



# myEUspace contest 2022

## Terms of Reference

### 1 THE BACKGROUND

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In order to get an edge in technological innovation and a place on the podium for the next generation of breakthrough innovation, the European Union needs to accelerate the pace of development of market-driven products or solutions powered by advanced technologies.

Space technology, data and services have become indispensable in the daily lives of Europeans and play an essential role in many application areas including innovative one.

Galileo, Europe's Global Navigation Satellite System (GNSS), delivers operational services 24/7 to more than 3 billion users around the world. Many sectors of the European economy rely on Galileo precise localisation.

At the same time, Copernicus, the European Earth Observation Programme, offers information services that draw from satellite Earth Observation and in-situ data. This information helps to better understand how and in what way our planet may be changing, and how this might influence our daily lives. Copernicus also boosts commercial applications in many different sectors by providing full and open access to Earth observation data and added value information.

In this context, the European Union Agency for the Space Programme (EUSPA), is organising the myEUspace contest aiming at encouraging EU entrepreneurship and business creation by promoting the development of innovative solutions, products or services based on Galileo, Copernicus and their synergies as well as synergies with other technologies.

### 2 THE CONTEST

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#### THE CHALLENGES

The objective of the competition is to support the development of innovative commercial solutions - such as mobile apps or hardware-based solutions for example wearables, asset management and tracking solutions, robotics etc.- that are leveraging EU Space programmes Galileo and/or Copernicus.

Galileo provides improved navigation, positioning and timing information whereas Copernicus delivers near-real-time earth observation data on a global level to help us better understand our planet and sustainably manage the environment we live in.

The proposed solutions shall make use of the EU space data (i.e. Galileo and Copernicus) and promote synergies among them. Synergies with other non-space, deep technologies may also be used in the

proposed solutions. Proposals should deliver new innovative applications, with commercial and social benefits, impact and a clear market uptake.

The proposed solutions shall prove the investment of operational resources (human, technical and other) and address one of the three following innovation areas:

- **Space My Life:** Consumer solutions such as mobile applications, wearables (smartwatches, smart glasses, fitness trackers, etc.) drones or robotics that will address major societal challenges in focus areas such as **health, citizen safety and security, gaming and entertainment, sports and fitness, and tourism.**

Proposals may be submitted in any of the following sub-areas but not limited to:

- Health: Innovative solutions and value-added services using space data to overall protect and enrich health of citizens, enhance prevention and address health risks related to environmental conditions and spread of diseases: mapping potential risks regarding environment sensitive viruses/diseases; predicting heatwave risks or concentrations of dust/pollen to provide behavioural advice to vulnerable people; timely water quality monitoring; on-demand services for improved population monitoring (e.g. set-up medical and vaccination camps, drugs distribution for pharmaceutical companies, prevention and curative actions); geo-health data-based services (integration of geographic information, technologies and spatial concepts with epidemiology) or any other health-related solution;
  - Citizens' safety and security: Solutions addressing disaster prevention and early warning, management of natural disasters and emergency response;
  - Gaming and Entertainment: Solutions using space data in mobile gaming, VR/AR gaming, geotagging, geo-advertising and social networks;
  - Sports and Fitness: Solutions addressing the sports sector and the performance of athletes, tracking the activity of individuals as well as the planning, operations and maintenance of sport facilities and equipment;
  - Tourism: Solutions proposing sustainable tourism through alternative destinations or modes of transport, digitisation of tourism and virtual travel experience as well as conservation of the cultural heritage.
- **Our Green Planet:** Innovative solutions addressing environmental challenges and sustainable life that contribute to the implementation of the European Green Deal as well as solutions for the green transformation of corporates. The proposed solutions shall address major societal challenges in focus areas such as **conservation of ecosystems, green mobility, sustainable agriculture, and management of energy and resources.**

Proposals may be submitted in any of the following sub-areas but not limited to:

- Conservation of ecosystems: Solutions to protect land, coastal and natural resources along with their wildlife. Proposals should contribute to forestry protection, pollution monitoring and detection as well as waste management.
- Green mobility: Solutions across all the transportation modes that propose new sustainable mobility services which reduce emissions and pollution. Examples of applications include public transport, mobility as a service (MaaS), autonomous driving and road maintenance.

- Sustainable agriculture: Solutions that manage the variability of agricultural production, improve crop yield and optimize the food chain. Proposals shall also consider the environmental impact and how to reduce the use of chemical pesticides and save water for irrigation.
- Management of energy and resources: Solutions which support the supply of clean and affordable renewable energy. Proposals shall also consider the environmental impact in urban areas and how to improve rural planning, sustainable constructions, tracking of buildings and renovation processes.
- **Dive in Deep Tech**: Innovative solutions combining EU space data with deep technologies such as **Artificial Intelligence (AI)**, **Quantum technologies** (quantum computing, sensing, simulation, encryption etc.), **Blockchain**, **Metaverse** and **Extended Reality** (Augmented Reality (AR) / Mixed Reality (MR) / Virtual Reality (VR)). The proposed solutions shall address major societal challenges in focus areas such as biotech, medtech, fintech etc.

Proposals may be submitted in any of the following sub-areas but not limited to:

- Metaverse solutions for real world: Development of digital twins creating a spatial view of different ambient during the design process applied to gaming and industrial solutions;
- Geotagging of Non-Fungible Tokens (NFTs) to bridge the real and digital world, by attaching geographic coordinates to feature the 3D versions of — among other assets — art creations alongside their corresponding geo-location;
- Quantum computing applications and quantum key distribution that provide additional security level for communications within the metaverse;  
Machine learning techniques to create synthetic data that can palliate the lack of real-life data for use in a practical application (over a wide range of sectors, from healthcare to agriculture and finance).
- Decentralized machine network, composed of IoT devices on the Blockchain, as a powerful way to mitigate privacy and security concerns.

Applicants can participate in the contest with an idea, or a prototype, or a product, depending on the maturity of the solution at the time of the submission.

#### **Track “Submission of an Idea”:**

Teams shall submit their idea, as per the “Contest Process” section below.

The application shall present a theoretical idea and the pain points that are addressed. The application shall also provide a description of the typical use case of the idea and the customer need/s that it will address. The expected TRL of applications in this track is TRL1-TRL3<sup>1</sup>.

#### **Track “Submission of a Prototype”:**

Teams shall submit their prototype/beta version, as per the “Contest Process” section below.

The application shall present a prototype or beta version of a solution that has already been tested in a relevant environment. The application shall also provide a description of the typical use case of the



prototype, the customer needs that it addresses and the value proposition. The expected TRL of applications in this track is TRL4-TRL7.

#### **Track “Submission of a Product”:**

Teams shall submit their product, as per the “Contest Process” section below.

The application shall present a product that is ready for commercialization or already in the market. The application shall also provide a description of the typical use case of the product, the customer needs that it addresses and the value proposition. The expected TRL of applications in this track is TRL8-TRL9.

**Teams with an awarded idea are eligible to apply again in the other tracks (i.e. prototype or product) within the relevant deadlines. Accordingly, the teams with an awarded prototype may apply in the product track within the relevant deadline.**

#### **ELIGIBILITY CRITERIA**

Participation in the contest is open to teams, composed by economic operators (including legal entities and natural persons). Participation in this prize contest is open on equal terms to economic operators established in the territory of the Member States of the European Union. Participation is further open to economic operators established in Norway and Switzerland **only** for what concerns solutions involving the Galileo component and to Iceland **only** what concerns the Copernicus component.

Economic operators referred to above are considered established in the EU / Switzerland / Norway / Iceland when they are formed in accordance with the law of an EU Member State / Switzerland / Norway / Iceland, and have their central administration / registered office / principal place of business in an EU Member State / Switzerland / Norway / Iceland or they are nationals of one of the EU Member States / Switzerland / Norway / Iceland (if natural persons). Natural person applicants must be at least of 18 years of age by the date of application submission.

Each team must appoint a team coordinator to serve as the central contact point and represent the team towards EUSPA.

#### **EXCLUSION CRITERIA**

The contest is not open to:

- a) applicants being, at the moment of submission of their application and during the entire period of the prize contest including the prize award, in a situation of exclusion (as per the Declaration of Honour);
- b) employees of EUSPA, EUSPA contractors and their employees providing services to the EUSPA, employees of European Commission (“EC”) and European Space Agency (“ESA”), EC and ESA contractors and their employees working in the EGNSS and Copernicus space sector and/or immediate family members (spouses, domestic partners, parents, grandparents, siblings, children and grandchildren) of the EUSPA, EC and ESA;
- c) beneficiaries of other European Union funding for the same action.

## CONTEST PROCESS

### Track “Submission of an Idea”:

Following the launch of the contest, each team shall submit until the date specified in the section 3 below a proposal including:

- Application Form with the description of the idea (see Annex I.1 available [here](#));
- 2-minute video explaining the idea and the team<sup>1</sup>;
- Declaration of Honour on exclusion (see Annex II available [here](#));
- Legal Entity Form (available [here](#)) with a copy of an identity document (national ID card or passport) of the natural persons participating to the team and, for the legal entity an extract of the national company registry. **The photographs, as well as any other personal data (except for the name, date of birth and nationality) included in such ID documents must be concealed by each applicant so that they are not at all visible in the submitted copy. If, despite the aforementioned, such non-mandatory personal data are visible, it is implied that the applicant has given its consent to their processing;**
- Financial Identification Form (available [here](#)) including all the supporting documents defined at the bottom of the Financial Identification Form.

### Track “Submission of a Prototype”:

Following the launch of the contest, each team shall submit until the date specified in the section 3 below a proposal including:

- Application Form with the description of the prototype (see Annex I.2 available [here](#));
- 3-minute<sup>2</sup> video explaining the prototype and the team;
- Preliminary business plan including key activities, partnerships, target customer segments, distribution channels, value proposition, finances (cost structure, revenue streams). Applicants may use a Business Model Canvas/Lean Canvas or any other business plan template/structure which doesn't exceed 10 pages<sup>3</sup>;
- Declaration of ownership of the proposed hardware prototype or beta version of the application (see Annex III available [here](#));
- Financial Identification Form (available [here](#)) including all the supporting documents defined at the bottom of the Financial Identification Form.
- Declaration of Honour on exclusion (see Annex II available [here](#));
- Legal Entity Form(available [here](#)) with a copy of an identity document (national ID card or passport) of the natural persons participating to the team and, for the legal entity an extract of the national company registry of the legal entity. **The photographs, as well as any other personal data (except for the name, date of birth and nationality) included in such ID documents must be concealed by each applicant so that they are not at all visible in the**

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<sup>1</sup> In case the video exceeds the 2-minute duration, the evaluation committee will only take into consideration the information included in the first 2 minutes of the video.

<sup>2</sup> In case the video exceeds the 2-minute duration, the evaluation committee will only take into consideration the information included in the first 2 minutes of the video.

<sup>3</sup> In case the document exceeds 10 pages, the evaluation committee will only take into consideration the information included in the first 10 pages of the document.

**submitted copy. If, despite the aforementioned, such non-mandatory personal data are visible, it is implied that the applicant has given its consent to their processing.**

**Nota bene:** Should the teams have already been submitted the administrative documents (i.e. Legal Entity Form, Financial Identification Form and Declaration of Honour) in the course of their participation in another track within this contest, it is enough to refer to their previous submission, without the need of resubmission.

### **Track “Submission of a Product”:**

Following the launch of the contest, each team shall submit until the date specified in the section 3 below a proposal including:

- Application Form with the description of the product (see Annex I.3 available [here](#));
- A 3-minute<sup>4</sup> demonstration video presenting all the different technical components and features of the product through an in-field demonstration;
- A technical report/user manual with the product specifications and instructions how to use the solution (*maximum 5 pages*)<sup>5</sup>;
- In case of mobile application, a link to a beta version of the mobile application and proof of downloads of the app. In case of other solutions, a link to the solution website;
- A business plan including key activities, partnerships, distribution channels, value proposition, finances (cost structure, revenue streams). The teams may use a Business Model Canvas/Lean Canvas or any other business plan template/structure which doesn't exceed 10 pages<sup>6</sup>. The business plan should include the results of the interactions with potential customers.
- Declaration of ownership of the product (see Annex III available [here](#));
- Financial Identification Form (available [here](#)) including all the supporting documents defined at the bottom of the Financial Identification Form.
- Declaration of Honour on exclusion (see Annex II available [here](#));
- Legal Entity Form (available [here](#)) with a copy of an identity document (national ID card or passport) of the natural persons participating to the team and, for the legal entity an extract of the national company registry of the legal entity. **The photographs, as well as any other personal data (except for the name, date of birth and nationality) included in such ID documents must be concealed by each applicant so that they are not at all visible in the submitted copy. If, despite the aforementioned, such non-mandatory personal data are visible, it is implied that the applicant has given its consent to their processing.**

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<sup>4</sup> In case the video exceeds the 3-minute duration, the evaluation committee will only take into consideration the information included in the first 3 minutes of the video.

<sup>5</sup> In case the document exceeds 5 pages, the evaluation committee will only take into consideration the information included in the first 5 pages of the document.

<sup>6</sup> In case the document exceeds 10 pages, the evaluation committee will only take into consideration the information included in the first 10 pages of the document.

**Nota bene:** Should the teams have already been submitted the administrative documents (i.e. Legal Entity Form, Financial Identification Form and Declaration of Honour) in the course of their participation in another track within this contest, it is enough to refer to their previous submission, without the need of resubmission.

**Each document indicated above shall be submitted as follows:**

	<b>Legal Entity Form (LEF)</b>	<b>Application Form</b>	<b>Declaration of Honour (DoH)</b>	<b>Declaration of ownership</b>	<b>Financial Identification Form (FIF)</b>	<b>2-minute or 3-minute video</b>	<b>Business plan</b>
<b>Documents to be submitted by:</b>	One per each team member participating in the contest. If the team member is a legal entity (i.e. companies), then only LEF for the legal entity (company) applying to the contest shall be submitted- no separate natural person LEF for the company's employees are needed.	One per team.	One per each team member. If the team member is a legal entity (i.e. companies), then only DoH for the legal entity (company) applying to the contest shall be submitted - no separate natural person DoH for the company's employees are needed.	One per team.	One per team (coordinator). Legal entity applicants shall submit FIF with the legal entity's details. Please note that in case of award, the prize will be paid to the team member whose information is provided in the Financial Identification Form.	One per team.	One per team applying with a prototype or product.

Submissions must be made through the official contest site <https://myeuspace.awardsplatform.com/>. The proposals will be evaluated by the EUSPA evaluation board composed by EUSPA experts of the main innovation areas according to the award criteria defined below.

The evaluation committee will first evaluate the award criteria. The fulfilment of the eligibility and exclusion criteria will be assessed only for the applicants proposed for award after the evaluation of their applications according to the award criteria defined below.

For the Submission of Ideas Track, the evaluation board will shortlist a maximum of twenty (20) teams based on the award criteria set below, which will present on-line their idea to the evaluation board. The evaluation board will re-evaluate, on the basis of the award criteria set below, the solutions during the presentation and will award the best fifteen (15) teams. The evaluation will be done on the basis of the award criteria set below.

For the Submission of Prototypes Track, the evaluation board will shortlist a maximum of fifteen (15) teams based on the award criteria set below, which will present on-line their prototype to the evaluation board. The evaluation board will re-evaluate, on the basis of the award criteria set below, the solutions during the presentation and award the best ten (10) teams. The evaluation will be done on the basis of the award criteria set below.

For the Submission of Products Track, the evaluation board will shortlist a maximum of eight (8) teams based on the award criteria set below, which will present on-line their product to the evaluation board. The evaluation board will re-evaluate, on the basis of the award criteria set below, the solutions



during the presentation and award the best five (5) teams. The evaluation will be done on the basis of the award criteria set below.

For applications with the same score, the evaluation committee will determine a priority order according to the following approach: The score for the “EU-space relevance” criterion will be given a weight of 2 and the score for the “Market potential” criterion will be given a weight of 1.5. If two or more applications still tie for any rank the prize will be equally divided and awarded to all applications with the same score. This applies both for the evaluation for the award and for the evaluation for the interviews shortlisting.

The applicants will be notified by the EUSPA on the results of evaluations. The notification for the “Submission of an Idea” and “Submission of a Prototype” will be done via email to the successful and unsuccessful applicants. The notification for the “Submission of Product” will be done in the Award ceremony (see “Prizes” section below) and via email to the successful and unsuccessful applicants.

Furthermore, the awarded teams will be announced on the official contest site.

## PRIZES

### Track “Submission of an Idea”:

The first fifteen ranked applicants that submitted an idea– independently of the innovation area they applied in – will receive a prize in amount of **€ 10,000** (ten thousand Euro) **each**.

### Track “Submission of a Prototype”:

The first ten ranked applicants that submitted a prototype – independently of the innovation area they applied in – will receive a prize in amount of **€ 30,000** (thirty thousand Euro) **each**.

### Track “Submission of a Product”:

The first five ranked applicants that submitted a product – independently of the innovation area they applied in – will receive a prize in amount of **€ 100,000** (one hundred thousand Euro) **each**.

The award of the Submission of a Product prizes will be announced during the awards ceremony to be organized in Prague<sup>7</sup>. All awarded teams from all tracks will be invited to present their solutions to the EUSPA evaluation board and invited guests.

## AWARD CRITERIA

The following criteria will be considered for the evaluation of the solutions along the all tracks of the contest. Further they shall be applicable to both tracks:

- **Innovation (0-5):** How innovative and novel the approach is compared to existing technical solutions and commercial services? Is this kind of solution not yet available on the market or addressing a new application area? Is the application technologically advanced (e.g. using multi-frequency, innovative algorithms)?

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<sup>7</sup> Should travel restrictions to and from Prague be in place due to COVID-19, the EUSPA may be decided to change the ceremony’s location or organize it virtually.



- **Market potential (0-5):** Is there a potential market demand/customer base for this solution? What is the revenue potential? What is the market (entry) plan?
- **Feasibility (0-5):** How feasible the solution is within the limits of current technology? What is the development plan of the solution?
- **EU Space-relevance (0-5):** Is the application making use of Galileo and/or Copernicus? Are Galileo and/or Copernicus differentiators relevant for the application? Are synergies between Galileo-Copernicus data explored?
- **Operational organisation (0-5):** What are the operational resources (human, technical and other) that will be invested in the solution development?

Maximum points: 25 points

Individual thresholds per award criterion: 3 points

Overall threshold: 15 points

Applications shall pass both the individual (i.e. per award criterion) AND the overall threshold. Applications scoring **less than 15 points** (of a maximum of 25 points) against the award criteria and/or **less than 3 points per each individual award criterion** will be rejected.

#### INTELLECTUAL PROPERTY OF DEVELOPMENTS

Applicants will retain full ownership of the intellectual property rights on solutions developed within the framework of the contest, and exclusivity of commercial exploitation.

Additionally, the winners shall include Galileo/Copernicus/EUSPA branding in marketing material related to the development, such as the inclusion of a logo to the app/product webpage or any other form agreed without affecting the ownership and exclusivity of the commercial exploitation retained by the candidates nor the EC/EUSPA rights on the Galileo and Copernicus trademark.

### 3 THE SCHEDULE

ID	Event	Date
1	Announcement of Contest	6 October 2022
2	Deadline for the submission of an Idea	30 November 2022
3	Award of the prize in the track idea	January 2023 <b>(estimated)</b>
4	Deadline for the submission of a Prototype	10 February 2023
5	Award of the prize in the track prototype	March 2023 <b>(estimated)</b>
6	Deadline for the submission of a Product	25 April 2023
7	Information webinars (for the three tracks respectively)	October 2022, December 2022 February 2023 <b>(estimated)</b>
8	Contest Finals/Entrepreneurship Day (award of the price in the track Product)	June 2023 <b>(estimated)</b>

### 4 REQUESTS FOR ADDITIONAL INFORMATION

Participants may request additional information for the purpose of clarifying the scope of these Terms of Reference. Any requests for clarification must be made in writing only to [prizes@euspa.europa.eu](mailto:prizes@euspa.europa.eu). The subject of the email has to quote the reference 'myEUspace'. Participants are invited to send the



requests for clarification as early as possible. The deadline for requests for clarification is 7 working days before the deadline submission for each track.

The last date on which clarifications are issued by the EUSPA will be 5 working days before the deadline submission for each track.

## 5 THE ORGANISATIONAL COSTS

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The participation to the contest is free of charge for the applicants. Travel costs of the participants of the team to the Finals may be reimbursed subject to budget availability.

Costs incurred in preparing and submitting a proposal are borne by the Applicants and will not be reimbursed.

## 6 OTHER CONDITIONS

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By participating in the Contest Applicants accept the terms and conditions of these Terms of Reference including the following one:

### 6.1 ACCEPTANCE OF OBLIGATIONS BY WINNERS

6.1.1 The Applicants accept that, if they are awarded a Prize, the EUSPA, OLAF and the Court of Auditors may carry out checks and audits in relation to the contest and the received Prize in accordance with Article 129 of the Financial Regulation.

6.1.2 The Applicant accepts that all prizes awarded in the course of a financial year shall be published in accordance with Article 38(1) to (4) Financial Regulation.

### 6.2 Intellectual Property Rights

6.2.1 EUSPA hereby grants to Winner a limited, non-exclusive, free-of-charge license to use EUSPA's name, acronym and logo solely in order to promote the win of the Prize Contest.

6.2.2 Winner hereby grants to EUSPA, the European Union and any of its bodies and agencies a limited, non-exclusive, irrevocable, free-of-charge license to use certain of Winner's intellectual property, including Winner's name, acronym and logo, in connection with the Prize Contest and in view to promote and create awareness of the Prize results.

6.2.3 Unless the EUSPA requests or agrees otherwise or unless it is impossible, any communication activity of the Winner related to the Prize Contests must display

- (a) the EUSPA logo,
- (b) the following text: "has been awarded the [name of the Prize] of the European [name of the programme] Programme".

6.2.4 Winner receives the right to name himself as the Winner of this Prize Contest and may use this designation in the context of market communication, e.g. on business papers, advertisements, press releases, television and radio commercials, as well as in customer communications.



6.2.5 When displayed with another logo, the EUSPA logo must have an appropriate prominence.

6.2.6 Applicants may not appropriate the EUSPA logo or any similar trademark either by registration or by any other means. Winner shall not create the impression to be otherwise endorsed by EUSPA and/or the European Union or part of EUSPA's and/or European Union's activities.

### **6.3 PROVISIONS CONCERNING PAYMENTS**

6.3.1. Payments shall be executed in EUR

6.3.2. Payments shall be deemed to have been made on the date on which EUSPA's account is debited.

6.3.3. The costs of the bank transfer shall be borne in the following way:

- (a) costs of dispatch charged by EUSPA's bank shall be borne by EUSPA;
- (b) costs of receipt charged by the Applicant's bank shall be borne by the Applicant; and
- (c) costs for a repeated transfer caused by one of the parties shall be borne by the party which has caused the repeated transfer.

6.3.4. EUSPA shall execute the Payment within the period of thirty (30) days starting from the day following the notification to the applicants on the Prize award. If the EUSPA does not pay within the time limits, Winner is entitled to late-payment interest as defined in Article 116(5) of the Financial Regulation.

6.3.5. Where, after the award of the Prize, the award procedure proves to have been subject to substantial errors, irregularities or fraud, and where such errors, irregularities or fraud are attributable to the Winner, EUSPA may refuse to make payments or may recover amounts already paid in proportion to the seriousness of the errors

### **6.4 RECOVERY**

6.4.1 If total payments made by EUSPA exceed the amount of the Prize or if recovery is justified in accordance with the Rules of Contest, the Winner shall reimburse the appropriate amount in EUR, in the manner and within the time limits set by EUSPA. Interest may be recovered based on the statutory rate.

6.4.2 EUSPA may, after informing Winner, recover amounts established as certain, of a fixed amount and due by offsetting against any amount the Winner has on EUSPA that is certain, of a fixed amount and due.

### **6.5 WITHDRAWAL OF THE PRIZE, RECOVERY OF PAMENTS**

EUSPA may withdraw the Prize after its award and recover all payments made, if it finds out that

- (a) false information, fraud or corruption was used to obtain it;
- (b) a Winner was not eligible or should have been excluded;



- (c) a Winner is in serious breach of his obligations under these Rules of Conduct.

## **6.6 ASSIGNMENT OF PRIZES, SUBSTITUTION OF PRIZES**

6.6.1 Winner shall not assign the Prize or its part or the rights and obligations arising from the Prize, in whole or in part, without prior written authorisation from EUSPA.

6.6.2 In the absence of such authorisation, or in the event of failure to observe the terms thereof, assignment by Winner shall not be enforceable against and shall have no effect on EUSPA.

## **6.7 CANCELLATION OF PRIZE CONTEST**

EUSPA shall upon its discretion and taking into consideration the principle of proportionality cancel the Prize Contest particularly if the objectives of the Prize Contest cannot be fulfilled anymore, or the award procedure proves to have been subject to substantial errors, irregularities or fraud, and where such errors, irregularities or fraud are attributable to the Winner, or through any form of interference by third parties or for any reason beyond the control of EUSPA the Prize Contest cannot be carried out as intended.

## **6.8 SECURITY**

Activities related to the Prize Contest must be carried out in compliance with Commission Decision 2015/444, i.e. security-sensitive information must be EU-classified and if its unauthorised disclosure could adversely impact the interests of the European Union or of one or more member state(s). Applications that are to security-sensitive cannot be awarded a Prize.

## **6.9 LIABILITY**

The EUSPA shall not be held liable for any damage caused or sustained by any of the Applicants, including any damage caused to third parties as a consequence of or during the implementation of the activities related to the contest.

## **6.10 APPLICABLE LAW AND JURISDICTION**

The Prize Contest is governed by the applicable EU Law complemented, where necessary, by the law of Belgium. The General Court or, on appeal, the Court of Justice of the European Union, shall have sole jurisdiction to hear any dispute between the European Union and any participant concerning the interpretation, application or validity of the rules of this contest, if such dispute cannot be settled amicably.

## **6.11 SEVERABILITY**

If any of the provisions hereof is or becomes ineffective or invalid the remaining provisions hereof shall not be affected thereby. The ineffective provisions shall be replaced by other effective provisions



that shall be identical to the commercial purpose of the original provisions or as close thereto as possible.

## 6.12 DATA PROTECTION

Any personal data that may be included in the applications of entities applying for this opportunity shall be processed by the EUSPA in accordance with the applicable rules on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

### Identity of the Controller and Data Protection Officer:

#### 1. For what concerns the processing purposes 1, 2 and 3 below:

- Controller: European Union Agency for the Space Programme (EUSPA), Head of EUSPA Market Development Department, Janovskeho 438/2 170 00 Prague 7, Czech Republic, [market@euspa.europa.eu](mailto:market@euspa.europa.eu);
- Data Protection Officer: EUSPA Data Protection Officer, Janovskeho 438/2 170 00 Prague 7, Czech Republic, [dpo@euspa.europa.eu](mailto:dpo@euspa.europa.eu)

#### 2. For what concerns the processing purpose 4 below:

- **Join Controllers:** (1) European Union Agency for the Space Programme (EUSPA), Head of EUSPA Market and Development Department, Janovskeho 438/2 170 00 Prague 7, Czech Republic, [market@euspa.europa.eu](mailto:market@euspa.europa.eu) and (2) European Commission, Directorate-General for Budget of the European Commission ('DG Budget'), DG Budget's Data Controller BUDG-FICHER-TIERS@ec.europa.eu
- **Data Protection Officers:** (1) EUSPA Data Protection Officer, Janovskeho 438/2 170 00 Prague 7, Czech Republic, [dpo@euspa.europa.eu](mailto:dpo@euspa.europa.eu) and (2) DG Budget Data Protection Coordinator BUDG-DATA-PROTECTION-COORDINATOR@ec.europa.eu

### Purposes of processing:

1. Registration in the application platform available at the dedicated contest site and submission of the application
2. Management and administration of the award process pertaining to this opportunity
3. The preparation of the contract(s), only with regard to the personal data of the awarded applicant(s)
4. Only with regard to the personal data of the awarded applicant(s):
  - the registration of the necessary "legal entities" and "bank account" files in the Commission Financial System ABAC (Accrual Based Accounting)
  - the execution of payments towards the registered entities
  - the registration of the related financial transactions

**Data concerned:** any personal data that may be included in interested entities' applications. Such data can relate to the following categories:

- Identification of individuals (e.g. name, last name, title, function in organisation);
- Communication details of individuals (e.g. email address, telephone number, postal address);
- Information for the evaluation of eligibility, exclusion and award criteria (e.g. expertise, technical skills and languages, educational background, professional experience including details on current and past employment);
- Financial information of applicant(s), e.g. bank account number, IBAN and BIC codes, address of respective bank branch, name of bank account holder;

- Data related to criminal convictions and offences of: (1) members of the administrative, management or supervisory body of applicants, (2) natural persons who have powers of representation, decision or control of the applicant, (3) owners of the applicants as defined in Article 3(6) of Directive (EU) 2015/849, (4) natural persons assuming unlimited liability for the debts of the applicants, (5) natural persons who are essential for the award or the implementation of the contract(s); such data are collected through the submission of the declaration of honour.

It is specifically noted that:

- the abovementioned processing operations will not entail the processing of any special categories of personal data. If, however, an applicant submits such data at its own volition and without any specific request, it is implied that the data subject has given its consent to the processing of such data
- the provision of personal data by the applicants is a requirement necessary to enter into the contract

**Legal bases:** Article 5(1)(a), 5(1)(c), 10(2)(a), 11, 48(2)(b) and 50(1)(c) of Regulation (EU) 2018/1725

**Lawfulness of processing:**

- Article 5(1)(a): the processing is necessary for the performance of a task carried out in the public interest, specifically the management and functioning of the EUSPA through the launching of contests.
- Article 5(1)(c): the processing is necessary for the performance of a contract to which the data subject is party or in order to take phases at the request of the data subject prior to entering into a contract; the EUSPA processes the personal data of the applicants at their request (through the submission of their applications) in order to take the necessary phases prior to enter into the contract with the awarded applicant (s).
- Article 11: the processing of personal data relating to criminal convictions and offences shall be carried out only when authorised by Union law; such processing, in the form of an extract from the judicial record or declaration of honour, is explicitly foreseen in the Financial Regulation<sup>8</sup> (Articles 136-140).
- Article 10(2)(a): as explained above, in case any applicant submits special categories of data at its own volition and without any specific request, it is implied that the data subject has given its consent to their processing.
- Article 48(2)(b): the potential transfer of the applicants' personal data outside of the European Union (as explained in detail below in the relevant section) in the frame of the use of the application platform is subject to appropriate safeguards provided for by standard data protection clauses. Please refer to the section "Transfer of personal data to third country" below for more information.
- Article 50(1)(c): this legal basis is complementary to the one identified directly above (Article 48(2)(b) and concerns the potential transfer of the applicants' personal data outside of the European Union (as explained in detail below in the relevant section) in the frame of the use of the application platform. Specifically, such transfer is necessary for the performance of a contract between the EUSPA and the service providers in charge of providing to the EUSPA the application platform via which the applicants submit their applications; such contract has

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<sup>8</sup> Regulation (EU, Euratom) 2018/1046



been concluded in the interest of the applicants, in order to allow for an easy and electronic submission of all the application documents.

**Recipients of the data processed:**

- a limited number of staff of the EUSPA managing this procedure
- data processors:
  - a limited number of staff of EUSPA contractors in charge of the provision of hosting services for the EUSPA's servers
  - a limited number of staff of the service providers in charge of providing to the EUSPA the application platform via which the applicants submit their applications
  - a limited number of staff of the Directorate-General for Budget of the European Commission ('DG Budget')
- bodies charged with a monitoring or inspection task in application of Union law (e.g. internal audits, Financial Irregularities Panel, European Anti-fraud Office – OLAF)
- members of the public: the winning entities will be announced to the public, which may also entail the announcement of the personal data of the representatives of such entities (e.g. name, last name)

All the above-mentioned recipients are established in the European Union.

**Information on the retention period of personal data:**

1. with the exception of the information under point (2) below, all other information pertaining to this procedure shall be kept for up to 7 years following the end of the year when the contract(s) has been awarded as a result of the award procedure; files may also have to be retained until the end of a possible audit if one started before the end of the above period;
2. all information (including personal data) submitted by the applicants in the application platform will be deleted from said platform
  - within a maximum 2 months after the closing date of the track of the contest;
3. all collected data may be stored:
  - electronically on EUSPA servers with access control measures (i.e. one or two factor authentication) hosted by EUSPA contractors which are located in the EU and abiding by the necessary security provisions
  - physically in secure storage cupboards in the EUSPA HQ in Prague
  - electronically and physically on the servers/cupboards of the processors identified above (all of which are established in an EU Member State)

**The data subject's rights and contact data:**

- Data subjects have the right of access, rectification and erasure of their personal data or restriction of processing at any time, provided that there are grounds for the exercise of this right, as per the applicable rules
- Data subjects have the right to object, on grounds relating to his or her particular situation, at any time to the processing of personal data concerning him or her. Requests shall be addressed to the EUSPA Market Downstream and Innovation department at [market@euspa.europa.eu](mailto:market@euspa.europa.eu) by describing the request explicitly. It is noted that pursuant to

such a request, the Controller shall no longer process the personal data unless the Controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims

- Data subjects may obtain their personal data, submitted to the EUSPA, in a structured, commonly used and machine-readable format and transmit them to another controller, provided that there are grounds for the exercise of this right, as per the applicable rules
- Data subjects are entitled to lodge a complaint at any time with the European Data Protection Supervisor (<http://www.edps.europa.eu>; [EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)) if they consider that their rights under the applicable rules on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data have been infringed as a result of the processing of their personal data by the EUSPA
- Only in cases where the data subjects' consent is used as the legal basis for the processing of personal data (i.e. in case they have submitted special categories of data at their own volition and without any specific request), they can withdraw their consent at any time, without affecting the lawfulness of the processing before the withdrawal

Any request for the exercise of any of the abovementioned rights shall be addressed to the EUSPA Market Downstream and Innovation department [market@euspa.europa.eu](mailto:market@euspa.europa.eu); data subjects are kindly requested to describe their requests explicitly.

### **6.13 ACCEPTANCE OF OBLIGATIONS BY WINNERS**

6.13.1 The Applicant accepts that, if they are awarded a Prize, the EUSPA, OLAF and the Court of Auditors may carry out checks and audits in relation to the contest and the received Prize in accordance with Article 129 of the Financial Regulation.

6.13.2 The Applicant accepts that all prizes awarded in the course of a financial year shall be published in accordance with Article 38(1) to (4) Financial Regulation.

Particularly, EUSPA shall be permitted to publish

- (a) the name of the winner,
- (b) its locality,
- (c) the amount of the Prize and its nature and purpose.

Applicants may request EUSPA to waive such publication if disclosure risks threatening their security and safety or harm their commercial interest.

6.13.3 The Applicant accepts that the EUSPA, after each award, can publish information about the applicant, such as team name and / or its application, such as description of the application, in order to promote the European space programme components and EUSPA's initiatives.