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Clarification Note #2

EUSPA internal reference: 263692

Grant procedure: GSA/GRANT/01/2021 - Acceleration of EGNOS Adoption in Transport

<u>Question no.1</u>: The grant call for proposal states on page 8, Section 3A (EGNSS deployment in rail pilot lines): ***Proposals may include but not be limited to hardware/software development, processes implementation and related trials. The following activities are eligible:***

- ***Installation of EGNSS equipment such as receivers, antennas or augmentation system components for on board and trackside GNSS-based signalling solutions within pilot lines and trial sites,***
- ***Validation of the proposed solution and implementation of trials, aiming to demonstrate EGNSS-based train localization safety for future inclusion in ERTMS.***

The first sentence states that hardware/software development may be included in proposals for development of enablers to prepare for the introduction of EGNSS in rail signalling. However, the bullets do not list developments as eligible activities, as for the Aviation domain (e.g. Sections 1.B and 1.C).
Could you please confirm that hardware/software development and integration activities are eligible in proposals for the Rail user domain?

<u>Answer no.1</u>: Yes, development of enablers is eligible as part of activities defined in both bullet points, but not as a standalone activity.

<u>Question no.2</u>: Is there a possibility to withdraw the application after the proposal submission (even after award decision)? Do we understand correctly, that only the signature of grant agreement means a legal obligation to implement the project and comply with GSA call requirements?

<u>Answer no.2</u>: By signing the Grant agreement with the EUSPA you have a legal obligation to implement the project and adhere to all the associated rules. There is no legal obligation on any of the sides before such signature.

<u>Question no.3</u>: We would like clarification referred to the 6.6 Subcontractors conditions, in particular, step a. "*it may only cover the implementation of a limited part of the action and shall in no case cover core activities as described in Section 2.3*"

Once aircraft is equipped for RNP APCH, our project will consist in the acquisition of the design and manufacture of a simulator for pilot training in order to accelerate process and reduce in flight training.

We intend to subcontract the following:

- **Simulator design**
- **Simulator manufacture**
- **Simulator manual**
- **Training for operation**

Are the last two considered core activities? As the subcontracting is limited to a part of the action, does it exceed that limit?

Answer no.3: As specified in the Section 6.6 of the Call for proposal, the applicants must have the necessary operational capacity to perform the project themselves. There is no specific limit defined as the necessity for subcontracting depends on the area of the activities and each project itself. However, subcontractiong may only cover the implementation of a limited part of the action and shall in no case cover core activities as described in Section 3.1, where specified that Operational manual update (areas 1.B) and user manual update (areas 1.C, 2.A, 2.B, 3.A, 3.C) are considered as core activities. Subocntracting of other related documentation or training should be properly justified and explanation why the beneficiary cannot do this activity on its own should be provided.

Question no.4: Regarding the duration of the action under (each) grant agreement (2 years), the start date will be the signature date expected in November 2021? And so, the limit for implementation will be November 2023?

Answer no.4: As stated in the Clarification note no. 1 in question no. 7 the duration stated in the Call for proposals is indicative and each proposal should present a realistic and feasible timeline for the implementation of the action.

Question no.5: In the text of the call there is a reference to EGNSS-based train localization.

"Finally, in the rail sector, the action aims at facilitating the introduction of EGNSS in safety-critical applications. On one hand, it will enable demonstration of EGNSS-based train localisation safety for future inclusion in the ERTMS, by installing the necessary equipment in pilot line."

Can localization in this context be extended to odometry? Is the development of an odometer system based on EGNOS and additional sensors considered relevant to the project objectives?

Answer no.5: Yes, development of an odometer assistance system based on EGNSS is considered as relevant, as part of activities defined in the two bullet points mentioned, but not as a standalone activity.

Question no.6: Is it possible for a French company to subcontract a part of its activity to its American subsidiary and, if confirmed, what is the percentage limitation of this activity that can be subcontracted?

Answer no.6: If the subsidiary mentioned has a legal or capital link with the applicant then this subsidiary is considered an affiliated entity of the applicant (please refer to section 6.5 of the Call for proposals). Affiliated

entities can take part in the action provided they fulfill the eligibility criteria set out in the call (please refer to section 8.1 of the Call for proposals), meaning they are "Legal persons established in and/or natural person(s) who is national of one of the following countries: EU Member States, Switzerland, Norway." If they do not fulfill the eligibility criteria they cannot participate.

Subcontracting to an entity outside of the EU is not prohibited in the Call for proposals.

Subcontracting may only cover the implementation of a limited part of the action and shall in no case cover core activities as described in Section 3.1 of the Call for proposals. There is no specific limit defined for subcontracting as the necessity for subncontracting depends on the area of the activities and each project itself.

Question no.7: If for some airports we have already made expenditures related to the measurement of obstacles in their area is it possible that such amount be considered as part of the 40% local contribution?

Answer no.7: As stated in section 13.2 of the Call for proposals only costs that are incurred during the duration of the action are eligible. In line with Non-retroactivity principle (see section 13.1 of the Call for proposals) "A grant may be awarded for an action which has already begun, provided the applicant can demonstrate the need to start the action before the grant agreement is signed. In such cases, costs eligible for financing may not have been incurred prior to the date of submission of the grant application."
Therefore, the costs of work done before the submission of the proposal is not eligible cost of the project and as such cannot be considered as 'local contribution'.

Question no.8: We are a non-profit association. Is it possible for our association to coordinate the project for several airfields? If yes, we might need to hire additional staff to coordinate this project. Would these additional staff expenses be eligible to be paid within the Call?

Answer no.8: All entities fulfilling eligibility conditions specified in section 8 of the Call for proposals can be applicants and/or coordinator of the project.

All costs fulfilling the eligibility conditions as specified in section 13.2 of the Call for proposals can be declared as costs of the project.

Question no.9: In case we apply for a whole group of aerodromes, is it acceptable that we put in same group of applicants:

a. Several airfields
b. A company doing obstacle evaluation / measurement
c. A company doing procedures

We appreciate that in this way we cut costs and time in respect of organizing tenders. We trust we could minimize costs of total programme and times of delivery.

Answer no.9: As specified in the section 6.3 of the Call for proposals**,** if the proposal is submitted by a group of several co-applicants they will form a consortium and will become consortium members. The proposal should contain the activities of each applicant.
In case an externalization of some tasks and activities which will form part of an action is needed in the project it is possible to use subcontractors, please refer to section 6.6 of the Call for proposals for details.

Question no.10: For area 1.A. one of the deliverables is "ATCO Training". Will expenses related to staff AFIS training for these airports be eligible expenses within this Call?

Answer no.10: Yes, all the necesary actions achieving operational use of EGNOS approach procedures at European airports and/or heliports are eligible under this area 1.A, including training for air traffic control officers and/or pilots.

Question no.11: Some of the private aerodromes are not published in AIP Romania or are in process of getting published (licenced by CAA). Would you accept applications on behalf of aerodromes that are not certified by CAA in Romania?

Answer no.11: As specified in the point 1.A Projects under this area of activity shall achieve operational use of EGNOS approach procedures at European airports and/or heliports.

Question no.12: Are the Terms and Conditions of the Grant Agreement negotiable (before or after selection)?

Answer no.12: No. As specified in section 12 of the Call for proposals, "The successful applicants shall be bound by the Special and General Conditions of the draft grant agreement. Submission of a grant application (proposal) implies the acceptance of these Special and the General Conditions"

Question no.13: Article I.9.4 of the grant agreement states that the beneficiary will grant a right of use of the Results to the EU for institutional use only, and also a right of use of the pre-existing rights included in the results for the same purposes; can you clarify whether it will be on a royal free basis or not?

Answer no.13: It is on a royalty free basis.

Question no.14: Article I.5.3 and I.5.4 of the Grant agreement state that the payment terms are 90 (ninety) calendar days from the date when the EUSPA receives the documents referred to in Article I.4.2; given that the European directive on late payment states that the max term shall be 60 days, is it possible for EUSPA to change its payment terms?

Answer no.14: According to Article 116 of the EU Financial regulation (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), paragraph 1a states: "*Payments shall be made within: 90 calendar days for contribution agreements, contracts and grant agreements involving technical services or actions which are particularly complex to evaluate and for which payment depends on the approval of a report or a certificate*"

Question no.15: Is it allowed to rely on non-EU expertise within the company? If yes, is there any limitation?

Answer no.15: Please refer to Clarification note no. 1, question no. 6: As per the section 8.1 of the Call for proposals, the eligibility refers to the applicants. Therefore, in case the applicant is the legal person (entity)

the nationality of the employees is not relevant for the eligibility of the proposal.

Question no.16: Will it be possible for the beneficiary to use the results outside the EU?

Answer no.16: The results will be owned by the beneficiaries. The use of the results shall not put into questions the fulfillment of the objectives of the call.

Question no.17: Article II.2.3 (end of the section) of the Grant Agreement states that "The coordinator may not subcontract any part of its tasks to the other beneficiaries or to any other party."; could you please clarify the meaning of "other party" in such context?

Answer no.17: It refers to any party/entity which does not sign the grant agreement.

Question no.18: Is the joint and several liability between the partners of a consortium mandatory or negotiable?

Answer no.18: It is mandatory. As specified in section 12 of the Call for proposals, "The successful applicants shall be bound by the Special and General Conditions of the draft grant agreement. Submission of a grant application (proposal) implies the acceptance of these Special and the General Conditions."

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