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## R&D Projects

### Regulations governing access to funding for scientific research and technological development projects – 2008

The Portuguese Government's *Commitment to Science* points to the rapid scientific and technological development of the country as a national priority, defining targets and outcome criteria for this development.

Towards the fulfillment of this objective, several measures are considered among which the enhancement of the R&D Projects Program, evaluated and selected in public calls, by panels of international experts.

The present Regulations, published in November 2008, introduce significant alterations relatively to the previous version in order to make it more general and adapted to the co-funding rules in the framework of the [Programa Operacional Factores de Competitividade](#) of [QREN](#).

#### Article 1

##### Object

1. These Regulations set forth the general terms under which funding is granted to scientific and technological research projects through the Fundação para a Ciência e a Tecnologia (FCT), and, when eligible, co-funded by the Fundo Europeu de Desenvolvimento Regional (FEDER) through the Programa Operacional Factores de Competitividade (POFC), in accordance with the provisions of the [Regulamento de Execução do Sistema de Apoio a Entidades do Sistema Científico e Tecnológico Nacional \(Regulamento SAESCTN\)](#) for co-funded projects.
2. The System of Support for Entities belonging to the National Scientific and Technological System under the POFC applies to the Convergence Objective regions (North, Centre and Alentejo).
3. The announcement of the opening of each call may include further technical stipulations or limitations to the general terms set forth in these Regulations.

#### Article 2

##### Recipient entities

1. The following entities having legal authority to enter into contracts, either individually or jointly, may submit proposals for funding of projects under these Regulations:
  - a. Institutions of higher education, their institutes and R&D centers;
  - b. Associate Laboratories;
  - c. State laboratories;
  - d. Private not-for-profit institutions whose primary object is S&T activities;
  - e. Companies integrated into projects led by public or private not-for-profit R&D organizations;
  - f. Other public and private not-for-profit organizations that carry out or participate in

scientific research activities.

2. The Principal Contractor (PC) is the organization that proposes and leads the scientific research and technological development project. In addition to coordinating the project, the Principal Contractor is responsible for communicating with the FCT on behalf of all the partners.
3. The institutions mentioned in [no. 1, paragraph e\)](#) cannot serve as Principal Contractor, except when they are integrated into European Community programs specifically intended for industry.
4. When various entities participate jointly in a project, the project proposal must indicate which institution is responsible for each aspect of the plan of activities and which institution is the Principal Contractor.
5. The possible involvement of foreign institutions as partners in the project shall not confer upon them the status of recipient entity with funding, except when there is an international agreement or international reciprocity mechanism, duly signed by the FCT, authorized by the higher governing bodies and expressly indicated in the Announcement of the Call for Proposals. These institutions may not be co-funded by the FEDER.
6. In international cooperation projects, the figure of the Principal Contractor does not exist, and all participating Portuguese institutions shall communicate with the FCT individually.

### **Article 3**

#### **General terms for admission and acceptance of projects**

1. A Principal Investigator (PI) should be named for each project. He/she will be co-responsible along with the PC for the proposal and management of the project and ensuring fulfillment of the proposed objectives and compliance with the regulations governing the funding award.
2. The PI shall be dedicated to the project at no less than 25% FTE for the duration of the proposed activities.
3. Proposals whose PIs are in a situation of unjustified noncompliance with the regulatory requirements with respect to submission of technical reports from previous projects shall not be accepted.
4. Proposals whose PCs are in a situation of unjustified noncompliance with the regulatory requirements with respect to submission of financial reports or return of funds transferred to the PC relative to previous projects with the same PI shall not be accepted.
5. The Acceptance Agreement shall not be made available for signing for any projects recommended for funding that would cause the respective PI to exceed 100% FTE dedication when all the FCT-managed projects in which he/she is participating are taken into account.
6. In order for a proposal to be accepted, the PC and Participant Institutions are required to show proof that they have no outstanding debts to the Social Security System or the Tax Authorities or to authorize the FCT to access the respective information.
7. In the case of a proposal involving various entities, a protocol must be signed between the parties explicitly naming the PC and detailing the scope of cooperation between the entities involved, how the joint responsibilities will be divided among the parties, the duties and rights of the parties and, when applicable, any questions regarding confidentiality, intellectual property and final property of any equipment acquired or developed during the execution of the project.
8. In the proposal phase, the recipient entities must agree to comply with the applicable national and community norms, particularly as regards competition, the environment, equal opportunity and gender, and public contracting whenever applicable.

## **Article 4**

### **Eligible and ineligible expenses**

1. The following costs borne by the recipients and incurred exclusively in the execution of the project are considered eligible:
  - a. Human resources dedicated to R&D activities, including costs of individual grant recipients. The funding of grants shall comply with the [norms for the award of grants in R&D projects](#);
  - b. Missions in Portugal and abroad directly related to the project;
  - c. Consultants;
  - d. Acquisition of goods and services and other current expenses directly related to execution of the project, and the intervention of licensed auditors or accountants;
  - e. Registration abroad of patents, copyrights, utility models and designs, national models or brands associated with other forms of intellectual property, namely fees, prior-art searches and consultants' fees;
  - f. Adaptation of buildings and facilities when essential to carrying out the project, namely for environmental and safety questions, provided that these costs do not exceed 10% of the total eligible cost of the project;
  - g. Acquisition of scientific and technical instruments essential to the project and which shall remain attached to the project during the period of its execution;
  - h. Overheads based on the real costs incurred due to execution of the project and which are imputable to it on a pro-rated basis according to a fair and equitable method of calculation duly justified and periodically reviewed, up to a limit of 20% of the eligible direct costs of the corresponding participation in the project.
2. In determining the amount of the eligible expenses to be co-paid, the value added tax (VAT) is deducted whenever the recipient entity (proposing or participating) is subject to this tax and may exercise their right to the respective deduction.
3. Eligibility of expenses is determined by their nature and whether they are reasonable and comply with the applicable legislation.
4. Only costs duly substantiated by invoices or equivalent documents under the terms of article 28 of the VAT Code and receipts or equivalent proofs of payment can be funded. All tax requirements set forth in Article 35 of the VAT Code must be met, and the rules governing public expenditures must also be followed (whenever applicable).
5. The Announcement of the Call for Proposals may limit the types of eligible expenses referred to in point 1 of this article.
6. Under no circumstances shall overfunding of proposals be allowed, and eligible costs funded by the FCT cannot be the object of funding by any other national or EU program.
7. Expenses incurred prior to the project start date mentioned in the Acceptance agreement shall not be considered eligible.
8. In addition to the restrictions set forth in [Appendix III of the FEDER and Cohesion Fund General Regulations](#), transactions between entities participating in the project are not eligible.

## **Article 5**

### **Application**

1. Applications shall be submitted after a public call for proposals is announced on the FCT and Competitiveness Factors Thematic Operational Programme websites and in the national media.
2. Applications must be submitted online through the FCT website by the deadline indicated in the Announcement of the Call for Proposals.
3. As all applications are evaluated by international evaluation panels, only proposals submitted in English using the form provided for this purpose on the FCT website, which are

- properly filled out and submitted to the entities referred to in [article 2](#) shall be considered.
4. A scanned copy of the Declaration of Intent, in accordance with the template provided by the FCT, must be submitted online to the FCT no later than 10 working days after the call is closed. The FCT may request the original document at a later date.
  5. The Declaration of Intent must be signed and initialed by someone who is legally authorized to bind the recipient organizations as well as by the PI.
  6. Principal Contractors and Participating Organizations that have not given their consent to access their tax and social security records under the terms of Article 4 of Decree-Law 114/2007, of 19 April, must show proof that they have no outstanding debts to the Social Security System or the Tax Authorities by the deadline stated in [no. 4](#).

### **Article 6**

#### **Verification of admissibility and eligibility of applications**

Verification of the formal admission requirement for the call, the admissibility and eligibility of the proposing entities and projects is done by the FCT administrative services prior to beginning the evaluation and selection process.

### **Article 7**

#### **Evaluation and Selection**

1. Projects are evaluated by evaluation panels of independent national and international specialists of recognized merit and competence.
2. Evaluation panels shall be set up for each call for proposals and scientific area and shall consist of a minimum of three members, one of which will be an area coordinator who will coordinate the respective panel, and at least one member per sub-area.
3. The majority of the panel members shall be specialists from foreign or international scientific institutions or be nominated by them.
4. No one who is responsible for or involved in any program or project submitting a proposal in the call for proposals or who is responsible for a proposing or participating organization may serve on the evaluation panels.

### **Article 8**

#### **Nomination of the members of evaluation and selection panels**

1. Members of the evaluation panels shall be designated by the President of the FCT. The list of experts who make up the panels shall be approved by the Minister of Science, Technology and Higher Education.
2. The composition of the evaluation panels shall be published on the FCT website.

### **Article 9**

#### **Duties of the evaluation and selection panels**

1. The evaluation and selection panels are charged with:
  - a. Proposing the naming of national and foreign experts to submit opinions regarding the proposals submitted whenever these are deemed necessary;
  - b. Determining whether projects are eligible under the terms set forth in the call for proposals;
  - c. Applying the approved evaluation criteria and notation tools;
  - d. Selecting and ranking proposals to be funded;
  - e. Recommending, with due justification, possible modifications to the plan of work and the proposed budget for each proposal selected;
  - f. Suggesting associations or collaboration between projects in order to form larger

- teams with greater scientific capabilities, with the necessary changes in the funding to be awarded;
- g. Writing up an evaluation for each project and an overall evaluation report for the respective scientific area.
2. The experts referred to in paragraph a), [no. 1 of the current article](#), designated by the FCT based on the recommendations of the evaluation panel, shall be Portuguese or foreign individuals of recognized competence in the scientific areas of the proposals to be evaluated, who shall be responsible for issuing the expert opinions that are requested of them by the evaluation panels.
3. The evaluation panel for a project shall have access to all the proposals that the PI and other members of the research team are involved in.

## **Article 10**

### **Evaluation and selection criteria**

- a. The Announcement of the Call for Proposals applicable to scientific research and technological development projects shall list the criteria used to evaluate the proposals, namely:
- A. Scientific merit and innovative nature of the project from an international standpoint;
  - B. Scientific merit of the research team;
  - C. Feasibility of the plan of work and reasonableness of the budget;
  - D. Contribution to the body of knowledge and competence of the National Science and Technology System;
  - E. Potential economic value of the technology (if appropriate).
- b. Application of these criteria shall take into account, among other considerations, the following:
- A. For criterion A:
    - i. Relevance and originality of the project proposed (based on the state-of-the-art in a determined scientific area and previous work done by the proposing team);
    - ii. Methodology adopted for carrying out the project;
    - iii. Expected results and their contribution to scientific and technological knowledge;
    - iv. Resulting publications and articles;
    - v. Contribution towards promoting and disseminating science and technology;
    - vi. Production of knowledge that can be incorporated into and applied to the business sector.
  - B. For criterion B:
    - i. Scientific productivity of the team (references to publications and citations in published works, other relevant indicators);
    - ii. Abilities and skills to adequately execute the proposed project (team configuration, Principal Investigator's qualifications);
    - iii. Ability to involve young researchers in training;
    - iv. Availability of the team and non duplication of objectives in relation to other projects underway;
    - v. The degree of internationalization of the team;
    - vi. Degree of success in previous projects in relation to the Principal Investigator (PI) (in the case of young PIs, this requirement must be assessed based on the potential revealed by the PIs curriculum vitae in the absence of prior concrete accomplishments);
    - vii. Level of commitment of any companies participating in the project (if

- applicable).
- C. For criterion C:
    - i. Organization of the project in terms of the proposed objectives and resources (duration, equipment, size of the team, institutional and management resources);
    - ii. Institutional resources of the participating entities, in particular of the Principal Contractor (PC) (technical-scientific, organizational and managerial and, when appropriate, co-funding capacity on the part of companies).
  - D. For criterion D:
    - i. Contribution to the body of knowledge and competence of the National Science and Technology System (expected effects and results).
  - E. For criterion E:
    - i. Potential economic value of the technology (if appropriate), namely in terms of its impact on the competitiveness of the national socio-economic system.
- c. For other types of projects, the announcements of the calls for proposals shall establish the criteria for evaluation and selection to be applied.

## **Article 11**

### **Communication of results**

1. The President of the FCT shall notify the PI and the PC of the proposed decision of whether or not to fund the project within 10 working days of receiving the expert opinions and reports mentioned in paragraph g) of [no. 1 of Article 9](#). This notification shall include the evaluation panel's expert opinion.
2. Under the terms Article 100 and subsequent articles of the Code of Administrative Procedure, for the purpose of Preliminary Hearing, the PI may, if he/she so wishes and within 10 working days of being notified of the proposed decision, comment the decision, responding with any observations that he/she deems pertinent. These observations must be submitted online on the FCT website.
3. In the observations referred to in the previous number, the PI should make a distinction between those comments that are of an administrative or procedural nature and those that are of a technical or scientific nature.
4. The PI who accepts the proposed decision will need to explicitly state this fact on the FCT website together with any budget changes implied by a budget smaller than originally proposed, during the period stated in [no. 2](#).
5. The appreciation of technical/scientific comment during Preliminary Hearing, will be carried out by an expert panel, after the closure of regular procedures of the Call in all scientific domains.

## **Article 12**

### **Analysis of Preliminary Hearing comments**

1. Any duly substantiated comments submitted by the PI regarding the proposed decision shall be examined:
  - i. for administrative or procedural questions, by the FCT;
  - ii. for technical or scientific questions, by panels of independent experts.
2. Members of the panels of experts referred to in [no. 1](#) shall be designated by the President of the FCT. The list of experts who make up the panels shall be approved by the Minister of Science, Technology and Higher Education.
3. The same restrictions that apply to members of evaluation panels as set forth in these Regulations shall also apply to members of these panels of experts.



**Article 13**  
**Duties of the panels of experts**

1. The panels of experts referred to in [no. 5 of Article 11](#) are charged with analyzing any observations of a technical or scientific nature that are submitted during the Preliminary Hearing and recommending to either uphold or modify the decision regarding approval and funding as well as recommending, with due justification, changes to the project or the funding to be awarded.
2. The analysis of observations submitted during Preliminary Hearing should not be considered a second scientific evaluation of the proposals or as an evaluation of the competence of the evaluation panels.
3. The tasks of the expert panels are as follows:
  - a. To analyze the observations made by the proposing entities in response to the scientific reasoning behind the evaluation in the context of the results of the evaluation for each scientific area and to determine whether there were gross errors or negligence that were detrimental to the proposing entities; the decision of the evaluation panel will only be reversed in the event that such acts are confirmed;
  - b. To draw up a final report that includes, in addition to the results, any criticisms or recommendations that may contribute to improving the evaluation system.
4. Any situations of conflict of interest that come to light during the expert panel's intervention must be identified in the final report.
5. The President of the FCT shall notify the PI of the proposal of the decision regarding projects analyzed by the panel of experts.

**Article 14**  
**The funding decision-making process**

1. For projects not co-funded by the QREN, the President of the FCT shall submit his/her funding decision, duly substantiated by the corresponding evaluation reports, to be approved by the Minister of Science, Technology and Higher Education.
2. In the case of projects co-funded by the POFC (QREN), the President of the FCT shall submit the decision proposals, duly substantiated by the corresponding evaluation reports, to the Managing Authority of that program.
3. The Managing Authority of the POFC shall decide on the funding based on the terms of the proposal referred to in the previous number.

**Article 15**  
**Acceptance agreement and project start date**

1. The PC and the PI shall be notified of the project funding decision by the FCT within 10 working days after the final decision is known, under the terms of Article 14, nos. [1](#) and [3](#).
2. Once the notification of the funding decision has been sent to the PC, and in situations that do not violate the provisions of [Article 3](#), the acceptance agreement must be signed and initialed by someone legally authorized to bind the Principal Contractor and the Participating Organizations, as well as by the Principal Investigator and returned to the FCT within 20 working days. This deadline may be extended for an equal length of time provided that the Principal Contractor presents justifiable grounds to the FCT.
3. If the duly signed acceptance agreement is not returned to the FCT by the deadline referred to in the previous number for reasons imputable to the Principal Contractor, the decision to award the funding shall expire.
4. Project start dates shall be no later than 90 calendar days after the PIs and PCs have been notified of the funding decision except in situations duly justified to the FCT and by decision of the President of the FCT.



**Article 16**  
**Changes to projects**

1. Requests to make changes to projects already approved must be formalized by submitting a written document by e-mail containing detailed information justifying the need for the change.
2. Changes that take the form of a change between funding categories without increasing the total amount of public funding, and which do not exceed 20% of the amount designated for each of the funding categories (not applicable to overheads or to adaptation of buildings and facilities) do not require special approval, but they must be submitted by the PI on the FCT website and must be described and duly justified in the progress reports to be sent to the FCT.

**Article 17**  
**Payments**

1. Advance payment of 20% of the approved funding for the project shall be made to the PC once the respective acceptance agreement referred to in [no. 2 of Article 15](#) has been returned to the FCT.
2. Payments shall be made to the PC as reimbursements for each list of documented expenses, in amounts that will allow for a progressive reduction of the amount of the advance payment referred to in no. 1.
3. The remainder, up to the amount of funding approved, shall be paid in the form of a final reimbursement once the scientific and financial components of the project have been completed.
4. Under no circumstances shall the sum of the payments exceed 95% of the total funding approved before the project is completed.
5. No payments can be made until it has been confirmed that the recipient of the funding has no outstanding debts to the Social Security System and the Tax Authorities.
6. Lists of expenses to be submitted to the FCT should document a minimum amount of expenditure paid totaling at least 10% of the total funding for the project. The last list of expenses is exempt from this rule.
7. The length of time between expense lists submissions should not exceed six months; this period shall be counted from the date that Advance Payment is made at the start of the project.
8. The last expense list should be submitted no later than 30 calendar days after the conclusion date of the project. Upon that date, it shall be deemed that lists of all expenditures made by the recipient entities have already been submitted.
9. Payments made to companies, directly or through the Principal Contractor, may not exceed 50% of the total cost of the company's participation. During the course of the project, any companies involved must submit proof of the total expenditure, both those funded through the call and those borne by the company itself. Payments to companies in the form of advance payments shall require a bank guarantee for the respective amount involved.

**Article 18**  
**Proof of expenses**

1. Proof of expenses shall be made by online submission of lists identifying the expenses paid, using the form provided for this purpose on the FCT website.
2. With respect to overheads, expenses shall be substantiated by the following documents:
  - a. An itemized list of the expenses submitted, with the respective breakdown percentages, which must be signed by the financial director of the institution;
  - b. Description of the calculation method and breakdown key used for assigning

- overheads for the project;
- c. Recipient institutions must keep a dossier containing copies of the documents related to overheads to substantiate the lists submitted.
3. Eligible expenses made by the recipient entities must be certified by a licensed auditor or, in the case of projects with an eligible expenditure of less than €200,000, recipient entities may elect to have this certification done by a licensed accountant, which will confirm that the approved expenses were made, that the documents substantiating the expenses have been correctly entered in the ledgers and that the financial support has been properly accounted for under the terms of the applicable laws. When the recipient entities are Public Administration entities, the aforementioned certification may be carried out by the financial officer authorized by the respective entity.

### **Article 19**

#### **Revocation of the funding decision**

1. The decision to fund may be revoked by the President of the FCT, or by the Management Authority of the POFC if co-funding was awarded under this program, under the following circumstances:
  1. Noncompliance with the regulations or nonfulfillment of commitments made which seriously jeopardizes achievement of the defined objectives, for reasons imputable to the Principal Contractor or Participating Organizations or the Principal Investigator, or for refusal to supply information or any other relevant items that may be solicited;
  2. Noncompliance, for reasons imputable to the Principal Contractor or Participating Organizations, with their respective legal and fiscal obligations;
  3. Giving of false information regarding the recipient's situation or falsification of data provided in the proposal, evaluation and follow-up of the project.
2. Revocation of the funding decision shall imply cancellation of the funding and subsequent obligation to repay the co-funding already received, with the Principal Contractor being required to replace the amounts received, plus any interest due, within 30 working days of receiving the respective notification, in accordance with the terms of the Acceptance Agreement.
3. Should the funding decision be revoked for the reasons set forth in [paragraph c\) of no. 1](#), the organization in question shall be considered ineligible for support under the Support System for the National Science and Technology System for a period of five years.

### **Article 20**

#### **Progress reports and final reports**

1. PCs shall submit annual scientific progress reports and a final scientific report on the FCT website for the purpose of follow-up and final evaluation.
2. Scientific progress reports to be submitted annually on the FCT website shall briefly describe the work carried out, the results obtained and any divergence from the work proposed or the budget approved.
3. The final report of the scientific activity shall describe, in detail, the work carried out during the period in question; any publications and other results ensuing from the project should be itemized. Access to publications and other results must be ensured by indicating the URL if they have been published online and made available to the public, or on a web server maintained by the project, or by transferring the files in pdf format to FCT servers. The FCT may limit the volume and type of documents that can be uploaded; the PI shall be responsible for selecting the most important material and making the remaining work available through a website if it exceeds this limit.
4. Scientific progress reports and final reports must be submitted online on the FCT website

- within 30 calendar days after completion of the activities of each year of the project and after completion of the project, respectively.
5. The final financial report, which is drawn up by the FCT based on the expenses that were considered eligible during the course of the project and made available online on the FCT website, must be validated by the PI within 10 calendar days after it is made available.
  6. The reports referred to in the previous numbers shall be examined by follow-up committees set up for each scientific field; these committees may recommend suspension or cancellation of the funding.

## **Article 21**

### **Follow-up and monitoring**

1. Projects may be the object of follow-up and monitoring activities carried out by the FCT, or by entities designated by the FCT, and by all entities legally authorized to do so, in accordance with the applicable rules.
2. Recipient entities are required to use a separate accounting system or a suitable accounting code for all project-related transactions, in accordance with current accounting standards.
3. The original expense documents and receipts must be marked with an ink stamp, the characteristics of which shall be defined by the FCT.
4. The project dossier shall contain the following items:
  - a. Proposal submission form and respective appendices, including the Declaration of Intention referred to in [article 5, no. 4](#);
  - b. Notification of the decision to approve;
  - c. Reformulation of the proposal data to reflect the evaluation panel recommendations;
  - d. Acceptance agreement;
  - e. Request for change to the decision to approve, if applicable;
  - f. Document showing VAT status;
  - g. Copy of the itemized expense lists and the original documents substantiating them;
  - h. Itemized list of expenses submitted under the category of overheads;
  - i. Documentation relative to publicizing the support received;
  - j. Documents demonstrating compliance with the legal regime governing public contracts, if applicable;
  - k. Documentation relative to audits of the project.
5. The technical-financial file must be kept up-to-date; delays of greater than 60 days shall not be admissible.
6. After conclusion of the project, the respective dossier shall be kept on file:
  - a. for at least 10 years counting from the date of the last funding decision awarded to the project under the terms of these Regulations;
  - b. for projects co-funded by FEDER, in addition to the 10 years to be counted from the date of the last funding decision awarded to the project, the dossier must be kept until three years after Competitiveness Factors Thematic Operational Programme is closed.

## **Article 22**

### **Information and publicity**

Recipient organizations must comply with the rules regarding information and publicity, under the terms set forth by the FCT, in all work ensuing from the project and on all equipment acquired.

**Article 23**  
**Supplementary rules**

All other aspects not specifically addressed in these **Regulations governing access to funding for scientific research and technological development projects** and in the Operational Regulations governing the Support System for the National Science and Technology System ( [Regulamento de Execução do Sistema de Apoio a Entidades do Sistema Científico e Tecnológico Nacional](#)), for co-funded projects, shall be subject to the provisions of the applicable European Community and national rules.

**Article 24**  
**Date of entry into force**

These Regulations enter into force on 26 November 2008.

