

General Terms and Conditions Governing Grants of ZonMw

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Preamble

Grants are an important management tool for the Dutch national government in realising its policy objectives. On the basis of Article 9(1) of the Dutch Organisation of Health Services Research Act (OHSRA) (*Wet op de organisatie ZorgOnderzoek*), the Minister designates focus areas for which a programme will be carried out and may lay down policy rules with respect to the objective, content and scope of the programme. A programme laid down in accordance with OHSRA Article 9(2) 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 commissioning contracts and awarding grants or contracts in relation to projects, experiments, research and development in the field of health, prevention and care. In that context, ZonMw monitors the quality and cohesion of the projects and also promotes the use of the results.

ZonMw grants are project-related grants; they are not intended as an alternative to regular funding or patient care funding. The results of projects funded 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 OHSRA Article 11(2). These General Terms and Conditions Governing Grants govern all ZonMw grants, irrespective of the programme, commissioner or public-private partnership. These General Terms and Conditions Governing Grants also apply to contracts, as general terms and conditions. ZonMw applies these principles in order to safeguard its independent position and the public interest.

The General Terms and Conditions Governing Grants apply to every party involved in the project in question. In respect of the grant recipient, three roles are defined: the party with administrative responsibilities, the applicant or main applicant, and the project leader/official secretary. In the case of ZonMw, as the grant provider, the roles are competent authority and programme team, consisting of programme clerical administrator, programme assistant, programme secretary, programme coordinator, and staff members responsible for communications and implementation.

The General Terms and Conditions Governing Grants follow the grant allocation process under the Dutch General Administrative Law Act (GALA) (*Algemene wet bestuursrecht*): application, grant award, advance funding and determination of grant amount. In general, this process involves two decisions: the grant award and the determination of the grant amount. In the grant award decision, a maximum grant amount is allocated – provisionally – to the grant recipient in advance of the activities to be carried out, and obligations are attached to the grant. The decision determining the grant amount, adopted after approval of the final report, determines whether and to what extent the grant recipient is actually entitled to the grant awarded in the grant award decision. The term ‘grant’ is in line with the definition in GALA Article 4:21.

The grant award and accountability reporting procedure follows the ‘Grant award regulations’¹ (arising from the ‘Uniform Grant Framework’, UGF). Characteristic elements of the UGF are:

- a. Three standard implementation and accountability reporting arrangements, the application of which is determined by the amount of the grant;
- b. Standardisation and simplification of concepts and obligations in the grant process (including terms, advances, reports); and
- c. Dutch national policy to prevent abuse.

The UGF is based on proportionality between the administrative burden for the recipient and the grant amount. The lower the grant amount per recipient, the fewer or simpler the conditions, and the more efficient the final accountability reporting. Which of the three standard implementation and accountability reporting arrangements is applicable depends on the size of the grant.

Further rules and templates can be found at www.zonmw.nl.

Both the grant recipient and ZonMw are subject to the “comply or explain” principle with regard to the application of general rules, procedures, obligations or grant conditions.

¹ *Regeling vaststelling Aanwijzingen voor subsidieverstrekking* of 15 December 2009, Stcr. 2009, 20306.

ZonMw may deviate from the Terms and Conditions Governing Grants if there are urgent reasons for doing so. This will be notified in the relevant programme text. Individual deviations from the General Terms and Conditions Governing Grants may be described in the grant award decision.

In its Open Access Policy, ZonMw endeavours to ensure that the publicly funded 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 specifying that knowledge from its projects may not be kept confidential unless there are important interests (such as privacy or a patent application) that require confidentiality on a temporary basis.

1 General provisions

Article 1 Definitions

- A decision is a written decision rendered by ZonMw, comprising a legal act in accordance with public law (GALA Article 1:3(1));
- A party with administrative responsibilities is a person who is legally entitled to represent the legal entity in accordance with the law, articles of association or by-laws;
- Co-funding is a contribution from a private or public party – in kind or in cash – to a project or programme funded by ZonMw;
- The applicant or main applicant is the party ultimately responsible for the grant application;
- A call is the public announcement that a programme is open for the submission of project ideas or grant applications;
- A programme is a description of the framework within which projects in the field of public health, prevention and care can be funded;
- A project is an activity (or combination of activities) that is limited in terms of time and resources and is intended to achieve a previously defined result, usually in collaboration;
- A project idea is a brief, provisional grant proposal intended to provide an initial selection of ideas that may be further developed into a detailed grant application;
- The project leader/official representative is the person responsible for carrying out the project;
- A public-private partnership is an alliance in which a publicly funded institution and a private party carry out a programme or project jointly on the basis of a clear division of duties and risks, while maintaining their own identities and responsibilities;
- Results are all the outcomes, materials, methods, processes, products, software, discoveries, inventions or data that are generated in the context of a project;
- A grant is an entitlement to financial resources allocated by ZonMw with a view to particular activities of the applicant, other than as payment for goods delivered or services provided to ZonMw (GALA Article 4:21);
- A grant application is a request to render a decision (GALA Article 1:3(3)) and must contain a substantive description of the project and a 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 Dutch or international laws and regulations that apply.
2. The grant recipient must apply at least the following codes of conduct: the Dutch Code of Conduct for Biosecurity (*Gedragcode Biosecurity*) and, if applicable, the Dutch Code for Transparency in Animal Testing (*Code Openheid Dierproeven*). A failure to apply these codes of conduct may lead to the grant application not being accepted for processing or to the grant award being revoked.
3. The grant recipient is obliged to comply with any and all relevant codes of conduct and guidelines within the field of study concerned, 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 will endeavour and, where reasonable, take the necessary precautions to ensure that the project and/or the results generated by it will not (and cannot) contribute to terrorist activities, any violation of human rights or any activities that do not eschew the use of illegal means.

Article 3 ZonMw procedures

In its procedures, ZonMw describes the general manner in which grant applications are submitted, assessed and selected, in order to monitor the progress of projects and to guide and evaluate programmes.

In principle, these procedures apply to all programmes. However, ZonMw may deviate from these generally applicable procedures. In this case, the relevant programme text will indicate and describe the procedure that applies specifically to that programme. The procedure may additionally be defined in more detail in a call.

Article 4 Duty to give notice

The grant recipient is under a general obligation to give immediate notice, in writing and stating its reasons, of any intention to deviate from a grant application that has been awarded or from the obligations attached to the grant. In doing so, all relevant documents must be submitted.

Any such change must be approved in advance by ZonMw. Any changes made without prior approval from ZonMw may affect the decision on the continuation of the project and the final grant amount.

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 conducted and the related publications disseminated by or for the grant recipient; and
 - b. brought by third parties, including the costs of legal representation, that are in any way related to or ensue from activities that the grant recipient has conducted or failed to conduct.
2. The grant recipient must ensure that:
 - a. moveable and immovable property is suitably insured against the risk of theft and fire; and
 - b. statutory third-party liability is insured for volunteers carrying out work in the context of activities funded by the grant.

Article 6 Terms applied by ZonMw

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

1. The grant award decision will be rendered within 13 weeks after the deadline stipulated in the call for receipt of the detailed grant application.
2. The 13-week term referred to in the first subsection will be extended to 22 weeks if an opinion is sought or further investigations are initiated with respect to the grant application;
3. The term referred to in the first subsection will be extended to 40 weeks if the decision depends in part on the determination of an international assessment committee or on international peer reviewers such as foreign referees.
4. ZonMw may defer its 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 grant application if it is requested to do so:
 - a. a copy of the memorandum of association and the articles of association;
 - b. a document showing that the legal entity has been registered in the public Trade Register of the Netherlands;
 - c. if the grant application has been signed by one or more persons other than the persons authorised to represent the institution on the basis of the articles of association: a copy of the power of attorney allowing that other person or those other persons to sign the grant application;
 - d. the above-mentioned documents need not be submitted if the applicant can reasonably demonstrate that ZonMw already has this information at its disposal.
3. A natural person may apply for a grant from ZonMw if a programme is open to forms of grants for individual researchers.

Article 8 Grant application

1. Grants are allocated only on the basis of an application.
2. Applicants must follow the procedure indicated by ZonMw and all documents must be submitted online using the web application made available by ZonMw.
3. Grant applications must be drawn up in Dutch unless indicated otherwise.
4. ZonMw must receive grant applications before the deadline (closing date and time) indicated in the call. Grant applications that are not based on a call or are submitted after the deadline will not be accepted for processing.
5. If a grant application is deficient or incomplete, ZonMw will give the applicant 1 or 2 days in order to supplement the application. If the defect has not been remedied within that term, ZonMw will be entitled to refuse to accept the application for processing (GALA Article 4:5).
6. The main applicant and the party with administrative responsibilities on behalf of the legal entity must sign a written or online declaration stating that they both agree to the submission of the grant application. ZonMw must receive this declaration within one week after submission of the grant application. ZonMw will not accept the application for processing unless it has received such a declaration.
7. If the main applicant does not have an employment relationship with the legal entity of the party with administrative responsibilities, the parties must conclude a collaboration agreement with respect to the implementation of the grant application in question.
8. ZonMw may require a main applicant to submit a complete overview of the financial situation of the grant recipient at the time of submission of the grant application.
9. If a grant or other financial contribution has been applied for from a third party in respect of the same activities, the main applicant must indicate this fact in the application and must state the assessment status of that application or those applications.
10. The project budget must provide insight into the income and expenditure of the project. The budget formats made available by ZonMw must be used for this purpose. The project budget must contain a post-by-post explanation.
11. The percentage of the funds for communication and implementation activities specified in the call must be reserved in the grant application.
12. When calculating 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. If staff members from another institution are deployed, these 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 if ZonMw considers the grant application to be in line with the programme's objectives and the call, and the assessment procedure has led to a positive decision.
2. ZonMw will allocate the grant for the duration of the project and the grant will end when the project has been completed.
3. If 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.
4. If a positive decision 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 decision before the project may commence. ZonMw may give permission to start the project for a maximum term of 12 months while awaiting such a decision. Of course, in such cases the use of human subjects or laboratory animals will not be permitted until a positive decision has been issued.

Article 9a Grant award procedure

a. Grants lower than € 25,000

Grants lower than € 25,000 are awarded in the form of a fixed amount set in advance by ZonMw or determined on the basis of information submitted with the application. If a grant is awarded, a grant award decision will be issued, stating the date by which the activities must be carried out and the date by which ZonMw must be informed about the implementation of the activities for which the grant has been awarded.

b. Grants of € 25,000 or more where the activities to be funded consist of measurable performance units

Grants of € 25,000 or more for activities consisting of measurable performance units are awarded in the form of a fixed amount for a performance unit to be achieved, which amount is set in advance by ZonMw or determined on the basis of information submitted with the application. The grant recipient is obliged to demonstrate, in a manner indicated in advance by ZonMw, that the activities for which the grant has been awarded have been carried out and that the obligations attached to the grant have been met.

c. Grants of € 25,000 or more where the activities to be funded do not consist of measurable performance units

Grants of € 25,000 or more are awarded in the form of a fixed amount set in advance by ZonMw or determined on the basis of information submitted with the application. The grant recipient is obliged to demonstrate, in a manner indicated in advance by ZonMw, that the activities for which the grant has been awarded have been carried out and that the obligations attached to the grant have been met.

Article 9b Derogation by decision

In exceptional cases, a decision may derogate from the amounts and award procedure referred to in Article 9a.

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 stipulated have been met *and* until ZonMw has received a written notification of the actual starting date.
3. ZonMw will notify the grant recipient of the advance funding schedule in writing. The funds will be transferred to the grant recipient's account in accordance with the advance funding schedule. The grant recipient makes the funds received available for carrying out the project.
4. ZonMw will continue to pay the advance funding on the basis of its receipt and approval of the progress report. If the progress is not sufficient, the advance funding may be temporarily or

permanently stopped. The advance funding schedule may be adjusted if the progress report gives cause to do so.

5. The grant recipient must submit any changes to the budget in advance, stating the reason for the change. Changes to the budget amounts will be effective only after they have been approved by ZonMw.

Article 10a Grant award decision

1. The grant award decision must state the activities or performance units for which the grant is awarded, the grant amount, the accountability reporting procedure, the period for which the grant is awarded, the manner in which the recipient can demonstrate that activities have been carried out or performance units achieved and, in the case of a grant as referred to in Article 9a(a), the final date by which the activities must be completed.
2. If the grant award decision specifies the budgeted costs of the activities to be funded, these will be equal to the sum of the third-party contributions, the budgeted own contribution and the grant as specified in that decision.

4 Obligations of the grant recipient

Article 11 General

1. The grant recipient is responsible for ensuring that the project runs smoothly and for reporting 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 awarded. 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 grant application, progress reports and final reports in public overviews. If the grant recipient can plausibly demonstrate that its reasonable interests, the project or the exploitation of the results would be threatened by the publication of all or any parts of the grant application, progress reports and final reports, the grant recipient must notify ZonMw in good time.
3. Because ZonMw considers it important that other parties should be able to consult ZonMw projects, the grant recipient must enter the project in the most appropriate register or database or make it public in another manner.
4. The results of the project must be made available free of charge to Dutch society at large or to other projects in the same field. Any products may be made available on the basis of cost price. An exception to this rule may be made if knowledge valorisation is the purpose of the programme or if there has been a collaboration with commercial parties.

Article 12 Terms applying for the grant recipient

1. The grant recipient must comply with the following terms:
 - a. The project must commence within 6 months after a grant application has been awarded funding. If a project has not commenced within that term, the grant will lapse. In special cases, that term may be extended for a maximum of 3 months. In this case, it must have been plausibly demonstrated within that 6-month term that there are circumstances preventing the project from commencing within 6 months. In the call, ZonMw may stipulate that the project must start sooner after the award of funding.
 - b. ZonMw must have received the progress report by halfway through the term of the project, unless stipulated otherwise. ZonMw will remind the grant recipient of this obligation 2 months before the relevant date.
 - c. Within 13 weeks after the date on which the project ends, the grant recipient must submit a final accountability report. This report must consist of a substantive and financial final report.

Article 13 Substantive account

The grant recipient must render an account on the progress and results of the project. However, the procedure for accountability reporting may differ depending on the project. The accountability report must explain how the project activities are progressing (or have progressed) and whether the obligations attached to the grant have been met.

Progress report

1. In general, ZonMw opts to request one progress report halfway through the term of the project.
2. ZonMw may opt to request an interim account of project progress more often, regardless of the term or amount of the grant.
3. The grant recipient may be invited to give a presentation on 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 based on the assessment of the progress report.

Final report

6. ZonMw requests a substantive account of each project after completion.
7. The final report must provide a clear explanation of the results that have been achieved and the nature, duration and scope of the activities for which the grant was awarded. In the report, the results achieved and the activities carried out must be compared with the activities proposed in the

grant application. The project leader must submit a financial account to ZonMw, together with the substantive final report.

For progress reports and final reports:

8. These reports must be submitted using the web application made available by ZonMw and, if required, in the appropriate format.
9. The party with administrative responsibilities must co-sign the financial reports to indicate that they have been approved and the substantive final reports to indicate that they have been read. This may also be done by means of a separate written statement.

Article 14 Accountability reporting for 4 years after completion

The grant recipient declares that it is willing to cooperate fully in drawing up any overviews, surveys, knowledge synthesis reports, etc. on the instructions of ZonMw, for 4 years after the project has been completed. Publications on the project and the project results must be offered to ZonMw for 4 years after the project has been completed, using the web application made available by ZonMw. In addition, the grant recipient undertakes to keep ZonMw informed during that period regarding the use of the results.

Article 15 Contributions to the programme

Together with the grant recipient, ZonMw may organise activities that contribute to the programme of which the project forms part. This applies in particular to activities from the communications and implementation plan for the programme. The grant recipient undertakes to cooperate with these activities.

Article 16 Implementation

In the grant application, progress report(s) and final report, the grant recipient must make clear what efforts will be or have been made to promote knowledge transfer, implementation and utilisation of the results. For this, the grant recipient must answer the questions regarding dissemination and implementation in the progress report. Based on the answers to these questions, ZonMw may invite the grant recipient to submit a proposal for a dissemination and implementation initiative.

Article 17 Communications

1. The grant recipient must coordinate communications regarding the project with ZonMw. This applies in particular to activities from the communications and implementation plan for the programme of which the project forms part.
2. If the results of the project are publicised by means of a press release, press conference, daily newspapers, weekly magazines, radio or television, etc., the grant recipient must notify ZonMw in advance to enable ZonMw to prepare for the communications.
3. The grant recipient must offer ZonMw any publications regarding the project, such as articles or reports, using the web application made available by ZonMw.
4. The grant recipient must refer to the grant from ZonMw in any and all communications regarding the project. The ZonMw logo must be used in communications and the programme that made the project possible must be named. The following text must precede the logo: "This project [number] is made possible by: [logo]". The logo can be downloaded at www.zonmw.nl. If it would not be appropriate to use a logo, the name "ZonMw" must be used instead.
5. For reasons of due care and to ensure balanced coverage, the grant recipient must ensure that the applicable codes of conduct on privacy and on research and the media are complied with.
6. For the benefit of the general public, ZonMw publishes lay summaries of all funded projects on its website. The grant recipient must submit two texts for this purpose: one text before the project commences – within two weeks after the grant award – and one text after the project has ended, *before* determination of the grant amount.

Article 18 Publications

1. The grant recipient must publish on the results of the project, unless publication would serve no public interest. The grant recipient must also publish on projects that are terminated prematurely or do not lead to the desired result. Publication is a mandatory component of the project activities.
2. If the grant recipient does not wish to publish the project results or fails to do so in good time, 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 project results, the grant recipient must also publish on the results in a manner aimed at the target audience.
4. ZonMw may include the publication in a special series. In such cases, ZonMw will consult with the grant recipient in good time.
5. In appropriate cases, ZonMw may determine that the grant recipient may not publish the project results during an embargo period of up to 3 months to be determined by ZonMw, or for a period of up to 9 months after the project has been completed in case of anticipated exploitation rights of results.
6. ZonMw endeavours to ensure that publications are freely accessible. Besides being made available via other publication methods, publications must therefore be made accessible to the public via Open Access as quickly as possible. Copyrights may not impede the possibility of publishing via Open Access.
7. If 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 they hold the rights in respect of that work.

Article 19 Intellectual property

1. All results of projects achieved with funding from ZonMw must be made accessible for further research and/or exploitation as quickly as possible after the project has ended, unless there are important interests (such as privacy or a patent application) that require confidentiality on a temporary basis.
2. With a view to the dissemination and/or application of the results of publicly funded projects, the grant recipient must ensure before implementing the project that, in the event 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-funding or other third-party contributions to the project do not confer any exclusive right to use and/or apply the results, unless stipulated otherwise by means of a written agreement prior to the implementation of the project and provided that such an agreement does not evade or violate the applicable regulations governing state aid.
4. By 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 knowledge transfer, ZonMw will be entitled to stipulate further conditions in respect of copyrights and the extraction rights relating to databases created in the context of the project.

Article 20 Databases

1. With respect to databases, ZonMw and the grant recipient will be deemed to be the joint “creator 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 data will be made available to third parties and the manner in which data will be made accessible. This plan must be submitted to ZonMw for approval.
3. Databases and accompanying 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. The data that are collected within a project must therefore be documented and stored in an accessible manner in accordance with the applicable standards.

Article 21 Exploitation rights

1. Without prejudice to the provisions in the Terms and Conditions Governing Grants, ZonMw is entitled to claim 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 distributed 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, specific arrangements will be laid down at the time the grant is awarded, in the form of a written agreement (such as an implementation agreement) within the meaning of GALA Article 4:36(1). This will be agreed between ZonMw and the organisations at which the project is to be carried out.

2. If the project is carried out entirely in a foreign country, under the responsibility of a knowledge institute established in that country, that knowledge institute may apply the patent legislation applicable in that country provided that said patent legislation, compared with Dutch patent legislation, is not to the detriment of the Dutch party or parties involved and/or the results.
3. Such an agreement is generally tailor-made. The parties to that agreement must include in it any and all arrangements necessary with respect to the background knowledge relevant to the implementation of the project and utilisation of the results that are not freely available to all parties. If the project involves a public-private partnership, the agreement must also contain arrangements concerning 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 of results transfer those rights to the party or parties entitled to the results in accordance with the foregoing provisions.

Article 22 Sweep clause

As a precaution in the event of unforeseen circumstances, the presumptive rights holder grants ZonMw permission for duplication, publication, reuse, reproduction, processing, etc. in respect of the results, thereby waiving any rights that may impede Open Access.

Article 23 Provision of information to ZonMw

1. At the request of ZonMw, the grant recipient will provide any and all information, documents and explanations necessary in order for ZonMw to fulfil its duties properly. Documents must be shown on one address and, upon request, explanations must be provided in writing.
2. All other forms of cooperation will also be provided as far as possible in order to enable ZonMw to fulfil its duties properly. This includes cooperating with site visits, which ZonMw will be entitled to carry out at any time it wishes.
3. The grant recipient may refuse to provide information and documents if the importance of doing so for the purposes of the ZonMw decision is outweighed by the importance of respecting personal privacy, including the protection of medical and psychological research results, or by the importance of protecting business and manufacturing information (GALA Article 4:3).

Article 23a Duty to keep records

1. The recipient of a grant as referred to in Article 9a is required to keep records. The records must be organised in such a way that the following can be verified at any time;
 - a. rights and obligations, payments and receipts, and costs and revenues relevant to the determination of the grant;
 - b. if a grant as referred to in Article 9a(b) is awarded in the form of an amount per performance unit: the performance units achieved.
2. The records must be organised in a manner that is clear, verifiable and efficient.
3. The records and associated documents must be kept for seven years after the award of the grant.
4. The grant recipient must allow access to its records at the request of ZonMw.

Article 24 Income and expenditure

1. The income and expenditure related to a project that is allocated by being charged on internally will be based on commercial and societally acceptable standards. Where this includes expenditure on tangible fixed assets, this expenditure will be calculated on the basis of purchase price.
2. Fees paid from the project budget by the grant recipient to third parties in respect of services or goods provided may not exceed the levels that are commercially and societally acceptable.
3. A grant recipient that provides goods or services to third parties as part 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 grant amount

Article 25 Application for determination of the grant amount

1. The grant recipient must submit an application for determination of the grant amount within 13 weeks after the end date of the project.
2. To submit this application, the grant recipient must use a model form developed by ZonMw and published on the website www.zonmw.nl.

Article 26 Accountability procedure by type of grant and grant award decision

a. Grants lower than € 25,000

1. The recipient of a grant as referred to in Article 9a(a) must demonstrate, on the basis of an activity report, that the activities for which the grant was awarded have been carried out and that the obligations attached to the grant have been met.
2. ZonMw will take an official decision on the grant amount within 22 weeks after the date of completion of the activities for which the grant was awarded.
3. The grant will be fixed at an amount not exceeding the amount specified in the grant award decision.

b. Grants of € 25,000 or more where the activities to be funded consist of measurable performance units

1. The recipient of a grant as referred to in Article 9a(b) must demonstrate, on the basis of an activity report, that the activities for which the grant was awarded have been carried out and that the obligations attached to the grant have been met. The grant recipient must render an account of the performance units achieved.
2. If the grant is € 125,000 or more, the grant recipient must also render account by submitting an Assurance Report on the completion of the performance units.
3. ZonMw may require the grant recipient to enclose with the Assurance Report a report of factual findings concerning the grant recipient's meeting of the obligations attached to the grant.
4. The reports referred to in the second and third subparagraphs must be prepared by an auditor as referred to in Article 393(1) of Book 2 of the Dutch Civil Code in accordance with a model established by ZonMw based on an audit protocol established by ZonMw and published on the website www.zonmw.nl.
5. The grant will be fixed at an amount (stated by ZonMw in the grant award) per completed performance unit, not exceeding the maximum number of eligible performance units stated by ZonMw when the grant was awarded.
6. ZonMw will decide on an application for determination within 22 weeks.

c. Grants of € 25,000 or more where the activities to be funded do not consist of measurable performance units

1. The recipient of a grant as referred to in Article 9a(c),
 - i. if the grant is lower than € 125,000:
 - a. must demonstrate, on the basis of an activity report, that the activities for which the grant was awarded have been carried out and that the obligations attached to the grant have been met;
 - b. must demonstrate, on the basis of a statement of actual costs and revenues, that the activities for which the grant was awarded have been carried out and that the obligations attached to the grant have been met.
 - ii. if the grant is € 125,000 or more:
 - a. must render accounts on the basis of an activity report and a financial report. The financial report must be accompanied by an auditor's report as referred to in Article 393(1) of Book 2 of the Dutch Civil Code in accordance with a model established by ZonMw based on an audit protocol established by ZonMw and published on the website www.zonmw.nl.
 - b. ZonMw may require the grant recipient to enclose with the financial report a report of factual findings concerning the grant recipient's meeting of the obligations attached to the grant.

- c. A difference between the financial report and the budget exceeding 20% of an individual budget item must be explained unless the difference with that budget item is less than € 25,000.
- 2. If the activities for which the grant was awarded have been carried out in full and the obligations attached to the grant have been met in full, the grant will be fixed at the amount consisting of the total realised costs less the total realised third-party contributions and the budgeted own contribution, or the realised own contribution if greater than the budgeted own contribution, and will not exceed the amount stated in the grant award decision.
- 3. ZonMw will decide on an application for determination within 22 weeks.

6 Final provisions

Article 27 Sanctions

GALA Articles 4:48 and 4:49 govern the revocation or retroactive amendment of, respectively, the grant award and the determination of the grant amount.

The main reasons given in those articles are set out below.

1. ZonMw may revoke the grant award or amend it to the detriment of the grant recipient if:
 - a. the activities for which the grant was awarded have not been carried out or will not be carried out in whole or in part;
 - b. the grant recipient has failed to meet the obligations 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 grant application; or
 - d. the grant was otherwise awarded incorrectly and the grant recipient knew or should have known that.
2. ZonMw may revoke the grant allocation or amend it to the detriment of the grant recipient:
 - a. on the basis of facts or circumstances that it could not reasonably have been aware of at the time the grant amount was determined, and that would have led to a lower grant amount than the amount determined in accordance with the grant award;
 - b. if the determination of the grant amount was incorrect and the grant recipient knew or should have known that; or
 - c. if, after determination of the grant amount, the grant recipient has failed to meet the obligations attached to the grant.
3. ZonMw may lower the grant amount (to zero) based on the provisions contained in the first or second subsection. In addition, any 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 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 the ZonMw Notice of Appeals and Objections Committee within six weeks after the date on which the decision was announced.
3. More information regarding reporting, complaints and objections can be found at www.zonmw.nl.