



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

# **2017 European Social Innovation Competition**

**261/G/GRO/SUBDEL/17/9599**

***Equality Rebooted***

**Call for applications**

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## **Rules of contest**

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The European Social Innovation Competition (hereinafter referred to as 'the Competition') is organised by the European Commission (hereinafter referred to as 'the Commission') with the support of a consortium made of Nesta, Kennisland, ImpactHub, Shipyard and Matter&Co (hereinafter all referred to as 'the Contractor'). The Commission department in charge of the Competition is the Directorate General for Internal Market, Industry, Entrepreneurship and SMEs, also known as DG GROW.

The official webpage of the Competition on the Commission's website is: [http://ec.europa.eu/growth/industry/innovation/policy/social/competition\\_en](http://ec.europa.eu/growth/industry/innovation/policy/social/competition_en).

The Competition is funded under the European Union budget. The legal basis for this Competition is the Horizon 2020 Framework Programme for Research and Innovation (see [http://ec.europa.eu/research/participants/portal/desktop/en/funding/reference\\_docs.html](http://ec.europa.eu/research/participants/portal/desktop/en/funding/reference_docs.html)), and more particularly the 2016-2017 work programme for the societal challenge *Europe in a changing world – Inclusive, innovative and reflective societies* (see pages 106-108 in the work programme posted at [http://ec.europa.eu/research/participants/data/ref/h2020/wp/2016\\_2017/main/h2020-wp1617-societies\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/h2020/wp/2016_2017/main/h2020-wp1617-societies_en.pdf)).

The Competition is open to natural persons or legal persons established in EU Member States or Associated countries to Horizon 2020 (the list of Associated Countries is available at [http://ec.europa.eu/research/participants/data/ref/h2020/grants\\_manual/hi/3cp/h2020-hi-list-ac\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/3cp/h2020-hi-list-ac_en.pdf)).

Read these rules of contest carefully before submitting an entry. By submitting an entry, you accept these rules of contest and agree to comply with them.

## **1. Objective of the competition**

The Competition aims at stimulating social innovation's potential to provide solutions to societal challenges and foster sustainable and inclusive growth in Europe. It will directly support some ideas best illustrating that potential. It will engage citizens, businesses (including start-ups) in a large range of sectors, as well as universities, business and engineering schools, thereby creating new connections, sources of growth and job opportunities.

The 2017 Competition is entitled "**Equality Rebooted**" and will support entrepreneurial ideas that can contribute to make technological change and digital transformation more inclusive. Further background on the theme of the Competition is available on the Competition webpage.

All ideas are welcome, even if they are not mature yet. The Competition aims to induce new solutions and help them reach the stage of prototyping and implementation.

The Competition will support the winning solutions with cash prizes in two steps:

- in 2017, it will award **3 challenge prizes of 50,000 euros** each to the best 3 ideas, amongst those selected as 'semi-finalists' (i.e. the indicatively 30 entries selected for the second phase);
- in 2018, it is expected to award **1 impact prize of 50,000 euros** to the project which has achieved most results amongst the above-mentioned 2017 semi-finalists (subject to the adoption of the related Horizon 2020 work-programme and of the required budget appropriations).

The Competition has been designed to offer more than just prizes. It includes a strong mentoring component that will benefit not only the winners but all semi-finalists. This mentoring component aims to help participants turn their ideas into tangible and sustainable projects, so that they deliver results and achieve maximum impact. The Competition provides other benefits such as visibility for the ideas and networking opportunities. It will allow semi-finalists to connect to a wide range of social innovation experts, organisations, investors and networks from Europe and beyond.

## **2. Timelines**

**Entries for the first phase of the Competition must be received through the Competition webpage by 7 April 2017, at 12:00:00 the latest (noon, Brussels time).**

There is no other way to submit entries than through the on-line entry form made available through the above-mentioned Competition webpage. Late entries will not be accepted. The Commission is not responsible for entries which are lost, damaged or late due to computer, network or telecommunications failure.

In **April-May 2017**, all entries which have been received by the deadline will be assessed in order to select the most promising ideas which will qualify for the second phase of the Competition.

In **early June 2017**, the final decision in this regard will be taken and made public by the Commission, upon recommendation from an external jury. The entries with the highest scores (30 entries indicatively) will be selected for the second phase and be designated as semi-finalists. They will be informed immediately about that decision. The other contestants will be informed that their entry has not passed the first phase. Given the large number of entries which are expected over the first phase of Competition, the Commission will not be in a position to provide individual and customized feedback to unsuccessful contestants at that stage.

In **early July 2017**, the semi-finalists will be invited to attend the Social Innovation Academy. From the announcement of semi-finalists until the end of the Academy, the Competition process will pause. The Academy will consist of a mentoring session of several days where semi-finalists will receive coaching by international business, communication and finance professionals as well as advice from social entrepreneurs and representatives of public sector organisations. The travel and accommodation costs for their participation in the academy will be covered by the Commission (in principle two participants per entry). The fact not to participate in the mentoring session will not prevent semi-finalists to compete for the second phase. Their participation is however highly recommended. Invitation with detailed information will be sent to the semi-finalists as soon as they are informed of their selection in early June 2017.

**From the day after the Academy and until the end of August 2017**, the Competition will enter its second phase. Once this second phase has begun and with the view of ensuring equal treatment between contestants, no contact will be allowed between, on the one hand, the semi-finalists and, on the other hand, Competition organisers and jury members. On the basis of the inputs received during the academy, the semi-finalists will be asked to develop their idea and to submit a 'detailed plan'. Practical modalities will be further specified and communicated to them.

Detailed plans are expected to be submitted **at the end of August 2017**. The exact deadline will be communicated in due time to semi-finalists.

In **late September 2017**, on the basis of the detailed plans submitted by the semi-finalists and upon recommendation from the external jury, the Commission will select the best entries which will be called 'finalists' and will compete for the 3 challenge prizes. Indicatively 10 ideas are expected to be selected as 'finalists' for the Awards Ceremony. The travel and accommodation costs for their participation in the Ceremony will be covered by the Commission (in principle two participants per entry). The other semi-finalists will be informed that their entry has not passed the second phase and will receive feedback about strengths and weaknesses of their detailed plans. They will nonetheless be encouraged to join the Ceremony. The travel and accommodation costs for their participation in the Ceremony will also be covered by the Commission (in principle two participants per entry), considering the unique networking and exposure opportunities that the Ceremony provides.

In **late October 2017**, the prize winners will be announced amongst the finalists during the Awards Ceremony. The award of 3 prizes must be considered an indicative maximum number. Following the Ceremony, the prize transfer to the winners will be initiated by the Commission once the legal identification and bank identification forms have been filled in, signed and returned to the Commission. The prize will be transferred within 30 days after receipt of the complete set of required documents.

Apart from the deadline applicable to the first phase of the Competition (**7 April 2017, 12:00:00, noon, Brussels time**), other timelines remain indicative at this stage and will be confirmed thereafter, with sufficient notice to allow the contestants to prepare for the next steps and organize their travels.

Once the competition for the 3 challenge prizes is over, the third phase of the Competition is expected to open with a view of awarding the impact prize in 2018. This third phase will be restricted to the 2017 semi-finalists and will aim at incentivizing faster implementation of their ideas and greater results from the projects. This impact prize may be awarded to a winner of a challenge prize or to a non-winning semi-finalist irrespectively. The impact prize is expected to be awarded during the Awards Ceremony of the 2018 edition, together with the next group of challenge prizes.

Subject to budget availability, the Commission intends to launch the competition for the impact prize in early 2018. The deadline, for the 2017 semi-finalists to report back on their results, will be communicated to them at that time, as well as the evidence expected from them.

### **3. Prize**

The Commission plans to award a maximum of 3 challenge prizes to the best ideas according to the judging criteria set out below. The amount of each of the 3 challenge prizes is 50 000 euros. There will be no ranking among the winners. Afterwards, the Competition will be re-opened for the semi-finalists in order to select the winner of the impact prize of 50,000 euros.

The challenge prizes will be paid by the Commission after the 2017 Awards Ceremony by bank transfer, provided the winners have submitted the required forms and evidence as regards their eligibility (see section 4). The impact prize will be paid after the 2018 Awards Ceremony provided the winner have submitted the required forms and evidence as regards their eligibility (see section 4).

Both award decisions remain subject to the availability of budgetary appropriations.

Winners are expected to use the prize money to implement their ideas. Winners are responsible for payment of taxes and charges applicable when using the prize money.

At all stages, entries will be assessed by an external jury appointed by, but independent from the Commission, composed of various profiles and originating from various countries. The jury will make recommendations to the Commission, which will take the final decision on the lists of semi-finalists, finalists and winners of the Competition. This applies to the challenge and the impact prizes.

The organisation of the Competition is supported by the Contractor, which notably includes facilitating jury's meetings, facilitating the Social Innovation Academy and organising the Awards Ceremony.

### **4. General conditions – Eligibility**

The Competition is open to everyone (natural persons or legal persons) resident in EU Member States (see [http://europa.eu/about-eu/countries/index\\_en.htm](http://europa.eu/about-eu/countries/index_en.htm)) and in countries participating in Horizon 2020 (see [http://ec.europa.eu/research/participants/data/ref/h2020/grants\\_manual/hi/3cp/h2020-hi-list-ac\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/3cp/h2020-hi-list-ac_en.pdf)).

Ideas and proposals from all sources, sectors and all types of organisations including for-profit, non-for-profit, or private companies are welcome. Applications involving several organisations and/or from various countries are possible.

Entries must be original ideas from contestants. They may propose new or improved ways to implement existing solutions, combine them, or adapt them to a different context or target group, but they cannot be exact copies of those. The contestants must demonstrate the novelty of their solution, in comparison with those already developed/implemented by themselves or by others in their context. The contestants are also expected to indicate how the participation in the Competition may benefit their idea (e.g. prize, mentoring, networking, visibility or other related benefit).

Contestants that have already received an EU or Euratom prize cannot receive a second prize for the same activities.

Contestants may submit more than one entry and be named as a partner in more than one entry. All costs of entering the Competition must be borne by contestants.

Entries competing for the challenge prizes must be received through the Competition application portal **by 7 April 2017, at 12:00:00 the latest (noon, Brussels time)**. Entries received after this deadline – whatever the reason may be – will be considered ineligible and will be automatically rejected. The deadline applying to the impact prize will be communicated to 2017 semi-finalists afterwards but the same rule will apply: reports received after the applicable deadline will be considered ineligible.

Entries must be submitted through the Competition webpage in one of the official languages of the European Union.

Members and staff of the Commission and of its offices/agencies, staff of the Contractors and other individuals working on the Competition are not eligible to submit an entry.

The Commission will use the contact details provided in the entry form to contact the contestants about the Competition. The Commission is not responsible for inaccuracies in the details which have been submitted by the contestants.

The contestants undertake to take all the necessary measures to prevent any risk of conflict of interests which could affect the impartial and objective performance of the Competition. Such conflict of interests could arise in particular as a result of economic interest, political or national affinity, family or emotional reasons, or any other shared interest.

The contestants shall undertake to take whatever steps are necessary to rectify this situation at once. The Commission reserves the right to check that the measures taken are appropriate and may demand that the contestants take additional measures, if necessary, within a certain time. Any situation constituting or likely to lead to a conflict of interests during the Competition must be brought to the attention of the Commission, in writing, without delay.

Entries must not invade publicity rights or privacy of any person, living or deceased, or otherwise infringe upon any individual's personal or proprietary rights. Entries and supporting visual material must be suitable for publication in a public forum and must not contain nudity, profanity or threats of violence. Entries must not serve advertising purposes for products and services (commercial and non-commercial) of particular businesses or economic interests or be inappropriate in any other way.

By virtue of the Article 106(1) of the Regulation (EU, Euratom) No 2015/1929 of the European Parliament and of the Council of 28 October 2015 on the financial rules applicable to the general budget of the Union, the Commission will exclude an economic operator from participating in the Competition where:

(a) the economic operator is bankrupt, subject to insolvency or winding-up procedures, where its assets are being administered by a liquidator or by a court, where it is in an arrangement with creditors, where its business activities are suspended, or where it is in any analogous situation arising from a similar procedure provided for under national laws or regulations;

(b) it has been established by a final judgment or a final administrative decision that the economic operator is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;

(c) it has been established by a final judgment or a final administrative decision that the economic operator is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the economic operator belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:

(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;

(ii) entering into agreement with other economic operators with the aim of distorting competition;

(iii) violating intellectual property rights;

(iv) attempting to influence the decision-making process of the contracting authority during the procurement procedure;

(v) attempting to obtain confidential information that may confer upon it undue advantages in the procurement procedure;

(d) it has been established by a final judgment that the economic operator is guilty of any of the following:

(i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the [Council Act of 26 July 1995](#);

(ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the [Council Act of 26 May 1997](#), and in Article 2(1) of [Council Framework Decision 2003/568/JHA](#), as well as corruption as defined in the law of the country where the contracting authority is located, the country in which the economic operator is established or the country of the performance of the contract;

(iii) participation in a criminal organisation, as defined in Article 2 of [Council Framework Decision 2008/841/JHA](#);

(iv) money laundering or terrorist financing, as defined in Article 1 of [Directive 2005/60/EC of the European Parliament and of the Council](#);

(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of [Council Framework Decision 2002/475/JHA](#), respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;

(vi) child labour or other forms of trafficking in human beings as defined in Article 2 of [Directive 2011/36/EU of the European Parliament and of the Council](#);

(e) the economic operator has shown significant deficiencies in complying with main obligations in the performance of a contract financed by the budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an authorising officer, OLAF or the Court of Auditors;

(f) it has been established by a final judgment or final administrative decision that the economic operator has committed an irregularity within the meaning of Article 1(2) of [Council Regulation \(EC, Euratom\) No 2988/95](#).

By virtue of the Article 107(1) of the above-referenced Regulation, the Commission will not award a prize to an economic operator who:

(a) is in an exclusion situation established in accordance with Article 106 of the Regulation;

(b) has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information;

(c) was previously involved in the preparation of procurement documents where this entails a distortion of competition that cannot be remedied otherwise.

The Articles 106, 107 and 108 governing those exclusion situations in virtue of the above-referenced Regulation can be consulted in full at: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2015.286.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2015.286.01.0001.01.ENG).

Administrative and financial penalties may be imposed on applicants where applicable, who are guilty of misrepresentation (see section 13).

Before winners of the Competition can receive their prize, the Commission will check their eligibility by asking them to sign a declaration of honour that they are not in a position described above. In case of doubts, additional evidence may be required by the Commission.

By entering the Competition and registering their entry through the Competition webpage, contestants certify that they meet these eligibility criteria and that all information they submitted is true, accurate and complete. They agree to abide by and be bound by the Competition rules and the decisions of the Commission, which are final in all matters relating to this Competition.

Furthermore, the Competition will be run in the most open and transparent manner. For that purpose, the Commission may post the summary of any entry – exactly as it has been submitted by contestants in the entry form – on Competition webpage or on Commission's social media. In addition the Commission will carry out promotional activities and communicate the results of the Competition. The Commission will publish the name of the semi-finalists, finalists and winners, their locality, the purpose of their project and, in case of the winners, the amount of the prize. By entering the Competition, contestants agree with this policy and consent to the use of their name, the summary of their proposal, and additional audio-visual material or web links which were referred to in their entry.

If an entry is submitted by a group of individuals or organisations, the person completing the entry form is responsible for compliance with these rules of contest by other group members.

## **5. Judging criteria**

The successful entries for the challenge prizes will be those that best meet the criteria outlined below. Additional information may be provided in the 'questions & answers' file and in the entry form template, which are posted on the Competition webpage.

Judging criteria for the challenge prizes will be the following three:

- **degree of innovation** understood as including both disruptive and incremental innovations and assessed, in a given context, in comparison with solutions already developed and implemented;
- **impact** assessed as the potential of the proposed idea to make technological change/digital transformation more inclusive;
- **sustainability and scale** assessed (i) as the potential of the proposed idea to turn into a project which can be sustained and (ii) as the potential of the proposed idea to be transferred to another area in Europe or scaled up at a national and/or European level.

For the **first phase of the Competition** (i.e. for the selection of the semi-finalists based on their initial entries), the following weights will apply to the judging criteria:

- degree of innovation – 50%;
- impact – 30%;
- sustainability and scale – 20%.

For the **second phase of the Competition** (i.e. to select the finalists/winners amongst the semi-finalists), the three judging criteria will have equal weight: one third each.

The **third phase of the Competition** for the impact prize is expected to be launched in early 2018. The Commission intends to award the impact prize against the sole criterion of *impact* as described above but no longer for the potential of the idea. The impact prize will be awarded to the project having achieved the most substantial results. Those results would have to be evidenced and, to the extent possible, quantified against smart indicators.

The Commission has sole and absolute discretion to determine which submissions, if any, merit to be selected for the next phase and to be awarded a prize. No individual feedback will be provided to the unsuccessful contestants after the first phase of the Competition. However unsuccessful semi-finalists will receive comments about the strengths and weaknesses of their proposal. Such an assessment will also be provided to finalists and winners, once the Awards Ceremony has taken place.

The Commission reserves the right to refuse any entry, to suspend or terminate the Competition and to amend the present rules of contest at any time without prior notice.

The Commission will inform the public of any such a change on the Competition webpage. Changes will take effect from the date they are posted on the Competition webpage. Contestants are meant to visit the Competition webpage regularly in order to get the most up-to-date information. Failing to do so may not be used by a contestant as a valuable reason to challenge Competition results.

## **6. How to enter the Competition**

Entries have to be submitted to the above-referenced Competition webpage.

For the first phase of the Competition a short form will have to be filled in and submitted on line by contestants. For the second phase, the requirements will be further elaborated. Practical modalities about the detailed plans expected from the semi-finalists will be communicated to them at the Social Innovation Academy. For the third phase and the impact prize, the semi-finalists will also receive more detailed guidance once the second phase is closed and the challenge prizes have been awarded.



Within the on-line entry form, contestants for the first phase will also be asked to provide a brief summary of their idea that may be posted on the Competition webpage or on Commission's social media, in line with the communication policy stated above.

## **7. Ownership/Use of the entries**

Ownership of the idea and of its implementation results, including industrial and intellectual property rights, and of the reports and other documents relating to it, shall be vested in the contestant.

Without prejudice to the previous paragraph, the contestants grant the Commission the right to display, reproduce by any technical procedure, translate or communicate the idea and its results by any medium, including on the Competition webpage, provided it does not thereby breach its confidentiality obligations or existing industrial and intellectual property rights. The contestants grant the Contractors the same right, within their legal and contractual obligations.

Any communication or publication by the winners of the Competition, including at a conference or seminar, shall indicate that the project has received funding from the European Union. This also applies to their webpage.

By submitting an entry, contestants declare that they have obtained, or will obtain, all authorisations, consents and permissions necessary to submit their entry, carry out their proposal and comply with these rules of contest and, to the best of their knowledge, that their entry will not infringe any intellectual property or other third party rights or breach any contractual obligation.

The Commission assumes no responsibility for disputes between persons claiming copyrights on any sort in relation to an entry submitted for the Competition.

Where industrial and intellectual property rights, including rights of third parties, exist prior to the Competition ("pre-existing intellectual property rights"), contestants shall establish a list which shall specify all rights of ownership and use in the pre-existing intellectual property rights and may be asked to disclose it to the Commission – should they be proposed as winners – at the latest prior to the commencement of implementation of their idea.

The winners of the Competition shall ensure that they have all rights to use any pre-existing intellectual property rights in implementation of their idea.

## **8. Equal opportunity**

The European Union promotes equality between women and men and shall aim in all its activities to eliminate gender inequalities. Women are particularly encouraged to enter the Competition.

## **9. Personal data**

Entries will be processed by computer. All personal data (such as names, addresses and other details) will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the European Union institutions and bodies and on the free movement of such data.

Details about contestants and replies to the questions in the entry form are necessary information in order to assess the entries and inform the contestants about the results of the Competition. Data will be processed solely for the purposes of the performance, management and monitoring of the Competition by the Directorate General for Internal Market, Industry, Entrepreneurship and SMEs acting as data controller without prejudice to possible transmission to the bodies charged with monitoring or inspection task in application of European Union law.

Contestants will have the right to access their personal data and the right to rectify any such data. Should the contestants have any queries concerning the processing of their personal data, they will address them to the entity acting as data controller and will have right of recourse at any time to the European Data Protection Supervisor.

The Contractor supporting the Commission for the organisation of the Competition is bound to strict legal obligations as regards the processing of data of third parties.

#### **10.Liability**

Contestants shall have sole responsibility for complying with any legal obligations incumbent on them.

The Commission shall not be held liable for any damage caused or sustained by any of the participants, including any damage caused to third parties as a consequence of or during the implementation of the activities related to the Competition. Consequently, the Commission will not entertain any request for indemnity or reimbursement accompanying any such claim.

Except in cases of force majeure, contestants shall make good any damage sustained by the Commission as a result of the execution or faulty execution of their project.

Contestants shall bear sole liability vis-à-vis third parties, including for damage of any kind sustained by them while the project is being implemented.

#### **11.Checks and audits**

The contestants accept that, if they are awarded a prize, the Commission, OLAF and the Court of Auditors may carry out checks and audits in relation to the contest and the received prize.

The winners of the Competition shall keep at the Commission's disposal all original documents, especially accounting and tax records, or, in exceptional and duly justified cases, certified copies of original documents relating to the Competition for a period of five years.

The winners undertake to allow Commission staff and outside personnel authorised by the Commission the appropriate right of access to sites and premises where the action is carried out.

The Court of Auditors shall have the same rights as the Commission, notably right of access, as regards checks and audits.

#### **12.Recovery**

If any amount is unduly paid to a winner of the Competition or if recovery is justified under these rules of contest, the winner undertakes to repay the Commission the sum in question on whatever terms and by whatever date it may specify.

If the winner fails to pay by the date set by the Commission, the sum due shall bear interest at the rate indicated in standard grant agreement under European Union law. Interest on late payment shall cover the period between the date set for payment, exclusive, and the date when the Commission receives full payment of the amount owed, inclusive.

Any partial payment shall first be entered against charges and interest on late payment and then against the principal.

If payment has not been made by the due date, sums owed to the Commission may be recovered by offsetting them against any sums owed to the winner, in cases where the winner of the Competition also has a claim on the European Union, after informing him accordingly by registered letter with

acknowledgement of receipt or equivalent. In exceptional circumstances, justified by the necessity to safeguard the financial interests of the European Union, the Commission may recover by offsetting before the due date of the payment. The winner's prior consent shall not be required.

Bank charges occasioned by the recovery of the sums owed to the Commission shall be borne solely by the winner of the Competition.

The winner of the Competition understands that, under Article 299 of the Treaty on the functioning of the European Union, the Commission may adopt an enforceable decision formally establishing an amount as receivable from persons other than States. An action may be brought against such decision before the General Court of the European Union.

### **13. Penalties**

By virtue of Article 106(13)(14)(15) and of Article 108 of the Regulation (EU, Euratom) No 2015/1929 of the European Parliament and of the Council of 28 October 2015 on the financial rules applicable to the general budget of the Union, the Commission may, having regard, where applicable, to the recommendation of the panel referred to in Article 108, impose a financial penalty on an economic operator who has attempted to obtain access to Union funds by participating or requesting to participate in a procurement procedure while being, without having declared it in accordance with Article 106(10), in one of the following exclusion situations:

(a) regarding the situations referred to in points (c), (d), (e) and (f) of Article 106(1), as an alternative to a decision to exclude the economic operator, where such an exclusion would be disproportionate on the basis of the criteria referred to in Article 106(3);

(b) regarding the situations referred to in points (c), (d) and (e) of Article 106(1), in addition to an exclusion which is necessary to protect the Union's financial interests, where the economic operator has adopted a systemic and recurrent conduct with the intention to unduly obtain Union funds.

The amount of the penalty shall represent between 2 % and 10 % of the total value of the grant.

### **14. Law applicable and competent court**

The Competition is governed by these terms and conditions, the European Union law applicable and, on a subsidiary basis, by the law of Belgium relating to prizes.

The contestants may bring legal proceedings regarding decisions by the Commission concerning the application of the provisions of these terms and conditions, and the arrangements for implementing it, before the General Court of the European Union and, in the event of appeal, the Court of Justice.

### **15. Cancellation of the contest**

The Commission may cancel the contest or decide not to award a prize – without any obligation to indemnify contestants – if:

- (a) the objective of the contest has already been achieved;
- (b) no applications are received;
- (c) the jury does not find a winner or;
- (d) the winners are not eligible or must be excluded.

### **16. Questions and answers**

The list of questions asked about the Competition and their answers will be published on the Competition webpage and thereby made available to all.