**Romanian Ministry of Development, Public Works and** **Administration**

**Managing Authority**

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| **INTERREG VI-B NEXT Black Sea Basin Programme**  **GUIDELINES FOR GRANT APPLICANTS Reference: First Call for Proposals** |

**PART II**

**PROJECT MAIN REQUIREMENTS**

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1. **PROJECT CONTRIBUTION TO PROGRAMME’S POLICY OBJECTIVES**

Projects to be funded under this call for proposals have to contribute to one of the programme specific objective (Specific Objective 1, 4 or 7) formulated under the Policy Objectives (Policy Objective 1 or 2), as presented in the Figure 5, below.

In addition to this, all projects have to contribute to the objectives of the Common Maritime Agenda (CMA) for the Black Sea.

The **[Common Maritime Agenda](http://www.bsec-organization.org/areas-of-cooperation/bsec-eu-cooperation/common-maritime-agenda" \l ":~:text=The%20Common%20Maritime%20Agenda%20for,of%20the%20Black%20Sea%20Strategy.) (CMA)** is the most important reference document for the Interreg NEXT BSB Programme, as it provides a relevant framework for the support of the blue economy sector as a whole, and the various economic activities it encompasses, towards a sustainable economic development of the region and its coastal regions. The goals identified by the CMA are particularly developed into the priorities and actions of the Interreg NEXT BSB Programme covering sustainability of the marine ecosystem, marine pollution and plastic litter, sustainable fisheries and aquaculture, marine research infrastructures, use of innovative technologies, etc.

*Figure 5 – Priorities and Specific Objectives*

**Interreg NEXT Black Sea Basin Priorities and Specific objectives**

 

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**POLICY OBJECTIVE 1**

**A more competitive and smarter Europe and its neighbourhood**

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**Specific Objective 1**

Developing and enhancing research and innovation capacities and the uptake of advanced technologies

**Priority 1**

Blue and smart region

**POLICY OBJECTIVE 2**

**A greener, low-carbon transitioning towards a net zero carbon economy and resilient Europe and its Neighbourhood**

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**Specific Objective 4**

Promoting climate change adaptation, and disaster risk prevention, resilience, taking into account eco-system based approaches

**Specific Objective 7**

Enhancing protection and preservation of nature, biodiversity, and green infrastructure, including in urban areas, and reducing all forms of pollution

**Priority 2**

Clean and Green Region

1. **PROJECT INTERVENTION LOGIC**

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

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

* Project overall objective clearly targets one single programme specific objective within the chosen priority;
* Project corresponds to relevant field(s) of action of the selected specific objective;
* Activities and outputs are logically linked to the targeted programme specific objective;
* Project clearly contributes to the programme result indicator(s).

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

The project intervention logic should be built according to the process displayed in the figure below which also includes related basic questions to be addressed during this process.

Figure … – How to develop the project intervention logic

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| **TAKE NOTE**  Contribution to programme priorities and specific objectives and the relevance for the need of the involved areas/regions are crucial for project selection. |

Detailed logical framework for Priority 1 and Priority 2 can be found on the programme website.

The meaning ofthe main terms used for the intervention logic should be understood as follows:

**Project overall objective –** describes what the project contributes to achieve for the benefit of the involved regions and derives from the planned project results.

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

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

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

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

The **work plan** contains only one work package, which is broken down into more activities.

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| **TAKE NOTE**  When defining the outputs, we strongly recommend you carefully read the Programme [Performance Framework Methodology](https://blacksea-cbc.net/images/documents/news/2022/03.Interreg-Next-BSB-_PF-Methodology.docx). The explanations provided in the document will help project partners better understand the definition of programme indicators and how to quantify the outputs in order to ensure that the correct figures are collected and reported.  Make sure you define **SMART** Project objectives!  S – SPECIFIC – what? In whose advantage?  M – MEASURABLE – can be measured?  A – ACHIEVABLE – can it be reached?  R – REALISTIC – can it be achieved with the given resources?  T – TIME-BOUNDED – can it be achieved within the envisaged project duration? |

1. **TRANSNATIONAL RELEVANCE**

Transnational relevance is a key quality requirement which has to be clearly **explained and demonstrated** throughout the entire application (including in the project approach and work plan).

Each project should foresee activities which address the main challenges that are shared across the regions participating in the project, have a clear transnational impact and contribute to one of the programme specific objectives. This means:

* The problems identified can be solved more efficiently jointly, instead of individual regions or countries acting alone;
* Solutions are jointly developed by organisations in different participating countries working together in a project, thereby showing a clear transnational added value going beyond the results independently achievable in the involved regions/areas;
* Project outputs reflect the transnational, joint approach;
* All partners actively participate in the project in order to achieve the project results.

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| **TAKE NOTE**  Projects **are not considered transnational** if they produce and/or just consist of a series of local actions or solutions linked only through a vague thematic relationship and/or an ex-post exchange of experience or information among partners without any joint implementation. |

1. **HORIZONTAL PRINCIPLES**

**Environmental protection and sustainable development**

All projects supported by the programme have to respect the relevant EU policies and rules regarding environment protection and sustainable development and be in line with the objective of promoting sustainable development, taking into account the [UN Sustainable Development Goals](https://sdgs.un.org/goals#goals) , the [Paris Agreement](https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement) and the "[do no significant harm](https://ec.europa.eu/info/sites/default/files/c2021_1054_en.pdf)" (DNSH) principle.

Project applicants have to describe the **contribution to sustainable development**, explaining how the [sustainable development principles](https://www.sdg.services/principles.html) are anchored within the project design and planned activities.

Projects submitted under any specific objective are strongly encouraged to incorporate activities for tackling environmental concerns and **reducing their environmental and carbon footprint**, for example by:

* Including environmental criteria in procurement procedures;
* Giving preference to environmentally-friendly mobility options (in particular for short travel distances);
* Organising conferences and events in a sustainable way (e.g. by combining different meetings in one place, reducing printing and using recyclable materials, using video conference facilities, etc.);
* Considering resource efficiency and the use of renewable energy at all levels;
* Making use of regional supply chains (reducing supply chain length and CO2 emissions).

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| **TAKE NOTE**  In case a partner suspects that a project activity is likely to harm the environment, it should consult the environmental local/regional authority and if necessary, shall undertake, at its own cost an Environmental Impact Assessment if indicated by the local/regional authority, according to the national legislation. |

**Equal opportunities and non-discrimination**

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

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

**Equality between men and women**

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

**All projects have to integrate and consider these principles during the preparation, implementation and reporting.**

1. **APPLICANTS**

## 

## **5.1 Legal status**

In order to be eligible for a grant, Lead Partners and Project Partners must be:

a. **public authorities**

E.g.: regional/county council, local council, municipality, ministries, etc;

b. **bodies governed by public law** – namely bodies that have all of the following characteristics:

* they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
* they have legal personality; and
* they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;

E.g.: state/regional owned institutes, universities and educational institutions, regional development agencies, nature parks and protected areas management bodies, research institutes, etc;

c. **non-profit organizations**:

E.g.: associations, unions, foundations, private universities if their legal status is of a non-profit organization, Local Action Groups, Euro regions, European Grouping of Territorial Cooperation[[1]](#footnote-2).

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| **TAKE NOTE**  Do not confuse bodies governed by public law with public authorities. |

## **5.2 Geographical location**

In order to be eligible for a grant, Lead Partners and Project Partners must be legal persons effectively established (registered with own Registration Code and located) in the eligible area of the programme as described in Part I.3 – Eligible Area.

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| **TAKE NOTE**  If an organisation has subsidiary office that is effectively established (registered and located as separate legal entity) in the eligible area, then the subsidiary office is eligible, even though the central office is outside the eligible area. |

As an exception, a public authority from a participating country with main office/headquarter located outside eligible area may be eligible if its participation is essential in terms of exclusive institutional competences and relevance for the project implementation.

Organisations from Ukraine effectively established (registered and located in the eligible area), with offices operating, at the date of project submission, in other areas in Ukraine outside the programme eligible area, are eligible.

In case the partner falls under any exception mentioned above, explanation to demonstrate the exceptional character has to be provided.

Eligibility criteria described under section 5.1 and 5.2 are cumulative and shall be assessed accordingly.

## **5.3 Professional and financial capacity**

**For Regular projects**

In order to ensure the achievement of the forecasted project results, it is expected that:

- **lead partner** has relevant experience for managing a cooperation project, the necessary competences and financial capacity to manage the implementation of the planned activities and to secure the cash-flow needed for the project implementation;

- **project partners** have competence in the thematic field concerned and financial capacity necessary for the project implementation.

**For Small-scale projects**

In order to ensure the achievement of the forecasted project results, it is expected that the **lead partner** has relevant experience for managing a cooperation project, the necessary competences and financial capacity to manage the implementation of the planned activities and to secure the cash-flow needed for the project implementation.

## **5.4 Exclusion Criteria**

Project Partners may not participate in Calls for Proposals or be awarded grants if they are in any of the situations as described in articles 136-141 of the [EU Regulation no.1046/2018](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1046&from=EN).

Also, project partners may not be awarded grants if they have any unpaid debt to the Managing Authority for any project financed under ENI-CBC Black Sea Basin Programme 2014-2020.

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| **TAKE NOTE**  When building the Partnership, we recommend lead partners to check with the project partners that they do not have any unpaid debt to the Managing Authority for any project financed under ENI-CBC Black Sea Basin Programme 2014-2020. When needed, MA may be consulted on this aspect. |

## **5.5 Ineligible applicants**

The ineligible applicants for this call for proposals are:

* Political parties,
* Profit making entities from the public or private sector,
* Natural persons,
* Organisations representing and owned by religious cults,
* Organisations which are not effectively established in the eligible area,
* International organisations.

Non – eligibility of one partner implies the non – eligibility of the entire application irrespective of the fact that the minimum partner requirements set out in the Guidelines for Applicants are still met.

1. **PARTNERSHIP REQUIREMENTS**

## 

## **6.1 Partnership relevance**

In order to successfully implement a transnational cooperation project, to achieve tangible project results it is essential to involve partners who are relevant and have competencies for the development and implementation of the project activities, as well as for ensuring achievement and sustainability of the planned output and results.

In this respect, all partners should:

* have good knowledge of the challenges in the targeted area and of the needs of the target groups;
* have the adequate expertise and thematic competence to implement the project;
* be involved in a way that demonstrates the joint implementation of the project.

## **6.2 Partnership size**

The project partnership shall contain **a minimum of 3 (small scale projects)/4 (regular projects) organisations** from at least 3 different participating countries including at least one from a EU Member State and one from a partner country. **A maximum of 4 (small scale projects)/6 (regular projects) organisations in the partnership is allowed.**

**A partnership shall include maximum 2 organisations from the same participating country.**

## **6.3 Lead partner principle and requirements**

The partnership is governed by the lead partner principle[[2]](#footnote-3). This means that among the partners implementing the project, one institution is appointed as lead partner acting as project interface and having full legal responsibility in relation with the programme (MA/JS) for the implementation of the entire project.

Once the project is approved for funding the Lead Partner is the contractual counterpart of the programme, signing the grant contract with the MA and a partnership agreement with all project partners.

The rights and obligations of the Lead Partner and of the partners during and after the project implementation are provided in the indicative templates of grant contract and of Partnership Agreement presented in Annex …. of these Guidelines, alsoavailable at the programme website https://blacksea-cbc.net/

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| **TAKE NOTE**   * A Lead Partner may submit more than one application under this Call for Proposals; * A Lead Partner or a Project Partner may at the same time be partner in other application(s); however it is recommended to thoroughly consider the number of applications which you decide to involve in, taking into account the required human and financial resources which have to be available for project implementation; * A Lead Partner may be awarded only one grant per Priority[[3]](#footnote-4) - please see Part IV Selection, Assessment and Contracting. |

The main tasks and responsibilities of the lead partner and the project partners during project development and after submission (as Beneficiary), in case the project is selected for funding, are presented in the table below[[4]](#footnote-5).

|  |  |  |
| --- | --- | --- |
| **Project stage** | **Lead partner, in addition to its tasks and responsibilities as a project partner** | **Project partner** |
| **Project development** | | |
| **Development of a project idea** | All partners contribute with the necessary information, ensure the needed inputs and reach a joint understanding. One of the partners takes the lead and facilitates the entire process. | |
| **Project development** | All partners are actively involved in the project development process and contribute with knowledge and information concerning their country, region or domain. Partners agree who shall be the leader, the latter being responsible to lead the development process, it organises meetings (face to face or online), collects all inputs and ensures the circulation of all documents. | |
| **Filling in the application form and the required annexes** | Leads the process, ensures that all necessary inputs are collected and that the application is duly filled in, and all necessary annexes are completed according to the programme requirements | Actively contributes with information, agrees their role and contribution to the project (human and financial resources), and prepares all necessary annexes |
| **Submission of the application** | Ensures that the application is submitted on time to the Managing Authority (MA) | |
| **If the project is selected for funding** | | |
| **Fulfilment of conditions** | Communicates with the MA/JTS and the partners, regarding clarifications and/or the fulfilment of conditions as necessary during the contracting stage. | Contributes with the information or documents necessary for clarifications or/and the fulfilment of conditions. |
| **Signature of the partnership agreement** | Prepares draft partnership agreement, discusses all clauses of the agreement with all project partners and ensures joint understanding and agreement. Organises the process for signing the agreement. | Discuss, agrees the content of the partnership agreement and signs the agreement with the lead partner. |
| **Signature of the grant contract** | Provides all necessary information to the MA/JTS, and signs the grant contract on behalf of the partnership. | Gets familiar with the content of the grant contract. |
| **Project implementation** | Assumes responsibility for the project implementation. Ensures overall project coordination, monitors implementation of project activities and the project financial plan, ensures the project is implemented in accordance with the provisions of the grant contract, and collects from partners the information needed for reporting. | Ensures the quality and the timely implementation of the project activities they are responsible for, provides all necessary human and financial resources, and provides the lead partner with all information needed for reporting. |
| **Reporting** | Collects all the necessary information, puts together the report, and submits it to the MA/JS | Contributes with the information needed for reporting |
| **Requesting and receiving payments** | Provides the MA/JS with the necessary expenditure verification reports, requests and receives payments from the Managing Authority, distributes payments to the other partners. | Ensures that its expenditure is verified according to the programme rules, and receives payments from the lead partner. |

**7. ACTIVITIES**

## 

## **7.1 Type of activities**

The indicative activities financed under the programme can be found in the Programme document available on the website [www.blacksea-cbc.net](http://www.blacksea-cbc.net) .

Projects under Specific Objective 4 proposing activities aiming at removal of invasive and alien species (NIS and IAS) should consider in their approach that the removal of such species should be done in a way that the overall biodiversity and quality of the marine ecosystems are not harmed. In this respect, applicants should describe in the application (Section Horizontal principles - Sustainable development and environment protection) and refer to the DNSH principle when presenting the expected impacts of the project, to show that their project will not carry out activities that will harm the environment.

Projects including an infrastructure component are encouraged to integrate the core values of the New European Bauhaus initiative: sustainability, aesthetic, inclusivity, as provided in [the EC Communication no. 573(2021)](https://new-european-bauhaus.europa.eu/system/files/2021-09/COM(2021)_573_EN_ACT.pdf).

## **7.2 Location of activities/Geographical area of implementation**

As a basic principle, project activities shall be implemented in the Programme eligible area as indicated in Part I, Section 3 Eligible area.

In exceptional and duly justified cases, some project activities (e.g capacity building, exchange of experience, promotion of project results at international level) can be accepted to be implemented outside the programme area, **only on the condition they respect the following requirements:**

* They are for the benefit of the regions of the programme area, and
* They are essential for the implementation of the project, and
* They are explicitly foreseen in the application form.

## **7.3 Synergies and complementarities with other actions**

All Applicants should describe how their cooperation project **contributes to the objectives of the** [**Common Maritime Agenda**](http://www.bsec-organization.org/areas-of-cooperation/bsec-eu-cooperation/common-maritime-agenda#:~:text=The%20Common%20Maritime%20Agenda%20for,of%20the%20Black%20Sea%20Strategy.) **and/or to one of the following EU strategies and policies:**

* [EU Strategy for the Danube Region (EUSDR),](https://eur-lex.europa.eu/EN/legal-content/summary/european-union-strategy-for-the-danube-region.html) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - COM(2010) 715 final;
* [EU Strategy for the Adriatic and Ionian Region (EUSAIR)](https://ec.europa.eu/regional_policy/en/policy/cooperation/macro-regional-strategies/adriatic-ionian/) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2014) 357 final;
* Strategic Research and Innovation Agenda for the Black Sea (SRIA).

Additional complementarities and synergies shall be looked for with the following organisations or programmes:

- [Black Sea Economic Cooperation (BSEC)](http://www.bsec-organization.org/),

- [Conference of Peripheral Maritime Regions (CPMR) & Balkan and the Black Sea Commission (BBSC)](https://cpmr.org/),

- [Assembly of European Regions (AER)](https://aer.eu/),

- [Commission for the Protection of the Black Sea against Pollution (Black Sea Commission or BSC)](http://www.blacksea-commission.org/),

- [Three Seas Initiative](https://3seas.eu/?lang=en)**[[5]](#footnote-6)**,

- other Interreg Programmes with which the Interreg NEXT Black Sea Basin Programme shares common territories, such as: [Interreg NEXT Romania-Moldova](https://www.ro-md.net/en/2021-2027-en), [Interreg NEXT Romania-Ukraine](https://ro-ua.net/en/2021-2027-en.html), [Interreg Romania-Bulgaria](https://interregviarobg.eu/en), [Interreg Greece-Bulgaria](http://www.greece-bulgaria.eu/com/85_Programming-Period-2021-2027), [Interreg IPA Bulgaria-Turkey](http://www.ipacbc-bgtr.eu/2020) and [Interreg Danube](https://www.interreg-danube.eu/).

## **7.4 Capitalisation of previous programmes’ results**

Projects may include activities to capitalise on the achieved results of previous projects aiming at their roll out into broader policies, strategies, action plans, etc. Capitalisation activities should also focus on the widening up of the audience/target groups of existing project results beyond the partnership and/or the raising of ownership and awareness of relevant stakeholders.

To support this Programme beneficiaries and in order to strengthen the capitalization of ENI CBC Black Sea Basin 2014-2020 projects results, the Programme created a database, available on the [Programme website](https://blacksea-cbc.net/communication/e-library).

The database is available for potential beneficiaries who can find relevant outputs and results of the ENI CBC Black Sea Basin Programme 2014-2020 projects which can be further developed, replicated and/or built upon, as feasible (e.g in the field of climate change and environmental protection, etc). Special attention should be dedicated to the strategies and studies already developed in the framework of the previous Programmes.

Moreover the database will be continuously enriched with information on the results achieved by projects supported under the Interreg Next BSB Programme.

## **7.5 Communication requirements**

Communication plays a strategic role in successful projects and helps projects to achieve the change/improvement they aim for with their project activities.

Communication activities may contribute to the capitalisation of achieved project outputs and results and aim at their roll out into broader policies, strategies and action plans.

When designing the communication plan, project partners should take into account that in the application form there is no separate communication package and therefore communication activities should be fully integrated in different parts.

Information regarding communication should be included under the following Sections: Project summary, Target groups, Work plan, Project Management & Communication. For more detailed information, see Part IV, Chapter…..

Moreover, it is recommended that, whenever possible, Artificial Intelligence - based language technologies (e.g. automated translation, text analysis, speech technologies, social media translator) should be encouraged.

## **7.6 Ineligible activities**

* Activities that create an economic advantage for the Applicant(s) or target groups (indirect aid), which act as (an) undertaking(s) in the sense of state aid rules, leading to a distortion of the competition and having an effect on trade between Member States or between Member States and partner countries participating in the programme**;**
* Activities concerned only or mainly with individual sponsorships for participation in workshops, seminars, conferences, congresses or individual scholarships for studies or training courses, gifts or money awards;
* Activities related to the tobacco industry, production of alcoholic distilled beverages (excluding local and traditional products), fire arms and munitions;
* Activities with provisions for financing the usual management activities of the local organizations;
* Activities linked to political parties;
* Charitable activities and donations;
* Activities for which the Applicants are already receiving funding e.g. from the state budget, other Community programmes or other funds, in order to avoid double funding;
* Sub-granting activities (i.e. the use of the grant to make further grants or loans to other organisations or individuals, for example, those who are establishing their businesses, etc);
* Activities supporting establishment or activities of private or public enterprises or of religious cults;
* Small scale infrastructure/investments outside the programme area.

1. **PROJECT SIZE AND FUNDING**

## 

Any grant awarded under the Interreg NEXT BSB Programme for the implementation of a regular project must fall between minimum EUR 500.001 - maximum EUR 1.500.000 (Interreg funds) / small scale project must fall between the minimum EUR 250.000 – maximum EUR 500.000 (Interreg funds).

Project Partners should always ensure that the financial size of the project reflects the activities foreseen in the work plan and that the budget is based on the principles of sound financial management (i.e. economy, efficiency and effectiveness) which is essential to ensure the successful implementation of a project.

The value of the grant for the projects contracted under this call for proposals may be increased subject to the availability of funds at Programme level, by decision of the Monitoring Committee, based on the proposal made by the Managing Authority, after analysing the Lead Partners’ justifications.

The increase of the value of the grant shall be done in consideration of achieving the objective(s) of the project and its indicators.

1. **PROJECT DURATION**

## 

The duration of projects should be up to 18 months (for small scale projects)/ up to 30 months (for regular projects).

The project implementation period for the projects contracted under this call for proposals may be increased by decision of the Monitoring Committee, based on the proposal made by the Managing Authority, after analysing the Lead Partners’ justifications.

The increase of the project implementation period shall be done in consideration of achieving the objective(s) of the project and its indicators.

1. **FINANCIAL REQUIREMENTS**

## 

## **10.1 Expenditure eligibility requirements**

As a general principle, expenditure is eligible for funding when fulfilling the applicable national legislation, as well as respecting the specific rules described in the [Common Provisions Regulation (EU Regulation 2021/1060)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1060&from=EN) and the [Interreg Regulation (EU Regulation 2021/1059)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1059&from=EN).

The expenditure should mainly:

* Be related to the costs estimated and indicated in the project budget, necessary for implementing a project, in accordance with the signed grant contract;
* Be related to costs that were not already financed from other EU Funds or other contributions from third parties (no double funding);
* Be essential for the achievement of the project objectives/outputs and it would not be incurred if the project is not carried out;
* Be related to activities implemented in accordance with the programme rules as concerns the eligible geographical location where programme activities are being implemented;
* Be incurred during the implementation period of the Project and paid before the submission of the final report;
* Be identifiable, verifiable and registered in the partner’s accounts through a separate accounting system or appropriate accounting codes for all transactions relating to the project;
* Comply with the requirements of the applicable national legislation;
* Be supported by invoices, proof of payment and/or accounting documents of equivalent probative value;
* Observe the relevant public procurement rules, as applicable;
* Be validated by an authorised controller.

Note that the eligible costs are based on either real costs or flat rates, which are automatically calculated in the Joint electronic monitoring system (Jems), per each project partner. The eligibility of expenditure applies to both public and own contribution, so it is not possible to consider an ineligible expenditure as own contribution.

The Programme uses flat rates for the following cost categories of projects:

* Staff costs - 20 % of the direct costs other than the direct “staff costs” of that project;
* Office & administration costs - 7% of the eligible direct costs;
* Travel & Accommodation costs – 15% of eligible staff costs

Direct costs are those costs that are directly related to the implementation of the project where there is a direct link with the project. Given that office and administration costs are included in the category of indirect costs, and travel and accommodation costs are calculated as a flat rate of staff costs and are not calculated on a real cost basis, these types of expenditures are not included in the calculation of the 20% flat rate for staff costs.

No justifying /supporting documents proving the expenditures incurred under cost categories *Staff costs, Office and administration costs* and *Travel & Accommodation* have to be provided.

However, project partners will have to keep record of the supporting documents related to the expenditure under **all other budget lines** and be able to demonstrate at any time that the Programme rules and the relevant legislation have been observed.

## **10.2 Project Budget**

A project budget is composed of main **budget lines**: staff, travel and accommodation, external expertise and services, equipment, infrastructure and works – representing direct costs, and office and administration – representing indirect costs, and one or several **sub-budget lines**.

The budget of each partner must be drafted fully accomplishing the principles of adequacy of costs and sound financial management: economy, efficiency and effectiveness.

The definitions of the three principles are:

The **principle of economy** requires that the resources used by the institution for the pursuit of its activities shall be made available in due time, in appropriate quantity and quality and at the best price.

The **principle of efficiency** is concerned with the best relationship between resources employed and results achieved.

The **principle of effectiveness** is concerned with attaining the specific objectives set and achieving the intended results.

Project partners will closely observe the requirements described below since the project design in order to ensure that the costs are budgeted under the correct cost categories, in accordance with the Programme rules, presented below:

### **Budget Line 1 – Staff costs**

Staff costs expenditure consists of the gross employment costs of staff employed by the project partners for implementing the project.

Expenditure included under this line is limited to the following:

(a) salary payments related to the activities which the project partner would not carry out if the operation concerned was not undertaken, provided for in an employment document, either in the form of an employment or work contract or an appointment decision, or by law, and relating to responsibilities specified in the job description of the staff member concerned;

(b) any other costs directly linked to salary payments incurred and paid by the employer, such as employment taxes and social security including pensions as covered by Regulation (EC) No 883/2004 of the European Parliament and of the Council(20), on condition that they are:

- provided for in an employment document or by law;

- in accordance with the legislation referred to in the employment document and with standard practices in the country or the organisation where the individual staff member is actually working, or both; and

- not recoverable by the employer.

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

Staff costs **shall be reimbursed as a flat rate** of 20 % of the direct costs other than the direct staff costs, at partner level.

All costs incurred by the partners and validated by the controller under the following cost categories are to be regarded as direct costs other than staff costs, for the purpose of calculating the 20% staff costs flat rate:

 External expertise and services;

 Equipment;

 Infrastructure and works.

The budget line 1 “Staff costs” will be automatically calculated in Jems, as soon as the amounts for the budget lines 4 “External expertise and services”, 5 “Equipment” and 6 “Infrastructure and works” are filled in.

Documented direct costs that form the basis for the staff costs calculation must be incurred and paid by the partner institution as real costs and must not include any indirect costs that cannot be directly and fully allocated to the project.

**The programme reimburses staff costs only according to a flat rate of 20** **% of the direct costs, at partner level, no further staff costs incurred on real costs basis can be claimed and reimbursed under this or other budget line.**

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| **TAKE NOTE**  Where the project partners do not have the adequate professionals to perform some of the tasks related to the Project, external experts may be contracted for these tasks. These costs shall be budgeted under the budget line “External expertise and services”. In this case partners shall observe the applicable public procurement rules (see Part…..).  For understanding on how final amounts are calculated following management verifications, please see the example provided under *Budget Line 3 – Travel & Accommodation.* |

### **Budget Line 2 – Office and administration**

Office and administration costs include operating and administrative expenses of the project partners that are necessary for the implementation of the project and shall be reimbursed as a flat rate of 7% of the eligible direct costs.

The budget line 2 “Office and administration” will be automatically calculated in Jems, by applying the rate of 7% to the sum of direct costs (budget lines 1 “Staff costs”, 3 “Travel and accommodation”, 4 “External expertise and services”, 5 “Equipment” and 6 “Infrastructure and works”) per each project partner.

The following **exhaustive list** includes the cost items which could be included under this cost category:

1. Office rent;
2. Insurance and taxes related to the buildings where the staff is located and to the equipment of the office (e.g. fire, theft insurance);
3. Utilities (e.g. electricity, heating, water);
4. Office supplies and other consumables;
5. Accounting;
6. Archives;
7. Maintenance, cleaning and repairs;
8. Security;
9. IT systems (operating/administrative IT services of general nature, linked to the implementation of the project);
10. Communication (e.g. telephone, fax, internet, postal services, business cards);
11. Bank charges for opening and administering the project account or accounts;
12. Charges for transnational financial transactions.

Office and administrative costs shall be reimbursed only as a flat rate of 7 % of the eligible direct costs, at partner level. Costs incurred under the office and administrative cost category cannot be claimed and reimbursed under any other cost category.

### **Budget Line 3 - Travel and accommodation**

Expenditure under this cost category refers to travel and accommodation for project staff, personnel or management staff of the partner(s) who execute tasks directly related to the project and must be justified by activities carried out within the project.

Travel and accommodation costs of external experts and service providers are reimbursed under the external expertise and services cost category.

Travel and accommodation costs shall be limited to the following elements:

a) Travel costs (such as tickets, travel and car insurance, fuel, car mileage, toll, and parking fees);

b) Costs of meals;

c) Accommodation costs;

d) Visa costs;

e) Daily allowances.

The budget line 3 “Travel and accommodation” will be automatically calculated in Jems, by applying the rate of 15% to the sum of staff costs per each project partner.

Travel and accommodation costs shall be reimbursed only as a flat rate of 15 % of the eligible direct staff costs, at partner level. Costs incurred under the travel and accommodation cannot be claimed and reimbursed under any other cost category.

**Example of the amount of travel and accommodation:**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  |  | | --- | --- | --- | | No | Direct costs | Budget calculation | | 1 | External expertise and services | 150.000,00 | | 2 | Equipment | 370.000,00 | | 3 | Infrastructure and works | 580.000,00 | | Total direct costs other than staff costs | | 1.100.000,00 | | 4 | **Staff costs (20% of direct costs)** | **220.000,00** | | 5 | **Travel & Accommodation (15% of staff costs)** | **33.000,00** | | Total direct costs | | **1.353.000,00** | | 6 | **Office & Administration (calculated as 7% of the eligible direct costs)** | **94.710,00** | | TOTAL | | **1.447.710,00** | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **TAKE NOTE**  The amounts of staff costs, office and administration and travel & accommodation are directly linked with the expenditures certified as eligible during the management verifications and are calculated automatically by Jems in each financial report.  For exemplification, please see below:   |  |  |  |  |  | | --- | --- | --- | --- | --- | | No | Direct costs | According to the approved budget | Costs confirmed by the controller as eligible | Costs reimbursed | |  |  |  |  |  | | 1 | External expertise and services | 150.000,00 | 145.000,00 | 145.000,00 | | 3 | Equipment | 370.000,00 | 368.000,00 | 368.000,00 | | 4 | Infrastructure and works | 580.000,00 | 575.000,00 | 575.000,00 | | Total direct costs other than staff costs | | 1.100.000,00 | 1.088.000,00 | 1.088.000,00 | | 5 | **Staff costs** | **220.000,00**  **(20%)** |  | **217.600,00 (20%)** | | 6 | **Travel & Accommodation** | **33.000,00 (15%)** |  | **32.640,00 (15%)** | | Total direct costs | | 1.353.000,00 |  | 1.338.240,00 | | 6 | **Office & Administration (calculated as 7% of the eligible direct costs)** | **94.710,00**  **(7 %)** |  | **93.676,80,00 (7%)** | |

### **Budget Line 4 - External expertise and services**

Costs under this cost category refer to external expertise and services provided by a public or private body or a natural person, outside of the partner organisation. The external experts and service providers are contracted by the partner(s) to carry out certain tasks or activities which are strictly linked to the project and are essential for its effective implementation. External expertise and services costs are paid on the basis of contracts or written agreements and against invoices or equivalent document(s).

The following **exhaustive list** includes the cost items which could be included under this budget line:

1. studies, or surveys (e.g. evaluations, strategies, concept notes, design plans, handbooks, etc);
2. training;
3. translations;
4. development, modifications and updates to IT systems and website related to project;
5. promotion, communication, publicity, promotional items and activities or information linked to the project;
6. financial management;
7. services related to the organisation and implementation of events or meetings (including rent, catering or interpretation);
8. participation in events (such as registration fees);
9. legal consultancy and notarial services, technical and financial expertise, other consultancy and accountancy services dedicated to the project;
10. intellectual property rights;
11. the provision of guarantees by a bank or other financial institution where required by Union or national law;
12. travel and accommodation for external experts, speakers, chairpersons of meetings and service providers
13. other specific expertise and services needed for projects;
14. Costs for expenditure verification;

To be revised following consultation of national authorities

**For the Romanian Lead Partners/partners** the costs for expenditure verification are not eligible from the budget of the Project, since the expenditure shall be examined free of cost by public officers of the Control Contact Point, established within the Ministry of Development, Public Works and Administration, Romania;

**For the Bulgarian Lead Partners/partners** the costs for expenditure verification are eligible and shall be covered under this budget line. The expenditure verification costs are paid according to a contract between the project partner and controller which determines the exact remuneration payable by the partner to the controller for the control exercised for each specific project (BGN ………= EUR ), including travel and accommodation costs and social insurance paid by the respective Bulgarian project partner. The procedure for nomination and designation of controllers for performance of expenditure verification of the Bulgarian partners in projects is executed by Ministry of Regional Development and Public Works after each Bulgarian partner submits to the DG TCM a “Request for Nomination of Controller” in the end (or 15 days after the end) of every reporting period.

**For the Greek Lead Partners/partners** the expenditure verification is free of charge and the costs for expenditure verification are not eligible from the budget of the Project since the control will be performed by public officers of the Greek Certifying Authority.

**For the Turkish Lead Partners/partners** the costs for expenditure verification are eligible and shall be covered under this budget line. The expenditure verification costs are paid according to a contract between the project partner and a controller selected from a list of controllers. The cost will be of …… euro per report, totalling ……. euro per project.

**For project partners from all other countries (Armenia, Georgia, Republic of Moldova and Ukraine)** it is compulsory to include in the budget certain amounts to be used for covering expenditure verification costs by external auditors (controllers) selected from a List of auditors.

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| **TAKE NOTE**  Depending on the project implementation period, project partners will have to submit several financial reports (covering every 3 months of implementation) for expenditure verification by the controllers. Therefore, please consider this aspect when drafting the budget. |

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

**External expertise and service costs are reimbursed by the programme on a real costs basis.**

### **Budget Line 5 – Equipment**

Costs under this cost category refer to expenditure by a project partner for equipment purchased, rented or leased specifically for the purpose of the project, which should be listed in the approved project budget.

The following **exhaustive list** includes the cost items which could be included under this budget line:

1. Office equipment;
2. IT hardware and software;
3. Furniture and fittings;
4. Laboratory equipment;
5. Machines and instruments;
6. Tools or devices;
7. Vehicles;
8. Other specific equipment needed for the project.

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

During project implementation, purchase of any new type of equipment not explicitly mentioned in the application will be subject to prior approval.

Equipment used for project management should be purchased at the early stages of project implementation.

**Equipment costs are reimbursed by the programme on a real costs basis.**

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| **TAKE NOTE**  For rental or lease of equipment, the cost(s) shall be eligible only based on a well-grounded justification provided in the Application. For example, in case (environmental) data collection visits are envisaged to take place in heavy accessible areas, the location of those areas may be a well-grounded reason for renting or leasing the transport vehicle instead of purchasing a new one). |

### **Budget Line 6 – Infrastructure and works**

Expenditure for Infrastructure and works refers to costs incurred by the project partners for the execution of the investment(s) which is (are) necessary for the implementation of the project and achieving its objectives.

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

1. Building permits;
2. building material;
3. labour;
4. specialised interventions.

**The list is exhaustive and the above cost items cannot be claimed and reimbursed under any other cost category.**

In case the project includes an infrastructure component, the project shall not be subject to a substantial change affecting its nature, objectives or implementation conditions which would result in undermining its original objectives within five years of the final payment to the beneficiary.

The required investment related supporting documents are mentioned in point 4, section 11 – Mandatory documents to be provided with the project proposal of this part of the Guidelines.

In addition to this, the successful applicants will be required to provide several documents in relation to investments, during contracting stage (e.g. property act, renting contract, etc) as well as during project implementation (e.g. permits/ authorizations/ agreements**).** For details on indicative list of required documents, please see Part IV - *Assessment, Selection, Contracting* of these Guidelines.

**The successful applicants are strongly reccommended to start the procedures for obtaining the building permit and any other execution details, technical documentation, approved architectural and engineering drawings, consents, approvals, authorizations and agreements, following the issue of the building permit, etc.** **as requested by the national laws of the respective country and needed for project implementation, upon receiving the notification regarding Monitoring Committee Decision on project selection.**

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| **TAKE NOTE**  All the documents related to investments required during project implementation have to be available and uploaded in Jems as supporting documents, at the date of submission of the financial report, with investment related expenditure(s), for verification to the controller. |

**Costs for infrastructure and works are reimbursed by the programme on a real costs basis.**

## **10.3 Co-financing**

The rate of national co-financing shall be at least 10% of the total eligible costs of the Project.

The national co-financing may take the following forms:

* Beneficiary’s own resources;
* Financial contributions by national governments, third parties, from sources other than the European Union.

Each participating country shall decide on its own co-financing system (from national/ regional/local level or directly from the Beneficiary, or both from the national/regional/local level and from the Beneficiary itself). No resources from other EU Assistance may be taken into account as co-financing.

The final amount representing co-financing will be established at the final report.

## **10.4 Value Added Tax (VAT)**

In accordance with Article 64 (1)(c)(i) of the Common Provisions Regulation (CPR) and of Article 37 of the Financing Agreement signed between the European Commission and programme partner countries, VAT is considered eligible in projects funded under Interreg NEXT BSB Programme..

Nevertheless, project partners which according to their national legislation are entitled to recover VAT from other sources, **shall not include** in the project budget and reimbursement and/or payment requests the amounts representing the VAT corresponding to the reported/requested eligible expenditure.

## **10.5 Revenue**

In case the project generates revenue, this may be used for covering project expenditure. If at the final balance there is a surplus of the revenue, this shall be reduced from the total eligible costs of the project.

**During contracting stage the successful applicants will be requested to provide a cost benefit analysis to demonstrate that during project sustainability period, the revenues do not exceed the maintenance costs of the investment.**

**Revenues** are e.g cash inflows directly paid by users for the goods or services provided by a project, such as charges borne directly by users for the use of infrastructure for participating with products or services in fairs, exhibitions, etc., or payments for services (ex. participation in trainings).

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| **TAKE NOTE**  During project implementation each partner that generates revenue should keep detailed, timely, adequate and traceable information concerning the generated revenues. |

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| **TAKE NOTE**  Grants shall not have the purpose or effect of producing a profit within the framework of the project. Profit is defined as “a surplus calculated at the payment of the balance, of receipts over the eligible costs approved by the Managing Authority, where receipts are limited to the Union grant, national and other third-party co-financing, and the revenue generated by that project[[6]](#footnote-7) . |

## **10.6 Conversion into euro**

The project budget must be developed in Euro and, in case of approval, reporting of project expenditure to the MA/JS shall be made in Euro.

Expenditure paid in another currency shall be converted into Euro, automatically by Jems, using the monthly accounting exchange rate of the Commission in the month during which that expenditure was submitted for verification.

## **10.7 Non-eligible expenditure**

The following costs are not eligible:

a) debts and interest on debts;

b) costs declared by the project partners and financed by another project or programme from any other sources;

c) purchases of land or buildings;

d) costs related to fluctuation of foreign exchange rate;

e) loans to third parties;

f) costs of gifts;

g) fines, financial penalties and expenditure on legal disputes and litigation;

h) provisions for losses or liabilities;

## **10.8 Irregularities and recovery of unduly paid amount**

Project partners should pay due consideration since the project design stage on observing and fully complying with the Programme requirements and related applicable legislation in order to mitigate to maximum the risks of irregularities during the project implementation.

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| **DEFINITION:**  **IRREGULARITY - means any breach of applicable law, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the budget of the Union by charging unjustified expenditure to that budget.[[7]](#footnote-8)** |

1. **MANDATORY DOCUMENTS TO BE PROVIDED WITH THE PROJECT PROPOSAL**

## 

**Annexes to be uploaded in Jems when submitting the project proposal:**

|  |  |
| --- | --- |
|  | **Annexes** |
| **1** | **1.1. Declaration by the Lead Partner (Annex … )** |
| **1.2. Declaration by the Project Partner (Annex …)** |
| ***Lead partner and project partner declarations may also be signed digitally with a qualified electronic signature. All parts of the Declaration have to be filled in and it has to be signed by the legal representative (or delegated person) of the Project Partner. In case of signature by delegated persons, each affected declaration must be accompanied by a document confirming the validity of such delegation (see point 2 below).*** |
| **2** | **Order/act for official authorization of delegated person signing the Declaration by the Lead Partner/ Project Partner**  ***Such document is mandatory only when the Declaration by the Lead Partner/ Project Partner is signed by a delegated person and not by the legal representative of the organisation. The document for official authorization must confirm that the delegated person is authorised to sign the Declaration and, if the case, the supporting documents.*** |
| **3** | **Financial Capacity Self-assessment ( Annex ….) – both scan and Excel** |
| **4** | **In case of projects including investments - Feasibility study or an equivalent document describing the envisaged investment (in accordance with the national legislation of the respective applicant) in the national language, with unofficial translation in English language of the main parts.** |
| **5** | **Annual accounts for the latest financial year for which the accounts have been closed at the moment of submission of the Application must be submitted by the Lead Partner and all project partners[[8]](#footnote-9), as full unofficial translation(s) in English (certified through signature by the legal representative of the organisation). The extracts from bank accounts are not equivalent to latest annual account. Only documents (the balance sheet and profit and loss account) providing data about revenues, expenditures, profit and losses will be accepted.**  **Annual Accounts containing only the Balance Sheet without the Profit and Loss Account or a document providing data about revenues, expenditures, profit and losses for the latest financial year for which the accounts have been closed, will be considered noncompliant and therefore missing documents.**  ***This obligation does not apply to public authorities*.** |
| **6** | **Statutes/Articles of Association/Deed of Foundation or other applicable documents for proving Lead Partner’s and each project partner’s eligibility must be submitted in national language and as unofficial translation(s) in English (certified through signature by the legal representative of the organisation) of the relevant parts - e.g legal status, registration and location of headquarters. In case of modifications of the relevant parts proving non-profit organisations’ eligibility (as mentioned above), the Court’s decision regarding the registration of the modifications to the Statute and that of the Leading Board of the organisation, according to the national legislation in force, are also submitted as unofficial translation(s) of the modified relevant parts proving their eligibility. Where the Lead Partner and/or (a) Project partner(s) is a public body created by an administrative act/ law, the said administrative act/law is provided as unofficial translation(s) of the relevant parts proving their eligibility (as mentioned above).**  ***This obligation does not apply to public authorities.*** |
| **7** | **Registration Acts must be submitted by the Lead Partner organisation, and each project partner organisation, in national language and as unofficial translation(s) in English (certified through signature by the legal representative of the organisation) of the extract(s) from the national Register(s) of organizations.**  ***This obligation does not apply to public authorities.*** |

**Uploading instructions and requirements**

* All above listed attachments are mandatory if not otherwise indicated;
* Do not upload attachments bigger than 5 MB;
* All scanned documents must be submitted in .jpg or .pdf format of minimum 200 dpi resolution;
* Each attachment containing more than 1 page must be scanned and submitted as a single file. **Please do not scan and upload each page separately.**
* Each attachment must be named in **English language according to its content and with a reference to the Project Partner Acronym**.
* It is recommended that the document in the national language and the English translation to be uploaded as a single file (first document to be the English version).

1. **PUBLIC PROCUREMENT**

Keep in mind to plan launching public procurement procedures immediately after the signature of the grant contract in order to create the necessary premises for implementation of project activities which require external expertise or other services, supplies or works.

The work plan and project budget should reflect this approach.

Please pay due attention to avoiding the artificial split of the estimated value of a contract.

For information regarding specific public procurement rules, see Annex – Public Procurement.

1. **STATE AID**

## 

## **13.1. General provisions**

According to Article 107 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 or between Member States and partner countries participating in the programme.

In order to meet the requirements of the European Commission and in order to allow a smooth implementation of the Programme and its approved projects, in the framework of Interreg NEXT BSB Programme, **State Aid is not permitted**.

To confirm the existence of State aid relevant **activities** within the meaning of the Treaty, the following elements should be assessed:

|  |  |  |
| --- | --- | --- |
|  | **Criteria** | **Description** |
| **1** | State resources | Always fulfilled, as the grant is coming from the EU |
| **2** | Economic advantage to an undertaking | ***Definitions:***  *An* ***undertaking*** *is defined as any entity, regardless of its legal status, which is engaged in economic (commercial/competitive) activity and where there is a market in comparable goods or services.*  ***Economic activity*** *means the supply of goods or services on a given market and which could, at least in principle, be carried out by private actors in order to make profit.*  ***Economic advantage***  *The key issue is to consider whether, and under which conditions, the grant award/financial support favours certain undertakings by giving them an economic advantage.*  *In line with the case law of the European Courts, the concept of economic advantage under the State aid rules includes any advantage “which the recipient undertaking would not have received under normal market conditions”.*  Classification of an entity as an undertaking is always relative to a specific activity. Any activity consisting of offering goods and services in a market is an economic activity. The recipient of the aid is an “undertaking” if it is offering goods or services on a market. This is the case regardless of its legal status, the way in which it is financed and whether its aim is to make profit or not. An undertaking can be a public body, a NGO, an association, a university, etc.  **For definitions and more information,** please see [Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262/01)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016XC0719%2805%29) |
| **3** | Selectivity | ***Definition:***  *Support that targets particular businesses, regions or types of firm e.g. SMEs or particular sectors and not others is selective.*  Always fulfilled for grant beneficiaries, as they are selected through a call for proposals. It has to be assessed in the case of indirect aid. |
| **4** | Distortion of competition | A measure granted by the State is considered to distort or threaten to distort competition and trade when it is liable to improve the competitive position of the recipient compared to other undertakings with which it competes. |
| **5** | Effect on trade between Member States | This criterion is already fulfilled if an aid has potential effect on competition and trade between Member States or between Member States and partner countries participating in the programme.  It is sufficient if it can be shown that the beneficiary is involved in an economic activity and that it operates in a market in which there is trade between Member States or between Member States and partner countries participating in the programme.  **As a general rule, no effects on competition and trade are to be expected in case of purely local activities or legal monopolies.** |

## **13.2. Provisions for this call regarding state aid**

All Applicants are asked to check their activities for State aid (both direct and indirect) relevance when preparing the Application.

As a general principle, all project activities will have to be assessed at partner level to determine whether they are State aid relevant or not.

During the self-assessment, all project partners should be able to clarify the aspects related to:

* **Identification of “undertaking” and “economic activity”**

In order for State aid to be present, the recipient must be an “undertaking”, in the meaning defined above. Accordingly, first step concerns information about the nature of the activity to be undertaken within the project, and, specifically, whether this involves an economic activity. If the activity is not economic, the applicant is not an undertaking for State aid purposes and it can be concluded that there is no State aid.

**Economic activity** is broadly defined as ‘offering goods or services on a given market’. The key question is whether, in principle, the activity could be carried out by a private body in order to make a profit (e.g, research and/or consulting and/or training activities, etc). If so, the activity will most likely be considered “economic” and thus, the partner will be considered an “undertaking”.

* **Identification of potentially State aid relevant activities**

As a second step, the project activities which are identified as being “economic” (the non-economic activities of a given partner in the project are not considered further in this context), have to be assessed for their State aid relevance.

The question is whether there is a selective advantage involved in supporting a certain activity, i.e. whether there is a benefit that the undertaking (partner) would not gain under ‘normal market conditions’ or whether it is relieved of costs that it would normally have to meet, such as free training, free promotion or lower rental of premises. If there is no selective advantage or benefit to the applicant, then there is no State aid.

**An indirect advantage** may also be granted (indirect State aid) if the funds received by entities which are direct beneficiaries of the Programme are channelled to identifiable undertakings/groups of undertakings (e.g. if the funds received by a direct beneficiary are used for building up infrastructure that is to be used for economic activities and the operation of this infrastructure is not granted through a public, open, unconditional tender, or if the funds are used by the beneficiary to train the employees of certain undertakings etc.).

* **Identification of possibility that the activities financed by the grant distort or threaten to distort competition and trade within the EU or between the European Union and a specific partner country.**

The last step is verifying that the fifth criterion is fulfilled. If the service or products in question is of a merely **local interest** there is no effect on trade between the EU Member States or between them and a specific partner country. In order to assert that, the partners need to demonstrate that:

1. the aid does not lead to demand or investments being attracted to the region concerned and does not create obstacles to the establishment of undertakings from other Member States/participating countries;
2. the goods or services produced under the project are purely local or have a geographically limited attraction zone;
3. there is at most a marginal effect on the markets and, in particular, on consumers in neighbouring Member States/ participating countries.

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| The state aid will be assessed during the evaluation and selection process as described under Part IV.  In case state aid (direct or indirect) is involved, the potential state aid relevant activity(ies) may be adjusted following the recommendations of the assessors. However, any adjustment should not affect the nature of the proposal or the score initially awarded for the quality assessment.  In case the option above is not applicable, the respective project may be rejected. |

**Compliance of the planned activities with the recommendations below might be an indication for project partners that these activities are (most likely) not state aid relevant:**

* The State aid relevant economic activities are not carried out by the project partner but by an external service provider that has been selected in accordance with the applicable public procurement rules; The procurement procedure (performed by any partner) has to be open (to allow all interested and qualified bidders to participate in the process), transparent, sufficiently well-publicized, non-discriminatory and unconditional. When a tender procedure complies with these principles, it can be presumed that the transactions are in line with normal market conditions.  For direct procurements the market price level is observed (try to refer to any well-known suppliers available at national level - print screen from websites are recommended).

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| **TAKE NOTE**  An open, transparent and non-discriminatory tender procedure favours a fair competition for winning a contract and ensuring an objective selection of the best offer. |

* Where a research organisation or research infrastructure is used for both economic and non-economic activities, public funding falls under state aid rules only insofar as it covers costs linked to the economic activities. Where the research organisation or research infrastructure is used almost exclusively for a non-economic activity, its funding may fall outside state aid rules in its entirety, provided that the economic use corresponds to an activity which is directly related to and necessary for the operation of the research organisation or research infrastructure or intrinsically linked to its main non-economic use, and which is limited in scope (the capacity of the research infrastructure allocated each year for economic activity should not exceed 20% of the overall annual capacity).

Depending on the relevant circumstances, in order to measure the "overall annual capacity share" of economic activities it would thus be possible to rely on indicators such as the time of use or the total value of inputs consumed yearly.

An economic activity is considered to be "directly related to and necessary for the operation of the research organisation or research infrastructure or intrinsically linked to its main non-economic use" where it consumes "exactly the same inputs (such as material, equipment, labour and fixed capital) as the non-economic activities".

* In the field of research & development & innovation activities, the following activities are generally of a non-economic character:

a) primary activities of research organisations and research infrastructures, in particular:

* education for more and better skilled human resources. Public education organised within the national educational system, predominantly or entirely funded by the State and supervised by the State is considered as a non-economic activity;
* independent R&D for more knowledge and better understanding, including collaborative R&D where the research organisation or research infrastructure engages in effective collaboration and where the activity is not influenced by economic interests of individual undertakings (Provision of R&D services and R&D carried out on behalf of undertakings are not considered as independent R&D);
* wide dissemination of research results for free to all interested individual or legal persons on a non-exclusive and non-discriminatory basis, for example through teaching, open-access databases, open publications or open software. In particular, this may concern the rehabilitation of university buildings, lecture halls, libraries, laboratories and equipment used exclusively for teaching and for carrying out independent research. Furthermore, knowledge transfer activities conducted by, or jointly with, or on behalf of other research infrastructure are generally non-economic, provided that all profits from those activities are reinvested in the infrastructure's primary, non-economic activities.

b) knowledge transfer activities, where they are conducted either by the research organisation or research infrastructure (including their departments ) or jointly with, or on behalf of other such entities, and where all profits from those activities are reinvested in the primary activities of the research organisation or research infrastructure.

* All outputs resulting from the projects are open-source and widely disseminated on a non-exclusive and non-discriminatory basis to ensure the most transparent and the widest possible access to all interested stakeholders including potential competitors. Thus, any undertaking in the relevant market will be able to/can use the project outputs in the same way and under the same conditions as any of the project partners or the end users of the project. The publications on the project outcomes have to be in the form of “defensive publications”, so that all innovations and inventions arising from the project are made available in the public domain. In this way no intellectual property rights can afterwards be claimed on any of the project outcomes neither by the project's participants nor other actors outside the project.

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| Wide dissemination of project results is essential to avoid a competitive advantage. Making the project results available only for certain natural or legal persons is strictly forbidden! |

* A service that is reimbursed at market price is not conveying an advantage. Therefore, partners might set fees in line with the market prices for economic operators who participate in project events (e.g. training courses/seminars/workshops, conferences, fairs, festivals, study tours, forums for enhancing partnerships and dissemination of information on the cross-border cooperation results and projects, joint logistical centers, trade centers). All revenues collected within the project activities, shall be managed according to Part II, Section 10.5 Revenues;
* The existence of state aid is excluded where the State acts by exercising public prerogatives or where state authorities act in their capacity as public authorities. Any entity may be deemed to act by exercising public prerogatives where the activity in question is a task that forms part of the essential functions of the State or is connected with those functions by its nature, its aim and the rules to which it is subject. Generally speaking, unless the participating countries concerned have decided to introduce market mechanisms, activities that intrinsically form part of the prerogatives of official authority and are performed by the State do not constitute economic activities. Examples of activities that are considered as part of the state prerogative are: (a) the army or the police; (b) air navigation safety and control; (c) maritime traffic control and safety; (d) anti-pollution surveillance.

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| **TAKE NOTE**  In case during project implementation or during 5 years from the date of payment of the balance for the programme, an incidence of state-aid is discovered, the MA may apply an up to 100% financial correction for the cost of the State Aid relevant activity. |

Further information on state aid can be found on the European Commission’s DG Competition website (<http://ec.europa.eu/competition/state_aid/overview/index_en.html>) and in Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0719(05)&from=EN)>.

**National rules on procedure – Armenia**

* The Partnership and Cooperation Agreement between European Communities and the Republic of Armenia

**National rules on procedure – Bulgaria**

**National rules on procedure – Georgia**

* [Association Agreement (AA) between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part the European Union and Georgia](https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02))

**National rules on procedure - Greece**

**National rules on procedure – Republic of Moldova**

* [The Association Agreement (AA) between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0830(01)&from=EN)
* https://www.competition.md/tabview.php?l=ro&idc=36&t=/Documente-oficiale/Ajutor-de-Stat/Legi/

**National rules on procedure - Romania**

<http://www.ajutordestat.ro/> section[State aid legislation](http://www.ajutordestat.ro/?pag=1&limba=en)

**National rules on procedure – Türkiye**

* [Decision No 1/95 of the EC- Türkiye Association Council](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:21996D0213(01)&from=en)
* Turkish law on State aid (Law No 6015)

**National rules on procedure – Ukraine**

* [The Association Agreement (AA) between the European Union and its Member States, of the one part, and Ukraine, of the other part](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0529(01)&from=EN)

Applicants may also consult relevant national authorities to obtain more specific information on rules and limitations concerning state aid.

1. **ANTI-FRAUD POLICY**

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The programme participating countries and the MA are committed to protect the EU and public funds entrusted against fraud and corruption according to its administrative capacity.

The term **fraud** is commonly used to describe a wide range of misconducts including theft, corruption, embezzlement, bribery, forgery, misrepresentation, collusion, money laundering and concealment of material facts. It often involves the use of deception to make a personal gain for oneself, a connected person or a third party, or a loss for another – intention is the key element that distinguishes fraud from irregularity. Fraud does not just have a potential financial impact, but can also cause damage to the reputation of the programme bodies.

**Corruption** is the abuse of power for private gain.

**Conflict of interests** exists where the impartial and objective exercise of the official functions of a person are compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with e.g. an applicant for or a recipient of EU funds.

**The programme participating countries and the MA have a zero tolerance policy to fraud and corruption.**

The programme management and control system is set up in view of preventing, detecting and correcting frauds. To this end, the most likely areas for fraud at the programme and projects levels are identified and monitored.

The anti-fraud policy adopted by the MA aims at:

* Promoting a culture which deters fraudulent activities;
* Facilitating the prevention and detection of fraud;
* Supporting the investigation of fraud and related offenses, in order to address such cases in a timely, transparent and appropriate manner.

The responsibility for an anti-fraud culture lies with all those involved in the EU programmes and projects. We therefore encourage all partners, contractors, employees, or the general public to assist in preventing fraud from taking place, putting into place proportionate measures to detect it and making it transparent.

If you suspect fraud or corruption linked to funding from the Interreg NEXT BSB Programme, please get in touch with the [Managing Authority](https://blacksea-cbc.net/contact-us).

1. in the meaning of Article 2(16) of Regulation (EU) No 1303/2013; [↑](#footnote-ref-2)
2. As provided for in Article 26 of Regulation (EU) 2021/1059. [↑](#footnote-ref-3)
3. The rule applies separately for regular projects and small scale projects [↑](#footnote-ref-4)
4. TESIM handout document - Tasks and responsibilities of the lead partner (lead beneficiary) and the project partners (beneficiaries) (Istanbul 2016) [↑](#footnote-ref-5)
5. Three Seas is an initiative that brings together 12 EU Member States between the Baltic, Black and Adriatic seas: Austria, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia [↑](#footnote-ref-6)
6. According to the EU Regulation no 1046/2018 [↑](#footnote-ref-7)
7. According to Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy. [↑](#footnote-ref-8)
8. Only for regular projects [↑](#footnote-ref-9)