

General Terms and Conditions Governing Grants of ZonMw
The Netherlands Organisation for Health Research and Development

Applicable as from 1 July 2013



Disclaimer

This is an English translation of the original Dutch text, furnished for convenience only. In case of any conflict between this translation and the original text, the latter shall prevail.

Colophon

ZonMw is The Netherlands Organisation for Health Research and Development

Progress requires research and development. ZonMw funds health research and stimulates use of the knowledge developed to help improve health and healthcare.

ZonMw's main commissioning organisations are the Ministry of Health, Welfare and Sport and the Netherlands Organisation for Scientific Research.

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Preamble

Grants are an important management tool for the Dutch national government in realising its policy objectives. On the ground of Article 9(1) of the Dutch Organisation of Health Services Research Act (*Wet op de organisatie ZorgOnderzoek*) the Minister in charge designates areas of focus for which a programme will be carried out, and in that context he can lay down policy rules with respect to the objective, the content and the scope of the programme. A programme that is laid down in accordance with Article 9(2) of the Organisation of Health Services Research Act forms the framework for the manner in which ZonMw fulfils its duties as described in Article 3(1) of that Act. Those duties consist of having assignments carried out and allocating grants or assignments with respect to projects, experiments, research and development in the field of health, prevention and care. In that context ZonMw safeguards the quality and the cohesion of the projects, and it also promotes the use of the results.

ZonMw grants are project-related grants; they are not intended as an alternative for regular financing or for financing of the care of patients. The results of the projects that are financed in whole or in part by ZonMw are intended to benefit Dutch society as a whole.

The Terms and Conditions Governing Grants are based on Article 11(2) of the Organisation of Health Services Research Act. These General Terms and Conditions Governing Grants govern all ZonMw grants, regardless of the programme, the principal or the public-private collaboration. These General Terms and Conditions Governing Grants also apply as the general terms and conditions governing assignments. ZonMw applies these principles in order to safeguard its independent position and the public interest.

The General Terms and Conditions Governing Grants relate to every party that is involved in the project in question. Three roles are defined in respect of the grant applicant: the party that is responsible for administrative purposes, the primary applicant, and the project leader. For ZonMw, as the party that allocates the grant, that is the competent authority and the programme team: the programme clerical administrator, programme assistant, programme secretary, programme coordinator, and the staff members who are in charge of communications and implementation.

The General Terms and Conditions Governing Grants follow the process that governs the allocation of grants in accordance with the Dutch General Administrative Law Act (*Algemene wet bestuursrecht*): the application, allocation of the grant, advance funding and determination of the amount of the grant. In the decision to allocate the grant a – provisional – maximum grant amount is granted to the grant recipient prior to the commencement of the activities to be carried out, and obligations are attached to the grant. The decision determining the amount of the grant lays down, after the final report has been approved, whether and to what extent the grant recipient is actually entitled to the grant that was granted by means of the decision to allocate the grant.

The 'comply or explain' rule applies in respect of both the grant recipient and ZonMw in connection with the application of general rules, procedures, obligations, or grant terms and conditions. ZonMw may deviate from the Terms and Conditions Governing Grants if there are urgent reasons for doing so. That will be made known in the relevant programme text. Individual derogations from the General Terms and Conditions Governing Grants may be described in the decision to allocate the grant.

In its Open-access Policy ZonMw endeavours to ensure that the publicly financed results of its projects are freely available to be shared and reused. In particular, ZonMw endeavours to ensure that the results are freely available for new scientific research. ZonMw promotes its Open-access Policy by imposing a prohibition against keeping knowledge and information from its projects confidential, unless there are weighty interests involved (such as privacy or an application for a patent) that make it necessary to keep information confidential on a temporary basis.

1 General Provisions

Article 1 Definitions

- A decision is a written decision rendered by ZonMw, which comprises a legal act in accordance with public law (Article 1:3(1) of the General Administrative Law Act).
- A party that bears administrative responsibilities is a person who is legally entitled to represent the legal entity in accordance with the law, the articles of association or the by-laws.
- Co-financing is a contribution from a private or public party – in kind or in cash – to a project or programme that is financed by ZonMw.
- The main applicant is the party that is ultimately responsible for the application for the grant.
- A call is the public announcement that a programme is open for the submission of project ideas or applications for grants.
- A programme is a description of the framework within which projects in the field of public health, prevention and care can be financed.
- A project is an activity (or combination of activities), which is limited in terms of time and resources, that is intended to achieve a result, usually in collaboration, that has been defined in advance.
- ProjectNet is the digital system that ZonMw uses for the submission of applications for grants, to assess them, to monitor their progress and to offer results.
- A project idea is a brief, provisional application for a grant that is intended for an initial selection of ideas, which may be worked out into a detailed application for a grant.
- The project leader is the person who is responsible for carrying out the project.
- Public-private collaboration is a collaborative relationship in which a publicly financed institution and a private party realise a programme or project jointly, while maintaining their own identities and responsibilities, on the basis of a clear division of duties and risks.
- Results are all the outcomes, materials, methods, processes, products, software, discoveries and inventions, or data that are generated in the context of a project.
- A grant is an entitlement to financial resources that are provided by ZonMw with a view to particular activities of the applicant's, other than as payment for goods delivered or services provided to ZonMw (Article 4:21 of the General Administrative Law Act).
- An application for a grant is a request to render a decision (Article 1:3(3) of the General Administrative Law Act) and must contain a substantive description of the project and the project budget.

Article 2 Laws and regulations, codes of conduct and guidelines

1. It is the grant recipient's responsibility to comply with any and all national and international laws and regulations that apply.
2. The grant recipient must apply at least the following codes of conduct: the Dutch Biosecurity Code of Conduct (*Gedragscode Biosecurity*) and, if applicable, the Dutch Code of Conduct Governing Disclosure of Animal Testing (*Code Openheid Dierproeven*). A failure to apply those codes of conduct may lead to the application for a grant not being accepted for processing or to the grant of the grant being revoked.
3. The grant recipient is obliged to comply with any and all relevant codes of conduct and guidelines that apply in respect of the applicable field of study, insofar as they are not contrary to any laws or regulations. A number of codes of conduct and guidelines that ZonMw applies or endorses can be found at www.zonmw.nl.
4. The grant recipient must endeavour and, if it can be reasonably expected to do so, take the precautions necessary to ensure that the project and/or the results generated from it will not (and will not be able to) contribute to terrorist activities, any violation of human rights or any activities in respect of which the use of illegal materials is not eschewed.

Article 3 ZonMw's procedures

In its procedures ZonMw describes the general manner in which applications for grants are submitted, assessed and selected, in order to monitor the progress of the projects and to control and evaluate the programmes. In principle those procedures apply in respect of all programmes. ZonMw may deviate

from those procedures that generally apply, in which case the relevant programme text will describe and announce the procedure that will specifically apply in respect of that particular programme. In addition the procedure may be defined in more detail in a call.

Article 4 Duty to give notice

The grant recipient has a general obligation to immediately give substantiated notice, in writing, of any intention to deviate from an application for a grant that has already been allocated or from the obligations that are attached to the grant. All the documents that are relevant in that respect must be submitted. Any such change must be approved in advance by ZonMw. Any changes that are made without ZonMw's prior approval could affect the decision with respect to the continuation of the project and the amount of the grant to be determined.

Article 5 Liability

1. The grant recipient indemnifies ZonMw against any and all claims:
 - a. in respect of any and all damage and/or loss that the grant recipient sustains as a result of the activities that are conducted and the related publications that are disseminated by or by virtue of the grant recipient; and
 - b. that are brought by third parties, including the costs of legal representation, that are in any way related to or that ensue from the activities that the grant recipient has engaged in or has failed to engage in.
2. The grant recipient must ensure that:
 - a. the moveable and immovable property is insured in a suitable manner against the risk of theft and fire; and
 - b. the statutory third-party liability is insured for volunteers who perform work in the context of the subsidised activities.

Article 6 Terms applied by ZonMw

When it allocates grants ZonMw applies the following (maximum) terms:

1. The decision with respect to the grant of the grant will be rendered within 13 weeks after the deadline stipulated in the call for the receipt of the detailed application for the grant in question.
2. The 13-week term referred to in the first subsection will be extended to 22 weeks in the event that advice is sought or a further investigation is started with respect to the application for the grant.
3. The term referred to in the first subsection will be extended to 40 weeks in the event that the decision depends in part on the determination of an international assessment committee or an international peer review, such as foreign examiners.
4. The decision with respect to the determination of the amount of the grant will be rendered within 13 weeks after a substantive and financial final report has been received.
5. ZonMw may postpone rendering a decision until a date to be determined by it, provided that it states its reasons for doing so.

2 Applying for a grant

Article 7 Legal entity

1. Only public law or private law entities that have their registered offices in the Netherlands may apply for a grant from ZonMw.
2. A private law entity must submit the following documents together with the application for the grant if it is requested to do so:
 - a. a copy of the deed of incorporation or formation, the articles of association or the by-laws;
 - b. a copy showing that the legal entity has been registered in the public Trade Register;
 - c. in the event that the application for the grant has been signed by one or more persons other than the persons who are authorised to represent the institution on the ground of the articles of association or the by-laws: a copy of the power of attorney on the ground of which the application for the grant has been signed by that other person or those other persons;
 - d. it will not be necessary to submit the above-mentioned documents in the event that the applicant can reasonably demonstrate that ZonMw already has that information at its disposal.
3. A natural person may apply for a grant from ZonMw if a programme is open for forms of grants that are person-related.

Article 8 Application for a grant

1. Grants are allocated only on the basis of an application.
2. Applicants are required to follow the procedure indicated by ZonMw and to use ProjectNet and the forms that ZonMw makes available.
3. Applications for grants must be drawn up in Dutch unless ZonMw indicates that another language may be used.
4. ZonMw must have received the applications for grants before the deadline that ZonMw indicates in the call has lapsed (closing date and time). Applications for grants that are not based on a notice or that are submitted after the deadline has lapsed will not be accepted for processing.
5. In the event that an application for a grant is deficient or incomplete ZonMw will give the applicant one or two days in order to supplement the application. In the event that the defect has not been remedied within that term ZonMw will be entitled to refuse to accept the application for processing (Article 4:5 of the General Administrative Law Act).
6. The main applicant and the party that is responsible for administrative purposes on behalf of the legal entity must sign a written declaration stating that they are both in agreement with respect to the submission of the application for the grant. ZonMw must have received that declaration one week prior to the application for the grant. ZonMw will not accept the application for processing unless it has received such a declaration.
7. In the event that the main applicant does not have an employment relationship with the legal entity of the party that is responsible for administrative purposes, the parties must conclude a collaboration agreement with respect to the implementation of the application for the grant in question.
8. ZonMw may require a main applicant to submit a complete overview of the financial situation of the party that is applying for the grant at the time at which the grant is applied for.
9. In the event that a grant or another financial contribution has been applied for from a third party in respect of the same activities, the main applicant must indicate that fact in the application and must indicate the status with regard to the assessment of that application or those applications.
10. The project budget must provide insight into the project's income and expenditures. The budget formats that ZonMw makes available must be used for that purpose. The project budget must contain a post-by-post explanation.
11. The percentage of the funds intended for communication and implementation activities indicated in the call must be reserved in the application for the grant.
12. When it calculates the staffing costs ZonMw uses the salary tables or rates that apply in respect of the grant recipient in question. If no such tables or rates apply, the collective labour agreement or salary scheme that applies in respect of the grant recipient will be used as the basis for calculating the staffing costs.

13. In the event that staff members from another institution are used, those staffing costs will be calculated on the basis of the salary tables or rates that apply in respect of the institution in question.

3 Grant allocation and advance funding

Article 9 Grant allocation

1. A grant will be allocated only insofar as ZonMw is of the opinion that the application for the grant in question is in line with the programme's objectives, the call and the assessment procedure has led to a positive determination.
2. ZonMw will indicate the maximum amount of the grant in the grant allocation. The maximum amount of the grant indicated is always inclusive of any VAT that is due.
3. ZonMw will allocate the grant for the duration of the project, and the grant will end when the project has been completed.
4. In the event that a permit is required in order to carry out the project, ZonMw must have received a copy of that permit before the project may commence.
5. If a positive determination from a recognised medical research ethics committee, the Dutch Central Committee on Research Involving Human Subjects (*Centrale Commissie Mensgebonden Onderzoek*) or an animal experiment committee is required in order to carry out the project, ZonMw must have received a copy of that positive determination before the project may commence. ZonMw may give permission to start the project for a maximum term of 12 months while awaiting such a determination. Of course, in such cases the use of human subjects or laboratory animals will not be permitted until a positive determination has been issued.

Article 10 Advance funding

1. After the grant has been allocated ZonMw will pay advances on the basis of an advance funding schedule to be determined by ZonMw.
2. The advance funding will not commence until any further conditions that have been stipulated have been complied with *and* after ZonMw has received a written notification with respect to the actual starting date, including a statement of acceptance of the obligations attached to the grant.
3. ZonMw will notify the grant recipient in writing with respect to the advance funding schedule. The funds will be transferred to the grant recipient's account in accordance with the advance funding schedule. The grant recipient must use the funds that are received in order to carry out the project.
4. ZonMw will continue to pay the advance funding on the basis of its receipt and approval of the progress report. In the event that the progress is not sufficient the advance funding may be temporarily or permanently stopped. The advance funding schedule may be adjusted in the event that the progress report gives cause to do so.
5. The grant recipient must submit any changes to the budget in advance and must substantiate the reason for the change in question. The changes to the budget amounts will be effective only after they have been approved by ZonMw.

4 The grant recipient's obligations

Article 11 General

1. The grant recipient is responsible for ensuring that the project runs smoothly and for accounting to ZonMw in that respect. The grant recipient must ensure that the grant is used efficiently and only for the purposes for which it has been granted. The grant recipient must ensure that the grant is administered in a proper and transparent manner.
2. The grant recipient accepts that ZonMw will include information from the application for the grant, progress reports and end reports in public overviews. The grant recipient must notify ZonMw in a timely manner in the event that the grant recipient can plausibly demonstrate that the reasonable interests of the grant recipient, the project or the exploitation of the results would be threatened by the publication of all or any parts of the application for the grant, the progress reports and the end reports.
3. In connection with the importance that ZonMw attaches to ensuring that other parties are able to take cognisance of ZonMw projects, the grant recipient is required to have the project recorded in the most appropriate register or database or to make it public in another manner.
4. The results of the project must be made available free of charge to the Dutch society at large or to other projects in the same field. Any products may be made available on the basis of the cost price. An exception to this rule may be made in the event that knowledge valorisation is the purpose of the programme or in the event that there has been a collaboration with commercial parties.

Article 12 Terms that apply in respect of the grant recipient

1. The grant recipient must comply with the following terms:
 - a. The project must commence within six months after an application for the grant has been allocated. In the event that a project has not commenced within that term, the grant will lapse. In special cases that term may be extended for a maximum term of three months, in which case it must have been plausibly demonstrated within that six-month term that there are circumstances as a result of which it will not be possible to commence the project within six months. In the call ZonMw may stipulate that the project must start earlier, after the funds have been paid.
 - b. ZonMw must receive the progress report halfway through the term of the project, unless ZonMw stipulates otherwise. ZonMw will remind the grant recipient of that obligation two months prior to the relevant date.
 - c. Within 13 weeks after the date on which the project ends, the grant recipient must submit a report in which it renders an account in respect of the project. That report must consist of a substantive and financial final report.

Article 13 Substantive accountability

The grant recipient must render an account with respect to the progress and the results of the project. However, the manner in which the project must be accounted for may differ depending on the project. The report in which the grant recipient renders an account in respect of the project must provide insight into how the project activities are progressing (or have progressed) and whether the obligations attached to the grant have been complied with.

Progress report

1. In general ZonMw chooses to request one progress report halfway through the term of the project.
2. ZonMw may choose to request an interim account of the progress of the project more often, regardless of the term or the amount of the grant.
3. The grant recipient may be invited to give a presentation with respect to the progress of the project.
4. ZonMw may pay a working visit in order to obtain more information regarding the progress of the project.

5. ZonMw may give the grant recipient additional substantive and/or financial instructions on the basis of the assessment of the progress report.

Final report

6. In respect of all projects, after the projects have ended ZonMw will request a substantive report rendering an account in respect of the project in question.
7. The final report must provide clear insight into the results that have been achieved and the nature, duration and scope of the activities for which the grant has been provided. In the report, the results that have been achieved and the activities that have been carried out must be compared with the intended activities indicated in the application for the grant. The project manager must submit a financial account to ZonMw, together with the substantive final report.

With respect to the progress reports and final reports:

8. The progress reports and final reports must be submitted through ProjectNet, using the form intended for that purpose insofar as a specific form is required.
9. The party that is responsible for administrative purposes must co-sign the financial reports to indicate that it has approved them and the substantive final reports to indicate that they have been read. That may also be done by means of a separate written statement.

Article 14 Accountability up to four years after completion

The grant recipient declares that it is willing to fully cooperate – up to four years after the project has been completed – with drawing up any overviews, surveys, knowledge synthesis reports, etc. on the instructions of ZonMw. Publications with respect to and the results of the project must be offered to ZonMw up to four years after the project has been completed. In addition, the grant recipient undertakes to inform ZonMw during that term with respect to the use of the results.

Article 15 Contributions to the programme

ZonMw may organise activities, together with the grant recipient, that will contribute to the programme of which the project forms part, in particular with respect to activities from the communication and implementation plan in respect of the programme. The grant recipient undertakes to cooperate in this respect.

Article 16 Implementation

In the application for a grant, the progress report(s) and the final report, the grant recipient must make clear what efforts will be and have been made in order to promote the transfer of knowledge, implementation and utilisation of the results. In that context the grant recipient must answer the questions regarding dissemination and implementation in the progress report. On the basis of the answers to those questions, ZonMw may invite the grant recipient to make a proposal for a dissemination and implementation initiative.

Article 17 Communication

1. The grant recipient must coordinate the communication in respect of the project with ZonMw, in particular with regard to activities from the communication and implementation plan for the programme of which the project forms part.
2. The grant recipient must notify ZonMw in advance, through ProjectNet, in the event that the results of the project are publicised by means of a press release, press conference, daily newspapers and weekly magazines, radio or television, etc.
3. The grant recipient must offer ZonMw any publications regarding the project, such as articles and reports, through ProjectNet.
4. The grant recipient must refer to the grant from ZonMw in any and all communications with respect to the project. ZonMw's logo must be used in the communications, and the programme from which the project has been made possible must be named. The following text must be printed before the logo: 'This project [number] has been made possible by: [logo]'. The logo can be downloaded at www.zonmw.nl. In the event that it would not be appropriate to use the logo, ZonMw's name must be used instead of the logo.

5. The grant recipient must ensure that the codes of conduct that are in force with respect to privacy and with respect to research and the media are complied with, for reasons of due care and in order to ensure that any coverage is well balanced.
6. On its website ZonMw publishes summaries for lay persons with respect to all the projects that have been granted, for the benefit of a broadly interested public. The grant recipient must submit two texts for that purpose: one text prior to the commencement of the project – within two weeks after the grant has been allocated – and one text after the project has ended, before the determination of the amount of the grant.

Article 18 Publications

1. The grant recipient must publish with respect to the results of the project, unless publication would not serve any public interest whatsoever. The grant recipient must also publish with respect to projects that are terminated prematurely or that do not lead to the desired result. Publishing is a mandatory component of the project's activities.
2. In the event that the grant recipient does not wish to publish the results of the project, or in the event that it fails to do so in a timely manner, ZonMw will be entitled to publish the results, after consulting with the grant recipient.
3. In addition to the academic and/or scientific dissemination of the results of the project, the grant recipient must also publish with respect to the results in a manner that is aimed at the target audience.
4. ZonMw may include the publication in a special series. ZonMw will consult with the grant recipient in a timely manner in this respect.
5. In appropriate cases ZonMw may determine that the grant recipient may not publish the results of the project during an embargo term to be determined by ZonMw. That term will be subject to a maximum of three months or, in the event of expected exploitation rights in respect of results, for a maximum term of nine months after the project has been completed.
6. ZonMw endeavours to ensure that publications are freely accessible. Therefore, those publications must be made accessible to the public through an 'open access' as quickly as possible, apart from other methods of publication. Copyrights may not impede the possibility to publish by means of 'open access'.
7. In the event that a grant is aimed in whole or in part at creating a 'work' within the meaning of Article 10(1) of the Dutch Copyright Act of 1912 (*Auteurswet 1912*), the grant recipient must ensure that it is the titleholder in respect of that work.

Article 19 Intellectual property rights

1. All the results of projects that are achieved with financing from ZonMw must be made accessible for further research and/or exploitation as quickly as possible after the project has ended, unless there are weighty interests (such as privacy or an application for a patent) that make it necessary to temporarily keep the results confidential.
2. With a view to the dissemination and/or application of the results of publicly funded projects, before it starts implementing the project the grant recipient must ensure that in the event that that the project is carried out in whole or in part by persons who do not have an employment relationship with the institution in question, those persons waive in writing any ownership rights in respect of the results.
3. Co-financing or other contributions to the project by third parties will not lead to any right to exclusively use and/or apply the results, unless other arrangements have been made by means of a written agreement prior to the implementation of the project and provided that the applicable regulations that govern state aid are not evaded or violated by means of such an agreement.
4. By means of its accepting a grant that results in a copyrighted work and/or databases, the copyright holder or the creator of the database(s) gives permission for the following: in order to promote the transfer of knowledge, ZonMw will be entitled to stipulate further conditions in respect of copyrights and the extraction rights in respect of databases that are created in the context of the project.

Article 20 Data files

1. With respect of data files, ZonMw and the grant recipient will be deemed to be the joint 'producer of the database' within the meaning of the Dutch Databases (Legal Protection) Act (*Databankenwet*).
2. The grant recipient must draw up a data management plan in which it indicates how data will be shared, when the data will be made available to third parties and the manner in which the data will be made accessible. That plan must be submitted to ZonMw for approval.
3. Databases, together with the related explanatory notes, will in any event be made available in the manner indicated by ZonMw for use for the benefit of further scientific and/or academic research. Therefore, the data that are collective within a project must be documented and saved in an accessible manner that is in accordance with the applicable standards.

Article 21 Exploitation rights

1. Without prejudice to the provisions contained in the Terms and Conditions Governing Grants, ZonMw is entitled to claim the ownership of the results that qualify for exploitation, provided that the specific objectives of a grant instrument so require and the programme text indicates the proposed manner in which the exploitation rights will be divided and, if relevant, the manner in which the results will be exploited, stating the related preconditions. In such cases, before the project in question is carried out, concrete agreements will be laid down, at the time at which the grant is allocated, in a written agreement (such as an implementation agreement) within the meaning of Article 4:36(1) of the General Administrative Law Act. That will be done between the organisations at which the project is carried out and ZonMw.
2. In the event that the project is carried out entirely in a foreign country, under the responsibility of a knowledge institute that is established in that country, that knowledge institute may apply the patent legislation that applies in that country provided that that patent legislation, compared with Dutch patent legislation, does not negatively affect the Dutch party or parties involved and/or the results.
3. Such an agreement must generally be tailor-made. The parties to that agreement must include in it any and all agreements that are necessary with respect to the background knowledge that is relevant in respect of the implementation of the project and the utilisation of the results that are not freely available to all the parties. In the event that the project involves a public-private collaboration, that agreement must also contain agreements with respect to the consequences in the event that the project is terminated prematurely.
4. The grant recipient must ensure that employees or other persons who could claim exploitation rights in respect of the results transfer those rights to the party or parties that are entitled to those rights in accordance with the foregoing provisions.

Article 22 'Safety clause'

For safety's sake, in the event of unforeseen circumstances, the presumptive party that is entitled to the results grants ZonMw permission to duplicate, disclose, reuse, reproduce, process, etc. the results, and it thereby waives any rights that could impede 'open access'.

Article 23 Provision of information to ZonMw

1. At ZonMw's request the grant recipient will provide any and all information, documents and explanations that are necessary for ZonMw to properly fulfil its duties. The document must be shown on one address and the explanations must be provided in writing upon request.
2. Any and all other cooperation will also be provided to every extent possible in order to enable ZonMw to properly fulfil its duties. This includes cooperating in carrying out site visits, which ZonMw will be entitled to carry out at any time it wishes.
3. The grant recipient will be entitled to refuse to provide information and documents insofar as the interest in doing so in connection with ZonMw's decision is outweighed by the interest in protecting personal privacy, including the protection of the results of medical and psychological studies, or is outweighed by the interest in protecting business and manufacturing information (Article 4:3 of the General Administrative Law Act).

Article 24 Income and expenditures

1. The income and expenditures related to a project that are allocated by being charged on internally will be based on commercial and socially acceptable standards. Insofar as that includes expenditures of tangible fixed assets, those expenditures will be calculated on the basis of the purchase prices.
2. Fees that the grant recipient pays to third parties at the expense of the project in connection with services that are provided or goods that are delivered may not be higher than the amounts that are commercially acceptable and socially customary.
3. A grant recipient that delivers goods or provides services to third parties in the context of the implementation of the project must charge a fee for those goods or services that at least covers the related costs.

5 Determination of the amount of the grant

Article 25 Financial accounts

1. In order to determine the amount of the grant, the grant recipient must submit both a substantive and a financial final report within 13 weeks after the date on which the project ends. The person who is responsible for the institution's finances must sign the financial final reports (and, if necessary, the party that is responsible for administrative purposes must co-sign the financial reports to indicate that they have been read). ZonMw will provide guidelines in advance in which it will indicate the manner in which the finances must be accounted for.
2. In the financial accounts the grant recipient must give ZonMw sufficient insight to enable ZonMw to form a sound opinion with respect to the budget and the realisation. Significant differences between the budget and the realisation must be explained. In the financial final report the actual costs must be compared with the cost items that were included in the budget that ZonMw approved.
3. The grant recipient must immediately give written notice of any circumstances that could affect the decision with respect to the amount of the grant to be determined.

Article 26 Audit

The grant recipient's accountant – who must have certification authority – must conduct an investigation within the context of the audit of the annual accounts to ensure that the grant has been spent correctly, in accordance with ZonMw's audit protocol. The costs related to the audit cannot be subsidised. Nonetheless, ZonMw is authorised to audit the books and records or to conduct an investigation at the institution in order to ensure that the institution has complied with the obligations attached to the grant.

6 Final provisions

Article 27 Sanctions

Articles 4:48 and 4:49 of the General Administrative Law Act contain provisions that govern the revocation or a retroactive change to the allocation of a grant and the determination of the amount of the grant. The following are the most important grounds pursuant to those articles.

1. ZonMw may revoke the allocation of the grant or change the grant to the detriment of the grant recipient in the event that:
 - a. the activities for which the grant has been allocated have not been carried out or will not be carried out in whole or in part;
 - b. the grant recipient has failed to comply with the obligations that have been attached to the grant;
 - c. the grant recipient has provided incorrect or incomplete information and the provision of correct or complete information would have led to a different decision in respect of the application for the grant; or
 - d. the grant was otherwise allocated incorrectly and the grant recipient knew that or should have known it.
2. ZonMw may revoke the allocation of the grant or change the grant to the detriment of the grant recipient:
 - a. on the ground of facts or circumstances of which it reasonably could not have been aware at the time at which the amount of the grant was determined and on the ground of which the amount of the grant would have been lower than the amount determined in accordance with the allocation of the grant;
 - b. in the event that the determination of the amount of the grant was incorrect and the grant recipient knew that or should have known it; or
 - c. in the event that after the determination of the amount of the grant, the grant recipient has failed to comply with the obligations that have been attached to the grant.
3. ZonMw may lower the amount of the grant (to nil) on the basis of the provisions contained in the first or second subsection. In addition, any abuse or misuse will be reported.

Article 28 Legal protection

1. Any person or party may submit a complaint with respect to the manner in which ZonMw has acted towards a person or a third party in a particular situation.
2. The grant recipient may lodge an objection to a decision. To do so, the grant recipient must send a notice of objection to ZonMw's Notice of Appeals and Objections Committee within six weeks after the date on which the decision has been made known.
3. More information regarding alerting, complaining and objecting can be found at www.zonmw.nl.

Article 29 Appendices

The appendices to these General Terms and Conditions Governing Grants can be found at www.zonmw.nl.