

Ministry of Development, Public Works and Administration
ROMANIA

INTERREG VI-A NEXT ROMANIA-UKRAINE
PROGRAMME

GUIDELINES FOR GRANT APPLICANTS

REGULAR PROJECTS

Reference: 2ND Call for proposals
Open Call for proposals: 18.03.2024
Deadline for submission: 16.07.2024

How to use these Guidelines

This document is a guide for the call of proposals no. 2 for regular projects within the Interreg VI - A Next Romania Ukraine Programme. It is addressed to the potential Applicants while preparing their proposals, and contains information about the selection, contracting and the implementation process for **regular projects**.

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ACRONYMS

CBC	Cross-Border Cooperation
COI	Common Output Indicator
EC	European Commission
e.g.	Exempli gratia (for example)
EU	European Union
ISO	Interreg Specific Objective
JEMS	Joint Electronic Monitoring System
JS	Joint Secretariat
MA	Managing Authority
MC	Monitoring Committee
NA	National Authorities
NDICI	Neighbourhood, Development and International Cooperation Instrument – Global Europe
NGO	Non-Governmental Organisation
NUTS	Nomenclature of territorial units for statistics
OI	Output Indicator
PO	Policy Objective
PSC	Project Selection Committee
RI	Result Indicator
SMART	Specific, Measurable, Achievable, Realistic, Time Bounded
VAT	Value Added Tax

CHAPTER 1 INTERREG VI-A NEXT ROMANIA-UKRAINE PROGRAMME

1.1 Background information

European territorial cooperation goal (Interreg) aims to fostering cooperation between Member States and their regions inside the Union and between Member States, their regions and third countries, partner countries, other territories or overseas countries and territories (OCTs), or regional integration and cooperation organisations.

The Interreg VI - A NEXT Romania Ukraine Programme 2021 – 2027, hereinafter the **Programme**, contributes to the achievement of the specific objectives and of the overall Interreg objective.

For a better understanding of these Guidelines and its annexes as well as of the Programme, it is recommended to read also the Programme document available on <http://ro-ua.net> and the relevant national and EU legislation (see section 1 – Legal and strategic framework - Part 1 of these Guidelines).

Moreover, it is strongly recommended to frequently visit the Programme website (www.ro-ua.net) and/or [programme social media](#) to check on any possible revision of these Guidelines, the publication of the answers to the questions submitted or on information of general interest.

1.1.1 Programme area

The **Programme area** consists of:

- the **Romanian** counties of Suceava, Botosani, Satu-Mare, Maramures, Tulcea and
- the **Ukrainian** oblasts of Zakarpattia, Ivano-Frankivsk, Odesa, Chernivtsi



TAKE NOTE THAT

Only projects that benefit the Programme area will be eligible. To this end, projects should be implemented in the Programme area. However, in duly justified cases, a share of the project may be implemented outside the Programme area, irrespective of the place of registration of the beneficiaries, (in the limited conditions to be foreseen in the Section 2.2.1.1 of these Guidelines,) provided that this is necessary for achieving the project's results, is for the benefit of the programme area and is described and justified in the application form and they will require the explicit approval of the Monitoring Committee

1.1.2 Other Interreg programmes

The Programme runs in parallel with **other Interreg NEXT programmes**, also relevant for the programme area (e.g. Interreg VI-A NEXT Romania-Republic of Moldova Programme, Interreg VI-B NEXT Black Sea Basin Programme, Interreg VI-A NEXT Hungary-Slovakia-Romania-Ukraine Programme), as well as other national or cooperation programmes from Romania and Ukraine funded by the European Union, relevant for this area.



TAKE NOTE THAT

The Programme shall **not finance projects** whose activities have already been financed (totally or partially) by other programmes/ financial instruments.

In order to avoid double financing and overlapping between projects, the Applicants and partners are strongly requested not to submit projects already awarded with a grant in another financial framework, or projects that include activities that have already been financed in another financial framework.

Moreover, when an award decision of the managing structures of the programmes where such a project was previously submitted has not been given until the deadline for submission under the present Call for proposals, the Lead Partner shall clearly state in the Project Statement whether their organisation has applied to other programme for support to all or part of the activities envisaged by their project. All project partners shall confirm, in their statements, that no expenditure related to the above-mentioned project has been, is or will be funded, in part or in whole, by any other national/international/EU-funded programme

This should not have the effect of discrimination against their proposals during evaluation, but it will be taken into account for the final selection of projects, when appropriate consultation with other management structures (the National Authorities, the Managing Authorities or other Interreg programmes and the European Commission) will be performed in order to detect potential cases of double financing. Moreover, during the contracting phase, an updated statement of the Applicant and partners on this topic will be requested.

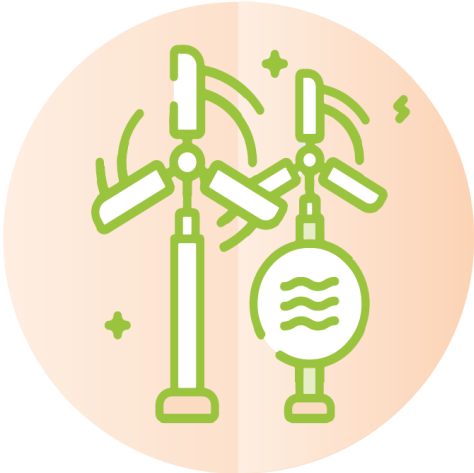
1.2 Legal Framework

- Commission Decision No. 8931 on 30.11.2022 approving the Interreg VI-A NEXT Romania-Ukraine Programme for 2021 - 2027 period;
- Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy;
- Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments;
- Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund;
- Regulation (EU) 2021 /947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009
- Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, with further modifications and completions;
- Financing Agreement for the Interreg programme (Interreg VI-A) NEXT Romania-Ukraine

1.3 Focus of the Call for proposals

1.3.1 Priorities and specific objectives addressed by the call

Out of the 3 priorities of the Programme, only Priority 1 will be open under this call for the submission of regular projects, as follows:

	<p>Priority 1 Environmental focus across borders</p> <p>POLICY OBJECTIVE 2</p> <p>A greener, low-carbon transitioning towards a net zero carbon economy and resilient Europe and its Neighbourhood</p> <p>Specific objectives:</p> <p>1.1 Promoting climate change adaptation and disaster risk prevention and resilience, taking into account eco-system-based approaches</p>
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1.3.2 Focus of the Call

The Programme is looking for proposals that **envisage clear cross border impact** and support achievement of the Programme's expected results and outputs, fulfil clear quality criteria and demonstrate technical and financial viability.

The quality criteria that the programme pursuits during the evaluation and selection process ensure that a project is relevant to the programme, it has strong and consistent internal logic, and the main pre-requisites for its successful implementation are already in place.

The coherence of the project intervention logic with the targeted specific objective of the programme is a key factor for a quality project.



TAKE NOTE THAT

Contribution to programme priorities and specific objectives and to the needs of the communities in the programme area are essential for project selection.

1.3.3 Type of projects

The present Call for proposal only addresses *regular projects*.

In the meaning of the present call, *regular projects* are projects, with an investment component of minimum 500,000 EUR per project.

▶▶▶ TAKE NOTE THAT

Investment means infrastructure and works and/ or specialised equipment, as well as services directly linked to the investment (Eg: feasibility study, technical project, other services necessary for their proper functioning, etc.), which contribute to the project objective and that shall remain in use after the project implementation for at least 5 years after the final payment to the project.

Investment must be entirely described in the application form.

1.3.4 Cross border character of the projects

The Programme is looking to select projects which envisage clear cross border impact and benefits on each side of the border.

As a pre-condition to demonstrate the cross-border impact of the project, at least three, out of four, criteria should be pursued by the partners, and be duly justified within the Application Form:

▶▶▶ TAKE NOTE THAT

The following four cross border cooperation criteria are to be taken into consideration:

Mandatory:

- (1) **Joint development** is ensured when the project is designed by the Applicant (as coordinator of the process) together with its partners, and addresses the needs and priorities of all the relevant stakeholders.
- (2) **Joint implementation** is provided when project's activities are carried out and coordinated among all Partners. It is not enough that activities run in parallel. There must be clear content-based links between what is happening on one side of the border, and the work done by Partners on the other side. The Applicant is responsible for ensuring that activities are properly coordinated.
- (3) **Joint financing** must ensure a reasonable distribution of the project budget between Partners, according to their share of activities and grant received. All project Partners who receive financial support from the Programme will contribute to the co-financing of the project.

Optional:

- (4) **Joint staffing**, whether is paid from the project budget or not, the project staff will be responsible for the activities carried out on the respective side of the border.

Projects shall involve partners from both countries. However, a European Grouping of Territorial Cooperation (EGCT) may be the sole partner of a project, provided that the members thereof involve partners from both Romania and Ukraine. **The sole partner (EGCT) shall be registered in Romania.**

It has to be considered that the cooperation criteria need to be effectively demonstrated throughout the project proposal e.g. distribution of responsibilities among the project Partners, methodology of activities, distribution of the project budget.

1.3.5 Horizontal principles

The following horizontal principles may be addressed by the projects funded under the Interreg VI-A NEXT Romania-Ukraine Programme, and at least one has to be positively influenced:

Sustainable development and environmental protection

The programme has a strong commitment towards environmental protection and all operations supported by the programme have to respect the EU policies and rules regarding environmental protection and sustainable development taking into account the Paris Agreement, the UN Sustainable Development Goals and the “do no significant harm” (DNSH) principle.

Project applicants have to describe the contribution to sustainable development, explaining how the sustainable development principles are anchored within the project design and planned activities. The project will specify which possible effects (positive, neutral or negative) will likely have on the environment, by considering among others the following aspects: water, soil, air and climate, population and human health, fauna, flora and biodiversity, cultural heritage and landscape.

DNSH (the Do No Significant Harm Principle)

Project activities should contribute to one of the 6 environmental objectives and they should be compliant with the “do no significant harm” principle.

Article 17 of the Taxonomy Regulation¹, defines the significant harm for the six environmental objectives. Thus, an activity is considered to do significant harm:

- ✓ to **climate change mitigation** if it leads to significant greenhouse gas (GHG) emissions;
- ✓ to **climate change adaptation** if it leads to an increased adverse impact of the current climate and the expected future climate, on the activity itself or on people, nature or assets;
- ✓ to the **sustainable use and protection of water and marine resources** if it is detrimental to the good status or the good ecological potential of bodies of water, including surface water and groundwater, or to the good environmental status of marine waters;
- ✓ to the **circular economy, including waste prevention and recycling**, if it leads to significant inefficiencies in the use of materials or in the direct or indirect use of natural resources, or if it significantly increases the generation, incineration or disposal of waste, or if the long-term disposal of waste may cause significant and long-term environmental harm;
- ✓ to **pollution prevention and control** if it leads to a significant increase in emissions of pollutants into air, water or land;
- ✓ to the **protection and restoration of biodiversity and ecosystems** if it is significantly detrimental to the good condition and resilience of ecosystems, or detrimental to the conservation status of habitats and species, including those of Union interest.

The project will have to promote solutions that are friendly with the environment and observe the Do No Significant Harm Principle. For the reduction of the impact on the environment, projects having an

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32020R0852>

infrastructure component that will be financed under the Programme should submit, where needed, as additional document an assessment of its environmental impact in compliance with the Directive 2011/92/EU of the European Parliament and of the Council and, for the participating countries which are parties to it, UN/ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context of 25 February 1991.

For further information on the main environmental protection objectives and their interlinkages with the Programme and for SEA indicators and mitigation measures, please refer also to the Programme strategic environmental assessment (SEA) available on the programme website.

For investments in infrastructure with an expected lifespan of at least five years, the applications will incorporate relevant information on how the potential impacts of climate change were taken into consideration (climate proofing in the sense of climate adaptation & resilience), according to the relevant provisions from the Commission Notice ["Technical guidance on the climate proofing of infrastructure in the period 2021-2027"](#).

Projects submitted are strongly encouraged to **green their projects**. The following good environmental practices are recommended for all projects:

- Reduce the electricity and / or heat consumption;
- Reduce fuel, raw materials and hazardous substances consumption;
- Use high energy performance equipment;
- Choose adequate technologies for restoration/ preservation and respect them accurately so that the solutions chosen do not affect species of flora, fauna and aquatic ecosystems in the area;
- Minimize waste production;
- Ensure collection/ sorting/ recycling/recovery of the waste resulted;
- On-line meetings should be preferred whenever possible, electronic communication means should be used instead of paper based
- Including environmental criteria in procurement procedures;
- Giving preference to environmentally-friendly mobility options (in particular for short travel distances);
- Organising conferences and events in a sustainable way (e.g. by combining different meetings in one place, reducing printing and using recyclable materials, using video conference facilities, etc.);
- Considering resource efficiency and the use of renewable energy at all levels;
- Making use of regional supply chains (reducing supply chain length and CO2 emissions).

Equal opportunities and non-discrimination

Projects have to ensure that the activities implemented are in line with the principle of equal opportunities and do not generate discrimination of any kind (gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation).

Applicants have to describe how the equal opportunity and non-discrimination principle is anchored within the project design and planned activities.

Equality between men and women

Promotion of gender equality is important within the Programme design as a horizontal issue to be deployed in projects across any of the priorities selected. Both men and women shall have equal access to the opportunities and benefits of the Programme.

All projects will have to adequately consider gender related issues – such as equality of opportunity rights, distribution of benefits, responsibilities for men and women. This may include the integration of a gender perspective when planning activities, considering the likeliness of increased gender equality beyond the project end.

Projects have to ensure that the activities implemented are in line with the principle of equality between men and women and do not generate discrimination of any kind.

New European Bauhaus

In drafting the projects other horizontal principles should also be considered, such as the New European Bauhaus initiative. **The New European Bauhaus**² initiative promotes a new lifestyle where sustainability matches style, thus accelerating the green transition in various sectors of the economy such as construction, furniture, fashion and in the society as well as other areas of our daily life. The aim is to provide all citizens with access to goods that are circular and less carbon-intensive, that support the regeneration of nature and protect biodiversity. Three core inseparable values guide the New European Bauhaus:

- ✓ sustainability³, from climate goals, to circularity, zero pollution, and biodiversity,
- ✓ aesthetics, quality of experience and style, beyond functionality,
- ✓ inclusion, valorising diversity, equality for all, accessibility and affordability.

1.3.6 Synergies and complementarities with other actions⁴

Operations should seek to create synergies with any other programmes covering the same regions, like national programmes, or macro-regional strategies, cooperation programmes and other existing financing solutions. The application should include a short description on how the operation aims to contribute to wider strategies.

Examples of wider strategies:

- [EU Strategy for the Danube Region \(EUSDR\)](#),
- Common Maritime Agenda for the Black Sea (CMA) or
- Black Sea Synergy

Other CBC programmes, such as:

- Hungary-Slovakia-Romania-Ukraine Interreg Next,
- Romania-Republic of Moldova,
- Black Sea Basin,

²For more details regarding the New European Bauhaus you can check The EU'S site: https://europa.eu/new-european-bauhaus/index_en

³ For the purpose of the New European Bauhaus initiative, “sustainability” is understood as “environmental sustainability”.

⁴ See Programme document, section 1.2.3 for additional information; data to be included in section C.2.5 of the Application Form

- Interreg Danube.

1.3.7 Capitalisation of previous programmes' results⁵

Project proposals can also capitalise on the results achieved previously through other projects. Beneficiaries who want to learn about the projects financed in the previous period, can consult the program page, in the [projects section](#). Some of these projects, can be models or can be further built on their results, further developed or replicated, as feasible. Capitalisation activities should also focus on the widening up of the audience/target groups of existing project results.

The strategies and studies already developed in the framework of the previous Programmes can be used as valuable tools in addressing identified needs.

The database will be continuously enriched with information on the results achieved by projects supported under the Interreg VI-A NEXT Romania-Ukraine Programme.

1.4 Financial allocations per priority

1.4.1 Indicative allocation

The overall indicative EU contribution available under this Call for proposals is of:

Priority	Specific Objective	EU contribution
P 1 Environmental focus across borders	(iv) Promoting climate change adaptation and disaster risk prevention and resilience, taking into account eco-system based approaches	4,472,918 EUR

Provided that supplementary funds will become available, the amount of EU contribution to this Call for proposals may be increased.

However, the Managing Authority, with the prior agreement of the Monitoring Committee, reserves the right not to award all the funds available for a priority, if the quality of the projects submitted is not satisfactory. The funds made available in this way, may be redirected to other priorities or calls with the prior approval of the Monitoring Committee.

1.4.2 Grant and co-financing

The **total project budget** consists of EU contribution (grant) and co-financing provided by project partners.

The EU contribution (grant) for a project shall be of maximum 90% of the total eligible expenditure of the project.

⁵ information to be included in section C.2.7 of the Application Form

**TAKE NOTE THAT**

Projects shall not be selected for support where they have been physically completed or fully implemented before the application for funding under the programme is submitted, irrespective of whether all related payments have been made.

However, in circumstances presented in section 2.5 *Costs. Eligibility requirements*, part of the grant may be awarded retroactively, only for costs related to studies and documentation concerning the infrastructure/works component performed before the contract signature. These costs must meet all the other eligibility requirements set by the Programme.

Grants shall not have the purpose or effect of producing a profit within the framework of the project during the implementation period⁶.

1.4.2.1 Size of grant per specific objective

The **EU contribution (grant)** that may be requested for financing **regular** projects under the present Call for proposals is between: **800,000-1,400,000 EURO**.

1.4.2.2 Co-financing

The **co-financing** shall be of **at least 10%** of the total eligible costs of the project and shall be provided by all partners in the project receiving a financial support from the Programme; the co-financing ensured by each partner should represent at least 10% of their own eligible expenditure.

**TAKE NOTE THAT**

Project partners will include costs for their share of activities in the individual budgets, comprising **both a share of grant and the share of co-financing**.

Co-financing for the Romanian beneficiaries

For the Romanian beneficiaries, LAW no. 231 of July 19, 2022 regarding the management and use of Interreg funds and the national public contribution, for the "European Territorial Cooperation" objective, in the period 2021-2027 regarding the allocation of external grants and national public contribution, for the "European Territorial Cooperation" Objective, with subsequent amendments shall be applied.

1.5 State aid rules

1.5.1 General provisions

No state aid shall be granted under this call.

According to Article 107 (ex. Article 87) of the Treaty on the Functioning of the European Union, state aid is any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods, therefore affecting trade between Member States.

⁶ The **profit** shall be defined as a surplus of the receipts over the eligible costs incurred by the beneficiaries, when the request is made for payment of the balance.

During the evaluation process, the issue of possible involvement of state aid relevant activities will be checked based on all information concerning partners and activities foreseen by the project.



TAKE NOTE THAT

Provided it contains state aid relevant activities, the **project may be rejected** in its entirety, except for those situations when an adjustment of the activities, without affecting the project objectives, is possible.

1.5.2 Self-assessment of the State Aid

In order to find out if the project is likely to be regarded as a state aid or containing state aid elements, before finalising the development of the project and its submission, the self-assessment grid provided in **Annex G** of the present guidelines is to be used and, if possible, the needed adjustments shall be made in order to remove the potentially state aid elements.

The self-assessment must refer to the project as a whole. Consequently, when performing the state aid self-assessment, the criteria shall be applied to each partner and each project activity. Moreover, the potential "indirect advantage"⁷ which may occur as a result of project implementation must be taken into consideration.

The **self-assessment grid (Annex G)** contains five criteria to be duly considered when assessing the potential involvement of state aid elements in a project:

- (1) Are public resources involved?
- (2) Are public resources granted selectively to the partners?
- (3) Is any of the partners of the project an "undertaking"?
- (4) Does any partner ("undertaking") and/or a third party ("undertaking") get an "economic advantage" that it could not normally get from the market?
- (5) Does the aid (financing of project) distort or threatens to distort competition and trade within the European Union or between European Union and Ukraine?



TAKE NOTE THAT

If one of the above questions is answered NO, there is no state aid involved. Details on how to interpret each criterion are presented in **Annex G**.

⁷ An "indirect advantage" (indirect State aid) occurs when funds received by beneficiaries are channelled, during the project implementation or following the finalisation of the project, to identifiable undertakings/groups of undertakings (e.g. if the funds are used by the beneficiary for training of the employees of certain SMEs, a certain "undertaking" is going to benefit by an infrastructure developed by a beneficiary within a project, etc.). Thus, these third parties-"undertakings"- receive an advantage through the project activities that they would not have received under normal market conditions. This implies that they could be recipients of State aid.

CHAPTER 2 RULES FOR THIS CALL FOR PROPOSALS

2.1 Number of projects to be submitted

No limitations are set for an organization to participate in several projects submitted under the present call for proposals. However, please make sure that the respective organization has the necessary operational and financial capacity to implement all the projects submitted, provided that they are all selected.

2.2 Lead Partner and Partners. Eligibility requirements

2.2.1 Eligibility requirements for the partners including lead partner

I. Each entity partner in the project shall meet the following cumulative requirements:

- a) To be in any of the situations regarding its place of registration listed below:
 - i. Are legal entities registered and located in Programme area, namely in the Romanian counties of, Botosani, Maramureş, Satu Mare, Suceava, Tulcea, or the Ukrainian oblasts of Chernivtsi, Ivano-Frankivsk, Odesa, Zakarpattia
 - ii. Are legal entities registered outside the Programme area, but only in conditions set at section 2.2.1.1.
 - iii. Are European Groupings of Territorial Cooperation (EGTC) regardless of their place of establishment, provided that the members thereof involve partners from Romania and Ukraine.
- b) Are non-profit making organisations,
- c) Are directly responsible for the preparation, management and implementation of the project with their Partners, not acting as an intermediary,
- d) Have stable and sufficient sources of finance to ensure the continuity of the organisations throughout the project duration, to play a part in co-financing it and to ensure the needed cash flow. Moreover, the partners must have the necessary financial resources and mechanisms to cover operation and maintenance cost for operations comprising investment in infrastructure so as to ensure its financial sustainability.
- e) Have no debts to the consolidated state budget or to the local budget in accordance with the national legislation of concerned country of registration.
- f) Have competence in the fields of Specific Objective concerned by the project.
- g) Have provable rights (ownership, long term rent, concession, administration, etc.) over each location [land/ building/space] where the infrastructure/works are foreseen to be executed and/or equipment over EUR 60,000 is to be installed/ used. The proves of each type of the rights, except for ownership, must be valid until at least five years from the final payment to the beneficiary but not less than 2032. However, also in case of the ownership, the rights over the location where the investment was foreseen, shall be maintained for the same period of time. In case the respective Partner is not the owner, the written agreement of the owner saying that investment may be executed / used is needed.
- h) Is not subject to a conflict of interests; the conflict of interests represents any circumstances that may affect the evaluation or implementation process, in an objective and impartial manner. Such circumstances may result from economic interests, political or national preferences or family connections;

- i) (For Ukrainian entities) Are able to open a dedicated bank account in a state-owned bank in case the project is selected for financing. Any organization, be it Lead Partner or Partner in a project, must be legally able to transfer/receive funds to/from foreign countries.
- j) Have no unpaid debt to the Managing Authority for any project financed under the Romania-Ukraine Joint Operational Programme 2014-2020 and RO-UA-MD ENPI-CBC Programme 2007-2013 at the date of contract signature. If the Managing Authority established debts (in the Debtors Ledger of the entity hosting the Managing Authority) for the Lead Partner and/or the Partners, the grant contract may be signed only if and after the situation of the debt is tackled

II. Each entity partner in the project or person with attributions of representation, decision-making or control over it does not fall into any of the situations listed below (according to Art. 136 of Regulation (EU, Euratom) 2018/1046)⁸:

- a) the person or entity is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended, or it is in any analogous situation arising from a similar procedure provided for under Union or national law;
- b) it has been established by a final judgment or a final administrative decision that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
- c) it has been established by a final judgment or a final administrative decision that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 - i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the implementation of the legal commitment;
 - ii. entering into agreement with other persons or entities with the aim of distorting competition;
 - iii. violating intellectual property rights;
 - iv. attempting to influence the decision-making of the authorising officer responsible during the award procedure;
 - v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- d) it has been established by a final judgment that the person or entity is guilty of any of the following:
 - i. fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council (1) and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995 (2);
 - ii. corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption

⁸ In the "Project Statement" and "Project Partner Statement", applicants must declare that they do not fall in any of the categories listed.

- involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997 (3), or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA (4), or corruption as defined in other applicable laws;
- iii. conduct related to a criminal organisation as referred to in Article 2 of Council Framework Decision 2008/841/JHA (5);
 - iv. money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council (1);
 - v. terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA (2), respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
 - vi. child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council (3);
- e) the person or entity has shown significant deficiencies in complying with main obligations in the implementation of a legal commitment financed by the budget which has:
- i. led to the early termination of a legal commitment;
 - ii. led to the application of liquidated damages or other contractual penalties; or
 - iii. been discovered by an authorising officer, OLAF or the Court of Auditors following checks, audits or investigations;
- f) it has been established by a final judgment or final administrative decision that the person or entity has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95 (4);
- g) it has been established by a final judgment or final administrative decision that the person or entity has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business;
- h) it has been established by a final judgment or final administrative decision that an entity has been created with the intent referred to in point (g).



TAKE NOTE THAT

Failing to submit all the information required as a condition of participation in the Call for proposals will result in rejection of the application.

The Managing Authority and the Joint Secretariat may request, at any time, additional documentary evidence, clarifications and argumentations regarding the eligibility of applicants or partners. However, only the legal documents dated before the deadline for the call will be considered acceptable.

The compliance with the criteria set at point I (a) to (g) will be cross-checked during the evaluation process, based on the documents submitted together with the Application form.

The criteria set at points I (h) to (i) and II (a) to (h) will be checked based on the “Project Statement (for the applicant) and “Project Partner Statements” issued by each partner.

The compliance with the criterion listed at point I (j), shall be checked during contracting process, providing that the project is selected.

**TAKE NOTE THAT**

Non-eligibility of any of the project partners (Lead partner or partners) leads to non-eligibility of the entire project, irrespective of the fact that the minimum partner requirements are still met.

**TAKE NOTE THAT**

The Lead partner or a partner cannot be changed and replaced with other organisation, and its share of the project cannot be taken over by other project partner during the evaluation, selection process and contracting, as this would mean to change the project proposal after the submission deadline and thus to violate the principle of equal treatment.

2.2.1.1 Participation of partners registered outside the Programme area

This call allows for participation of partners registered outside the Programme area only if the following conditions are met cumulatively:

- i. The project addresses the Priority 1, Specific Objective 1.1.
- ii. The activities to be performed by the partner located outside the programme area are implemented directly or with the support of their offices/ branches in the Programme area or for the benefit of the Programme area.
- iii. The activities to be performed by the partner located outside the programme area are necessary for achieving the project's results

The contribution of the partner located outside the Programme area shall be described and duly justified in the application form, in order to be explicitly approved by the Monitoring Committee.

2.2.2 Indicative eligible organisations

An indicative list of the eligible entities is presented below:

Nr	Main categories	Examples
1	Local public authority	administrative territorial units at the level of the county/ municipality/ city/ commune
2	Regional public authority	regional council, etc.
3	National public authority	ministry, etc. Offices/ branches of public national/regional authorities and other public bodies active on the themes of the priority
4	Sectoral agency	local or regional development agency, environmental agency, employment agency, etc.
5	Interest groups including NGOs	-trade union, foundation, charity, voluntary association, NGOs, -religious organizations, legally established according to the national legislation in force
6	Higher education and research organisations	University, faculty, college, research institution, RTD facility, research cluster, etc.
7	Education/training centre	primary, secondary, public schools and other public educational

	and school	institutions, public vocational training, etc.
8	Business support organisation	chamber of commerce, chamber of trade and crafts, ;
9	EGTC	
10	Hospitals and medical centres	
11	Other	



TAKE NOTE THAT

The profit-making entities and SMEs are not eligible under this Call for proposals.

2.3 PARTNERSHIPS. ELIGIBILITY REQUIREMENTS

2.3.1 Partnership principles

In order to ensure the successful implementation of the project and to achieve tangible results it is very important that the partners involved in the project have the necessary competencies in the field of the Specific Objective chosen, for the development and implementation of the activities and also for ensuring the sustainability of the project on the long run.

Partners shall appoint one organization to act as Lead Partner who will take full responsibility for the submission of the project proposal and later, provided that the project is awarded a grant, will take the responsibility of implementation of the entire project.

When submitting the project, the Lead Partner shall fill in and sign a Project Statement (**Annex A**) acknowledging their responsibilities within the project. Each partner must issue and sign a Project Partner Statement (**Annex B**)

During the evaluation process, the Lead Partner is responsible to communicate with Programme structures on behalf of the partnership and also to ensure that exchange of information with his Partners is done in an efficiently and timely manner.

During the contracting phase (provided that the project will be selected), the project will submit a Partnership Agreement stipulating the specific obligations and the financial responsibilities to be met during project implementation, signed and stamped according to the relevant legal provisions in force, by the Applicant and all his Partners.

A model of the Partnership Agreement is annexed for information to the present Guidelines (**Annex M**). The Partners may decide to include additional or more restrictive provisions, but they must keep the provisions indicated in the model as a minimum.

Obligations of the partners during the project implementation are stipulated in the standard form of Contract, standard form of Partnership Agreement and in the Project Partner Statement (See the corresponding annexes).

The main obligations of partners

- a) All partners shall actively cooperate for the implementation of the project, they shall ensure joint development, implementation and joint financing. They may also cooperate in staffing of the project;
- b) Each beneficiary shall be legally and financially responsible for the activities that is implementing and for the share of financing that it receives;



TAKE NOTE THAT

Partners will also be required to fill in the PIC (Participant Identification Code) code, which can be obtained by registering the organisation on EC Participant Register, [accessible here](#).

Lead partner's main obligations

- a) lay down the arrangements with the other partners in an agreement comprising provisions that, inter alia, guarantee the sound financial management of the respective Union funds allocated to the Interreg operation, including the arrangements for recovering amounts unduly paid;
- b) assume responsibility for ensuring implementation of the entire Interreg operation;
- c) ensure that expenditure presented by all partners has been paid in implementing the Interreg operation and corresponds to the activities agreed between all the partners, and is in accordance with the document provided by the managing authority pursuant to Article 22(6) of Regulation (EU) 2021/1059.
- d) if not otherwise specified in the arrangements laid down pursuant to point (a), the lead partner shall ensure that the other partners receive the total amount of the contribution from the respective Union fund in full and within a timeframe agreed by all partners and following the same procedure applied in respect of the lead partner. No amount shall be deducted or withheld and no specific charge or other charge with equivalent effect shall be levied that would reduce that amount for the other partners. However, the grant contract will include specific provisions for exceptional cases when the transfers cannot be done without jeopardizing the EU funds.
- e) additionally, the Lead Partner bears the responsibility for monitoring and reporting on the level of achievement of the project's output and result indicators.

2.3.2 Eligibility requirements for the project partnership

Number of partners

A maximum of 4 partners (including the Lead Partner) may participate in the project.

Location of partners

At least one partner in the project is registered in Romania, in the programme area, and at least one partner is registered in Ukraine, in the programme area. However, an EGCT may be the sole partner of a project, provided that the members thereof involve partners from both Romania and Ukraine. **The sole partner shall be registered in Romania.**

Associated organisations

Other entities may play a supporting role in the project as **associated organisations, without receiving funding from the project.** The associated organisations are not partners in the project and they do not have to meet the eligibility criteria and sign the Project Partner Statement and Partnership Agreement.

A cooperation agreement may be signed and submitted together with the application form in order to include these organizations in the target for indicator RCO 87.

2.4 Projects and Activities. Eligibility requirements

2.4.1 Eligible projects

In order to be selected, a project must address one of the Priorities, specific objectives and fields of intervention of the Programme.

A project must bring clear and feasible contribution to the achievement of programme Result indicators and Output indicators set for the Specific Objective chosen.

Detailed information on indicators is presented in Annex I Guide for Indicators.



TAKE NOTE THAT

Project contribution to the Programme indicators should be clear, but also feasible, since they are to be measured and checked by management structures according to the grant contract provisions and, provided that the project will not achieve the stated indicators, the Programme may decide to apply financial corrections and/or to recover fully or partially the grant paid to the project. Therefore, is in the best interest of the project to commit to feasible and realistic target values for the indicators showing their contribution to the Programme, and not oversize them.



TAKE NOTE THAT

During the selection process the programme have to ensure that selected operations are not directly affected by a reasoned opinion by the Commission in respect of an infringement within the scope of Article 258 TFEU that puts at risk the legality and regularity of expenditure or the performance of operations

2.4.2 Project's contribution to the Programme

The quality criteria that the programme pursuits during the evaluation and selection process ensure that a project is relevant to the programme, it has strong and consistent internal logic, and the main pre-requisites for its successful implementation are already in place.

The coherence of the project intervention logic with the targeted specific objective of the programme is a key factor for a quality project.

When designing a project, the following aspects have to be considered:

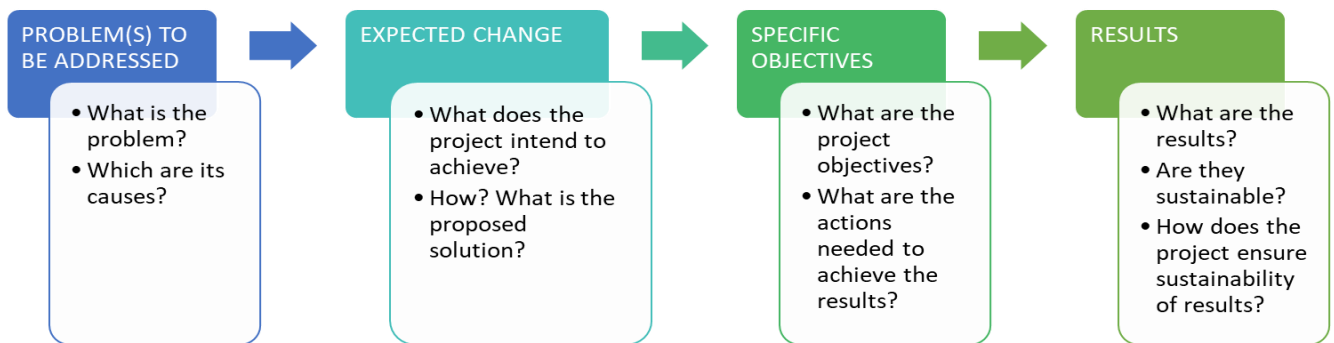
- Project specific objective targets one single programme specific objective within the priority;
- Project corresponds to relevant intervention field(s) of the selected specific objective, as per Programme⁹;
- Projects activities and outputs are logically linked to the targeted programme specific objective;
- Project clearly contributes to the programme output and result indicator(s).

⁹ The intervention fields are correlated with the indicative activities for this call. The intervention fields are listed in the Programme document and in the Performance Framework <https://ro-ua.net/en/programme/documents>

The project intervention logic has to show how a desired change will be achieved. It should reflect the current situation (e.g. a problem, a need), its causes and the change/improvement which the project seeks to achieve by implementing the planned activities.

An example on how a project intervention logic should be designed is presented below:

Figure – How to develop the project intervention logic



▶▶▶ **TAKE NOTE THAT**

Contribution to programme priorities and specific objectives and to the needs of the communities in the programme area are essential for project selection.

In drafting the proposal, the meaning of the main terms used for the intervention logic should be understood as follows:

Project specific objective - defines an immediate goal that the project can realistically achieve within the project lifetime through its planned activities and related outputs. The project specific objective needs to contribute to the overall project objective.

The **project activity** is the main implementation step or task in the work package.

The **project output** is the product that results from the implementation of one or more project activities. All project activities and outputs need to be consistent with and contribute to the project specific objectives. All project outputs need to contribute to the programme output indicators.

The **project result(s)** is the immediate effect and change compared to the initial situation in the regions subject to cooperation, which the project intends to achieve through its outputs. All project results are to contribute to the programme result indicators.

A project can have only one project specific objective, and there will be one work package including the activities needed to achieve the set objective. The specific objective is considered achieved when all activities in the respective work package have been implemented and outputs have been delivered.

▶▶▶ TAKE NOTE THAT

When defining the outputs, Annex I Guide for Indicators should be carefully considered! The document provides explanations that can help partners understand the programme indicators and how to quantify the outputs so that correct data is collected and reported.

In order to ensure a sound definition and implementation of the project, the project specific objective should be SMART!

S – SPECIFIC – what? who needs project outputs delivered in this work package, and where

M – MEASURABLE – can be measured?

A – ACHIEVABLE – can it be reached?

R – REALISTIC – can it be achieved with the given resources?

T – TIME-BOUNDED – can it be achieved within the envisaged project duration?

For reference, please read carefully Annex I Guide for Indicators for Regular Projects.

The project must demonstrate clear contribution to the Programme result and output indicators, set for the specific objective chosen. The Programme document and the Performance Framework provide a clear list of the Programme output and result indicators per priority and specific objective, with baseline and target values, and also methods for their measurement. As such, in order to receive good scores during evaluation, project contribution to the Programme indicators must be clear, effective, quantifiable and verifiable.

Technical and financial viability gives assurance to the Programme that the selected project has the capacity to be successfully implemented and to continue after the end of EU financing.

2.4.3 Project duration

The project duration must be planned as the total number of months needed to fully implement the project, without any specific dates.

The initially planned project duration depends on the complexity of activities envisaged and must not go under or above the limits allowed by the Call for proposals, as follows:

Minimum duration = 12 months

Maximum duration = 24 months

▶▶▶ TAKE NOTE THAT

The extension of the project duration will be possible during the implementation of the project, in certain conditions foreseen by the grant contract, but not more than 4 months.

The period for execution of the infrastructure/works will be cross-checked during assessment, using the information provided by *Basic technical information of infrastructure and cost estimation/* the feasibility study or equivalent document (*if available*). The duration of the works foreseen in the technical documentation should correspond to the time-plan presented in application. In case of inconsistencies between the Application Form and *Basic technical information of infrastructure and cost estimation /the Feasibility Study or equivalent (if available)*, the project may be rejected.

2.4.4 Project location

Projects will be implemented in the Programme area, as follows:

In Romania – counties of Suceava, Botosani, Satu Mare, Maramures and Tulcea

In Ukraine – oblasts of Zakarpattia, Ivano-Frankivsk, Odesa and Chernivtsi

2.4.5 Project activities

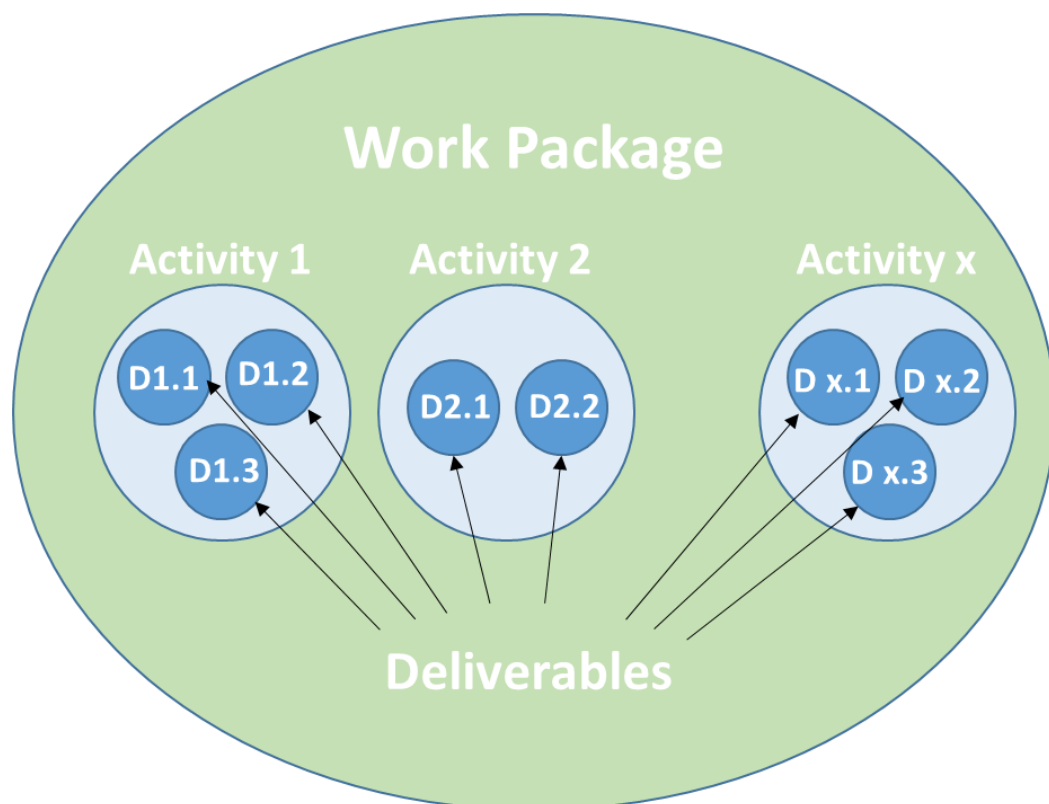
The project will define one project specific objective that it aims to achieve and will have only one corresponding work package in the application form.

The project consists of activities grouped into a **work package** with the aim of achieving project outputs.

An activity should be understood as a group of actions leading to the achievement of the deliverables, project outputs and project results. In describing the activities, it is important to describe also the role of the partners involved in that specific activity. Each activity can lead to none, one or several deliverables.

A deliverable is the physical evidence of what has been produced through an activity or as the physical evidence/support of the output that was produced through an activity.

Outputs are defined based on activities to be carried out and must be reflected in a Programme Output Indicator. Based on the intervention logic of projects and programme, project outputs and activities should contribute to Programme Output and Result Indicators.



The single work package will also include information about investment, while the communication activities will be also embedded and detailed in the corresponding section of the work package, as needed. Details on how to fill in the work package are provided in Annex H, Guidelines for filling in the Application Form.

Please note that the description of the project management does not represent a separate work package and this information will be provided in section C7 of the Application form.

2.4.6 Indicative eligible activities

- **Infrastructure (including green and blue infrastructure):** Construction / rehabilitation / modernization of infrastructure related to systems/structures dealing with fires, floods, strengthening the banks of rivers, canals, the condition of dams, afforestation of river banks, preservation, revitalization and re-naturalization of water bodies and ecosystems, preservation and restoration of small rivers, including in collaboration with local civil society on both sides of the border.
- **Equipment:** endowment with necessary equipment to address emergency situations (firefighting equipment, floods, etc), hardware, software, vehicles, etc.
- **Common strategies and tools** for hazard management and risk prevention including joint action plans, technical and operational measures meant to ensure real-time coordinated actions, risk plans, intervention procedures, exercises, public awareness campaigns in collaboration with local civil society organisations, elaborating of updated joint operational plans and procedural framework for efficient management and deployment of joint interventions, hydrological monitoring of rivers, water temperature, precipitation measurements, ice regime and other types of monitoring conducted at the initiative of local civil society.
- **Trainings:** joint training programmes, networking, exchanging experience and knowledge, including raising awareness in the field of efficient risk prevention and management in the cross-border area with the participation of local civil society and volunteers ;

2.4.7 Non-eligible projects. Non-eligible activities.

The following projects / activities are not eligible under the present Call for proposals:

- a) projects having an investment component of less than 500.000 Euro;
- b) projects that have already been approved for financing from other sources, including other EC programmes;
- c) projects that have already been completed;
- d) projects/ activities related to the tobacco industry, production of alcoholic distilled beverages (excluding local and traditional products), arms and munitions;
- e) projects concerned only, or mainly, with individual sponsorships for participation in workshops, seminars, conferences, congresses;
- f) projects concerned only, or mainly, with individual scholarships for studies or training courses;
- g) projects concentrated only or mainly on charitable events;
- h) projects in which the Applicant or Partner(s) re-grant the funding;
- i) projects that have the purpose or effect of producing a profit for the Applicant or Partners;
- j) projects awarding sub-grants to third parties in any manner whatsoever;
- k) projects/activities which fall under the state aid rules;
- l) activities linked to, or financing political parties

▶▶▶ TAKE NOTE THAT

The value of the investment component will be cross-checked during the evaluation. The projects with an investment component of less than 500 000 Euro will be rejected.

During evaluation, definition of investment (as presented at section 1.4.3. Type of projects) will be considered. In calculating the value of the investment please consider the fact that, according to the definition, an investment may consist of specialized equipment and/or infrastructure and works and services (linked to the investment e.g. feasibility study, technical project, other services necessary for their proper functioning), so all the costs linked to the investment and properly described in the appropriate section in the Application Form will be considered.

The costs of the investment component (as budgeted at the appropriate budget lines) must be consistently detailed in the appropriate section of the work package in the Application Form. The information comprised therein shall be cross-checked during evaluation with the information given by the "Basic technical information of infrastructure and cost estimation"/ feasibility study/ equivalent .

2.5 Costs. Eligibility requirements

Irrespective of the sources of funding, either grant (EU contribution) or co-financing, the budget is both a cost estimate and a ceiling for "eligible costs". During the implementation eligible costs must be based on real costs based on supporting documents (except for those costs where flat-rate funding will apply).

Grant award decisions are always subject to the condition that the checking process which precedes the signature of the contracts does not reveal problems requiring changes to the budget (for instance arithmetical errors, inaccuracies or unrealistic costs and other ineligible costs, etc.).

The checks may give rise to requests for clarification by the Managing Authority and, moreover, may lead to modifications or reductions of the budget, meant to correct errors or inaccuracies.

▶▶▶ TAKE NOTE THAT

The ratio (%) of the EU contribution as a result of the arithmetical corrections made during the contracting process cannot be increased over 90% of the project budget

As a general principle, expenditure is eligible for funding when fulfilling the applicable national legislation, as well as respecting the specific rules described in the Common Provisions Regulation (EU Regulation 2021/1060) and the Interreg Regulation (EU Regulation 2021/1059).

Eligible costs are actual costs incurred and paid by the project Partners, irrespective they are from EU contribution or own co-financing, which meet all the following criteria:

- a) They are incurred during the implementation period of the project. In particular:
 - i. Costs of services and works shall relate to project activities performed during the implementation period. Costs of supplies shall relate to delivery and installation of items during the implementation period. Signature of a contract, placing an order or entering into any commitment for expenditure within the implementation period for future delivery of services, works or supplies after expiry of the implementation period do not meet this requirement. Cash transfers between the Partners may not be considered as costs incurred;
 - ii. Costs incurred should be paid before the submission of the final reports, except for the costs related to the final report, which may be incurred after the implementation period of the project. They may be paid afterwards, provided they are listed in the final report together with the estimated date of payment;

iii. If it is not foreseen otherwise in the national legislation of the project Partners, procedures to award contracts, may have been initiated and contracts may be concluded by the project partners before the start of the implementation period of the project, provided that the provisions of chapter 4.2.1 Procurement have been fully respected.;

- b) They are included in the indicative overall budget for the project,
- c) They are necessary for the implementation of the project and are related to the activities implemented in accordance with the rules of this call for proposals;
- d) They are identifiable and verifiable, in particular being recorded in the accounting records of the project partners and determined according to the accounting standards and the usual cost accounting practices applicable to the respective Partners;
- e) They comply with the requirements of applicable national legislation;
- f) They are reasonable, justified and comply with the requirements of sound financial management, in particular regarding economy and efficiency;
- g) They are supported by invoices or documents of equivalent probative value, as well as any other relevant document;
- h) They observe the relevant public procurement rules, as per chapter 4.2.1 Procurement.
- i) The compliance with the Programme Visual Identity requirements is ensured;
- j) Notwithstanding letter (a) above, costs related to studies and documentation related to infrastructure component e.g. Feasibility Study or equivalent, Environmental Impact Assessment, technical project, building permit and other technical documentation may be incurred before the project implementation period, starting with 1st of January 2021; all the requirements stated above, in the points b) to i) are still applicable. Maximum 10% of the value of works per project may be reimbursed as cost related to technical documentation provided that a grant contract for the project is signed.

▶▶▶ TAKE NOTE THAT

Durability of project: The beneficiaries of a project including an infrastructure component shall repay the Union contribution to the project if, within five years of the final payment to the beneficiaries, it is subject to a substantial change affecting its nature, objectives or implementation conditions which would result in undermining its original or, if the ownership of an item of infrastructure was changed and gives to a firm or a public body an undue advantage. Sums unduly paid in respect of the project shall be recovered by the Managing Authority from the beneficiaries in proportion to the period of non-compliance.

2.5.1. Form of grants

Under the present call the grant provided shall take the form of the combination of the following two forms:

- a) reimbursement of eligible costs actually incurred by a beneficiary and paid in implementing the project (real costs)
- b) flat rate (simplified costs).

Each form covers different categories of costs, as detailed bellow:

Real costs will be used for the following budgetary lines:

Budget line 4: External expertise and services

Budget line 5: Equipment

Budget line 6: Infrastructure and works

The simplified cost (flat rate) will be used for the following budgetary lines:

Budget line 1: Staff costs (up to 20% of the direct costs other than the direct staff costs of the project)¹⁰

Budget line 2: Office and administrative costs -up to 7% of the direct costs of the project, (budget lines 1 -staff costs,3-travel and accommodation,4-external expertise and services,5-equipment,6-infrastructure and works)

Budget line 3: Travel and accommodation costs -up to 15% of direct staff costs, budget line 1



TAKE NOTE THAT

The flat rates are automatically calculated in the Joint electronic monitoring system (Jems) per each project partner.

2.5.1.1 Simplified costs (flat rates)

Staff costs (budget line 1)

When calculating the necessary allocation in the budget for Staff costs it should be considered that staff costs are gross employment costs of staff employed by the project partners for implementing the project.

Expenditure included under this line is limited to the following:

- (a) salary payments related to the activities which the project partner would not carry out if the operation concerned was not undertaken, provided for in an employment document, either in the form of an employment or work contract or an appointment decision, or by law, and relating to responsibilities specified in the job description of the staff member concerned;
- (b) any other costs directly linked to salary payments incurred and paid by the employer, such as employment taxes and social security including pensions as covered by Regulation (EC) No 883/2004 of the European Parliament and of the Council (20), on condition that they are:
 - provided for in an employment document or by law;
 - in accordance with the legislation referred to in the employment document and with standard practices in the country or the organisation where the individual staff member is actually working, or both; and
 - not recoverable by the employer.

The project team should be described in section C 7 of the Application Form and job descriptions should be annexed to the Application Form, using the template provided in Annex D “Job Description”. All the partners that have staff costs should annex the Job Descriptions to the Application Form.

¹⁰ Please note that this will be automatically calculated by Jems and will not include the budget line 3 Travel and accommodation costs

Payments to natural persons working for the project partner under a contract other than an employment or work contract may be assimilated to salary payments and such a contract shall be considered to be an employment document.

Staff costs shall be calculated as a flat rate of up to 20 % of the direct costs other than the direct staff costs of the project.

The budget line 1 Staff costs will be automatically calculated by Jems, as soon as the amounts for the budget lines 4 “External expertise and services”, 5 “Equipment” and 6 “Infrastructure and works” are filled in. Please note that budget line 3 Travel and accommodation costs will not be considered by Jems when calculating the direct costs to which the flat rate is applied.

Direct costs from budget lines 4,5 and 6 that form the basis for the staff costs calculation must be incurred and paid by the partner institution as real costs and shall not include indirect costs.

The programme only reimburses staff costs of up to 20 % of the eligible direct costs as described above, at partner level. No additional staff costs can be claimed as real costs.



TAKE NOTE THAT

Whenever a partner foresees staff costs higher than 0, they must provide job descriptions for the people who will be included in the project team.



TAKE NOTE THAT

If the project partners do not have adequate professionals to carry out certain tasks and/or project activities, external experts may be contracted and budgeted under budget line “External expertise and services”, with the compliance of public procurement legislation.

Office and administrative costs (budget line 2)

Office and administrative costs are indirect costs. They shall be calculated as up to 7% of eligible direct costs

Indirect costs are eligible provided that they do not include costs assigned to another budget heading. The Managing Authority may ask to justify the requested percentage before contracting.

Office and administrative costs shall be limited to the following elements:

- office rent;
- insurance and taxes related to the buildings where the staff is located and to the equipment of the office (such as fire or theft insurance);
- utilities (such as electricity, heating, water);
- office supplies;
- accounting;
- archives;
- maintenance, cleaning and repairs;
- security;

- IT systems;
- communication (such as telephone, fax, internet, postal services, business cards);
- bank charges for opening and administering the account or accounts where the implementation of an operation requires a separate account to be opened; and
- charges for transnational financial transactions.

Travel and accommodation costs (budget line 3)

Travel and accommodation costs of the project are up to 15% of the direct staff costs of the project, at partner level.

Travel and accommodation costs, regardless whether such costs are incurred and paid inside or outside the programme area shall be limited to the following cost elements:

- travel costs (e.g. tickets, travel and car insurance, fuel, car mileage, toll and parking fees);
- the costs of meals;
- accommodation costs;
- visa costs;
- daily allowances.

2.5.1.2 Real costs

External expertise and services (Budget line 4)

The external expertise and service costs should be based on contracts or written agreements concluded with external experts and service providers, and paid based on invoices or equivalent requests for reimbursement. The external experts and service providers are contracted by the partners to carry out certain tasks or activities which are strictly linked to the project and are essential for its effective implementation.

These costs **shall be limited to the following services and expertise** provided by a public or private law body or a natural person other than the beneficiary and all partners of the operation:

- a) studies, or surveys (e.g. evaluations, strategies, concept notes, design plans, handbooks, etc);
- b) training;
- c) translations;
- d) development, modifications and updates to IT systems and website related to project;
- e) promotion, communication, publicity, promotional items and activities or information linked to the project;
- f) financial management;
- g) services related to the organisation and implementation of events or meetings (including rent, catering or interpretation);
- h) participation in events (such as registration fees);
- i) legal consultancy and notarial services, technical and financial expertise, other consultancy and accountancy services dedicated to the project;
- j) intellectual property rights;
- k) the provision of guarantees by a bank or other financial institution where required by Union or national law;
- l) travel and accommodation for external experts, speakers, chairpersons of meetings and service providers

- m) other specific expertise and services needed for operations (these may include the costs for expenditure verification, if the case may be);

The above cost items cannot be claimed and reimbursed under any other budget line.

With the view to ensure that the project budget is cost-effective, the programme will reimburse **up to 10%** of the costs related to provision of infrastructure as costs for technical documentation (including those prepared before the grant contract signature, if the case may be)

Equipment (Budget line 5)

Costs under this category refer to equipment purchased (only new), rented or leased specifically for the purpose of the project, related supplies specifically for the purpose of the project, provided they correspond to market prices¹¹.

All costs should be listed in the project budget

The following **exhaustive list** includes the **cost items which** could be included under this budget line and these should not be included also in Office and administrative cost budgetary line:

- a. Office equipment;
- b. IT hardware and software;
- c. Furniture and fittings;
- d. Laboratory equipment;
- e. Machines and instruments;
- f. Tools or devices;
- g. Vehicles;
- h. Other specific equipment needed for the project.

Distinction should be made between the investment and other equipment used for project implementation. In this respect, the equipment that is part of the investment, according to the section 1.3.3, shall be included in the budget in distinct lines and will count for calculation of the value of the investment.

The above cost items cannot be claimed and reimbursed under any other cost category.



TAKE NOTE THAT

For ensuring the sustainability of the investment project, according to the definition of the investment, it is recommended that necessary equipment will be **purchased**. However, certain equipment may be rented or leased when the need for its use, during the project implementation, is only temporary. In this later case, the corresponding costs will be included in the budget accordingly, will not be considered as investment and will not count for the minimum value of investment mentioned at section 1.3.3. *Type of projects.*

It is recommended that equipment necessary for project management to be purchased at the early stages of project implementation.



TAKE NOTE THAT

¹¹ It is to be noted that the purchase of **consumables** that do not fall under the definition of office and administrative costs and that are necessary for the use of laboratory equipment or machines and instruments (points d and e) is eligible and should be included under this cost category.

With the view to ensure that the project budget is cost-effective, in case of acquisition of vehicles for project management purposes, the programme will consider eligible up to EUR 18,000 per vehicle (this amount does not include insurance, maintenance or minor repairs);

Infrastructure and works (Budget line 6)

Expenditure related to infrastructure and works refers to costs incurred for the execution of the investment necessary for the implementation of the project and for achieving its objectives. These costs should be based on contracts or written agreements concluded with external experts and service providers, and paid based on invoices or requests for reimbursement

Costs for infrastructure and works shall be limited to the following:

- a) building permits;
- b) building material;
- c) labour; and
- d) specialised interventions (such as soil remediation, mine-clearing).

These types of costs cannot be claimed and reimbursed under any other cost category.



TAKE NOTE THAT

Costs of works not linked with an Investment in JEMS, will not be considered as Investment and will not be calculated as part of the minimum 500 000 EUR of the project budget dedicated to investment. The project shall foresee at least the minimum communication and visibility actions required by the Programme (see **Annex J Information about visibility of the project and Programme**)

2.5.2 Contingency reserve

A **contingency reserve** not exceeding 10% of the costs as per budget line **6. Infrastructure and works** may be included in the project budget in order to allow adjustments in case of unforeseen circumstances. The reserve can only be used with the **prior written authorisation** of the Managing Authority and shall be included under budget line 6.

2.5.3 Ineligible costs

Costs which do not meet the eligibility conditions of expenses are ineligible costs.

The following costs are not eligible:

- a) debts and interest on debt;
- b) provisions for losses or liabilities;
- c) costs declared by the beneficiaries and covered by another project or programme from any other sources;
- d) the purchase of land or buildings
- e) purchase of used equipment or vehicles
- f) costs related to fluctuation of foreign exchange;
- g) loans to third parties;
- h) fines, financial penalties and expenditure on legal disputes and litigation;
- i) gifts;
- j) contributions in kind.

2.6 How to apply and procedures to follow

2.6.1 Publication

The call for proposals is published on the Programme website: <https://ro-ua.net>

Training sessions for the potential Applicants and Partners will be carried out following the launching of the Call for proposals. The calendar of the events shall be published on the website.

Information and updates concerning the Call for proposals will be provided on the Programme website. It is important to check it regularly.

2.6.2 Deadlines for submission of proposals

The project proposal must be submitted in electronic format no later than 16.07.2024, 4:00 pm EET.



TAKE NOTE THAT

The electronic system JEMS does not allow further recordings of applications after this deadline. In order to avoid any inconvenience, we strongly recommend applicants to upload the application/documents few days in advance.

2.6.3 Filling in the Application form

Applications can be submitted exclusively via the Joint electronic monitoring system (JEMS), unless otherwise instructed by the Managing Authority. JEMS can be accessed through the programme website.

The offline template of the application form is not an official application form and shall not be submitted to the programme.

When filling in the online Application Form, the Applicants are required:

- To use the English language, to fill in each field, and to follow the given sequence. Please note that some information is taken over from one field to another, thus making the process easier and error-proof.
- To formulate only one specific objective per project.
- Notice that the project budget is an integral part of the Application Form. Each Partner has his own individual budget, where all the necessary details must be provided.
- All supporting documents required in **section 2.6.4 Supporting documents accompanying the Application Form** / must be scanned and uploaded in JEMS. Please note that the **Project Statement** and the **Project Partner Statements** are annexes to the Application Form, and must be filled in, signed by the legal representatives of the partners, stamped (if necessary, according to the relevant legal provisions in force), and uploaded into JEMS.



TAKE NOTE THAT

The Applicants must ensure that, **before the deadline (1)** set in section 2.6.2 *Deadlines for submission of proposals*, the final version of the Application Form, its annexes and the supporting documents have been checked for correctness and completeness, and then uploaded into the JEMS.

The programme recommends the Applicants to perform these actions with **at least one week before** the actual deadline.

2.6.4 Supporting documents accompanying the Application Form

The following documents shall be provided **by all the Partners** participating to the project, scanned and uploaded into JEMS.

- a) *Project Statement*¹² and *Project Partnership Statements*¹³ from each project partner (templates in **Annex A and Annex B**), stamped (if required by the relevant legal provisions in force) and signed/ electronically signed by the legal representatives
- b) *Statutes* or other relevant documents for the Applicant and each project Partner stamped (if required by the relevant legal provisions in force) and signed/electronically signed by the legal representatives, in national language and English translation¹⁴; The document may be fully or partially translated. In the latter case, the translation must contain at least the following information: headquarters of the organisation, legal representative, empowered body for the approval of the budget of the entity, articles demonstrating that the organization has competences/attributions in the field addressed by the project.
- c) *Financial Capacity Self-assessment (Annex C)* – signed/ electronically signed by the legal representatives and *Excel file* – to be provided by all project partners.
- d) *Annual accounts for the latest financial year for which the accounts have been closed at the moment of submission of the Application must be submitted by the Lead Partner and all project partners, in English (certified through signature by the legal representative of the organisation). Only documents (the balance sheet and profit and loss account) providing data about revenues, expenditures, profit and losses will be accepted*¹⁵. *Annual Accounts containing only the Balance Sheet without the Profit and Loss Account or a document providing data about revenues, expenditures, profit and losses for the latest financial year for which the accounts have been closed, will be considered noncompliant and therefore missing documents. Organisations (any lead partner or project partner) established in 2023 not having the latest annual accounts must submit the Balance sheet for the last closed month.*
This obligation does not apply to public authorities (e.g county councils, regional administrations, local council, etc).
- e) *Certificates of fiscal registration or equivalent* of the Applicant and each project Partner, stamped (if required by the relevant legal provisions in force) and signed/ electronically signed by the legal representatives, in national language and English translation¹⁶;

¹² Signed by the legal representative of the Applicant

¹³ Signed by the legal representative of each partner except for the Lead partner

¹⁴ Exception is made for EGTC.

¹⁵ The extracts from bank accounts are not equivalent to latest annual account.

¹⁶ Exception is made for EGTC.

- f) Self-Declarations stating the fact that the Applicant and its Partners have fulfilled their obligations related to the payment of debt to the consolidated state budget and local budget in accordance with the legal provisions of the country in which they are established, in original, stamped (if required by the relevant legal provisions in force) and signed/electronically signed by the legal representatives.
- g) *State Aid self-assessment* made by the Applicant and each project Partner (template in **Annex G**) – in original, stamped (if required by the relevant legal provisions in force) and signed/electronically signed by the legal representatives, in English
- h) *Job descriptions* (template in **Annex D**) for all the functions listed in the Application Form (Section C7) – in English;
- i) *Basic technical information of infrastructure and cost estimation (Template in Annex F), or, if available at the submission date, Feasibility Study (Template in Annex E) or equivalent, in accordance with applicable national legislation, in English*¹⁷.
- j) *Official mandate* for the person signing the above-mentioned documents in case she/he is not the legal representative – in original, stamped (if required by the relevant legal provisions in force) and signed/electronically signed by the legal representatives, in English/English translation.
- k) *Evidence of ownership* by the Applicant and/or Partners and access to the land, as follows:
- legal acts¹⁸ stating the rights of the respective Partner over each location (land/building/space) where the infrastructure is foreseen to be executed **AND/OR** equipment over EUR 60,000 is to be installed/ used, valid at least five years from the final payment to the beneficiary but not less than 2032¹⁹ (ownership, long term rent, concession, administration, etc.²⁰) – in national language and English translation, signed and stamped (if required by the relevant legal provisions in force) /electronically signed by the legal representatives, **AND**
 - documents²¹ showing registration in the relevant public registers of the rights of the respective Partner over each location (land/building/space) where the infrastructure is foreseen to be executed **AND/OR** equipment over EUR 60,000 is to be installed/ used – in national language and English translation, signed and stamped (if required by the relevant legal provisions in force)/electronically signed by the legal representatives, **AND**
 - statements²² that each location (land/building/space) where the infrastructure is foreseen to be executed **AND/OR** equipment over EUR 60,000 is to be installed/ used is free of any encumbrances, is not the object of a pending litigation, is not the object of a claim according to the relevant national legislation – in national language and English translation, signed and stamped (if required by the relevant legal provisions in force) / electronically signed by the legal representatives of the owner.

In case the respective Partner(s) is not the owner, the agreement of the land/building/space owner, stating that the infrastructure may be executed and/or equipment over EUR 60,000 may be installed/used – in national language and English translation, as photocopies certified

¹⁷ For works included in the project, if applicable

¹⁸ E.g. government decision, law, government ordinance, decision of local authorities, property act, etc.

¹⁹ Exception is made only when the respective Partner is the owner of the land/ building

²⁰ "For projects requiring building permits only those types of rights that allow the issuance of building permits in accordance with the relevant national legislation in each state will be accepted"

²¹ Locations where infrastructure under EUR 60,000 EUR is foreseen to be executed and/ or equipment below EUR 60,000 is to be installed/ used are excepted from the obligation to provide documents showing the registration of the location in the relevant public registries

²² The statement should be given by the owner of the land/ building

“According to the original”, signed and stamped according to the relevant legal provisions in force/ electronically signed by the legal representative.

The copies of the requested supporting documents must show legible stamps according to the relevant legal provisions in force, signatures/electronic signatures and dates.

Where documents are in the national language, an English translation of the relevant parts reflecting the main content and proving the eligibility of the Applicant and his partners is required. Translation must bear “According to the original”, be signed and stamped (if required by the relevant legal provisions in force) by the legal representatives/electronically signed and will prevail for the purpose of the eligibility check.



TAKE NOTE THAT

Submission of **both photocopies of original documents in national languages and their English translations, when requested, is compulsory** for the purpose of evaluation. Projects that lack one of these versions of the supporting documentation **may be rejected**.

All documents must be valid at the date of submission of the project in JEMS.



TAKE NOTE THAT

Modifications of the location(s) where the infrastructure/works is to be executed and/ or equipment over EUR 60,000 is to be installed/ used **shall not be accepted** during evaluation and contracting stages.



TAKE NOTE THAT

Information as included in the Application Form shall be cross-checked with the information given by the supporting documents accompanying the Application Form.

2.6.5 Further information for the Applicants

Questions may be sent in writing by e-mail **no later than 21 calendar days** before the deadline of closure of the Call for proposals to the Joint Secretariat.

The following e-mail address is available:

Joint Secretariat Suceava e-mail info.ro-ua@brct suceava.ro

Replies will be given **no later than 11 calendar days** before the deadline of closure of the Call for proposals. The Managing Authority and the Technical Secretariat, including its branch offices, will not provide further clarifications after this date.

Questions that may be relevant to other Applicants, together with the answers, will be published on the programme website: www.ro-ua.net .

It is therefore highly recommended to regularly consult the Programme website in order to be informed of the questions and answers published.



TAKE NOTE THAT

In the interest of equal treatment of all the Applicants, the Managing Authority and the Joint Secretariat cannot give prior opinions on the eligibility of the Applicant or its Partners, of the project or of the specific activities.

CHAPTER 3 EVALUATION AND SELECTION OF PROPOSALS

The selection of the projects submitted following the Call for proposals will be realised through a process consisting of several steps and involving the programme structures, national authorities and independent assessors/ external experts, as follows:

Step I. ADMISSIBILITY

This step will consist of administrative and eligibility checks, performed by the Joint Secretariat of the Programme, its [Branch Offices from Ukraine/Contact Point from Ukraine], national authorities from both countries, State aid external experts.

Step II. QUALITY ASSESSMENT

This step of evaluation will consist of strategic and operational assessment of the applications that have passed the Step I.

In this stage are involved external assessors supervised by a selection committee consisting of representatives of the Managing Authority and national authorities.

The Joint Secretariat will be involved in all steps, supporting the process as Coordinator, by coordinating the internal and external assessors, ensuring the secretariat work for the selection committee and the correspondence with the lead partners and Monitoring Committee. In its work, the Coordinator will be supported by a Secretary.

Following the Step II, the recommendations for approval or rejection of a project shall be submitted to the Monitoring Committee (MC), for the final decision.

The selection of high value-added projects in compliance with the programme objectives and indicators is the key objective of the evaluation process.

▶▶▶ TAKE NOTE THAT

All persons involved in the evaluation process have to strictly adhere to the principles of confidentiality, objectivity, transparency and fair competition.

In this respect, during the selection process, all contacts between the Lead partners/ partners and the Programme structures must be transparent and ensure the equal treatment.

The evaluation process has a confidential character. The structures and persons involved with an active role or as observers in the evaluation process, are not allowed to disclose any information about the examination, clarification, or evaluation of any project, during and after the evaluation process.

Any attempt by a lead partner or a partner to influence the process in any way, whether by making contact with the staff of the Managing Authority, the Joint Secretariat and the Branch Offices/Contact Point in Ukraine or with the National Authorities, members of the Monitoring Committee, observers, external assessors, or with other persons who might participate in any capacity in the selection process, or in any other way, will result in the immediate exclusion of its project from further consideration.



During the entire assessment process, the coordinator, on behalf of the structures involved in assessment process, may request clarifications to which the Lead partner must answer within the indicated deadline. **The Lead partner bears full responsibility for ensuring the technical conditions necessary for receipt of requests for clarifications. In order to timely receive these requests, contact details given at the time of registration in Jems must be correct and fully operational.**

3.1. Step 1 Admissibility

3.1.1 Administrative checks

In order to be administrative compliant, projects have to fulfil the administrative requirements as per Annex K.1. – Administrative grid.

The required annexes listed in Section 2.6.4 - Supporting documents accompanying the application form have to be submitted within the deadline in Jems. In case of missing documents, clarifications may be requested during the administrative checks to the lead partner, but not more than once per project. Lead partners shall provide the required documents (including those related to their partners) within the given deadline (maximum 5 working days -depending on the complexity of the clarification needed) from the date of written request by the Secretary-Coordinator of the assessment process).

3.1.2 Eligibility

The eligibility check will be carried out in order to check the compliance with the criteria set out in **Annex K.2- Admissibility-Eligibility Grid**, based on the information provided in the application form and within the annexes listed in Section 2.6.4 **Supporting documents accompanying the Application Form**, which will be submitted within the deadline in Jems.

The **state aid assessment** shall be made at this stage, according to the criteria described in **Annex G** State Aid Assessment.

The State Aid assessment is aimed at checking the State aid relevance of a project proposal. This analysis will be performed on the basis of information included in the application form.

During the assessment of eligibility, clarifications may be requested, but no more than once per issue. Lead partners shall provide the required documents within the given deadline (maximum 5 working days -depending on the complexity of the clarification needed) from the date of written request by the Coordinator of the assessment process).



Missing documents submitted by Lead partner, following a request for clarification in the **Step I Admissibility**, **must be issued before the date of submission of the application**. The official documents submitted following the request for clarifications that have a later date than the application submission date will not be taken into consideration.

3.2 Step II Quality assessment

Project proposals are to be evaluated against the priority of the call, specific objectives, result indicators and output indicators of the Programme, and grants are to be awarded to projects which maximise the overall effectiveness of the Call for proposals, enabling selection of those which clearly contribute to the achievement of the Programme indicators. The assessment will also consider the

relevance and coherence of the project, its contribution to the programme's objectives, outputs and results, the cooperation character of the proposal, the relevance of the partnership, quality of the work package and budget effectiveness.

Each proposal will be assessed by two external assessors, under the supervision of the selection committee and the final decision on the scores awarded will be approved by the Monitoring Committee

During the Step II Quality assessment two categories of criteria are analysed and scored, as follows:

A. Strategic assessment consists of analysis of:

- A1. Project relevance
- A2 Cooperation character
- A3 Project intervention logic
- A4 Partnership relevance

B. Operational assessment – consists of analysis of:

- B 1 Work package
- B 2 Budget
- B 3 Communication activities

Each criterion will be evaluated and scored according to the **Annex K 3** Quality assessment grid. In rating the applications the assessors will use a scale of 0 to 4. The scores given by the assessors are then weighted according the importance of each criteria, as indicated in Annex K3. The granted scores will be whole numbers.

The eliminatory conditions are set against the marks given by the assessors and not against the weighted marks.



TAKE NOTE THAT

The **Strategic assessment criteria** is eliminatory meaning that the project proposal must obtain an overall score of at least 40 points out of 55 points available at this section.

In this section, a range of sub-criteria are also eliminatory, namely:

A 1 Project relevance

2. *Contribution to programme's objectives and indicators* (the score granted by assessor to each of the three sub-criteria must be higher than 1, see Annex K3)

A2 Cooperation character

4. *Added value of cooperation* (the score granted by assessor to each of the three sub-criteria must be higher than 1, see Annex K3)

5. *Mandatory cooperation criteria* (the score granted by assessor to each of the three sub-criteria must be greater than 1, see Annex K3)

Proposals which do not obtain the minimum scores as detailed above, will be rejected.

In case of missing documents or missing/unclear information relevant for this assesment stage, clarifications may be requested, but no more than once per issue. Lead partners shall provide the required documents and/or information within the given deadline (maximum 5 working days - depending on the complexity of the clarification needed) from the date of written request by the Coordinator of the assessment process).

▶▶▶ TAKE NOTE THAT

In case the Lead partner fails to provide the information requested as clarification, the project will be assessed in the absence of the concerned information, and will be scored accordingly (by scoring "0" the section/subsection of the grid concerning the unclear or missing information). The "0" score given to the eliminatory criteria, will automatically lead to the rejection of the project.

In case the Lead partner fails to provide missing document(s), the proposal will be rejected.

Following Step II of evaluation, a list of applications ranked according to their score will be created.

Ranking

The maximum weighted score that a project can get is 100 points.

If several proposals will be awarded the same Final score (weighted) at the end of Step 2, in order to determine the final ranking on the list of provisionally selected projects and on the reserve list, the following supplementary criteria are to be taken into account, in the following sequence:

- a) the score awarded at section A 2 Cooperation character
- b) the score awarded at section A 3 Project intervention logic
- c) the score awarded at section B 2 Budget

The list of **provisionally selected projects** shall be done within each financial envelope available under the call per specific objective.

The projects having a Final score(weighted) of **at least 70 points** will be included on a **reserve list**.

The Monitoring Committee will issue a decision concerning the list of the **provisionally selected projects** and **the reserve list**.

Please note that including a project on the reserve list does no guarantee that a contract will be signed in a later stage. Contracting the projects on the reserve list will be subject to a subsequent decision of the Monitoring Committee. The reserve list will be valid 12 months following its approval by the Monitoring Committee.

Avoiding double financing

In order to avoid double funding, the Managing Authority shall consult the National Authorities, the management structures of other programmes relevant for the Programme area, as well as the European Commission, regarding the final list of projects recommended for funding.

Provided that double funding is identified in case of one or more projects, the Monitoring Committee will cancel the award decision of the respective project(s) and revise the list of selected projects, accordingly. If after consultations, recommendations are formulated only regarding certain activities, the MC shall decide whether the respective proposal may be revised by the Lead partner during contracting without calling into question the award decision or the ranking of projects.

Following the decision issued by the Monitoring Committee, all Lead partners will be notified regarding their selection or rejection, respectively.

▶▶▶ TAKE NOTE THAT

Following the appeal procedure (see section 3.3 below) the ranking may be subject to changes. Consequently, there is a possibility that, at the end of this procedure, one or more Lead partners, on the lower positions to be informed that their project proposal went down on the reserve list.

3.3 The appeal procedure (complaints to the outcomes of the evaluation process)

Lead partners believing that they have been harmed by an error or irregularity during any step of the selection process may file an appeal.

An appeal is considered legitimate if **the Lead partner** can substantiate that the decision of the Monitoring Committee clearly infringes the provisions of the Guidelines for the present Call for proposals.

In order to be considered, an appeal must:

- a) Be submitted **in writing**, by letter signed and stamped according to the relevant legal provisions in force **by the legal representative of the Lead partner**. Appeals submitted by partners or by third parties will be rejected.
- b) Be written in English language;
- c) Clearly describe the infringement considered as being made by the Monitoring Committee, and make clear references to the corresponding provisions of the Guidelines for the present Call for proposals and to the information provided through the notification announcing the result of the concerned evaluation step;
- d) Indicate the registration number of the project which is the subject of the appeal;
- e) Be submitted via e-mail within **10 calendar days** from the date when the written notification announcing the result of the evaluation has been sent following the decision of the Monitoring Committee.

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(Joint Secretariat)

2nd call.ro-ua@brctsuceava.ro

▶▶▶ TAKE NOTE THAT

Appeals that do not observe these requirements **will be rejected** without further consideration.

The answer to the Lead partner will be communicated in writing in maximum 60 calendar days from the receipt of the appeal. However, the final decision on the list of selected projects and of the reserve list is taken by the Monitoring Committee of the programme. Consequently, the final decision concerning the appeal may be communicated in the set deadline, subject to the availability of the Monitoring Committee to meet in this period.

The decision of the Monitoring Committee on the appeals received is final, and no other supplementary complaint submitted will be considered.

The Complaint Committee will operate according to their Rules of Procedure approved by the Monitoring Committee.

3.4 Indicative time table

ACTIONS	DATE	TIME*
1) Launch of the Call for proposals	18.03.2024	4.00 PM
2) Information and training sessions in the	According to the schedule published on the	

ACTIONS	DATE	TIME*
programme area	Programme web-site	
3) Deadline for assistance delivery to the potential Applicants	5.07.2024	
4) Deadline for closing the Call for proposals	16.07.2024	4.00 PM
9) MC decision	to be announced	
10) Notifications of award/rejection	to be announced	
11) Contract signature	to be announced	

***Provisional date.** All times are in the time zone of Romania (the country of the Managing Authority).

This timetable may be updated by the Managing Authority during the procedure. In such case, the updated timetable shall be published on internet on the programme website:

CHAPTER 4 CONTRACTING AND IMPLEMENTATION OF PROJECTS

4.1 Preparing the grant contract signature

Before signing the grant contract, all the selected projects shall undergo a contracting procedure.



TAKE NOTE THAT

The **grant contract** included as an annex to these guidelines for applicants is a **draft** and is only for information purposes. The content of the grant contract may be subject of modification following revisions approved by the Monitoring Committee and/or due to changes of the legal framework in any of the participant countries.

After being notified about the Monitoring Committee's decision, the Applicant has to submit to the JS/MA mainly the following documents:

- a) **Partnership Agreement (Annex M)**, stamped (if required by the relevant legal provisions in force) and signed by the legal representatives of the Applicant and of each Partner – as original. All partners in a project must sign/electronically sign a partnership agreement that stipulates the rights and duties of the partners before the signing of the grant contract with the MA. A model of partnership agreement is annexed to the present Guidelines. The partners may decide to stipulate additional provisions provided that the respective provisions do not contradict and are fully in line with those mentioned in the model partnership agreement.
- b) **Financial Identification Forms (Annex N)** for the accounts specially opened for the project in EUR and in the national currency, for the Applicant and for all the Partners who are responsible for managing a share of the project budget – in original, in English
- c) **Decision of the empowered bodies** of the Applicant and of all the project Partners, stating the availability of the amount and percentage of co-financing to be provided and spent during the implementation period of the project, as well as any ineligible expenditure or any other costs necessary for the project implementation, the temporary availability of funds for their activities until reimbursement, as well as stating the fact that the Applicant/Partner has the necessary

financial resources and mechanisms to cover operation and maintenance costs for operations comprising investment in infrastructure, so as to ensure their financial durability – in original or as legalized copies, in national language and in authorized English translation

- d) **Legal entity sheets** for the Applicant and all the project Partners, using the template provided in **Annex O**, as originals, signed and stamped (if required by the relevant legal provisions in force)/electronically signed by the legal representatives
- e) **Valid certificates** issued by the competent state authority in each participating country proving that the Applicant and its Partners have fulfilled their obligations related to the payment of debt to the consolidated state budget in accordance with the legal provisions of the country in which they are established - photocopies certified “According to the original”, stamped (if required by the relevant legal provisions in force) and signed/electronically signed by the legal representative, in national language and English translation;
- f) **Valid certificates** issued by the competent local authority in each participating country proving that the Applicant and its Partners have fulfilled obligations relating to the payment of debts to the local budget if available in accordance with the legal provisions of the country in which they are established – photocopies certified “According to the original”, stamped (if required by the relevant legal provisions in force)/electronically signed by the legal representative, in the national language and in English translation;
- g) **Beneficiary’s Statement** in the format to be provided by the JS, in original, in English, signed and stamped (if required by the relevant legal provisions in force)/electronically signed by the legal representative of the Applicant
- h) **Declarations on behalf of the Applicant and Partners regarding the absence of double funding**, in original, in English, signed and stamped (if required by the relevant legal provisions in force)/electronically signed by the legal representative of the Applicant and Partners.

The documents requested must show legible stamps if applicable, signatures/electronic signatures and dates. The English translation should bear “*According to the original*”, be signed/electronically signed by the legal representative, and stamped according to the relevant legal provisions in force.



TAKE NOTE THAT

In order to satisfy itself of the sound management of the contracting process, at any stage the MA/JS may request additional documents from the applicants and on-the-spot/virtual visits shall also take place.

In order to verify the information and documents provided by the project partners during the evaluation process in what concerns the location(s) where the project will be implemented and/ or the infrastructure component will be executed, in order to prevent possible fraud or contracting errors, the JS will perform pre-contracting on-site visits at the selected Applicants and at all the locations where infrastructure shall be executed, irrespective the Partner concerned. The purpose of the on-site visits will be, inter alia, to check the documents necessary for the signature of the contract as originals, to check the location where the project is to be implemented and the infrastructure is to be executed, to identify any potential problems which may hinder sound implementation of the selected project, and give feedback to the partners etc. During the on-site visits, the JS may recommend corrective measures.

If the on-site/virtual visits cannot be performed due to reasons imputable to the selected Applicants and/or their Partners, the project shall be rejected.

In the case of online pre-contracting site visits, the correctness and conformity of the information and documents presented by the Applicant and the Partner(s) during the virtual pre-contracting visits shall be verified during the first monitoring on-site visit performed by the JS.

During the preparation of the grant contract the JS will carry out checks to ensure the correctness of the project budget (e.g. inaccuracies and technical inconsistencies, removal of all ineligible costs and removal/reduction of costs according to the conclusions and recommendations of the Project Selection Committee). Also, any clarifications or minor corrections may be made to the description of the project or to the budget in so far they do not call into question the grant award decision, do not conflict with the equal treatment of all the applicants, relate to matters clearly identified by the Project Selection Committee and/or provided by the present Guidelines, or are absolutely necessary for the sound implementation of the project, under the conditions and in the framework established by the programme documents.

The checks may give rise to the requests for clarifications and may lead the JS/MA to impose modifications or corrections to address such mistakes, inaccuracies or recommendations approved by the Monitoring Committee. If the selected Applicants and/or their Partners do not agree/ agree only partially with the above mentioned modifications necessary for the implementation of the project in the framework established by the programme documents, the project shall be rejected.

Also, the MA will check the Debtors Ledger of the entity hosting the Managing Authority to check if the Lead Partner or Partners have no unpaid debt to the Managing Authority for any project financed under the Romania-Ukraine Joint Operational Programme 2014-2020 and RO-UA-MD ENPI-CBC Programme 2007-2013 at the date of contract signature. If the Managing Authority established debts (in the Debtors Ledger of the entity hosting the Managing Authority) for the Lead Partner and/or the Partners, the grant contract may be signed only if and after the situation of the debt is tackled.

Depending on the nature and complexity of the corrections necessary to be performed, the application and the summary of modifications/ corrections may be submitted to the MC for approval.

All partners have the obligation to provide all the necessary documents and be available for the on-the-spot/virtual visits in order for the contracts to be signed. Please take into consideration that failure to provide the requested documents within the set deadlines during the pre-contracting period will lead to the rejection of the project.

Depending on the admissibility of the provided documents and the verifications performed by the JS during the on-site visits, the Managing Authority may decide at any moment during the contracting process, in consultation with the Monitoring Committee, to reject a project. In this case, the MC shall decide the destination of the disbursed funds based on the proposal of the MA (e. g. inter alia, may decide to select and, consequently, the MA may initiate the contracting procedures with the next project from the reserve list).

Following the MC decision to award a grant, a grant contract will be offered (see **Annex L**). The contract annexed to these Guidelines is indicative. The final version of the grant contract shall be available during the contracting phase. By signing the grant contract, the Applicant becomes the project Lead Partner and declares accepting the contractual conditions.

4.2 Project implementation

4.2.1 Public procurement

If the Lead Partner and the Partners have to conclude procurement contracts with contractors in order to carry out certain project activities, they shall respect the procurement rules set out in Regulation (EU) 2021/1059 (Interreg).

Contracting authorities or contracting entities within the meaning of the Union legislation applicable to procurement procedures located in the Member States, shall apply national laws, regulations and administrative provisions adopted in connection with Union legislation, as laid down in Article 58.1(a) of the Regulation (EU) no 2021/1059 (Interreg).

In all other cases, the public or private Partners shall apply the provisions set out in Articles 58.2 of the Regulation no 2021/1059, which make references to the provisions of Regulation no 1046/2018 and have also been reflected in *Annex II Public Procurement of the Financing Agreement* between Ukraine, Romania and the European Commission (annexed for information -Annex P).

If it is not foreseen otherwise in the national legislation of the Lead Partner and/or of the Partners, procedures to award contracts may have been initiated and contracts may be concluded by the Lead Partner and/or the Partners before the start of the implementation period of the project, provided the above conditions have been respected.

4.2.2 Taxes and VAT

In accordance with Article 64 (1)(c)(i) of the EU Regulation 2021/1060, VAT is considered eligible for projects with a total value below 5,000,000 Euro.

Nevertheless, when project partners are entitled, according to their national legislation, to recover VAT, should not include in the project budget and request the amounts representing the VAT corresponding to the reported/requested eligible expenditure.

For evaluation purposes, the lead beneficiaries and partners are required to mention in the Project statement/Project partner statement if the costs presented in their own budgets include VAT.

4.2.3 Payments to the project

An advance payment shall be granted, representing 15% of the value of the grant contract, following an advance payment request submitted to the MA by the Lead partner.

Further payment requests may be submitted by the Lead partner provided that the amount claimed for reimbursement is not lower than 5,000 euro, but not later than every 4 months of the implementation period. The payment request shall be accompanied by a narrative and financial report and a control report for expenditures declared.

4.2.4 Additional documents to be submitted after contract signature

In order to not to burden the applicants with preparation of documents only needed during the implementation, the following additional documents shall be submitted within 6 months from date of the grant contract signature:

- a) *Full feasibility study* or equivalent, following the minimum content provided in **Annex F**, including the options analysis, the results, and independent quality review – by each Partner executing a part of the infrastructure component, in national language and English translation, signed and stamped (if required by the relevant legal provisions in force) /electronically signed by the legal representatives;
- b) *Assessment of the environmental impact* of the project in compliance with the Directive 2011/92/EU of the European Parliament and of the Council for Romania and, for Ukraine which is party to it, with UN/ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context of 25 February 1991 – by each Partner executing a part of the infrastructure component, in national language and English translation, signed and stamped (if required by the relevant legal provisions in force)/electronically signed by the legal representative.

In case the relevant authorities in each country decide that this assessment is not required for a certain project, the applicant and/ or partners executing that part of the infrastructure component

shall submit the relevant documents issued by this responsible institutions proving that the environment impact assessment is not required, stamped (if required by the relevant legal provisions in force) and signed/electronically signed by the legal representative, in national language and English translation.

- c) *Building permits* – by each Partner executing a part of the infrastructure component, in national language and English translation, signed and stamped (if required by the relevant legal provisions in force)/electronically signed by the legal representatives.
- d) *Any other execution details, consents, approvals, authorizations and agreements*, if requested by the national laws of the respective country and mandatory to begin execution of the infrastructure – by each Partner executing a part of the infrastructure component, in English language, as photocopies certified “According to the original”, signed and stamped according to the relevant legal provisions in force/electronically signed by the legal representatives;



TAKE NOTE THAT

It is recommended, in case of buildings, for the technical documentations to include rendering plans.



TAKE NOTE THAT

The applicants notified that have been provisionally selected, should start immediately the necessary procedures for preparation of the documentation listed above

CHAPTER 5 ANNEXES

5.1 Templates for documents required together with application form

Annex A	Project Statement (template) (to be filled in by the Lead Partner)
Annex B	Project Partner Statement (template) (to be filled in by project partners)
Annex C	Financial Capacity Self-Assessment (template)
Annex D	Job description (template)
Annex E	Feasibility Study (template)
Annex F	Basic technical information (template)
Annex G	State Aid self-assessment

5.2 Annexes to the Guidelines supporting preparation of proposals

Annex H	Guidelines for filling in the Application Form
Annex I	Guidelines for indicators
Annex J	Mandatory visibility activities
Annex K.1	Admissibility administrative grid
Annex K.2	Admissibility eligibility grid
Annex K.3	Quality assessment grid

5.3 Other

Annex L	Grant contract (draft)
Annex M	Partnership Agreement (model)
Annex N	Financial Identification (template)
Annex O	Legal Entity sheet (template)
Annex P	Annex II Public Procurement of Financing Agreement between Ukraine, Romania and European Commission (for information)

CHAPTER 6

GLOSSARY OF TERMS

APPLICANT	A legal entity who submits the Application Form on behalf of all the project Partners and is the only direct contact with the Project Selection Committee during the evaluation process. Provided that the project is selected and a grant contract is signed, the applicant becomes the “Lead Beneficiary”.
(PROJECT) BUDGET	Includes the total eligible costs of a project and comprises both grant and co-financing to be spent by all the project partners.
CALL FOR PROPOSALS	A public invitation addressed to legal entities which may propose projects within the framework of a specific Programme.
CO-FINANCING	Cash contribution to be provided by an Applicant and its Partners from their own resources in order to finance a project. According to Programme requirements, each project partner shall provide co-financing in order to implement the project.
CONTRACTOR	A natural or legal person with whom a procurement contract has been concluded.
CROSS BORDER COOPERATION CRITERIA	They are a pre-condition to attain the expected cross border impact of a project. Cross border cooperation criteria are to be demonstrated in the Application Form and put into practice during project implementation by the project partners. They may relate to joint development, joint staffing, joint financing and joint implementation of the project, as the case may be. Nevertheless, the Programme requirement is that each project to be awarded a grant should have the joint development, the joint implementation and the joint financing criteria met. Optional the joint staffing criteria may be also met.
HORIZONTAL ISSUES	Refers to environmental protection and sustainable development, equal opportunities and non-discrimination and equality between men and women. It must be developed within all projects financed under the Programme ensuring successful, sustained and inclusive cross border cooperation.
(CROSS BORDER) IMPACT	The effect that a project might have on its wider environment, and which is closely linked to the general objective. In the framework of the Programme, the cross border impact is to be assessed as long term benefits for BOTH sides of the border, and thus justifying the grant award.
DELIVERABLE	Side-product resulting at the end of a project activity which contributes to one main project output.
ECONOMY	It requires that the resources used by the institution in the pursuit of its activities shall be made available in due time, in appropriate quantity and quality and at the best price.
EFFECTIVENESS	Measures the degree to which the project results have provided benefits and contributed to its specific objectives.
EFFICIENCY	Means how well project resources and activities were converted into main outputs and/or results in terms of quality, quantity, time.
ELIGIBLE EXPENDITURE	Expenditure (to be) made by the project partners and related to a project, which are fully compliant with the Programme requirements.
FEASIBILITY (OF A	The capacity of a project to be implemented, provided it was well prepared in advance, all the

PROJECT)	pre-requisites ensuring a proper management are met, the planning is adequate and the methodology is clear, and the costs foreseen are eligible according to Programme requirements.
FINAL BENEFICIARIES	Those who will benefit from the project in the long term (at the level of the General Objective of the project). They must be clearly and distinctively identified through type, place of residence, profession, institution, age etc., as the case may be.
GENERAL OBJECTIVE	The broader, long-term positive change in the situation of the target groups and/or final beneficiaries that is expected to be generated by the project and clearly contributing to a specific programme (expected) result.
GRANT	A direct payment of a non-commercial nature made by the Managing Authority to a specific recipient to implement a project.
GRANT CONTRACT	An agreement between two parties providing their rights and obligations, and also the specific conditions under which a project is to be financed by the Programme.
GROUP OF ACTIVITIES	A set of project activities logically and chronologically sequenced, which are leading to one or more project main outputs and clearly contributing to achieving the project results.
GUIDELINES FOR APPLICANTS	Document explaining the rules of a Call for proposals regarding who may apply, the types of projects and costs which may be financed, and the evaluation process, including the evaluation criteria. It also provides practical information on how to complete the Application Form, what documents must be annexed, the rules and procedures for applying.
INVESTMENT	In the meaning of this call, investment means works and/or specialised equipment and endowments, as well as services directly linked to the investment (e.g. feasibility study. technical project, other services necessary for their proper functioning), which contribute to the project objectives and that shall remain in use after the project implementation for at least 5 years after the final payment to the project.
INTERVENTION LOGIC	Chain of logical connections and interdependencies between the general objective, the specific objectives, results and the main outputs, giving the Programme a basis to qualitatively assess a project proposal.
LEAD BENEFICIARY	The legal entity which signs a grant contract with the Managing Authority and assumes full legal and financial responsibility for the entire project implementation, technically and financially, according to Programme requirements and the grant contract provisions.
MANAGING AUTHORITY	Ministry of Development, Public Works and Administration from Romania bearing the overall responsibility for the management and implementation of the Programme.
OFFICE EQUIPMENT	It serves only to project management purposes, and must complement the resources put at project disposal by the project partners (e.g. printers, computers, etc.)
PARTNER	Entity acting in partnership to implement a project. Provided that the project is selected and a grant contract is signed, the Partner become a "Beneficiary" and shall be responsible for the implementation of its share of project's activities.
PROCUREMENT PROCEDURE	The procedure followed by any project Partner in order to identify and conclude a contract with a suitable contractor to provide clearly defined works, goods or services. Specific provisions to undertake a procurement procedure are comprised in the grant contract.
PROFIT	A surplus of receipts over the costs incurred by the beneficiary when request is made for final payment.
PROGRAMME AREA	Consist of the Romanian counties of Suceava, Botosani, Satu-Mare, Maramures, Tulcea and the Ukrainian oblasts of Zakarpattia, Ivano-Frankivsk, Odesa, Chernivtsi.

PROJECT	A set of activities addressing the Programme objectives and aiming at achieving specific results, in a limited period of time and using a determined budget.
PROJECT STAKEHOLDERS	Any individuals, groups of people, institutions that may have a relationship with the project and may (directly or indirectly, positively or negatively) affect or be affected by the project results.
RELEVANCE	Appropriateness of the project to the problems and needs of the target group(s) and final beneficiaries, and its contribution to the Programme. The “relevance” include several criteria which are to be evaluated and scored during evaluation and is eliminatory in the framework of this Programme.
RESULTS	Clear benefits for the target groups which are expected to be achieved and demonstrated during and/or at the end of the implementation period. They support the solution identified by the project to address the specific needs/challenges identified by the project and contribute to at least one (common) programme output.
SPECIALIZED ENDOWMENTS AND EQUIPEMENT	In the meaning of this call, specialised endowments and equipment are: devices, apparatus, components, machinery, laboratory, furniture, etc. having a specific function, appropriate to the thematic field (priority) addressed by the project, contributing to investment.
SPECIFIC OBJECTIVE OF THE PROJECT	Changes foreseen (e.g. enhancing, reducing, extending etc.) at the end of project implementation at the level of target groups. They are supporting the solution identified by the project to address the specific needs/challenges and contribute to at least one (common) programme output indicator, respectively to at least one result indicator.
TARGET GROUPS	Groups/entities to be directly positively affected by the project by the end of project implementation. They must be clearly and distinctively identified through type, place of residence, profession, institution, age etc., as the case may be.
VIABILITY (OF A PROJECT)	The project’s capacity to be successfully implemented and to continue after the end of EU financing. The “viability” includes several criteria which are to be evaluated and scored during step 2 (technical and financial evaluation).

