

3 Grant Application Regulations

Aidsfonds

This document contains the terms and conditions that specifically apply to the applications process for a Grant. The terms and conditions contain important information about the rights and obligations of Aidsfonds and applicant in the phase of the application. Please note that a separate set of terms and conditions apply to Grants should these be awarded to you.

1. Definitions

1.1 The following definitions apply in these provisions:

- a) **“Aidsfonds”** means the Stichting Aidsfonds – Soa Aids Nederland having its principal place of business at Condensatorweg 54 (1014 AX) Amsterdam, The Netherlands;
- b) **“Applicant”** means a legal entity under private law with full legal capacity, or a legal entity established according to public law, working in the field of HIV and AIDS;
- c) **“Application”** means the application for a Grant;
- d) **“Application Regulations”** means these terms and conditions that apply to a Grant Application;
- e) **“Call”** means a public request for applications for a Grant, published by Aidsfonds;
- f) **“Grant”** means the total amount of funding by Aidsfonds the Applicant wishes to apply for and/or Aidsfonds wishes to allocate to the Applicant;
- g) **“Project”** means the project for which the Applicant is requesting financial aid in the form of a Grant;
- h) **“Project Agreement”** means the project agreement between Aidsfonds and the Partner to which Terms and Conditions Grants apply;
- i) **“Terms and Conditions Grants”** means the Terms and conditions that apply to awarded Grants and available for download from, the Aidsfonds’ website at www.aidsfonds.nl.

2. The Call

2.1 An Application must be submitted in the context of the Call in order to qualify for a Grant.

2.2 In its Call, Aidsfonds will specify the conditions that must be met for an Application to qualify for assessment, as well as the deadline by which the Application must be made and the applicable criteria regarding the Application to be eligible for a Grant, such as the requirements for a project plan, budget and solvency prognosis.

3. Submission of an Application

3.1 Only Applications that meet the conditions laid down in the Call shall be considered eligible for assessment or further processing by Aidsfonds.

3.2 By submitting an Application, the Applicant accepts that the Terms and Condition Grants apply to any Grant awarded by Aidsfonds.

4. Ineligibility of the Application

4.1 Aidsfonds may decide that an Application is ineligible for further assessment in the following cases:

- a) the Application or the Applicant does not meet the requirements set out in the Call;
- b) the Application was submitted after the deadline;
- c) the Application was not submitted by duly authorised representatives of the Applicant; or
- d) the Application is incomplete.

4.2 Aidsfonds shall inform the Applicant of applicable ineligibility, if any, in which case it is at the discretion of Aidsfonds to offer one opportunity to remediate this within a reasonable term, except in the event the Application was submitted after the deadline.

5. Assessment of Applications

- I. To the extent that an Application is eligible, Aidsfonds shall assess the Application in accordance with the following procedure:Expert review. Aidsfonds shall have the Application reviewed by at least two (preferably three) experts, all of whom shall be selected by Aidsfonds. Applicant may be given the opportunity to respond to the results of such review in accordance with Aidsfonds' instructions.
- II. Advice by External Advisory Committee. The result of the expert review, shall be forwarded to an External Advisory Committee, to be established by Aidsfonds, for verification and further assessment. The External Advisory Committee may request further information from Applicant and shall prepare a written opinion regarding the Application, taking into consideration the outcome of the expert review.

6. Decision on the Application

6.1 Based on the advise of the External Advisory Committee as mentioned in Article 5.1, Aidsfonds' Executive Board will make a decision whether or not to award a Grant to the Applicant.

- 6.2 Aidsfonds will, if applicable, be free to assign a certain ranking order to different Applications for which a positive decision may be made. That ranking may mean that if a great number of positively assessed Applications are received, a Grant will not be awarded to some Applicants. The Applicant is aware of, and accepts, this risk.
- 6.3 Any decision by the Executive Board shall clearly state the reasons for that decision and Aidsfonds shall notify the Applicant of its decision in writing within a reasonable period of time. A decision to award a Grant will also state the maximum Grant amount that can be awarded. Supplementary conditions may be attached to the Grant. For these and the other applicable provisions, please see the Project Agreement and the Terms and Conditions Grants.
- 6.4 Except for the formal decision by Aidsfonds' Executive Board as mentioned in Article 6.3, no rights may be derived from any other type of communication made by or on behalf of Aidsfonds.
- 6.5 In any case, Aidsfonds shall only award a Grant if an Applicant:
- a) has demonstrated that it has sufficient financial resources, including the Grant, to perform the proposed Project;
 - b) is not entitled to any other form of Grant and/or subsidy for the Project in question;
 - c) employs a working method that creates a reasonable expectation that the intended goals will be achieved with the Grant; and
 - d) has complied with all other terms and conditions set out in these Grant Application Regulations.
- 6.6 Even if Applicant meets the above criteria and the (other) criteria included in the Call, Aidsfonds is at all times authorised to decide not to award any Grant to an Applicant.
- 6.7 A Grant will only be final and payable after Aidsfonds establishes that all conditions to the Grant as included in the Project Agreement and Terms and Conditions Grant have been met and Aidsfonds establishes the final amount of the Grant. Until that time, the instalments paid by Aidsfonds are considered advances.

7. Appeals and complaints procedure

- 7.1 Aidsfonds has an appeals procedure in place, the full terms and conditions of which are available on its website. In essence, the Applicant may appeal a decision by Aidsfonds by timely submitting a notice of appeal to Aidsfonds' Executive Board, addressed to the attention of the appeals commission. The appeals commissions shall review whether or not the decision on the Application was reasonably made and whether all required circumstances were adequately considered and stipulated in the decision. The appeals commission shall notify Applicant of its decision in writing as

soon as possible. Applicant shall not have any options to appeal the decision by the appeals commission.

- 7.2 A decision that an Application is not eligible for assessment, as described in Article 4, is not subject to appeal.
- 7.3 Aidsfonds has a complaints procedure relating to any conduct that Aidsfonds and/or its individual employees engage in. Compliance with this procedure is the responsibility of the Executive Board.

8. Changes to these Grant Application Regulations

- 8.1 These Application Regulations enter into force as of August 1st 2018.
- 8.2 Aidsfonds has the right to change the content of these Grant Application Regulations and Aidsfonds shall not unreasonably make use of this right.

9. Applicable law and disputes

- 9.1 These Application Regulations must be construed in accordance with and shall be governed exclusively by the laws of the Netherlands.
- 9.2 Aidsfonds and Applicant shall first attempt to resolve all disputes in connection to the Application and these Application Regulations in accordance with the complaints and appeals procedures referred to in Article 7. If such a resolution is not achieved via the complaints and appeals procedure, all disputes shall be exclusively submitted to the competent court in Amsterdam, the Netherlands.