**Ministry of Regional Development and Public Administration ROMANIA**

**Joint Operational Programme Romania – Ukraine**

**ENI CBC 2014-2020**

Guidelines for grant Applicants

SOFT PROJECTS

Reference: 2nd Call for proposals

Open Call for proposals

Deadline for submission: 17 May, 2018

**How to use these Guidelines**

These Guidelines are aimed at providing information on the provisions laid down in the Joint Operational Programme (JOP) Romania- Ukraine 2014 – 2020.

They give guidance to the potential Applicants while preparing their proposals, and information about the selection, contracting and the implementation process.

The European Commission has approved the Joint Operational Programme Romania-Ukraine 2014 – 2020 on 17 December, 2015 and the Guidelines for Applicants integrate the provisions of the European Neighbourhood Instrument (ENI).

**▶▶▶ TAKE NOTE THAT**

These Guidelines **only address the SOFT projects** (do not include an infrastructure component OR their infrastructure component is of less than 1 million EUR).

**Table of contents**

[CHAPTER 1 THE JOINT OPERATIONAL PROGRAMME 6](#_Toc500750143)

[ROMANIA - UKRAINE 2014-2020 6](#_Toc500750144)

[1.1 Background information 6](#_Toc500750145)

[1.1.1 Programme area 6](#_Toc500750146)

[1.1.2 Other ENI cross border cooperation programmes 6](#_Toc500750147)

[1.1.3 Joint Programme structures and bodies 7](#_Toc500750148)

[1.1.4 Structures and bodies at national level 7](#_Toc500750149)

[1.2 Legal Framework 7](#_Toc500750150)

[1.3 Programme objectives and priorities 8](#_Toc500750151)

[1.3.1 General objective and priorities of the Programme 8](#_Toc500750152)

[1.4 Focus of the 2nd Call for proposals 9](#_Toc500750153)

[1.4.1 Thematic objectives and priorities addressed by the call 9](#_Toc500750154)

[1.4.2 Focus of the Call 10](#_Toc500750155)

[1.4.3 Type of projects 10](#_Toc500750156)

[1.4.4 Cross border character of the projects 10](#_Toc500750157)

[1.4.5 Cross cutting themes 11](#_Toc500750158)

[1.5 Financial allocations per priority 13](#_Toc500750159)

[1.5.1 Indicative allocation 13](#_Toc500750160)

[1.5.2 Grant and co-financing 14](#_Toc500750161)

[1.6 State aid rules 15](#_Toc500750162)

[1.6.1 General provisions 15](#_Toc500750163)

[1.6.2 Self-assessment of the State Aid 15](#_Toc500750164)

[CHAPTER 2 RULES FOR THIS CALL FOR PROPOSALS 17](#_Toc500750165)

[2.1 Number of projects to be submitted 17](#_Toc500750166)

[2.2 Applicants and Partners. Eligibility requirements 17](#_Toc500750167)

[2.2.1 Eligibility requirements for the Applicant and partners 17](#_Toc500750168)

[2.2.2 Indicative eligible organisations 19](#_Toc500750169)

[2.3 Partnerships. Eligibility requirements 19](#_Toc500750170)

[2.3.1 Partnership principles 19](#_Toc500750171)

[2.3.2 Eligibility requirements for the project partnership 20](#_Toc500750172)

[2.4 Projects and Activities. Eligibility requirements 21](#_Toc500750173)

[2.4.1 Eligible projects 21](#_Toc500750174)

[2.4.2 Project’s contribution to the Programme 21](#_Toc500750175)

[2.4.3 Project duration 21](#_Toc500750176)

[2.4.4 Project location 21](#_Toc500750177)

[2.4.5 Project activities 22](#_Toc500750178)

[2.4.6 Indicative eligible activities 23](#_Toc500750179)

[2.4.7 Non-eligible projects. Non-eligible activities. 25](#_Toc500750180)

[2.5 Costs. Eligibility requirements 26](#_Toc500750181)

[2.5.1 Eligible direct costs 27](#_Toc500750182)

[2.5.2 Contingency reserve 29](#_Toc500750183)

[2.5.3 Eligible indirect costs (administrative costs) 29](#_Toc500750184)

[2.5.4 Contribution in kind 29](#_Toc500750185)

[2.5.5 Ineligible costs 29](#_Toc500750186)

[2.6 How to apply and procedures to follow 30](#_Toc500750187)

[2.6.1 Publication 30](#_Toc500750188)

[2.6.2 Deadlines for submission of proposals 30](#_Toc500750189)

[2.6.3 Submission of proposals and use of the Programme Electronic Monitoring System (EMS-ENI) 30](#_Toc500750190)

[2.6.4 Submission of the hard-copy of the project proposal 33](#_Toc500750191)

[2.6.5 Supporting documents accompanying the Application Form 34](#_Toc500750192)

[2.6.6 Further information for the Applicants 35](#_Toc500750193)

[CHAPTER 3 EVALUATION AND SELECTION OF PROPOSALS 36](#_Toc500750194)

[3.1 Evaluation process 36](#_Toc500750195)

[3.1.1 Administrative and eligibility check (Step 1) 37](#_Toc500750196)

[3.1.2 Technical and financial evaluation (Step 2) 37](#_Toc500750197)

[3.2 The appeal procedure (complaints to the outcomes of the evaluation process) 39](#_Toc500750198)

[CHAPTER 4 CONTRACTING AND IMPLEMENTATION OF PROJECTS 42](#_Toc500750199)

[4.1 Preparing the grant contract signature 42](#_Toc500750200)

[4.2 Project implementation 45](#_Toc500750201)

[4.2.1. Supplementary documents (only for projects with an infrastructure component) 45](#_Toc500750202)

[4.2.2. Public procurements 45](#_Toc500750203)

[4.2.3. Taxes and the VAT 45](#_Toc500750204)

[CHAPTER 5 ANNEXES 47](#_Toc500750205)

[5.1 Project application package 47](#_Toc500750206)

[5.2 Annexes to the Guidelines supporting preparation of proposals 47](#_Toc500750207)

[5.3 Documents for information 47](#_Toc500750208)

[CHAPTER 6 GLOSSARY OF TERMS 48](#_Toc500750209)

**ACRONYMS**

|  |  |
| --- | --- |
| BO | Branch Office |
| CBC | Cross-Border Cooperation |
| COI | Common Output Indicator |
| EMS | Electronic Monitoring System |
| ENI | European Neighbourhood Instrument |
| ENPI | European Neighbourhood and Partnership Instrument |
| EC | European Commission |
| e.g. | Exempli gratia (for example) |
| EU | European Union |
| JMC | Joint Monitoring Committee |
| JOP | Joint Operational Programme |
| JTS | Joint Technical Secretariat |
| MA | Managing Authority |
| NA | National Authorities |
| NGO | Non-Governmental Organisation |
| OI | Output Indicator |
| PSC | Project Selection Committee |
| RI | Result Indicator |
| SMART | Specific, Measurable, Achievable, Realistic, Time Bounded |
| VAT | Value Added Tax |
|  |  |
|  |  |
|  |  |

# CHAPTER 1 THE **JOINT OPERATIONAL PROGRAMME** **ROMANIA - UKRAINE 2014-2020**

## 1.1 Background information

Cross border cooperation at the external borders of the EU continues to represent a top priority for the European Union during the 2014-2020 programming period. The cross border cooperation under the European Neighbourhood Instrument (ENI) will create added value for the border regions building on its predecessor, the European Neighbourhood and Partnership Instrument.

The ENI CBC aims to create “an area of shared prosperity and good neighbourliness between EU Member States and their neighbours”. To this purpose, the ENI has three strategic objectives:

(A) To promote economic and social development in regions on both sides of common borders;

(B) To address common challenges in environment, public health, safety and security;

(C) To promote better conditions and modalities for ensuring the mobility of persons, goods and capital.

The Joint Operational Programme Romania-Ukraine 2014-2020, hereinafter the **Programme**, contributes to the achievement of the overall ENI objective of “*progress towards an area of shared prosperity and good neighbourliness between Member States and their neighbours*”.

### Programme area

The **Programme area** consist of **core regions** and **major social, economic and cultural centres**.

**The core regions of the Programme** are:

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

Kiev (Ukraine) and Bucharest (Romania) are included in the Programme area as **major centres**. Organizations from the major centres may participate as Partners in equal conditions as the organisations located into the core area **only in Large Infrastructure Projects**.

**▶▶▶ TAKE NOTE THAT**

**Major social, economic and cultural centres** identified by the Programme do not enjoy a special status under this Call for proposals. However, the Programme allows participation of the entities located in the major centres in the conditions set by the flexibility rule, as detailed in sections 2.2. *Applicants and partners. Eligibility requirements* and 2.4 *Project and activities. Eligibility requirements*.

### Other ENI cross border cooperation programmes

The Programme runs in parallel with **other ENI CBC programmes**, also relevant for the eligible area (e.g. Joint Operational Programme Romania-Republic of Moldova 2014-2020, the Black Sea Basin Joint Operational Programme 2014-2020, Hungary-Slovakia-Romania-Ukraine ENI CBC Programme 2014-2020), 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 get until the deadline for submission under the present Call for proposals, the Applicant and partners shall clearly state in the Application Form whether their organisation has applied to other programme for support to all or part of the activities envisaged by their project.

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 ENI CBC 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.

### Joint Programme structures and bodies

The following structures are involved in Programme implementation:

**Joint Monitoring Committee (JMC)** follows the Programme implementation and progress towards its priorities and examines all the issues affecting the Programme performance.

**Managing Authority (MA)** is responsible for managing the Programme in accordance with the principle of sound financial management and for ensuring that decisions of Joint Monitoring Committee comply with the applicable law and provisions.

**Joint Technical Secretariat (JTS)** is the joint operational body assisting the Managing Authority, the Joint Monitoring Committee and the Audit Authority, in carrying out their respective duties.

In order to ensure a better communication with the Ukrainian stakeholders and facilitate their access to information related to the Programme, but also for supporting MA in evaluation process and implementation follow-up, two **JTS branch offices** were established in Ukraine, in Odessa and Chernivtsi.

**Audit Authority (AA)** ensures that the audits are carried out on the management and control systems, on an appropriate sample of projects and on the annual accounts of the Programme. The Audit Authority shall be assisted by a Group of Auditors comprising a representative of each participating country in the Programme.

### Structures and bodies at national level

**National Authorities (NAs)** were appointed by each participating country and bear the ultimate responsibility for supporting the Managing Authority in the implementation of the Programme on their own territory, in accordance to the principle of sound financial management.

**Control Contact Points (CCPs)** were appointed by each participating country in order to assist the Managing Authority in carrying out verifications throughout the whole Programme area.

## 1.2 Legal Framework

When ENI funding is used, the following regulations and rules apply, *inter alia* to the project Partners from both countries participating to the Programme:

* [Commission Implementing Decision of 17.12.2015 approving the Joint Operational Programme Romania-Ukraine](http://www.ro-md.ro-ua-md.net/wp-content/uploads/2014/10/JOP-RO-UA1.pdf)
* Financing Agreement between the Government of Ukraine and the European Commission from 23 December, 2016
* [Regulation (EU) No.232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument](http://www.ro-md.ro-ua-md.net/wp-content/uploads/2014/09/Regulament-ENI-232-engleza.pdf)
* [Commission Implementing Regulation (EU) No.897/2014 of 18 August 2014 laying down specific provisions for the implementation of cross-border cooperation programmes financed under Regulation (EU) No 232/2014 of the European Parliament and the Council establishing a European Neighbourhood Instrument](http://www.ro-md.ro-ua-md.net/wp-content/uploads/2014/09/Regulament-ENI-897-engleza.pdf)
* [Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union’s instruments for financing external action](http://www.ro-md.ro-ua-md.net/wp-content/uploads/2014/09/REGULATION-EU-No-2362014.pdf)s
* [Programming document for EU support to ENI Cross-Border Cooperation (2014-2020)](http://www.ro-md.ro-ua-md.net/decision-and-programming-document/)
* Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 with its subsequent amendments
* Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, with its subsequent amendments
* Law no.12/2016 approving Romanian Government Ordinance no. 29/2015 on the management and use of external non-reimbursable funds and of the public co-financing for the "European Territorial Cooperation" objective in 2014-2020 (only for Romanian beneficiaries)

## 1.3 Programme objectives and priorities

### 1.3.1 General objective and priorities of the Programme

The general objective of Romania-Ukraine 2014 – 2020 Joint Operational Programme is *to enhance the economic development and to improve the quality of life of the people in the Programme area through joint investments in education, economic development, culture, infrastructure and health while ensuring the safety and security of the citizens in the two countries*.

Out of the 11 thematic objectives of the European Neighbourhood Instrument, the Programme aims at 4 thematic objectives:

**Thematic objective (2)** *Support to education, research, technological development and innovation*

**Thematic objective (3)** *Promotion of local culture and preservation of historical heritage*

**Thematic objective (7)** *Improvement of accessibility to the regions, development of transport and communication networks and systems*

**Thematic objective (8)** *Common challenges in the field of safety and security*

These thematic objectives are going to be addressed through specific priorities, and implemented through cross border projects.

**(TO2) Support to education, research, technological development & innovation**

Programme Objective ▶ *To develop education and support research and innovation at the level of Programme area by facilitating the cooperation at local, regional and central level*

**Priority 1.1 – Institutional cooperation in the educational field for increasing access to education and quality of education**

**Priority 1.2 – Promotion and support for research and innovation**

**(TO3) Promotion of the local culture and preservation of historical heritage**

Programme Objective▶*To preserve the cultural and historical heritage in the eligible area, support the developing of local culture, specific cultural identities and the cultural dialog*

**Priority 2.1 – Preservation and promotion of the cultural and historical heritage**

**(TO7) Improvement of accessibility to the regions, development of transport and common networks and systems**

Programme Objective ▶ *To improve public transport services, infrastructure and ITC cooperation and networking*

**Priority 3.1 – Development of cross border transport infrastructure and ICT tools**

**(TO8) Common challenges in the field of safety and security**

Programme Objective ▶ *To address common challenges in concerning the access to health, management of natural and anthropic risks and emergency situations, cross-border security through joint projects*

**Priority 4.1 - Support to the development of health services and access to health**

**Priority 4.2 – Support to joint activities for the prevention of natural and man-made disasters as well as joint action during emergency situations**

**Priority 4.3 - Prevention and fight against organized crime and police cooperation**

## 1.4 Focus of the 2nd Call for proposals

### 1.4.1 Thematic objectives and priorities addressed by the call

All four thematic objectives of the Programme are addressed by the present Call for proposals:

(TO2) Support to education, research, technological development & innovation

***Priority 1.1 - Institutional cooperation in the educational field for increasing access to education and quality of education***

***Priority 1.2 - Promotion and support to research and innovation***

(TO3) Promotion of local culture and preservation of historical heritage

***Priority 2.1 – Preservation and promotion of the cultural and historical heritage***

(TO7) Improvement of accessibility to the regions, development of transport and common networks and systems

***Priority 3.1 – Development of cross border transport infrastructure and ICT tools***

(TO8) Common challenges in the field of safety and security

***Priority 4.1 - Support to the development of health services and access to health***

***Priority 4.2 – Support to joint activities for the prevention of natural and man-made disasters as well as joint action during emergency situations***

***Priority 4.3 - Prevention and fight against organized crime and police cooperation***

### 1.4.2 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.

Each project must demonstrate clear contribution to one Programme expected result and at least one Programme (common) output, specific for the priority chosen. The Programme document and **Annex H.2** to the present Guidelines provide clear list of the Programme outputs and results per priority, 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 (common) outputs and results 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 continue after the end of EU financing.

### 1.4.3 Type of projects

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

In the meaning of the present call, ***soft projects*** are those projects which do not include an infrastructure component or their infrastructure component is of less than 1 million euro.

**▶▶▶ TAKE NOTE THAT**

**Infrastructure** means permanent works and/or permanent installation of equipment which contribute to at least one Programme (common) output that is specifically addressed by the project.

**▶▶▶ TAKE NOTE THAT**

*Stand-alone acquisition of equipment and endowments that do not require permanent installation is not considered infrastructure*

The Programme finances **integrated projects** (where each Partner implements a part of project activities on its own territory), **symmetrical projects** (where similar activities are implemented in parallel in the participating countries), or **single-country projects** (where projects are implemented mainly or entirely in one participating country, but for the benefit of both participating countries, and where the cross-border impact and benefits are clearly demonstrated).

### 1.4.4 Cross border character of the projects

The Programme is looking to select projects which envisage clear cross border impact and contribute both to the Programme expected result specific for the priority chosen, and the corresponding Programme result indicator. This contribution will be assessed during evaluation.

As pre-condition to attain the expected cross border impact, but not limited to it, at least two out of the four **cross border cooperation criteria** need to be demonstrated by the project, namely *(3) Joint staffing and (4) Joint financing* (details at section 2.3).

**▶▶▶ TAKE NOTE THAT**

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

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 staffing**[[1]](#footnote-2), whether is paid from the project budget or not, is not intended to duplicate functions of the project staff, although each Partner must appoint at least a project coordinator and a financial responsible. The project staff will be responsible for the activities carried out on the respective side of the border.
4. **Joint financing[[2]](#footnote-3)**must ensure a reasonable distribution of the project budget between Partners, according to their share of activities. Co-financing should come from all the project Partners in order to prove commitment to the project. Nevertheless, there will be only one project budget.

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.

### 1.4.5 Cross cutting themes

When developing the projects, Applicants and Partners have to consider the cross-cutting themes, as long as they could be significant to any project activity. For instance, it is recommended for the project to describe the contribution to equal opportunities and non-discrimination, by explaining how the equal opportunity principle is anchored within the selection of target groups/ final beneficiaries, and the planned activities.

For each of the four cross-cutting themes the contribution could be: neutral, positive or negative.

The following cross–cutting themes may be addressed by the projects funded under the Joint Operational Programme Romania-Ukraine 2014-2020, and at least one has to be positively influenced:

1. **Democracy, participation and human rights**

In regard to democracy and human rights, several aspects are embedded in the Programme strategy as horizontal issues or modalities to be deployed in projects across any of the selected priorities, in particular:

* „People-to-people‟ actions, including enhanced cooperation among NGOs and other civil society groups;
* Capacity-building components for NGOs that will enhance the role of non-state actors and build their capabilities as Partners in the public policy process making;
* Enhanced cooperation among local and regional authorities, promotion of local and regional good governance and capacity-building components for local/regional authorities and agencies that will support public administration reform and decentralization and local government;

The projects shall seek to integrate considerations related to democracy, good governance, participation and human rights. This may also include exchange of good practices, as well as regular and transparent project financial reporting, widely circulated and understandable project results, ensuring there is no discrimination against particular target groups and whether the project helps to ensure respect for any relevant human rights.

1. **Equal opportunities (promotion of gender equality, and opportunities for youth & elders)**

Promotion of gender equality, and equal opportunities for youngsters and elders, 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.

The needs of the various target groups at risk of discrimination and, in particular, the requirements of ensuring accessibility for persons with disabilities will be taken into account. (e.g. when planning infrastructure to consider access and facilities for disabled people; when preparing the terms of reference for organization of an event to consider venues with access and facilities for disabled people, etc.)

Due care shall be taken at the level of project activities and results to avoid the negative impact on the vulnerable groups at risk of discrimination.

Also, projects could address specific needs of young people and ensure participation regardless the age of the target groups. Additionally, all projects funded by the Programme shall 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.

1. **Environmental sustainability**

Environment is crucial for projects under most of the Thematic Objectives selected, mainly in case of those supporting infrastructure construction / rehabilitation / modernization etc.

Besides verification of compliance with the rules and regulations on the environment and sustainable development in force, the Programme seeks to avoid or reduce environmentally harmful effects of interventions and to deliver results in terms of social, environmental and climate benefits.

For the reduction of the impact on the environment, projects having an infrastructure component that will be financed under the Programme should submit 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.

The following good environmental practices are recommended:

* 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;
* Valorisation of cultural/ historical heritage should take into account the fact that it should not affect flora and fauna and aquatic ecosystems in the area;
* Preservation and conservation of protected species and habitats;
* Minimize waste production;
* Minimize production of waste both during construction and functioning;
* Ensure collection/ sorting/ recycling/recovery of the waste resulted;
* Choice of technologies for construction/ rehabilitation/ widening roads with reduced emissions of particulate matter;
* Solutions for infrastructure construction so as to avoid contamination of soil and water by liquid fuel or other materials during construction period;
* Choice of routes for new roads or access parts so as to not affect flora and fauna species and aquatic ecosystems;
* Choice of low emission transportation solutions.

1. **HIV/AIDS**

The HIV/AIDS epidemic represents an important problem for both participating countries, the issue being addressed at national level through programmes aimed at prevention and control.

This cross-cutting theme, relevant for the Programme, will mainly be addressed through the calls conducted under (TO2) Support to education, research, technological development and innovation and (TO 8) Common challenges in the field of safety and security (Priority 4.1 - Support to the development of health services and access to health).

The selection of the target groups for a project must not generate discrimination of any kind, thus taking into account the special needs also for HIV/AIDS categories.

## 1.5 Financial allocations per priority

### 1.5.1 Indicative allocation

The overall indicative EU contribution available under this Call for proposals is of **EUR 17,000,000** distributed per priorities as follows**:**

|  |  |
| --- | --- |
| **Priority** | **EU contribution** |
| **Priority 1.1 - Institutional cooperation in the educational field for increasing access to education and quality of education** | **EUR 2,100,000** |
| **Priority 1.2 - Promotion and support to research and innovation** | **EUR 1,500,000** |
| **Priority 2.1 - Preservation and promotion of the cultural and historical heritage** | **EUR 6,000,000** |
| **Priority 3.1 – Development of cross border transport and ICT tools** | **EUR 2,100,000** |
| **Priority 4.1 – Support to the development of health services and access to health** | **EUR 1,200,000** |
| **Priority 4.2 - Support to joint activities for the prevention of natural and man- made disasters as well as joint actions during emergency situations** | **EUR 2,700,000** |
| **Priority 4.3 – Prevention and fight against organized crime and police cooperation** | **EUR 1,400,000** |

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 Joint 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 Joint Monitoring Committee.

### 1.5.2 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 costs of the project.

**▶▶▶ TAKE NOTE THAT**

Each partner must include **both grant and a share of co-financing** in their individual budget.

**No grant may be retroactively awarded** for projects already completed.

However, in circumstances presented in section *2.5 Costs. Eligibility requirements*, point i), part of the grant may be awarded retroactively, only for costs related to studies and documentation concerning the infrastructure component. 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 period[[3]](#footnote-4).

***1.5.2.1 Size of grant per priority***

The **EU contribution (grant)** that may be requested under the present Call for proposals must not exceed the following minimum and maximum amounts available for each priority.

|  |  |  |
| --- | --- | --- |
| **Priority** | **Minimum grant amount per project** | **Maximum grant amount per project** |
| **Priority 1.1 - Institutional cooperation in the educational field for increasing access to education and quality of education** | **EUR 50,000** | **EUR 300,000** |
| **Priority 1.2 - Promotion and support to research and innovation** | **EUR 50,000** | **EUR 300,000** |
| **Priority 2.1 - Preservation and promotion of the cultural and historical heritage** | **EUR 50,000** | **EUR 1,000,000** |
| **Priority 3.1 – Development of cross border transport and ICT tools** | **EUR 50,000** | **EUR 100,000** |
| **Priority 4.1 – Support to the development of health services and access to health** | **EUR 50,000** | **EUR 300,000** |
| **Priority 4.2 - Support to joint activities for the prevention of natural and man- made disasters as well as joint actions during emergency situations** | **EUR 50,000** | **EUR 500,000** |
| **Priority 4.3 – Prevention and fight against organized crime and police cooperation** | **EUR 50,000** | **EUR 100,000** |

***1.5.2.2 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.

**▶▶▶ TAKE NOTE THAT**

All project Partners will include costs for their share of activities in the individual budgets (see the mandatory CBC criteria, joint staffing and joint financing), comprising **both a share of grant and a share of co-financing**.

However, the project Partners are free to decide over the distribution of the co-financing among them.

**Co-financing for the Romanian beneficiaries**

For the Romanian beneficiaries, the Government Ordinance no. 29/2015 regarding the allocation of external grants and national public contribution, for the "European Territorial Cooperation" Objective, with subsequent amendments shall be applied.

## 1.6 State aid rules

### 1.6.1 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.

Relevant provisions for state aid are foreseen by chapter 10 of Title IV of the Association Agreement between the EU and Ukraine provisionally applied starting with January 2016.

During the evaluation process, the issue of possible involvement of state aid relevant activities will be checked by the Project Selection Committee, based on all information concerning beneficiaries 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, may be recommended by the Project Selection Committee.

### 1.6.2 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 D** 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”[[4]](#footnote-5) which may occur as a result of project implementation must be taken into consideration.

The **self-assessment grid (Annex D)** 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 beneficiaries?
3. Is any of the beneficiaries of the project an “undertaking”?
4. Does any beneficiary (“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?

**▶▶▶ 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 D**.

# CHAPTER 2 RULES FOR THIS CALL FOR PROPOSALS

## 2.1 Number of projects to be submitted

An organization may submit, as Applicant, only **one project per Priority under the present Call for proposals**[[5]](#footnote-6).

**▶▶▶ TAKE NOTE THAT**

**No limitations** are set for an organization to participate **as Partner** in several projects submitted under the present Call for proposals, provided the respective organization has the necessary operational and financial capacity to implement the selected projects.

## 2.2 Applicants and Partners. Eligibility requirements

### 2.2.1 Eligibility requirements for the Applicant and partners

The Applicant and all the partners in the project shall meet the following requirements:

1. Be legal entities registered and located in the core regions of the Programme, namely in the Romanian counties of Suceava, Botosani, Satu Mare, Maramureș, Tulcea or the Ukrainian oblasts of Zakarpattia, Ivano-Frankivsk, Odessa, Chernivtsi, **OR**
2. Be located outside the core regions of the Programme **only** in the conditions set at 2.2.1.1 *Flexibility rule,*  **OR**
3. Be international organizations with a base of operation in the core regions of the Programme or European Groupings of Territorial Cooperation regardless of their place of establishment, provided their geographic coverage is within the core regions of the Programme, **AND**
4. Be non-profit making organisations, **AND**
5. Be directly responsible for the preparation and management of the project with their Partners, not acting as an intermediary, **AND**
6. Have stable and sufficient sources of finance to ensure the continuity of the organisations throughout the project duration and to play a part in financing it **AND**
7. Have no debts to the consolidated state budget or to the local budget in accordance with the national legislation.
8. Not fall into any of the situation listed below:
9. They are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or EU regulations.
10. They or persons having powers of representation, decision making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State or Ukraine which has the force of res judicata.
11. They have been guilty of grave professional misconduct proven by any means which the MA can justify including by decisions of the European Investment Bank and international organisations.
12. They are not in compliance with their obligations relating to the payment of debts to the state or local budget in accordance with the legal provisions of the country in which they are established or with those of the country of the MA or those of the country where the contract is to be performed.
13. They, or persons having powers of representation, decision making or control over them have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such illegal activity is detrimental to the European Union's financial interests.
14. They are subject to an administrative penalty referred to in Article 109(1) of the EU Financial Regulation 966/2012.
15. They are 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.
16. They are guilty of misrepresentation in supplying the information required by the Managing Authority as a condition of participation in the Call for proposals or fail to supply this information.
17. They have attempted to obtain confidential information or influence the evaluation bodies or the Managing Authority during the evaluation process of previous calls for proposals.
18. They have an unpaid debt to the Managing Authority for any project financed under the 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 Applicant and/or the Partners, the grant contract may be signed only if and after the situation of the debt is tackled.
19. In case of organizations from Ukraine, they must be able to open a dedicated bank account in a state-owned bank in case the project is selected for financing. Any organization, be it Applicant or Partner in a project, must be legally able to transfer/receive funds to/from foreign countries.
20. Have provable rights (ownership, long term rent, concession, administration, etc.) over each location [land/building/space] where infrastructure is foreseen to be executed and/or equipment over EUR 60,000 is to be installed/ used, valid until at least 2032[[6]](#footnote-7). In case the respective Partner is not the owner, the written agreement of the owner saying that infrastructure may be executed and/or equipment may be installed/ used is needed.

**▶▶▶ TAKE NOTE THAT**

The compliance with the above mentioned criteria will be cross-checked during Step 1 of evaluation (administrative and eligibility check), based on the documents submitted by the Applicant.

**▶▶▶ TAKE NOTE THAT**

Non-eligibility of any of the project partners (Applicant 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 Applicant 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 and selection process, 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 Flexibility rule***

The Programme allows for participation of organizations from Romania or Ukraine **registered outside the core regions** of the Programme only if the following conditions are met:

* they do act as Partners in the project, not as Applicants (lead beneficiaries)
* their participation is required by the nature and by the project objectives, and is necessary for its effective implementation
* they meet all the eligibility requirements listed at points b) to j)

**Only a total of 10% of the project budget may be spent outside the core regions of the Programme.**

**▶▶▶ TAKE NOTE THAT**

Under the present Call for proposals, the organisations located in any of the major social, economic and cultural centres (Kiev or Bucharest) are treated as being located outside the core regions of the Programme.

### 2.2.2 Indicative eligible organisations

As a general rule, the entities that are eligible under the present Call for proposals are: national, regional, local administrations, public institutions, non-governmental organisations, associations etc. An indicative list of the eligible entities per Priority is annexed to these guidelines (see **Annex H.1**).

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

The legal capabilities of the Applicant and partners to act in the field of the project proposal will be assessed during Step 2 (technical and financial evaluation).

## 2.3 Partnerships. Eligibility requirements

### 2.3.1 Partnership principles

Partners shall appoint one organization to act as Applicant 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, each Partner shall fill in and sign a Partnership Statement (**Annex C**) acknowledging their responsibilities within the project. The Applicant shall fill in only the Declaration by the Applicant (**Annex B**).

During the evaluation process, the Applicant is responsible to communicate with the Project Selection Committee and 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 L**). The Partners may decide to include additional or more restrictive provisions, but they must keep the provisions indicated in the model as a minimum.

Provided that the project is selected and a grant contract will be signed between the Managing Authority and the Applicant, this entity will become the ***lead beneficiary*** of the project, and its partners will become ***beneficiaries.***

Obligations of the beneficiaries and of the lead beneficiary during the project implementation are summarized below:

***Beneficiaries’ obligations***

1. All beneficiaries shall actively cooperate for the implementation of the project, they shall ensure **staffing and financing** of the project;
2. Each beneficiary shall be legally and financially responsible for the activities that is implementing and for the share of financing that it receives;

***Lead beneficiary’s obligations***

1. **Receives the EU contribution** (grant) from the Managing Authority for the implementation of project activities;
2. Ensures the **distribution of funds to the beneficiaries** as quickly as possible and in full accordance with the arrangements set in Partnership Agreement, without deducting any amount;
3. Lies down the **arrangements with the beneficiaries** in the Partnership Agreement, provisions that must guarantee the sound financial management of the funds and shall include the arrangements for recovery of funds unduly paid to the beneficiaries;
4. Assumes the responsibility for **ensuring implementation of the entire project**;
5. Ensures that the expenditure presented by the beneficiaries has been incurred for the **purpose of implementing** the project and correspond to activities set in the grant contract and Partnership agreement;
6. Verifies that the expenditure presented by the beneficiaries has been examined by an auditor (for the Ukrainian beneficiaries) or by a first level controller (for the Romanian beneficiaries) according to the procedures.

### 2.3.2 Eligibility requirements for the project partnership

In order to be eligible, a partnership must fulfill the following criteria that will be checked in Step 1 of evaluation (administrative and eligibility check):

1. A maximum of 4 partners (including the Applicant) participate in the project.
2. At least one partner in the project is registered in Romania and at least one partner is registered in Ukraine.
3. At least two out of the four cross-border cooperation criteria (see section 1.4.4), namely *(3) Joint staffing and (4) Joint financing*, are fulfilled by the partnership. This means that it will be checked whether each partner foresaw at least one project manager (responsible) and one financial manager (responsible) as staff dedicated to project implementation (case in which the respective job descriptions must be attached to the Application Form), and a budget is allocated for their share of project activities comprising both grant and co-financing.

**▶▶▶ TAKE NOTE THAT**

The cross border cooperation criteria must be consistently demonstrated within the Application Form and are to be evaluated during Step 2 (technical and financial evaluation).

## 2.4 Projects and Activities. Eligibility requirements

### 2.4.1 Eligible projects

In order to be selected, a project must address the thematic objectives and priorities set in section 1.4.1.

A project can target any Priority (see section 1.4.1) as long as it addresses the respective Programme expected result, and brings clear and feasible contribution to the achievement of Programme Result and (common) Outputs indicators.

**Annex H.2** to the present guidelines gives information in what concerns the Programme outputs and results per priority, the target values and the methods for their measurement.

**▶▶▶ TAKE NOTE THAT**

Project contribution to the Programme Result and (common) Output 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 with the purpose of obtaining better scores during evaluation.

### 2.4.2 Project’s contribution to the Programme

A project will only be selected if it demonstrates its contribution to one of the Programme Results (specific for the Priority chosen) and the corresponding Result indicator.

A project will only be selected if it demonstrates its effective contribution to at least one Programme (common) Output (specific for the Priority chosen) or to at least one of the corresponding Output indicators.

A project might contribute to several Programme (common) Output indicators (specific for the Priority chosen), case in which it may receive better scores.

### 2.4.3 Project duration

The project duration must be initially 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 = 18 months**

**▶▶▶ TAKE NOTE THAT**

Under this Programme, all project activities shall end by 31st of December 2022 at the latest.

### 2.4.4 Project location

**Projects** will be implemented in the core regions of the Programme, as follows:

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

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

***2.4.4.1 Flexibility rule***

Projects may be **partially** implemented outside the core regions of the Programme in exceptional cases, provided that the following conditions are both met:

1. They are necessary for achieving the Programme objectives;
2. They are in the benefit of the core regions of the Programme

**▶▶▶ TAKE NOTE THAT**

A **maximum of 10% of the project budget** may be spent outside the core regions of the Programme.

Under the present Call for proposals, the organisations located in any of the **major social, economic and cultural centres** identified by the Programme (Kiev or Bucharest) are treated as being **located outside** the core regions of the Programme.

**Summary of eligibility and flexibility rule**

|  | **Core regions of the Programme** | **Outside the core regions** | | **Romania** | | **Ukraine** |
| --- | --- | --- | --- | --- | --- | --- |
| **Applicant** | Yes | NO | | Yes | | Yes |
| **Partner(s)** | Yes | Yes (1) | | Yes | | Yes |
| **Partnership** | - | - | | and UA | | and RO |
| **Activities** | Yes | Yes (2) | | Yes | | Yes |
| **Project budget (total eligible costs) = grant + co-financing** | project budget | | (1) AND/OR (2) = max. 10 % of the project budget | |  | |
| **EU grant** | max. 90 % of the total eligible costs of the project | | | | | |
| **Co-financing** | At least 10 % of the total eligible costs of the project | | | | | |

### 2.4.5 Project activities

Each project comprises a series of activities defined and managed in relation to the objectives, results and outputs which it aims at achieving within a defined time-period and budget.

Project activities will be organized in maximum 5 Groups of Activities, out of which, the following 3 are compulsory:

1. **Project preparation** includes the preliminary actions taken until project submission, including building or enhancing the project partnership, identification and involvement of project stakeholders, development of the technical documentation and obtainment of authorizations/ permits/ approvals needed for executing the infrastructure component.
2. **Project management** refers to, inter alia, the day-to-day arrangements for project implementation and coordination among partners, the use of resources, compliance with the grant contract requirements, analysis of risks and measures needed to cope with them.
3. **Information and communication** plan describes the activities meant to display the project results and acknowledge the Union support towards the final beneficiaries and the general public. **Annex H.3** provides information about the minimum inventory of information, promotion and communication activities to be undertaken by projects.
4. If the case, a separate GA should be included for the infrastructure in order to explain why this is necessary in order to achieve project objectives and results, the benefits envisaged, and to give details on the technical specifications and the necessary technical documentation.

Capacity building activities may also be foreseen and clearly described in the appropriate section in the Application Form.

### 2.4.6 Indicative eligible activities

***Priority 1.1 - Institutional cooperation in the educational field for increasing access to education and quality of education***

* + Joint planning and joint development of educational strategies;
  + Exchanges of experience, teacher exchanges, transfer of good practices between institutions from both sides of the border for increasing the effectiveness of education through the diversification of professional training programs for employees in the education system in areas such as:
  + school development, school management, developing the relation between schools and communities;
  + developing and applying innovative educational methods, for increasing teaching skills to facilitate and motivate students to perform;
  + Developing specific joint programs of entrepreneurship education, programmes that stimulate creativity, innovation and active citizenship;
  + Rehabilitation/modernization/ extension/ equipment procurement for the educational infrastructure to provide the necessary material preconditions of a quality educational process and increase the participation in the educational processes;
  + Development and implementation of partnerships between education institutions from both sides of the border to:
  + prevent and correct early school leaving phenomenon through integrated programs (including awareness campaigns) for prevention of school dropout, encourage school attendance and reintegration of those who have left school early;
  + develop after school programs and extra-curricular activities;
  + Development and implementation of cross border actions for enhancing/improving/facilitating job qualifications and competences.

***Priority 1.2 - Promotion and support to research and innovation***

* + Development of partnerships/networking between universities for joint development of theoretical research;
  + Joint research actions and studies (including related equipment procurement) in the field of environment (climate change challenges, preservation of biodiversity, renewable energy and resource efficiency etc.);
  + Promotion and support for research and innovation through rehabilitation/modernization/extension of the specific infrastructure including the procurement of related equipment.

***Priority 2.1 - Preservation and promotion of the cultural and historical heritage***

* + Restoration, conservation, consolidation, protection, security of cultural and historical monuments, archaeological sites (including the corresponding access roads), museums, objects and art collections and their joint promotion based on relevant cross-border strategies/concepts;
  + Preservation, security, and joint valorisation of cultural and historical monuments and objects;
  + Cultural institutions networks aiming at the promotion of the cultural and historical heritage;
  + Support for specific and traditional craftsman activities, important for preserving local culture and identity;
  + Promotion of specific and traditional activities in the eligible area (including cross-border cultural events);
  + Preserving, promoting and developing the cultural and historical heritage, mainly through cultural events with a cross-border dimension;
  + Valorisation of the historical and cultural heritage through developing joint promotion strategies, common tourism products and services.

***Priority 3.1 – Development of cross border transport infrastructure and ICT tools***

* + Development of environmentally friendly (carbon-proofed) cross-border transport initiatives and innovative solutions;
  + Improvements of multimode transport (road/water) facilities of cross-border interest;
  + Reconstruction, rehabilitation, widening of cross-border (segments of) roads connecting settlements alongside the border with main road, which leads to the border;
  + Improvement/restoration/construction of (segments of) access roads to centres of cross-border interest
  + Elaboration of joint strategies/policies/plans for improving the cross-border transport infrastructure;
  + Development of cross-border connections, information and integrated communications network and services;
  + Upgrading existing facilities to enable linkages between communities and public services which promote co-operation on a cross-border and wider international basis

***Priority 4.1 - Support to the development of health services and access to health***

* + Joint activities meant to enhance the access to health in the border area through construction / rehabilitation / modernization of infrastructure of public health services (including through the use of renewable energy etc.);
  + Developing labs and mobile labs for screening / clinical monitoring of diseases and prevention of cross border epidemics;
  + Equipping specific public medical service infrastructure (outpatient, emergency room facilities, medical centres, integrated social intervention, etc.)
  + Joint training programs and exchange of experience, networking for supporting the functioning of the specific public medical services, telemedicine;
  + Exchange of experience, joint activities in order to ensure compatibility of the treatment guidelines, joint diagnosis programmes;
  + Awareness campaigns concerning public education on health, diseases and prevention of epidemics.

***Priority 4.2 – Support to joint activities for the prevention of natural and man-made disasters as well as joint action during emergency situations***

* + Common measures for preventing land slide and flooding of the cross border areas;
  + Joint integrated systems for efficient monitoring and disaster prevention and for the mitigation of consequences;
  + Common strategies and tools for hazard management and risk prevention including joint action plans;
  + Elaborating of joint detailed maps and databases (indicating natural and technological risks, and land use for regional planning authorities, environmental agencies and emergency services);
  + Exchanging experience and knowledge, including raising awareness in the field of efficient risk prevention and management in the cross-border area;
  + Development of integrated and common standards for the urban planning and risk management;
  + Investments and development of common, integrated, emergency management systems.
  + Planning co-ordinated actions of the authorities in emergency situations caused by natural and man-made disasters (flood, fire, heat waves, earthquakes, storms, etc.).

***Priority 4.3 - Prevention and fight against organised crime and police cooperation***

* + Investment in construction, renovation or upgrading of police and border crossing infrastructure and related buildings;
  + Common actions for increasing mobility and administrative capacity of police units (including border police);
  + Joint trainings of police, customs, border police, gendarmerie, exchange of best practices on specific areas of activity (analysis, criminal investigation, organized crime).
  + Investments in operating equipment and facilities specific for the activity of police/customs/border police/gendarmerie (e.g. laboratories, equipment, detection tools, hardware and software, means of transport);
  + Developing common policies and strategies, experience exchange for fighting organised crime;
  + Creating collaborative working platforms in order to increase the efficiency of police, border police and custom structures in the exchange of data and information

### 2.4.7 Non-eligible projects. Non-eligible activities.

The following projects and/ or activities are not eligible to receive Programme financing under the present Call for proposals**:**

1. projects having an infrastructure component of more than 1 million Euro;
2. projects that have already been approved for financing from other sources, including other EC programmes;
3. projects that have already been completed;
4. projects related to the tobacco industry, production of alcoholic distilled beverages (excluding local and traditional products), fire arms and munitions;
5. projects concerned only, or mainly, with individual sponsorships for participation in workshops, seminars, conferences, congresses;
6. projects concerned only, or mainly, with individual scholarships for studies or training courses;
7. projects concentrated only or mainly on charitable events;
8. projects in which the Applicant or Partner(s) re-grant the funding;
9. projects that have the purpose or effect of producing a profit for the Applicant or Partners;
10. sub-grants awarded to third parties in any manner whatsoever;
11. activities which fall under the state aid rules;
12. activities linked to or financing political parties

**▶▶▶ TAKE NOTE THAT**

## 2.5 Costs. Eligibility requirements

Irrespective 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 indirect 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 amount of the grant and the ratio (%) of the EU contribution as a result of the arithmetical corrections made during the contracting process cannot be increased.

It is therefore in the project's interest to provide a **realistic and cost-effective budget,** within the Application Form (**Annex A**), detailed and justified in**Annex A.1** *(Justification of costs)*.

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:

1. They are incurred during the implementation period of the project. In particular:
2. 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;
3. Costs incurred should be paid before the submission of the final reports, except for the costs for expenditure verification corresponding 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;
4. 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 the provisions of ENI Implementing Regulation have been respected;
5. They are included in the indicative overall budget for the project;
6. They are necessary for the implementation of the project;
7. 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;
8. They comply with the requirements of applicable tax and social legislation;
9. They are reasonable, justified and comply with the requirements of sound financial management, in particular regarding economy and efficiency;
10. They are supported by invoices or documents of equivalent probative value, as well as any other relevant document;
11. The compliance with the Programme Visual Identity requirements is ensured;
12. Notwithstanding letter (a) above, costs related to studies and documentation related to infrastructure component e.g. Feasibility Study or equivalent, Environmental Impact Assessment, and other technical documentation may be incurred before the project implementation period, starting with the approval date of the Programme, respectively 17 December, 2015;
13. Notwithstanding letter (a) above, in order to ensure the existence of strong partnerships, preparatory costs incurred by projects to which a grant is awarded are eligible provided that, in addition to the other requirements, the following conditions are met:
14. they are incurred after the publication of the Call for proposals;
15. they are limited to travel and subsistence costs for staff employed by the project Partners, provided they meet the conditions of point (b);
16. they do not exceed EUR 3,000 per project

**▶▶▶ TAKE NOTE THAT**

Any project including an infrastructure component shall repay the Union contribution if, within five years of the project closure or within the period of time set out in state aid rules, where applicable, it is subject to a substantial change affecting its nature, objectives or implementation conditions which would result in undermining its original. Sums unduly paid in respect of the project shall be recovered by the Managing Authority in proportion to the period for which the requirement has not been fulfilled.

### 2.5.1 Eligible direct costs

When preparing the project budget, the following direct costs shall be considered:

1. Staff assigned to the project, provided they relate to costs of activities which the organization would not carry out if the project was not undertaken, they do not exceed those normally borne by the respective organization unless it is demonstrated that this is essential to carry out the project, and they relate to actual gross salaries including social security charges and other remunerated-related costs.
2. Travel and subsistence costs of staff and other persons taking part in the project, provided they exceed neither the costs normally paid by the organization according to its rules and regulations nor the rates published by the Commission at the time of the mission if reimbursed on the basis of lump sums, unit costs or flat rate financing.
3. Purchase (only new) or rental for equipment and supplies specifically for the purpose of the project, provided they correspond to market prices. Distinction should be made between office equipment and endowment, and specialized equipment and endowment.
4. Costs for infrastructure can include costs for the technical documentation, costs for provision of the infrastructure, the related taxes, and costs for site supervision.
5. Costs entailed by contracts awarded by the Partners for the purposes of the project;
6. Costs deriving directly from requirements imposed by ENI CBC Implementing Regulation and the project (such as information and visibility operations, evaluations, expenditure verification – only for Ukrainian organizations, translations)

**▶▶▶ TAKE NOTE THAT**

When preparing the budget of the project, please take into account that taxes, including VAT, will only be accepted as eligible costs when the Applicant or its Partners can show they cannot reclaim them according to their national legislation.

**For Ukrainian entities**

According to the Financing Agreement between the European Commission and the Government of Ukraine, Ukraine shall apply to grant contracts financed by the Union the most favoured tax and customs arrangements. Moreover, according to the Framework Agreement between the Government of Ukraine the Commission of the European Communities ratified on 03.09.2008, the contracts financed by the Community shall not be subject to value added tax, registration duties or any charges having equivalent effect in Ukraine, whether such charges exist or are to be instituted. This provision applies to the whole value of the contract, which includes both the Community grant and co-financing provided by the beneficiaries. Moreover, any goods imported for the purpose of implementing projects financed by the Community shall not be subject to customs and import duties, taxes or any other charges having equivalent effect.

In order to benefit of these facilities, the Ukrainian beneficiaries that will sign a grant contract shall register the project at the Ukrainian Ministry of Economy and Trade (see also Section **4.2. Project implementation** below).

**▶▶▶ TAKE NOTE THAT**

With the view to ensure that the project budget is cost-effective, ceilings must be applied for some direct costs, as follows:

* Costs for the technical documentation must not exceed 10% of the costs related to provision of infrastructure (as per budget line *3.2 Infrastructure execution*);
* Costs of vehicles purchased for the project management shall not exceed EUR 18,000 per vehicle (this amount does not include insurance, maintenance or minor repairs costs related to the purchased vehicle which may be nevertheless included at this budget line);
* Subsistence costs shall exceed neither the cost normally paid by the beneficiary according to the national legislation in force, nor the rates published by the Commission at the time of holding that event (see **Annex G** for information);
* Costs for communication and visibility actions related to project/ Programme promotion shall amount to minimum 2% of the total direct eligible costs of the project, excluding costs as per budget heading *3 Infrastructure* and budget heading *7 Communication and visibility actions*). The project shall foresee at least the minimum communication and visibility actions required by the Programme (see **Annex H.3**)

### 2.5.2 Contingency reserve

A **contingency reserve** not exceeding 10% of the costs as per budget line 3.2 *Infrastructure execution* 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.

### 2.5.3 Eligible indirect costs (administrative costs)

The indirect costs incurred during implementation may be eligible for a flat-rate funding of no more than 7% of the total amount of direct eligible costs, excluding costs incurred in relation to the provision of infrastructure (as per budget heading 3 *Infrastructure*).

Indirect costs are eligible provided that they do not include costs assigned to another budget heading. The Managing Authority shall ask to justify the requested percentage before contracting. However, once the flat-rate has been fixed in the grant contract, no supporting documents need to be provided.

Indirect costs may include office costs (including rental), electricity, heating, phone, cleaning, salaries for the staff supporting project implementation (e.g. accountant, driver, secretary etc.), postal services, financial services, archiving, security services etc.

### 2.5.4 Contribution in kind

Contributions in kind are not considered actual expenditure and are not eligible costs. The contributions in kind may not be treated as co-financing by the project Partners.

Notwithstanding the above, if the project foresees contributions in kind, they must be provided as described in the Application Form, but will not be considered as eligible expenditure.

### 2.5.5 Ineligible costs

The following costs are not eligible:

1. debts and debts service charges (interest);
2. provisions for losses or potential future liabilities;
3. costs declared by the beneficiaries and covered by another project or programme from any other sources;
4. purchases of land or buildings;
5. purchase of used equipment or vehicles;
6. purchase of equipment or vehicles in leasing
7. exchange-rate losses;
8. duties, taxes, charges, including VAT, except where non-recoverable under national legislation;
9. loans to third parties;
10. fines, financial penalties and expenses of litigation;
11. contributions in kind as defined in article 14(1) of the ENI Implementing Regulation
12. costs of activities implemented outside the Programme area by any Partner, that exceed 10% of the total project budget

## 2.6 How to apply and procedures to follow

### 2.6.1 Publication

Call for proposals is published on the Programme website: [http://www.ro-ua.ro-ua-md.net/projects/open-calls](http://www.ro-ua.ro-ua-md.net/projects/open-calls/) .

Information and training sessions for the potential Applicants and Partners will be carried out in the Programme area after the launching of the Call for proposals. The calendar of the events shall be published on the website <http://www.ro-ua.ro-ua-md.net>.

Information and updates concerning the Call for proposals will be provided on the Programme website <http://www.ro-ua.ro-ua-md.net/en> . It is important to check it regularly.

### 2.6.2 Deadlines for submission of proposals

The proposals must be submitted both in electronic version, through the electronic system of the Programme EMS-ENI, and in hard-copy.

**(1) Deadline for submission of the electronic version of the application package in EMS-ENI** system is 17 May, 2018 at 4.00 PM Romanian local time.

**▶▶▶ TAKE NOTE THAT**

The EMS-ENI does not allow further recordings of applications after this deadline.

**(2) Deadline** **for submission of the hard-copy** package is no later than **24 May, 2018** at 4.00 PM Romanian local time, as evidenced by the date of dispatch, the postmark or the date of the deposit slip.

**In case of hand-deliveries, the deadline for receipt is 24 May, 2018** at 4.00 PM Romanian local time, as evidenced by the signed and dated acknowledgement of receipt.

**▶▶▶ TAKE NOTE THAT**

Any proposal submitted after this deadline will be automatically rejected.

Moreover, for reasons of administrative efficiency, the Project Selection Committee may reject any hard-copy package received at the indicated address, by post or courier after 30 calendar days after the deadline set for submission in hard-copy.

### 2.6.3 Submission of proposals and use of the Programme Electronic Monitoring System (EMS-ENI)

The Application Form is part of the application package as **pdf file** and can be downloaded from the programme website at <http://www.ro-ua.ro-ua-md.net/en>. It shall be saved locally (on your own computer), filled in, and the final version shall be uploaded into the Programme Electronic Monitoring System EMS-ENI.

**▶▶▶ TAKE NOTE THAT**

For an optimal use of the EMS, it is strongly recommended to use the latest versions of the Google Chrome browser (minimum version 62) or Mozilla Firefox (minimum version 57), that can be downloaded from the following links:

<https://www.google.com/chrome/browser/desktop/index.html>

https://www.mozilla.org/en-US/firefox/new/

***2.6.3.1 Registration into EMS-ENI***

In order to upload the Application Form, as well as its annexes and the supporting documents required by the call, the Applicant must open a user account into the Programme Electronic Monitoring System (EMS). For registration (opening the user account) the following phases must be completed:

* + 1. Access the link: <https://ems-roua.mdrap.ro>
    2. Click on the “*Register*” command
    3. Fill in the Registration Form.
* Provide the name of the **person designated** by the legal representative of the applicant as **contact person** for the project during the call for proposals and selection process;
* Provide a **valid e-mail address and a phone number** where the contact person may be contacted during the evaluation process.
* Provide basic information concerning the applicant entity. Please fill in carefully the information submitted so that, e.g. the **institution identification number** to be real, correct and identical with the one provided in the Application Form.
* Upload the **Certification Letter** (Annex O) signed by the legal representative of the applicant, nominating the contact person for the project during the call for proposals and selection process
* Prove that you are not a robot by completing the **short test**.
* **Submit the registration request**.

After requesting the registration, the system will send you an **e-mail for confirmation**. The e-mail will contain a link that you should click on, or manually copy it to your browser in order to validate the e-mail address and confirm the registration account.

Once registered, you will receive by email an automatically generated password. The password will allow your access to the system. During the first login session you will be required to change the automatic password with a new one, at your convenience.

The EMS-ENI automatically attributes one single **Project Registration Number** to each Application registered into the system. In case there is need to revise/modify the Application Form, the user must login into the EMS-ENI account, select the respective project and perform the “*Update*” command.

There is also possibility to delete an application from the EMS-ENI, case in which the “*Delete*” command must be performed by the user. Following the “*Delete”* command, all the information regarding the respective project, including the respective Project Registration Number shall be removed from the EMS-ENI with no possibility for data recovery. The respective Project Registration Number shall not be again attributed.

**▶▶▶ TAKE NOTE THAT**

The above mentioned commands into the EMS-ENI may only be performed **before the deadline** set (see section *2.6.2 Deadlines for submission of proposals*).

The projects that **have not been registered into EMS-ENI** are not going to be considered for evaluation and shall be rejected.

The Project Registration Number shall be kept during the entire evaluation process and referenced in all the communications with the Programme.

The EMS-ENI send alerts and notifications related to the evaluation process to the e-mail addresses of the users registered into the system. In order to be timely informed, it is recommended that the respective users periodically check their e-mail. Moreover, it is recommended that the person holding the EMS-ENI “user account” and the “contact person” indicated within the Application Form be the same.

After the deadline set at section *2.6.2 Deadlines for submission of proposals*, no further recordings or actions of the Applicants into the EMS-ENI are possible, except for replies to potential requests for clarifications addressed to the contact person by the Project Selection Committee during the evaluation process.

***2.6.3.2 Filling in the Application form***

The Application form provided by the Programme as **pdf template** within the application pack is the only format accepted.

**▶▶▶ TAKE NOTE THAT**

In order to be able to properly fill in the pdf. template of the Application Form, please use the latest version of Adobe Acrobat DC that can be downloaded from the following link:

https://get.adobe.com/reader/

It is **not allowed** to use templates of Application form that are not provided by the Programme within the application pack, as they cannot be recognised by the EMS-ENI system.

Any Application form submitted in other template than the **pdf.** provided as part of application pack (e.g. word format converted into **pdf.** other **pdf.** formats etc.) even with identical or slightly changed content, **will be rejected** during the Administrative and eligibility check.

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

* + Use the English language, fill in each field, and follow the given sequence. Please note that some information is taken over from one field to another (including to Logical Framework), thus making the process easier and error-proof (e.g. after filling in the planning of Group of activities, the project work-plan will result automatically.
  + Formulate only one general objective and maximum three (3) specific objectives 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 *2.6.5 Supporting documents accompanying the Application Form* must be scanned and uploaded into the EMS-ENI. Please note that the **Declaration by the Applicant** and the **Partnership Statements** are annexes to the Application Form, and must be filled in, printed, signed by the legal representatives, stamped according to the relevant legal provisions in force, scanned and uploaded into the EMS-ENI. Moreover, they must be submitted in original within the hard-copy package.

**▶▶▶ TAKE NOTE THAT**

The Applicants must ensure that, **before the deadline** 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 EMS-ENI.

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

### 2.6.4 Submission of the hard-copy of the project proposal

For safety reasons (in case of malfunction of the EMS-ENI and also for contracting purposes (provided that the project is selected), **one hard–copy** **of the whole application package** (Application Form with annexes and the supporting documents) is required.

In this respect, the deadline set in section *2.6.2 Deadlines for submission of proposals* for submission of the hard-copy is mandatory.

The hard-copy package must include:

* + The Application Form, all its annexes and the supporting documents required at section 2.6.5 *Supporting documents accompanying the Application Form*. They must be identical with those uploaded into the EMS-ENI. Except for the documents required in original, it is recommended to print all documents directly from the EMS-ENI.
  + A DVD containing the electronic version of the whole package.

The hard copy package must be sent to the JTS in a sealed envelope by registered mail, private courier service or by hand delivery before the deadline indicated in section *2.6.2 Deadlines for submission of proposals,* as evidenced by the date of dispatch, postmark or the date of the deposit slip.

The package shall bear the following information clearly marked on the outer side of the envelope:

* + the address of Regional Office for Cross Border Cooperation Suceava

**REGIONAL OFFICE FOR CROSS BORDER COOPERATION SUCEAVA**

**(Joint Technical Secretariat)**

8A, Bistritei street, DAE office building, 1st floor

720274 Suceava, Romania

Phone: +40 230 530049  
Fax: +40 230 530055

* + number of the call for proposals and number of priority
  + type of project - SOFT
  + project title
  + name of the Applicant (in English)
  + the Project Registration Number (as provided by the EMS-ENI following the on-line registration)

**▶▶▶ TAKE NOTE THAT**

In the framework of the present Call for proposals, the Application Form, the annexes and the supporting documents uploaded into the EMS-ENI system shall prevail.

Nevertheless, the **project shall be rejected** without further evaluation in case the Programme does not receive the hard-copy package within the deadline set, **OR** in case the Project Registration Number is not marked on the outer envelope of the package **OR** in case the Project Registration Number does not match with the registration numbers provided by the EMS-ENI.

**▶▶▶ TAKE NOTE THAT**

The present Call for proposals only **allows one Application Form per priority** to be submitted by the same Applicant entity (see section *2.1 Number of projects* to be submitted).

### 2.6.5 Supporting documents accompanying the Application Form

The following documents shall be provided **by all the Partners** participating to the project, scanned and uploaded into the EMS-ENI, and also included in the hard-copy package within the deadlines indicated at section *2.6.2 Deadlines for submission of proposals*.

1. *Declaration by the Applicant[[7]](#footnote-8)* and *Partnership Statements* from each project partner (templates in **Annex B** **and Annex C**) – in original, stamped according to the relevant legal provisions in force and signed by the legal representatives.
2. *Statutes* or other relevant documents for the Applicant and each project Partner – photocopies certified “According to the original”, stamped according to the relevant legal provisions in force and signed by the legal representatives, in national language and English translation[[8]](#footnote-9);
3. *Profit and loss accounts*, and the *balance sheets* or other relevant fiscal documents for the last year for which the accounts have been closed for the Applicant and each project Partner – photocopies certified “According to the original”, stamped according to the relevant legal provisions in force and signed by the legal representatives, in national language and English translation[[9]](#footnote-10)
4. *Certificates of fiscal registration* *or equivalent* of the Applicant and each project Partner – photocopies certified “According to the original”, stamped according to the relevant legal provisions in force and signed by the legal representatives, in national language and English translation[[10]](#footnote-11);
5. *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 according to the relevant legal provisions in force and signed by the legal representative, in national language and English translation;
6. *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* in accordance with the legal provisions of the country in which they are established – photocopies certified “According to the original”, stamped according to the relevant legal provisions in force and signed by the legal representative, in the national language and in English translation; When this type of document is not available, a self-declaration in English, signed by the legal representative of the applicant / partner stating that obligations relating to the payment of debts to the local budget are fulfilled should be provided;
7. *State Aid self-assessment* made by the Applicant and each project Partner (template in **Annex D**) – in original, stamped according to the relevant legal provisions in force and signed by the legal representatives, in English
8. *Job descriptions* (template in **Annex E**) for all the functions listed in the Application Form – in English;
9. *Justification of costs* (template in **Annex A.1**) filled in by each project partner – in English
10. *Project financial plan* (template in **Annex A.2**) – one plan per project
11. *Official mandate* for the person signing the above-mentioned documents in case she/he is not the legal representative – in original, stamped according to the relevant legal provisions in force and signed by the legal representatives, in English.

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 according to the relevant legal provisions in force by the legal representatives and will prevail for the purpose of the eligibility check.

The Applicants are requested to attach the supporting documents in the hard-copy package after the printed version of the Application Form and its annexes, in the sequence described above, bound them together in the way that pages cannot not be taken away from a whole set.

**▶▶▶ TAKE NOTE THAT**

Submission of both photocopies of original documents in national languages and their English translations 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.

### 2.6.6 Further information for the Applicants

Questions may be sent in writing by e-mail or by fax **no later than 21 calendar days** before the deadline of closure of the Call for proposals either to the Joint Technical Secretariat, or to the branch offices of Joint technical Secretariat located in Chernivtsi and Odessa.

The following e-mail addresses are available:

**Joint Technical Secretariat Suceava** email[info.ro-ua@brctsuceava.ro](mailto:info.ro-ua@brctsuceava.ro)

**Branch Office of the JTS Odessa** e-mail [info.rum.odessa@gmail.com](mailto:info.rum.odessa@gmail.com)

**Branch Office of the JTS Chernivtsi e**-mail address: [info.rum.chernivtsi@gmail.com](mailto:info.rum.chernivtsi@gmail.com) Această adresă de e-mail este protejată de spamboţi; aveţi nevoie de activarea JavaScript-ului pentru a o vizualiza

Replies will be given **no later than** **11 calendar days** before thedeadline of closure of the Call for proposals. The Managing Authority and the Joint 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: <http://www.ro-ua.ro-ua-md.net/en> .

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, the Joint Technical Secretariat or the branch offices of Joint Technical 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

## 3.1 Evaluation process

The selection of the projects submitted following the Call for proposals will be realised through a process consisting of several steps and involving joint structures, national authorities and independent assessors.

The evaluation of the submitted application is performed in the following steps:

***Step 1. Administrative and eligibility check***

***Step 2. Technical & financial evaluation***

The evaluation process is conducted by a Project Selection Committee, a joint structure having Romanian and Ukrainian members designated by Joint Monitoring Committee, and whose coordinator is nominated by the Joint Managing Authority. The Secretariat of the Project Selection Committee is ensured by the Joint Technical Secretariat.

In its work, the Project Selection Committee is supported by internal assessors (staff of the Joint Technical Secretariat and Branch Offices from Chernivtsi and Odessa) who are going to perform the administrative and eligibility assessment of all submitted applications, and by external assessors (independent experts) who will be in charge with the technical & financial evaluation.

The Project Selection Committee will coordinate the work of internal and external assessors, performing also a quality check of their work.

The Joint Monitoring Committee of the Programme analyses the evaluation reports drawn up by the Project Selection Committee and approves the result of each step of evaluation.

The National Authorities of both countries are also involved in the evaluation process – Step 1 (administrative and eligibility assessment), when they provide an opinion on eligibility of the entities from the country concerned.

**▶▶▶ 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 Applicants and the Project Selection Committee must be transparent and ensure the equal treatment.

Communication **shall only be done in writing** and must not lead to any amendment to the conditions of the Call for proposals or of the Application Form, its annexes and supporting documents.

The evaluation proceedings are confidential. The Project Selection Committee and all the other 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.

The Applicants will be informed about the result of evaluation by official notifications from the Project Selection Committee, following each step of evaluation.

Any attempt by an Applicant or partner to influence the process in any way, whether by making contact with members of the Project Selection Committee, staff of the Managing Authority, the Joint Technical Secretariat and the Branch Offices, or with the National Authorities, members of the Joint 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 proposal(s) from further consideration.

### 3.1.1 Administrative and eligibility check (Step 1)

In this step, the compliance of the following issues will be assessed:

* The project proposal (on-line version uploaded into the EMS-ENI and the hard-copy package) has been submitted in the conditions and within the deadlines set in section 2.6.2 Deadlines for submission of proposals
* The project proposals are compliant with the administrative and eligibility criteria set by the Call for proposals (all documents have been submitted in the conditions set in section 2.6.5 and they prove the eligibility of the Applicant and partners).
* If the case may be, the project infrastructure component is less than 1 million Euro, as reflected in the project Budget.

**Annex J.1** provides a checklist for the Applicants to verify before submission, whether all the administrative and eligibility requirements have been met. An Assessment Manual will be uploaded on the Programme website and will provide an overview of the entire process, including reasons leading to rejection of proposals.

Nevertheless, the Project Selection Committee reserves the right to request clarifications in case it deems necessary.

**▶▶▶ TAKE NOTE THAT**

Clarifications will only be requested to the Applicant when information provided is unclear/ missing. Such a request must be answered within the deadline specified in the written notification sent to the Applicant.

The Applicant bears full responsibility for ensuring the technical conditions necessary for receipt of requests for clarifications. In order to timely receive and answer these requests, contact details given at the time when registration was made in the EMS-ENI must be correct and fully operational at any time.

The proposal will be rejected in case the Applicant fails to provide all the clarifications requested, within the deadline set.

Following the decision issued by the Joint Monitoring Committee on the first step of evaluation, the Project Selection Committee notifies all the Applicants regarding selection or rejection of their proposals. The rejected Applicants will be informed about the reason(s) for rejection.

**▶▶▶ TAKE NOTE THAT**

Only proposals that fulfil the eligibility and administrative criteria will undergo Step 2 (Technical and financial evaluation).

### 3.1.2 Technical and financial evaluation (Step 2)

Each proposal will be assessed by two external assessors and the final decision on the scores awarded will be taken by the Project Selection Committee.

Proposals will be assessed against the criteria detailed in **Annex J.2** Evaluation Grid, namely:

1. **Relevance and contribution to the Programme**, to evaluate the appropriateness of the proposal to the problems and needs of the target groups and final beneficiaries, and its contribution to the Programme results and outputs.
2. **Project design**, to assess the quality of the intervention logic and of the partnership.
3. **Project viability**, to assess if the project has the capacity to be successfully implemented, and to continue after the end of EU financing.

**▶▶▶ TAKE NOTE THAT**

“Relevance and contribution to the Programme” is eliminatory meaning that the proposal must obtain an overall score of at least 29 points out of 50 points available at this section.

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

* **Cross border impact** of the project (minimum score is of at least 6 points)
* **Contribution to Programme Result** (minimum score is of at least 6 points)
* **Contribution to Programme (common) Output**(s) (minimum score is of at least 6 points)

“**Relevance of the project partnership**” is also eliminatory (minimum score is of at least 3 points)

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

Proposals are to be evaluated against the objectives, priorities, results and outputs 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, as detailed in **Annex H.2** to the Guidelines.

Evaluation will be performed according to the Evaluation Grid (see **Annex J.2**) and the provisions of the Assessment Manual.

Nevertheless, the Project Selection Committee reserves the right to request clarifications in case it deems necessary.

**▶▶▶ TAKE NOTE THAT**

Clarifications will only be requested to the Applicant when information provided is unclear/ missing. Such a request must be answered within the deadline specified in the written notification sent to the Applicant.

The Applicant bears full responsibility for ensuring the technical conditions necessary for receipt of requests for clarifications. In order to timely receive and answer these requests, contact details given at the time when registration was made in the EMS-ENI must be correct and fully operational at any time.

The proposal will be rejected in case the Applicant fails to provide all the clarifications and/ or information requested, within the deadline set.

Following Step 2 of evaluation*,* a list of applications ranked according to their score and within the financial envelope will be set.

Moreover, those projects having an overall score of **at least 65 points** will be included on a reserve list. If several proposals will be awarded the same overall score 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:

1. the score awarded at section 1.2 Contribution to the Programme
2. the score awarded at section 1.1 Relevance
3. the score awarded at section 3.1 Technical feasibility

The list of provisionally selected projects shall be done within the financial envelope available per priority. The remaining projects shall be put on the reserve list, which will be valid until the 31st of December, 2021.

Please note that including a project on the reserve list does no guarantee that a contract will be signed in a later stage.

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

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 Joint 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 JMC shall decide whether the respective proposal may be revised by the Applicant during contracting without calling into question the award decision or the ranking of projects.

Following the decision issued by the Joint Monitoring Committee, the Project Selection Committee notifies all the Applicants regarding their selection or rejection, respectively.

All Applicants will be informed about the score awarded, position on the list and, only for rejected Applicants, about the reasons for rejection.

**▶▶▶ TAKE NOTE THAT**

Following the appeal procedure (see section 3.2 below) the ranking may be subject to changes. Consequently, there is a possibility that, at the end of this procedure, one or more Applicants, on the lower positions to be informed that their project proposal went down on the reserve list.

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

Applicants 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 Applicant** can substantiate that the decision of the Project Selection Committee and/or the Joint Monitoring Committee clearly infringes the provisions of the Guidelines for grant applicants for the present Call for proposals.

**Only the Applicant may submit an appeal**. The appeals submitted by a partner or by any other third party - including National Authorities, Joint Monitoring Committee members, etc. - will not be considered. It is the responsibility of the Applicant to collect and bring forward the complaint reasons from any project partner.

**In order to be considered, an appeal must**:

1. Be submitted **in writing,** by letter signed and stamped according to the relevant legal provisions in force **by the legal representative of the Applicant**.
2. Be written in English language;
3. Clearly describe the infringement considered as being made by the Project Selection Committee or by the Joint Monitoring Committee, and make clear references to the corresponding provisions of the Guidelines for applicants for the present Call for proposals and to the information provided by the Project Selection Committee through the notification announcing the result of the concerned evaluation step;
4. Indicate the registration number of the project which is the subject of the appeal;
5. Be dispatched **by mail, courier or fax** within **10 calendar days** (as evidenced by the date of dispatch, the postmark or the date of the deposit slip) from the date when the written notification announcing the result of an evaluation step has been sent by the Project Selection Committee, to the following address:

**REGIONAL OFFICE FOR CROSS BORDER COOPERATION SUCEAVA**

**(Joint Technical Secretariat)**

8A, Bistritei Street, DAE office building, 1st floor

720274 Suceava, Romania

Phone: +40 230 530049

Fax: +40 230 530055

**Att. Of: Coordinator of Project Selection Committee for SOFT projects**

Please note that, for administrative reasons, the **appeals received by the Joint Technical Secretariat** after more than 20 calendar days from the date when the written notification announcing the result of an evaluation step has been sent by the Project Selection Committee may not be considered.

**▶▶▶ TAKE NOTE THAT**

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

Additional information related to the project proposals provided by mean of the appeal will not be taken into consideration and cannot be a reason for increasing the score.

The only legal source of information that may be invoked in the appeal is the notifications sent by the Project Selection Committee. Appeals that indicate other sources of information will not be considered.

Answer to the Applicant 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 Joint 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 Joint Monitoring Committee to meet in this period.

The decision of the Project Selection Committee on the appeals received is final, and no other supplementary complaint submitted will be considered. However, the Applicant may use a legal way to complain.

| **ACTIONS** | **DATE** | **TIME\*** |
| --- | --- | --- |
| **1) Launch of the Call for proposals** | 18 December, 2017 | NA |
| **2) Information and training sessions in the programme area** | According to the schedule published on the Programme web-site |  |
| **3) Deadline for assistance delivery to the potential Applicants** | 7 May April, 2018 |  |
| **4) Deadline for closing the Call for proposals** | 17 May, 2018 | 4.00 PM |
| **5) Deadline for submitting proposals in hard-copy** | 24 May, 2018 | 4.00 PM |
| **6) Notifications to Applicants on the results of administrative and eligibility assessment (step 1)** | to be announced |  |
| **7) JMC decision** | to be announced |  |
| **8) Notification of award/rejection** | to be announced |  |
| **9) 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: [www.ro-ua.ro-ua-md.net](http://www.ro-ua.ro-ua-md.net)/en.

# 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 this guidelines for applicants **is a draft** and is only for information purpose. The content of the grant contract may be subject of modification following revisions approved by the Joint Monitoring Committee and/or due to changes of the legal framework in any of the participant country.

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

1. **Partnership Agreement** (**Annex L**), stamped according to 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 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.
2. **Financial Identification Forms** (**Annex M**) 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
3. **Decision of the empowered bodies** of the Applicant and of all the project Partners, stating 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 – in original or as legalized copies, in national language and in authorized English translation
4. **Legal entity sheets** for the Applicant and all the project Partners, using the template provided in **Annex N**, as originals, signed and stamped according to the relevant legal provisions in force by the legal representatives
5. **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 according to the relevant legal provisions in force and signed by the legal representative, in national language and English translation;
6. **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 in accordance with the legal provisions of the country in which they are established – photocopies certified “According to the original”, stamped according to the relevant legal provisions in force and signed by the legal representative, in the national language and in English translation; When this type of document is not available, a self-declaration in English, signed by the legal representative of the applicant / partner stating that obligations relating to the payment of debts to the local budget are fulfilled should be provided;
7. evidence of ownership by the Applicant and/or Partners and access to the land, as follows:

* legal acts[[11]](#footnote-12) stating the rights 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 until 2032[[12]](#footnote-13) (ownership, long term rent, concession, administration, etc.) – in national language and English translation, as photocopies certified “*According to the original*”, signed and stamped by the legal representatives, **AND**
* documents[[13]](#footnote-14) showing registration in the relevant public registers of the 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, as photocopies certified “*According to the original*”, signed and stamped by the legal representatives, **AND**
* statements[[14]](#footnote-15) that each 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, as photocopies certified “*According to the original*”, signed and stamped by the legal representatives.

In case the respective Partner(s) is not the owner of the land and/or building, the agreement of the land and/or 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 “*According to the original*”, signed and stamped by the legal representative.

**▶▶▶ TAKE NOTE THAT**

An exception is made only for the parts of investments regarding passages that over cross or under cross the road/railroad infrastructure, where only the agreement of the railroad administrator for the execution of the works and access for usage and maintenance of the investment valid at least until 2032, shall be submitted in national language and English translation.

The conditions comprised in the agreement of the road/railroad administrator shall be respected.

1. **Beneficiary’s Statement** in the format to be provided by the JTS, in original, in English, signed and stamped according to the relevant legal provisions in force by the legal representative of the Applicant

**▶▶▶ TAKE NOTE THAT**

The documents requested must show legible stamps, signatures and dates. The English translation should bear *“According to the original*”, be signed by the legal representative, and stamped according to the relevant legal provisions in force. The English translation must be checked for inconsistencies before submission, as the English translation will prevail.

All documents must be valid at the date of submission.

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

**▶▶▶ TAKE NOTE THAT**

During the contracting process it is not allowed that the Applicant or any partner to be excluded from the partnership or replaced with other organisation. Moreover, it is not allowed that a share of the project to be taken over by a partner from another one.

Before signing the contracts, other documents may be requested by the JTS/MA (e.g. proof that there are no debts to the consolidated budgets or to the Programme budget, proof that the VAT is non-recoverable from other sources etc.) and on-the-spot 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 JTS will perform pre-contracting on-site visits at the selected Applicants and, if the case, 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, if the case may be, 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 JTS may recommend corrective measures.

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

During the preparation of the grant contract the JTS will carry out checks to ensure the correctness of the project budget (e.g. arithmetical errors, 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 clarification and may lead the JTS/MA to impose modifications or corrections to address such mistakes, inaccuracies or recommendations of the Project Selection Committee. The amount of the EU funding and the percentage of co-financing as a result of these corrections may not be increased. 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.

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 JMC for approval.

All partners have the obligation to provide all the necessary documents and be available for the on-the-spot 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 JTS during the on-site visits, the Managing Authority may decide at any moment during the contracting process, in consultation with the Joint Monitoring Committee, to reject a project. In this case, the JMC shall select and, consequently, the MA shall initiate the contracting procedures with the next project from the reserve list.

Following the JMC decision to award a grant, a grant contract will be offered (see **Annex K**). 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 Beneficiary and declares accepting the contractual conditions.

If the Applicant is an **international organisation**, the model Contribution Agreement with an international organisation or any other contract template agreed between the international organisation concerned and the Managing Authority will be used instead of the grant contract provided that the international organisation in question offers the guarantees provided for in article 53d (1) of the Financial Regulation.

## 4.2 Project implementation

### 4.2.1. Supplementary documents (only for projects with an infrastructure component)

Where the project includes an infrastructure component, the Lead beneficiary must submit within 6 months from the start date of implementation, but no later than submission of the interim payment request, the following documents:

1. *Full feasibility study (ies)* 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, as original or photocopies certified “*According to the original*”, signed by the legal representatives and stamped according to the relevant legal provisions in force;
2. *Building permits* – by each Partner executing a part of the infrastructure component, in national language and English translation, as photocopies certified “*According to the original*”, signed by the legal representatives and stamped according to the relevant legal provisions in force.

In case the building permit is not required by the national legislation, relevant excerpts from the legal framework will be provided in national language and English translation.

1. *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 by the legal representatives and stamped according to the relevant legal provisions in force;

**▶▶▶ TAKE NOTE THAT**

The copies of the requested supporting documents must show legible stamps according to the relevant legal provisions in force, signatures and dates. Submission of both photocopies of original documents in national languages and their English translations is compulsory. The English translation must be checked for inconsistencies before submission, as the English translation will prevail.

All documents must be valid at the date of submission.

### 4.2.2. Public procurements

Where implementation of the project requires the Beneficiaries to award procurement contracts, the rules foreseen by Articles 52 to 56 of the ENI Implementing Regulation no 897/2014, supplemented by the provisions of the grant contract, shall be applied.

### 4.2.3. Taxes and the VAT

**For Romanian beneficiaries**

Taxes, including VAT, are eligible when the beneficiary entities can show they cannot reclaim them according to their corresponding national legislation.

**For Ukrainian beneficiaries**

According to the Financing Agreement between the Government of Ukraine and the European Commission, Ukraine shall apply to grant contracts financed by the Union the most favoured tax and customs arrangements. Moreover, according to the Framework Agreement between the Government of Ukraine the Commission of the European Communities ratified on 03.09.2008, the contracts financed by the Community shall not be subject to value added tax, registration duties or any charges having equivalent effect in Ukraine, whether such charges exist or are to be instituted. This provision applies to the whole value of the contract, which includes both the Community grant and co-financing provided by the beneficiaries. Moreover, any goods imported for the purpose of implementing projects financed by the Community shall not be subject to customs and import duties, taxes or any other charges having equivalent effect.

In order to benefit of this provision the Ukrainian beneficiaries that will sign a grant contract shall register the project at the Ukrainian Ministry of Economy and Trade.

Once the grant contract is signed, the Joint Technical Secretariat will inform the Ukrainian beneficiaries regarding the steps needed for registration of project at the Ukrainian Ministry of Economy and Trade.

# CHAPTER 5 ANNEXES

## 5.1 Project application package

Annex A Application Form, Budget, Logical Framework

Annex A.1 Justification of costs

Annex A.2 Project financial plan

Annex B Declaration by the Applicant

Annex C Partnership Statement

Annex D State Aid self-assessment grid

Annex E Job description (template)

## 5.2 Annexes to the Guidelines supporting preparation of proposals

Annex G Current per diem rates, available at the following address: <https://ec.europa.eu/europeaid/funding/about-procurement-contracts/procedures-and-practical-guide-prag/diems_en>

Annex H.1 Indicative list of potential Applicants and Partners (per Priority)

Annex H.2 Programme indicators per priority

Annex H.3 Inventory of minimum mandatory communication/ promotion/ information activities

Annex J.1 Check list for administrative and eligibility verification (step 1)

Annex J.2 Evaluation Grid step 2

## 5.3 Documents for information

Annex F Feasibility Study (template showing the main content)

Annex K Grant contract (draft)

Annex L Partnership Agreement (model)

Annex M Financial Identification

Annex N Legal Entity sheet

Annex O Certification letter

# CHAPTER 6 GLOSSARY OF TERMS

| **Term** | **Definition** |
| --- | --- |
| **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”. |
| **Beneficiary** | A legal entity, partner in a project, for which a grant is awarded. |
| **(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. |
| **Core REGIONS** | They are part of the Programme area and comprise, in Romania, counties of Suceava, Botosani, Satu-Mare, Maramures, Tulcea and in Ukraine, oblasts of Zakarpattia, Ivano-Frankivsk, Odessa, and Chernivtsi. |
| **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 staffing and joint financing criteria met. |
| **CROSS CUTTING ISSUES** | A range of important elements identified by the Programme ensuring successful, sustained and inclusive cross border cooperation. They are additional to the Programme priorities and objectives and may be significant to any project activity. |
| **(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 PROJECT)** | The capacity of a project to be implemented, provided it was well prepared in advance, all the 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. |
| **INFRASTRUCTURE COMPONENT** | Permanent works and/or permanent installation of equipment which contribute to at least one Programme (common) output that is specifically addressed by 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. |
| **Logical Framework** | A tool to be used especially with the purpose of project management outlining the key features that lead to a project achieving its objectives. |
| **MAJOR CENTRES** | Are identified by the Programme in Bucharest, Romania, and Kiev, Ukraine. They are considered as part of the “Programme area” only for the large infrastructure projects. |
| **MAIN OUTPUT** | Are obtained after carrying out (a group of) activities, they are mandatory and decisive for achieving one or more project result. |
| **Managing Authority** | Ministry of Regional Development and Public 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** | Includes “core regions” and “major social, economic and cultural centres” (Kiev and Bucharest) |
| **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 step 2 (technical and financial 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 EQUIPEMENT** | Devices, apparatus, components, machinery etc. having a specific function other than the equipment falling under the definition of the “infrastructure component”, but appropriate to the thematic field (priority) addressed by the project. |
| **SPECIFIC OBJECTIVES** | 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. |
| **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). |

1. Mandatory criterion [↑](#footnote-ref-2)
2. Mandatory criterion [↑](#footnote-ref-3)
3. 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. [↑](#footnote-ref-4)
4. 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. [↑](#footnote-ref-5)
5. For the present Call for proposals, the same Applicant may submit no more than 7 projects, one for each Priority. [↑](#footnote-ref-6)
6. Exception to this requirement is made only when the respective Partner is the owner of the respective land/ building/space [↑](#footnote-ref-7)
7. The Applicant does not have to provide a Partnership Statement [↑](#footnote-ref-8)
8. Exception is made for international organizations and ETC groupings. [↑](#footnote-ref-9)
9. Exception is made for international organizations and ETC groupings. [↑](#footnote-ref-10)
10. Exception is made for international organizations and ETC groupings. [↑](#footnote-ref-11)
11. E.g. government decision, law, government ordinance, decision of local authorities, property act, etc. [↑](#footnote-ref-12)
12. Exception is made only when the respective Partner is the owner of the land/ building/space [↑](#footnote-ref-13)
13. Locations where infrastructure under EUR 60,000 EUR is foreseen to be executed are exempted from the obligation to provide documents showing the registration of the location in the relevant public registries. [↑](#footnote-ref-14)
14. The statement should be given by the owner of the land/ building. [↑](#footnote-ref-15)