

## **ANNEX 5**

### **SPECIFIC RULES**

#### **CONFIDENTIALITY AND SECURITY (— ARTICLE 13)**

##### **Sensitive information with security recommendation**

Sensitive information with a security recommendation must comply with the additional requirements imposed by the granting authority.

Before starting the action tasks concerned, the beneficiaries must have obtained all approvals or other mandatory documents needed for implementing the task. The documents must be kept on file and be submitted upon request by the coordinator to the granting authority. If they are not in English, they must be submitted together with an English summary.

For requirements restricting disclosure or dissemination, the information must be handled in accordance with the recommendation and may be disclosed or disseminated only after written approval from the granting authority.

##### **EU classified information**

If EU classified information is used or generated by the action, it must be treated in accordance with the security classification guide (SCG) and security aspect letter (SAL) set out in Annex 1 and Decision 2015/444<sup>1</sup> and its implementing rules — until it is declassified.

Deliverables which contain EU classified information must be submitted according to special procedures agreed with the granting authority.

Action tasks involving EU classified information may be subcontracted only with prior explicit written approval from the granting authority and only to entities established in an EU Member State or in a non-EU country with a security of information agreement with the EU (or an administrative arrangement with the Commission).

EU classified information may not be disclosed to any third party (including participants involved in the action implementation) without prior explicit written approval from the granting authority.

#### **ETHICS (— ARTICLE 14)**

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<sup>1</sup> Commission Decision 2015/444/EC, Euroatom of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p.53).

## **Ethics**

Actions involving activities raising ethics issues must be carried out in compliance with:

- ethical principles, and
- applicable EU, international and national law, including the EU Charter of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Supplementary Protocols.

The beneficiaries must pay particular attention to the principle of proportionality, the right to privacy, the right to the protection of personal data, the right to the physical and mental integrity of persons, the right to non-discrimination, the need to ensure protection of the environment and high levels of human health protection.

Before the beginning of an action task raising an ethical issue, the beneficiaries must have obtained all approvals or other mandatory documents needed for implementing the task, notably from any (national or local) ethics committee or other bodies such as data protection authorities.

The documents must be kept on file and be submitted upon request by the coordinator to the granting authority. If they are not in English, they must be submitted together with an English summary, which shows that the documents cover the action tasks in question and includes the conclusions of the committee or authority concerned (if any).

## **INTELLECTUAL PROPERTY RIGHTS (IPR) — BACKGROUND AND RESULTS — ACCESS RIGHTS AND RIGHTS OF USE (— ARTICLE 16)**

### **Rights of use of the granting authority on results for information, communication, dissemination and publicity purposes**

The granting authority also has the right to exploit non-sensitive results of the action for information, communication, dissemination and publicity purposes, using any of the following modes:

- use for its own purposes (in particular, making them available to persons working for the granting authority or any other EU service (including institutions, bodies, offices, agencies, etc.) or EU Member State institution or body; copying or reproducing them in whole or in part, in unlimited numbers; and communication through press information services)
- distribution to the public in hard copies, in electronic or digital format, on the internet including social networks, as a downloadable or non-downloadable file
- editing or redrafting (including shortening, summarising, changing, correcting, cutting, inserting elements (e.g. meta-data, legends or other graphic, visual, audio or text elements extracting parts (e.g. audio or video files), dividing into parts or use in a compilation
- translation (including inserting subtitles/dubbing) in all official languages of EU

- storage in paper, electronic or other form
- archiving in line with applicable document-management rules
- the right to authorise third parties to act on its behalf or sub-license to third parties, including if there is licensed background, any of the rights or modes of exploitation set out in this provision
- processing, analysing, aggregating the results and producing derivative works
- disseminating the results in widely accessible databases or indexes (such as through ‘open access’ or ‘open data’ portals or similar repositories), whether free of charge or not.

The beneficiaries must ensure these rights of use for the whole duration they are protected by industrial or intellectual property rights.

If results are subject to moral rights or third party rights (including intellectual property rights or rights of natural persons on their image and voice), the beneficiaries must ensure that they comply with their obligations under this Agreement (in particular, by obtaining the necessary licences and authorisations from the rights holders concerned).

## **SPECIFIC RULES FOR CARRYING OUT THE ACTION (— ARTICLE 18)**

### **EU restrictive measures**

The beneficiaries must ensure that the EU grant does not benefit any affiliated entities, associated partners, subcontractors or recipients of financial support to third parties that are subject to restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU).

### **Reduction system**

In relation to the results described in Annex 1, provided that result A.1 is achieved, if the beneficiary reaches any achievement level below the targets of result A.2 by the end of the reference period included in the indicator, a proportionate reduction up to 30% of the EMAS initial contribution shall be applied to the Member State concerned.

The reduction is calculated according to the below conditions:

1. Amount of the reduction =  $\left(1 - \frac{\frac{x+t}{y+z}}{2}\right) * a$
2. If the amount of the reduction calculated in (1) > (a\*0.3) then the amount of the reduction = (a\*0.3)

Whereby:

$x$  = amount of resources channelled to local and regional authorities and/or Civil Society Organisations (CSOs) identified in the grant agreement in connection to the performance indicator set out in Annex 1, results A.2, table 3.

$y$  = 30% of the EMAS contribution (AMIF quota)

$t$  = number of partnerships signed with those CSOs identified in the grant agreement in connection with indicator set out in Annex 1, result A.2, table 4.

$z$  = number CSOs identified in the grant agreement in connection to indicator set out in Annex 1, result A.2, table 4.

$a$  = EMAS contribution (AMIF quota)

Article 18.2, Consequences of non-compliance does not apply to article 18.1.b).

### **GRANTS MANAGED OUTSIDE THE FUNDING & TENDERS PORTAL**

For grants managed outside the Funding & Tenders Portal (see Data Sheet, Point 1):

- communications (Article 36) must not be made through the Portal, but either electronically or on paper to the following addresses:
  - for the coordinator:
    - Ministry of the Interior
    - Mrs Kristi Lillemägi, Adviser to the Foreign Financing Department
    - Pikk 61, 15065 Tallinn, Estonia
    - Email address: [info@siseministeerium.ee](mailto:info@siseministeerium.ee)
  - for the granting authority:
    - European Commission
    - Directorate-General Migration and Home Affairs
    - Directorate E – HOME Affairs Funds
    - Unit E.3 –
    - LX 46 05/023
    - B-1049 Brussels
    - Email address: [HOME-EMERGENCY@ec.europa.eu](mailto:HOME-EMERGENCY@ec.europa.eu)
- communications must be made in writing and clearly identify the grant agreement (project number and acronym)
- formal notifications must be:
  - o either signed using the qualified electronic signature (QES) and sent only electronically
  - o Or signed blue ink on paper and sent by registered post with proof of delivery to the addresses above and will be considered to have been received either on the delivery date registered by the postal service or the deadline for collection at the post office and also electronically

- progress reporting and deliverables (Article 21.1) are set out in the Data Sheet, Point 4.1 and can be sent only electronically to the email address mentioned above.
- final reports and financial statements (Article 21.2) are not signed and submitted through the Portal Periodic Reporting tool, but must be signed and sent to the granting authority as formal notification described above
- amendments and supporting documents (Article 39) are not encoded and signed in the Portal Amendment tool, but must be signed and sent to the granting authority as formal notification described above; the same is true for accession forms (Articles 40 and 41)
- the templates to be used are those published on the Migration and Home Affairs European Commission dedicated webpages<sup>2</sup> (Article 21 and if relevant also Articles 23, 24, 40 and 41; and if relevant Annexes 1, 3 and 3a).

However, the following rules still apply:

- information stored in the Participant Register must be kept up to date (Article 19.2) as a general principle, not necessarily linked to the implementation of this project
- data processing by the granting authority is subject to the Portal Privacy Statement<sup>3</sup> (Article 15)
- For beneficiaries with arbitration as special dispute settlement forum (if any; see Data Sheet, Point 5), the dispute will – in the absence of an amicable settlement – be settled in accordance with the Rules for Arbitration<sup>4</sup>

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<sup>2</sup>[https://ec.europa.eu/home-affairs/funding/asylum-migration-and-integration-funds/asylum-migration-and-integration-fund-2021-2027\\_en](https://ec.europa.eu/home-affairs/funding/asylum-migration-and-integration-funds/asylum-migration-and-integration-fund-2021-2027_en)

<sup>3</sup>[https://ec.europa.eu/info/privacy-statement\\_en](https://ec.europa.eu/info/privacy-statement_en)

<sup>4</sup>[https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/rules-for-arbitration\\_en.pdf](https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/rules-for-arbitration_en.pdf)