

## **FLAGSHIP CITY APPLICATION - OFFICIAL TERMS AND CONDITIONS**

The following terms and conditions (the “**Official Rules**”) govern the submission of an application (“**Application**”) to the Cities and Circular Economy for Food Flagship City (C&CEFF) Programme (The “**Programme**”), administered by the Ellen MacArthur Foundation (“**EMF**”).

**BY SUBMITTING AN APPLICATION, YOU HEREBY AGREE TO BE BOUND BY AND COMPLY WITH THESE OFFICIAL RULES. THIS PROGRAMME IS VOID WHERE PROHIBITED BY LAW AND NO FEE OR PURCHASE IS REQUIRED TO PARTICIPATE.**

### **PROGRAMME DESCRIPTION**

The Programme consists of the following:

- (i) Demonstration projects establishing new ways of working between city governments, local and global businesses, waste collectors, and NGOs;
- (ii) Engagement with local public and private stakeholders who will design, test, and scale food system solutions based on circular economy principles;
- (iii) Leading tangible projects that help cities to achieve the three ambitions (Source food grown regeneratively, and locally where appropriate; Make the most of food; Design and market healthier food products) of a circular economy for food
- (iv) Hosting and participating in yearly workshops and relevant events

The deadline for submitting an Application is May 1<sup>st</sup> 2019 at 5:00pm GMT. EMF reserves the right to terminate, modify, or suspend the Programme and these Official Rules, for any reason, at any time and without any liability.

### **ELIGIBILITY**

The Applicant hereby acknowledges and agrees that; (i) it is a condition of a successful Application to enter into a "Flagship city Agreement" with [EMF] under which the terms and conditions of the Program shall be set out; (ii) that it has the full power and authority to enter into a Flagship city Agreement and (iii) nothing will prohibit it from performing its obligations or providing the services described therein.

**Eligible:** The Programme is open only to cities that (1) are located in Europe, North America, or Latin America; (2) have a population greater than 500,000 and/or are an influential city in their geography; (3) have designed or are in the process of designing a food policy; (4) are willing to engage at least 0.5 FTE for the full length of the three-year programme, and be willing to host three to five workshops and relevant events over the course of three years; and (5) have engagement from leadership within the municipality to support and champion the demonstration efforts.

**General:** Cities shall be referred to as “**Entrant**” or “**you**”.

## HOW TO ENTER

**Application Form:** The Cities and Circular Economy for Food Website includes further instructions and the required application form (“**Flagship city application**”) that you must follow and use to submit an Application. Please ensure that your Application is complete and final before submitting it. You may not revise your Application once it has been submitted.

**Application Submission:** Applications must be submitted in the form of a PDF to [citiesandfood@ellenmacarthurfoundation.org](mailto:citiesandfood@ellenmacarthurfoundation.org).

**Application:** As used herein “**Application**” includes all information and materials submitted through the application form or otherwise submitted in connection with the Flagship city application, including the application content, original ideas, documents, drawings, graphics, videos, prototypes or any other materials or information you submit.

Entrants are responsible for all expenses associated with preparing and submitting an Application.

All Applications must be in English. By submitting an Application, an Entrant represents and warrants that the Entrant:

- is not submitting any confidential, proprietary, or trade secret information and you understand that your Application will not be treated as confidential by EMF;
- is not submitting any content that contains software viruses, Trojan horses, worms, time bombs, bots or any other computer code or files that are designed to disrupt, damage, or limit the functioning of any software or hardware;
- that the Application does not, to your knowledge, violate any applicable law, statute, ordinance, rule or regulation, or any agreement with a third party; and
- that the Application does not, to your knowledge, infringe upon or violate intellectual property rights held by any third party.

**Application Schedule:** The application period commences on 11<sup>th</sup> March 2019 and shall close on 1<sup>st</sup> May 2019 at 5:00pm GMT.

**Application Confirmation:** Confirmation of the first city place on the Programme shall be made by June 2019 by email communication from the Cities and Circular Economy for Food team. Further selection of up to two cities may follow later.

**DO NOT SUBMIT CONFIDENTIAL INFORMATION. YOUR APPLICATION WILL NOT BE TREATED AS CONFIDENTIAL.**

## SELECTION CRITERIA

EMF is seeking cities that will showcase the vision of the circular economy for food through ambitious demonstration projects.

Applications will be evaluated using the following criteria (“**Selection Criteria**”):

### 1. Overall food landscape

- a. What do you see as the key challenges in regard to agriculture, food, and organic waste in your city?
- b. Are you members of any international networks or initiatives relevant to this topic? If so, please list them.

### 2. Source food grown regeneratively and locally when appropriate

- a. Do you have a good understanding of how the food in your city is produced and sourced? (E.g. share of food sourced from peri-urban/ region / country, and methods used for production)
- b. Could you provide an overview on the agricultural activities, types of food production, and farming practices in the areas around your city?
- c. Do you have ongoing dialogues with food producers and farmers in the vicinity of your city?
- d. What are the major initiatives or ambitions regarding agriculture and food sourcing in your city?

### 3. Make the most of food

- a. Who is responsible for the collection and treatment of organic waste and wastewater in your city?
- b. How are the organic waste and wastewater treated? Do you employ any unconventional practices?
- c. What is the collection rate of organic waste as a separate stream in your city? What is the final destination of the organic material?
- d. What are the major ongoing initiatives or ambitions regarding reducing food waste, redistribution of food, and valorising solid organic waste and sewage in your city?

### 4. Design healthier food products

- a. Do you have ongoing dialogues on healthy foods and diets with food players operating in your city, such as supermarkets, restaurants, caterers, and food brands?
- b. What are the major initiatives or ambitions regarding the design and marketing of healthier food in your city?

### 5. Project management, partnerships and objectives

- a. Which departments or agencies within your city are working on the topic of food, how do these groups currently work with one another?
- b. Which partners (such as businesses, universities, NGOs) can you mobilise to achieve the C&CEFF ambitions and support your application to be a flagship city?

- c. What possible restrictions or constraints should we be aware of in relation to your application? For example, do you have restrictions on partnerships with the private sector?
- d. At the end of the three-year of the mobilisation phase of C&CEFF, what would success look like for your city?

## 6. Further information

- a. Is there any further information you would like to provide regarding your activities in the topic of food or your application?

Entrants' responses will be evaluated on the thinking and content of each section, the application of their knowledge to the questions, the contextualisation and completeness of the responses, and the presentation and technical proficiency of their responses.

In particular, we will focus our evaluation on the following elements:

- Existence of established food policy, or current efforts to develop such policy
- Existence of dialogues and connections with relevant private and public local food actors
- Familiarity with the concept of circular economy and in particular its relevance to the food system
- Commitment to progress in solving key food-related issues by designing and implementing solutions based on circular economy principles

## INTELLECTUAL PROPERTY RIGHTS

**Application Evaluation and Licence:** By submitting an Application, you agree to grant and hereby do grant to EMF a royalty free, non-exclusive, irrevocable license to use any information, graphics, concepts, inventions, approaches, technology, designs, videos, drawings or prototypes arising from or contained, incorporated or referenced in your Application, whether or not protected by patent or copyright or other intellectual property rights, for purposes related to the Programme or a future programme: including Selection Criteria, review, testing, and/or conduction experimental proof of concept tests to determine technical feasibility of the Application; promoting and documenting the Programme.

**Your Information:** By submitting an Application, you consent to the use by EMF and their affiliates, of your name, municipal logo and any trademark's or services marks and any personal data submitted with your Application, for any purposes related to the Programme, a resulting product, or a future programme. For uses beyond the consent that you grant herein, you agree that EMFs' use of your personal data will be governed by (i) the Data Protection Act 2018 until the effective date of its repeal (ii) the General Data Protection Regulation (EU) 2016/679) (GDPR) and any national implementing laws, regulations and secondary legislation, for so long as the GDPR is effective in the United Kingdom, and (iii) any successor legislation to the Data Protection Act 2018 and the GDPR.

**EMFs' Intellectual Property:** You agree that nothing in the Official Rules grants you the right or licence to use any Intellectual Property of EMF, including without limitation EMFs' logo, trademarks or service marks.

## **LIMITATION OF LIABILITY**

You hereby agree and release, indemnify and hold harmless, EMF and its respective affiliates, representatives, officers, directors and employees (collectively "**EMF Entities**") from and against any injuries, losses, damages, claims, actions and any liabilities of any kind (including lawyers' fees) resulting from or arising out of your participation in, association with, or submission to the Programme (including any claims alleging that your Application infringes, misappropriates, or violates any third party's intellectual property rights). EMF Entities are not responsible for any technical failures related to communication or application failures, such as unavailable networks or server connections or other failures related to hardware, software, viruses, or incomplete or late or misdirected Applications. Any compromise to the fair, proper and legal conduct of this Programme may result in the disqualification of an Application, the termination of the Programme or other remedial or legal action at the sole discretion of EMF.

**IN NO EVENT WILL EMF BE RESPONSIBLE FOR ANY DIRECT, SPECIAL, INCIDENTAL, EXEMPLARY, PUNITIVE OR CONSEQUENTIAL DAMAGES (INCLUDING LOSS OF USE, DATA, BUSINESS OR PROFITS) ARISING OUT OF IN CONNECTION WITH YOUR PARTICIPATION IN THE WORKSHOP WHETHER SUCH LIABILITY ARISE FROM ANY CLAIM BASED UPON CONTRACT, WARRANTY, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE, AND WHETHER OR NOT EMF HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH LOSS OR DAMAGE.**

Some jurisdictions do not allow the limitation or exclusion of liability for incidental or consequential damages, so the above limitation or exclusion may not apply to you.

## **NO OBLIGATION**

You acknowledge that multiple participants may submit Applications that contain designs, concepts, approaches, or technologies similar to your Application and that EMF and/or its respective affiliates may already be investigating or developing technical solutions or have business activities that are related to or similar to those disclosed in your Application. You acknowledge and agree that EMF's actions with respect to another Application or one of its own solutions, investigations, or business activities, even if similar to your Application, will not create any liability, of any kind, by EMF to you or others. Participation in the programme does not create an obligation on EMF's part to enter into any business relationship with you or take any action with regard to your Application.

## **APPLICABLE LAW**

These Official Rules and any non-contractual obligations arising out of or in connection with it shall be governed by, interpreted and enforced with the laws of England and Wales.

**BY SUBMITTING AN APPLICATION, YOU ARE ACCEPTING THE TERMS AND CONDITIONS STATED IN THESE OFFICIAL RULES, AGREEING TO BE BOUND BY THE DECISIONS OF EMF, AND WARRANTING THAT YOU ARE ELIGIBLE TO PARTICIPATE IN THE PROGRAMME AND HAVE ANY NECESSARY RIGHTS TO DO SO. IF YOU CAN NOT ACCEPT THESE OFFICIAL RULES, DO NOT SUBMIT AN APPLICATION TO THE PROGRAMME.**