorist offence and/or of a crime identified as a priority in the [Council Conclusions on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021](#) or other serious cross-border crimes which Eurojust is competent to deal with;
  - 2) number of States involved;
  - 3) number of previous successful applications submitted to Eurojust by the JIT;
  - 4) execution rate of previous grants awarded by Eurojust, if applicable;
  - 5) complexity of the JIT; and
  - 6) purpose of the actions and justification of estimates.
47. Eurojust will decide upon the actual amounts and equipment awarded for each application, taking into account the ranking based on the above-mentioned criteria, available funds, the number of applications received, the availability of equipment, and the amount sought in each application. The decision is then communicated to the JIT (i.e. to the contact person mentioned in the application).

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<sup>7</sup> If the JIT has already expired and funding is sought for the purposes of the evaluation or in relation to investigative or judicial procedures directly deriving from the JIT in which its result is to be used, a copy of the last extension available before the closure of the JIT shall be provided.

If the JIT expires before the end of the relevant action period, it should be indicated in the application whether the JIT will be extended or whether funding is requested also for purposes of the evaluation or in relation to investigative or judicial procedures directly deriving from the JIT in which its result is to be used.

## **E. Implementation of the grant**

### **Action period**

48. The actions planned in the awarded application shall be completed within the action period indicated in the Award Decision<sup>8</sup>.
49. Costs incurred outside the action period may be accepted for reimbursement by way of an exception based on operational justification.

### **Change of language/travel destination**

50. Translation and interpretation from/to languages other than those planned in the awarded application will be accepted for reimbursement in the following cases:
- the language of the translation/interpretation is a working language of the institutions of the European Union<sup>9</sup>;
  - the language of the translation/interpretation is an official language of the Member States or participating States of the JIT.
51. Translation and interpretation from/to languages other than those planned in the awarded application and other than those indicated in point 50 above may be accepted for reimbursement by way of an exception based on operational justification.
52. Travel and accommodation costs incurred in relation to actions carried out in States other than those planned in the awarded application may be accepted for reimbursement by way of an exception based on operational justification.
53. Such minor exceptions as outlined under points 49, 51 and 52 may be granted upon condition that:
- the overall scope of the award has not been changed;
  - the reimbursement still serves the same purpose as that for which the grant had been awarded; and
  - the additional or alternative actions, related to an unpredictable development of the investigation, serve the same purpose as the planned activities.

### **Extension of the action period**

54. The action period may be extended for an additional three months through a request for an extension submitted to the JITs Network Secretariat. The request, using the [official template](#),

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<sup>8</sup>Grants will not be awarded retroactively for actions already completed. A grant may be awarded for an action which has already begun after the date of the deadline for application submission and before the start date of the action period, provided that the applicant can demonstrate the need for starting the action prior to the start date of the action period.

<sup>9</sup> Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish.

must be submitted at least one working day<sup>10</sup> before the end date of the action period indicated in the Award Decision. The submission of a request for an extension precludes the submission of a new funding application for the same action period (to prevent double funding) unless the new funding application relates to exceptionally urgent measures that had not been foreseen in the previous application.

55. The conditions for extension of the action period are as follows:

- only JITs which were already awarded funding can apply for an extension of the action period;
- the extension can be requested only for the three months immediately following the action period indicated in the Award Decision;
- only activities already mentioned in the original awarded application can be implemented during the extended action period, i.e. no new actions can be undertaken;
- during the extended action period, the JIT can spend only funds that were originally awarded;
- an extension is only valid once confirmed by Eurojust. The extension is granted by an Amendment to the Award Decision.

#### **Use of funds in one cost category and transfer between cost categories**

56. Based on operational needs and priorities, beneficiaries are permitted to utilise the awarded funds and to offset in part or in full any of the direct costs indicated in the application within one cost category<sup>11</sup>, without exceeding the total amount initially requested for the relevant cost category. In addition, transfers between cost categories are permitted within the limit of 20% of the total amount awarded.

### **F. Reimbursement**

57. If the application is successful, a specified amount will be reserved pending the submission of a request for reimbursement. The reserved funds will remain available until the deadline fixed for submitting a request for reimbursement (one month following the last day of the action period). No reimbursement will be made if the request for reimbursement arrives after the deadline. No extension of the period for submission of claims will be possible.

A request for reimbursement shall be submitted, together with the supporting evidence by a competent authority of a State involved in the JIT. The relevant reimbursement claim form and financial templates (available on Eurojust's [website](#) – Reimbursement section) shall be used and sent with all required supporting documents by e-mail to [jits@eurojust.europa.eu](mailto:jits@eurojust.europa.eu).

63. The documents shall be sent at the latest within one month of the last day of the action period.

64. The claims shall be fully completed, signed and dated by the representative authority.

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<sup>10</sup> Working days are defined as Monday to Friday except for public holidays adopted pursuant to Article 61 of the Staff Regulations of Officials of the European Union and Articles 16 and 91 of the Conditions of Employment of Other Servants of the European Union (CEOS), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68.

<sup>11</sup> The cost categories for costs eligible for reimbursement are: 1. travel and accommodation costs, 2. interpretation and translation costs and 3. transport costs for items.

65. No reimbursement will be made before Eurojust has received all requests for reimbursement related to the same award.
66. Reimbursement can be suspended if the required set of supporting documents has not been submitted. No reimbursement will be made if the clarification or additional information required is not provided within the set deadline.
67. Reimbursement shall be made within a maximum of 60 days from the deadline for submission of claims excluding suspension periods.
68. Reimbursement will be made exclusively to public institutions of States involved in the JIT, not to individuals.

### G. Supporting documents

69. Each claimed cost shall be supported by documentary evidence.
70. Documents shall be:
- originals; or
  - copies with an official declaration that the originals have been filed with the organisation for internal accounting purposes and are available for audit purposes at the premises of the organisation.
71. The following documents shall be provided:
- travel and accommodation costs:
    - a summary report; and
    - any set of documents allowing confirmation of the implementation of the actions and the following details: location of the action, means of transport, duration and number of participants. The following documents are particularly considered to provide such confirmation:

Type of cost	Documents (for each person travelling)
Travel by flight and accommodation costs related to the same action	Booking confirmation or invoice for the flight
Travel by train or ferry and accommodation costs related to the same action	Tickets or invoice for the train or ferry
Travel by car and accommodation costs related to the same action	Invoice for the accommodation

*Note: the list of supporting documents displayed in the table above should not be seen as exhaustive. If the documents listed cannot be provided in a given situation, other supporting documents are admissible, provided they meet the criteria referred to above.*

- interpretation and translation costs:
  - the invoices of the contractor, including, specifically, the amount, the start and end dates of the actual service provided, the source and target language(s), the number of words/hours/pages, the rate (per word, hour, page) and the VAT, if applicable; and
- transport costs:
  - the invoices of the contractor, including, specifically, the start and end dates of the actual service provided and a description of the transferred items.

72. For each cost, complete supporting documents - including proof of payment (through bank account or cash) - shall be filed at the premises of the organisation for internal accounting purposes and made available for checks and audits for three years following reimbursement. Eurojust reserves the right, upon receipt of the request for reimbursement or at a later stage, to require the submission of this set of documents in specific situations.

#### **H. Audit**

73. The Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from Eurojust.
74. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EC) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96, with a view to establishing whether there have been any irregularities affecting the financial interests of the Union in connection with expenditure funded by Eurojust.