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Romania-Ukraine
ENI-CROSS BORDER COOPERATION

Ministry of Regional Development, Public Administration and
European Funds
ROMANIA

JOINT OPERATIONAL PROGRAMME ROMANIA – UKRAINE
ENI 2014-2020

GUIDELINES FOR GRANT APPLICANTS

HARD PROJECTS

Reference: 1st Call for proposals

Open Call for proposals

Deadline for submission: xx.xx.2017

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 **HARD projects** (having an infrastructure component of at least 1 million EUR).

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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

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*”.

1.1.1 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) were 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 chapters 2.2. *Applicants and partners. Eligibility requirements* and 2.4 *Project and activities. Eligibility requirements*.

1.1.2 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 includes 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 and the European Commission) will be performed in order to detect potential cases of double financing. Moreover, during the contracting phase, an updated statement of the Applicant and partners on this topic will be requested.

1.1.3 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 to 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 Chernivtsy.

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.

1.1.4 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 Point (CCP) was 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 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
- Regulation (EU) No.232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument
- 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
- 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 actions
- Programming document for EU support to ENI Cross-Border Cooperation (2014-2020)
- 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
- 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 11th 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

Objective: 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

Objective: Preservation of 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

Objective: 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

Objective: Addressing 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 1ST CALL FOR PROPOSALS

1.4.1 Thematic objectives and priorities addressed by the call

Out of the four thematic objectives of the Programme, only the following two are addressed by the present Call for proposals:

(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 4.3 - Prevention and fight against organized crime and police cooperation

The Programme is looking for proposals that 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 pursues during the 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 its contribution to at least one Programme expected result and at least one Programme output, specific for the priority chosen. The Programme document and **Annex J.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, the project's contribution to the Programme 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.

1.4.2 Type of projects

The present Call for proposal only addresses the *hard projects*.

In the meaning of the present call, *hard projects* are those projects including an infrastructure component of at least 1 million EUR.

▶▶▶ TAKE NOTE THAT

Infrastructure means permanent works and/ or equipment which contribute to at least one Programme (common) output to be addressed by the project.

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).

1.4.3 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 staffing¹** 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 financing²** 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

¹ Mandatory criterion

² Mandatory criterion

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.

1.4.4 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:

a) 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.

b) 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.

c) 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.

d) 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 **EUR 19,100,000** distributed per priorities as follows:

Priority	EU contribution
Priority 3.1 – Development of cross border transport and ICT tools	EUR 10,000,000
Priority 4.1 – Support to the development of health services and access to health	EUR 5,200,000
Priority 4.3 – Prevention and fight against organized crime and police cooperation	EUR 3,900,000

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. Grants shall not have the purpose or effect of producing a profit within the framework of the project during the implementation period³.

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 maximum amounts available for each priority.

The **minimum value of the infrastructure** at project level is of 1 mill. EUR.

Priority	Maximum grant amount per project	Minimum value of the infrastructure component
Priority 3.1 – Development of cross border transport and ICT tools	EUR 2,000,000	EUR 1,000,000
Priority 4.1 – Support to the development of health services and access to health	EUR 1,300,000	
Priority 4.3 – Prevention and fight against organized crime and police cooperation	EUR 1,300,000	

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

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.

No state aid shall be granted under this call.

For Romanian entities

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.

For Ukrainian entities

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 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 elements, 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 C** 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 which may occur as a result of project implementation must be taken into consideration.

The **self-assessment grid (Annex C)** 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?

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.

(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 C**.

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. If an Applicant submits more than one project per Priority under this call, he will be notified and required to decide which project is going to undertake further steps of evaluation. All other projects will not be considered, not even for the administrative and eligibility check stage.

▶▶▶ 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:

- a) Be legal entities registered and located in the core regions of the Programme, namely in the Romanian counties of Suceava, Botosani, Satu Mare, Maramureş, Tulcea or the Ukrainian oblasts of Zakarpattia, Ivano-Frankivsk, Odessa, Chernivtsi, **OR**
- b) Be located outside the core regions of the Programme **only** in the conditions set at chapter 2.2.1.1 *Flexibility rule*, **OR**
- c) 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**
- d) Be non-profit making organisations, **AND**
- e) Be directly responsible for the preparation and management of the project with their Partners, not acting as an intermediary, **AND**
- f) 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**
- g) Have no debts to the consolidated state budget or to the local budget in accordance with the national legislation. **AND**
- h) Not fall into any of the situation listed below:
 - i) 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.

⁵ For the present Call for proposals, the same Applicant may submit no more than 3 projects, one for each Priority.

- ii. 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.
- iii. 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.
- iv. 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.
- v. They are subject to an administrative penalty referred to in Article 109(1) of the EU Financial Regulation 966/2012.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. 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.

AND

- i) In case of organizations from Ukraine they must be able to open a dedicated bank account in a state-owned bank. Any organization, be it Applicant or Partner in a project, must be legally able to transfer/receive funds to/from foreign countries. **AND**
- j) Have provable rights (ownership, long term rent, concession, administration, etc.) over the land/ building/space in each location where infrastructure is foreseen to be executed and/or equipment over EUR 60,000 is to be installed/ used, valid until at least 2032⁶. 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 criteria set at points (a) to (g) will be cross-checked during Step 1 of evaluation (administrative and eligibility check), based on the documents submitted by the Applicant. The criteria set at points (h) and (i) will be checked based on the “Declaration by the Applicant” and the “Partnership statements” where each partner will declare that they do not fall into any

⁶ Exception to this requirement is made only when the respective Partner is the owner of the infrastructure

categories listed at this point and, in case of Ukrainian organizations, that they can open bank accounts in state-owned banks.

The compliance with the criterion listed at point (j), shall be cross-checked during Step 3 of evaluation (assessment of additional documents) based on the documents provided by the project Partners.

▶▶▶ TAKE NOTE THAT

Non-eligibility of any of the project partners (Applicant or partners) leads to the 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 J.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 B**) acknowledging their responsibilities within the project. The Applicant shall fill in only the Declaration by the Applicant (**Annex A.1**).

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 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

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

Lead beneficiary's obligations

- a) **Receives the EU contribution (grant)** from the Managing Authority for the implementation of project activities;
- a) 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;
- b) 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;
- c) Assumes the responsibility for **ensuring implementation of the entire project**;
- d) 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;
- e) 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):

- a) A maximum of 4 partners (including the Applicant) participate in the project.
- b) At least one partner in the project is registered in Romania and one partner is registered in Ukraine.
- c) At least two out of the four cross-border cooperation criteria (see chapter 1.4.2), 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 chapter 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 contributes to achievement of the Programme Results and Outputs indicators.

Annex J.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.

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 Output (specific for the Priority chosen) and to at least one of the corresponding Output indicators.

A project might contribute to several Programme 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 planned as the total number of months needed to fully implement the project, without any specific dates.

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

Minimum duration = 12 months

Maximum duration = 24 months

▶▶▶ TAKE NOTE THAT

The period for execution of the infrastructure will be cross-checked during Step 3 (evaluation of additional documents), using the information provided by the feasibility study or equivalent. In case of inconsistencies between the Application Form and the feasibility study, the project may be rejected.

▶▶▶ 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:

- a) They are necessary for achieving the Programme objectives;
- b) 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) + (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			

2.4.4 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 4 are compulsory:

- a) **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.
- b) **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.
- c) **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 J.3** provides information about the minimum inventory of information, promotion and communication activities to be undertaken by projects.
- d) **Infrastructure** explains the need for the infrastructure with the view to achieve project objectives and results, the benefits envisaged, and gives details on the technical specifications and the necessary technical documentation.

Moreover, the **capacity building activities** should be clearly described in the Application Form, in the corresponding group(s) of activities, as they are mandatory for projects with an infrastructure component of at least EUR 1 million.

2.4.5 Indicative eligible activities

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

Indicative project activities related to the infrastructure component

- 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

In addition to activities related to the infrastructure component, projects may include other activities such as:

- 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

Indicative project activities related to the infrastructure component

- 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.)

In addition to activities related to the infrastructure component, projects may include other activities such as:

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

- Indicative project activities related to the infrastructure component Investment in construction, renovation or upgrading of police and border crossing infrastructure and related buildings;

In addition to activities related to the infrastructure component, projects may include other activities such as:

- 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

2.4.6 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:

- a) projects having an infrastructure component of less than 1 million Euro;

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

▶▶▶ TAKE NOTE THAT

The value of the infrastructure component will be cross-checked in all three steps of evaluation (Administrative and eligibility check, Technical and financial evaluation, Additional documents evaluation). The projects with an infrastructure component of less than 1 million Euro will be rejected.

During evaluation, the definition of infrastructure presented at section 1.4.2. *Type of projects* will be considered. Wrong assignment of a cost at the budget heading "3. Infrastructure" may jeopardise the eligibility of the project if, once removed from this heading and assigned to the appropriate budget heading, the value of heading 3. Infrastructure falls below 1 million Euro.

The cost of the infrastructure component (as budgeted at heading 3. Infrastructure) must be consistently detailed in the budget sheet *Indicative infrastructure budget breakdown*, and described at section C.4 *Work plan per Group of activities* at GA#4 of the Application Form. The information comprised therein shall be cross-checked during evaluation with the information given by the feasibility study or equivalent.

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 share of the EU contribution as a result of the corrections made during the contracting process, may not be increased.

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

Eligible costs are actual costs incurred and paid by the project Partners which meet all the following criteria, which are to be included into the grant contract:

- a) They are incurred during the implementation period of the project. In particular:
 - i. Costs of services and works shall relate to project activities performed during the implementation period. Costs of supplies shall relate to delivery, installation of items and acceptance during the execution period. Signature of a contract, placing an order or entering into any commitment for expenditure within the implementation period for future delivery of services, works or supplies after expiry of the implementation period do not meet this requirement. Cash transfers between the Partners may not be considered as costs incurred;
 - ii. Costs incurred should be paid before the submission of the final reports, except for the costs 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;
 - iii. If it is not foreseen otherwise in the national legislation of the project Partners, procedures to award contracts, may have been initiated and contracts may be concluded by the project partners before the start of the implementation period of the project, provided the provisions of ENI Implementing Regulation have been respected;
- b) They are included in the indicative overall budget for the project;
- c) They are necessary for the implementation of the project;
- d) They are identifiable and verifiable, in particular being recorded in the accounting records of the project partners and determined according to the accounting standards and the usual cost accounting practices applicable to the respective Partners;
- e) They comply with the requirements of applicable tax and social legislation;
- f) They are reasonable, justified and comply with the requirements of sound financial management, in particular regarding economy and efficiency;
- g) They are supported by invoices or documents of equivalent probative value;
- h) The compliance with the Programme Visual Identity requirements is ensured;
- i) Notwithstanding letter (a) above, costs related to technical documentations 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;
- j) 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:
 - i. they are incurred after the publication of the Call for proposals;
 - ii. they are limited to travel and subsistence costs for staff employed by the project Partners, provided they meet the conditions of point (b);

- iii. they do not exceed EUR 3,000 per project
- k) Notwithstanding letter (a) above, costs incurred after the date of submission of the project under this Call for proposals are eligible provided that the need to start project implementation before the contract signature has been demonstrated in the respective Application Form.

2.5.1 Eligible direct costs

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

- a) 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.
- b) Travel and subsistence costs of staff, 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.
- c) 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.
- d) Costs for infrastructure can include costs for the technical documentation, costs for provision of the infrastructure, the related taxes, and costs for site supervision. Costs for provision of infrastructure must be detailed and estimated in the budget sheet *Indicative budget breakdown for infrastructure* (which is part of the Application Form and serves only to evaluation purposes). Costs will be assessed during Step 2 (Technical and financial evaluation). In case the project is selected for the next step (Additional documents evaluation), the feasibility study or equivalent to be submitted shall provide the actual cost of the infrastructure.
- e) Costs entailed by contracts awarded by the Partners for the purposes of the project;
- f) 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

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.

According to the Financing Agreement between the European Commission and the Government of Ukraine, taxes, duties or other charges (including VAT) are excluded from the Community financing. Once the grant contract is signed, the Ukrainian beneficiaries should seek for registration at the Ministry of Economy and Trade in order to be exempted from the VAT.



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, ;

- 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 not 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 J.4** 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 for provision of infrastructure. The project shall foresee at least the minimum communication and visibility actions required by the Programme (see **Annex J.3**)

2.5.2 Contingency reserve

A **contingency reserve** not exceeding 10% of the costs related to the provision of infrastructure 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.

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

- a) debts and debts service charges (interest);
- b) provisions for losses or potential future liabilities;
- c) costs declared by the beneficiaries and covered by another project or programme from any other sources;
- d) purchases of land or buildings;
- e) purchase of used equipment or vehicles;

- f) purchase of equipment or vehicles in leasing
- g) exchange-rate losses;
- h) duties, taxes, charges, including VAT, except where non-recoverable under national legislation, unless otherwise provided in appropriate provisions negotiated with Ukraine;
- i) loans to third parties;
- j) fines, financial penalties and expenses of litigation;
- k) contributions in kind as defined in article 14(1) of the ENI Implementing Regulation
- l) 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>.

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 Submission of proposals

The submission of project proposals is both on-line and in hard-copy.

The Applicant shall upload the Application Form and the scanned supporting documents (as detailed below) directly into the Programme's Electronic Monitoring System (EMS) at <https://...>

Moreover, one hard copy of the Application Form and the supporting documents, including the electronic version on DVD of the whole package shall be submitted in a sealed envelope by registered mail, private courier service or by hand delivery (in this case, a signed and dated acknowledgement of receipt will be given to the deliverer) at the address below:

REGIONAL OFFICE FOR CROSS BORDER COOPERATION SUCEAVA

8A, Bistritei street

720274 Suceava, Romania

Phone: +40 230 530049

Fax: +40 230 530055

▶▶▶ TAKE NOTE THAT

The hard-copy of the Application Form and of the supporting documents must be identical with the version uploaded into the informatic system (EMS). In practice, the Applicants are required to include into the hard-copy package the printed version of the Application Form, bearing the watermark provided by the EMS and proving that it represents the final version of the Application Form as uploaded into the EMS.

The hard-copy version shall prevail during Step 1 (Administrative and eligibility check). Nevertheless, in case of inconsistencies between the electronic version and the hard-copy version of the proposal, the project may be rejected.

The submission of proposals is to be done in two stages, as follows:

▶▶ STAGE I

The project proposal and the supporting documents proving the eligibility of applicant and the partners shall be submitted.

The Application Form contains multiple sections (the application itself, the project budget, the Logical Framework, statements and declarations). All these shall be filled in and submitted/ uploaded in the Programme's Electronic Monitoring System (EMS) at <https://...>

After creating an user account and receiving confirmation, the template of the Application Form becomes available online.

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

- Follow the instructions given by the EMS e.g. maximum number of characters allowed by certain fields, messages delivered by EMS in case of errors;
- Fill in each field and follow the given sequence. Information is taken over from one field to another thus making the process easier and error-proof e.g. after filling in the planning of GAs, project work-plan will result automatically.
- 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. Project budget includes also a section for the sources of financing, and a section where details on the costs for infrastructure are required *Indicative budget breakdown for infrastructure* (this section serves only to evaluation purposes)
- The project Logical Framework is partially generated after filling in the Application Form and information is required to be filled in only in the empty cells.
- Declaration by the Applicant and the Partnership Statements must be filled in, printed, signed by the legal representatives, stamped and uploaded in the EMS. Nevertheless they must be attached as hard-copies to the printed version of the Application Form and its annexes, and sent as originals.
- English must be used as this is the Programme official language.
- Supporting documents required by the Call for proposals (section 2.6.3) need to be uploaded in the EMS. They must be double-checked to ensure correctness.

▶▶ STAGE II

The eligible beneficiaries selected following the Stage I, will be required to submit, no later than 6 months from the official notification of preliminary selection, the technical supporting documents (see details in section 2.6.3).

2.6.3 Supporting documents accompanying the Application Form to be submitted in Stage I

The following documents shall be provided **by all the Partners** participating to the project, as hard-copy (within the deadline indicated at section 2.6.2) and also uploaded in the EMS in Stage I of submission.

- a) Statutes or other relevant documents for the Applicant and each project Partner – photocopies certified “According to the original”, stamped and signed by the legal representatives, in national language and English translation⁷;
- b) 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 and signed by the legal representatives, in national language and English translation⁸
- c) Certificates of fiscal registration of the Applicant and each project Partner – photocopies certified “According to the original”, stamped and signed by the legal representatives, in national language and English translation⁹;
- d) 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 and signed by the legal representative, in national language and English translation;
- e) 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 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;
- f) State Aid self-assessment made by the Applicant and each project Partner(template in **Annex C**) – in original, stamped and signed by the legal representatives, in English;
- g) Job descriptions (template in **Annex D**) for all the functions listed in the Application Form – in English;
- h) Self-declarations given by the Applicant and each project Partner stating that documents proving the rights over the land/ buildings/space where infrastructure will be executed **OR** equipment over EUR 60,000 will be installed/ used are available at request, have the period of validity required by the Call for proposals, and if the project will be selected, they will be submitted in step 3 of evaluation by each Partner having infrastructure foreseen in their individual budget (templates in **Annex A.1 and Annex B**) – in original, stamped 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. This translation must bear “According to the original”, be signed and stamped by the legal representatives and will prevail for the purpose of the eligibility check.

The Applicants are requested to attach the supporting documents 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. The very first page of the proposal should be visible, where [Name of the Applicant] and [Thematic Objective] and [Priority] should be written.

⁷ Exception is made for international organizations and ETC groupings.

⁸ Exception is made for international organizations and ETC groupings.

⁹ Exception is made for international organizations and ETC groupings.

2.6.4. Additional documents to be submitted in Stage II

The projects provisionally selected following the evaluation, and those on the reserve list (see details in section 3), will be requested to submit the following additional documents:

- a) full feasibility study or equivalent following the minimum content provided in **Annex E**, 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 and stamped by the legal representatives;
- b) an assessment of the environmental impact of the project following the minimum content provided in **Annex F**, in compliance with the Directive 2011/92/EU of the European Parliament and of the Council for Romania and, for Ukraine which is party to it, with UN/ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context of 25 February 1991 – by each Partner executing a part of the infrastructure component, in national language and English translation, as photocopies certified “*According to the original*”, signed and stamped by the legal representative.

In case the relevant authorities in each country decide that this assessment is not required for a certain project, the applicant and/ or partners executing that part of the infrastructure component shall submit the relevant documents issued by this responsible institutions proving that the environment impact assessment is not required – as photocopies certified “*According to the original*”, stamped and signed by the legal representative, in national language and English translation.

- c) building permits – by each Partner executing a part of the infrastructure component, in national language and English translation, as photocopies certified “*According to the original*”, signed and stamped by the legal representatives.

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.

- d) any other execution details, consents, approvals, authorizations and agreements, if requested by the national laws of the respective country and mandatory to begin execution of the infrastructure – by each Partner executing a part of the infrastructure component, in English language, as photocopies certified “*According to the original*”, signed and stamped by the legal representatives;

- e) evidence of ownership by the Applicant and/or Partners and access to the land, as follows:

- legal acts¹⁰ 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 2032¹¹ (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**
- documents¹² 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

¹⁰ E.g. government decision, law, government ordinance, decision of local authorities, property act, etc.

¹¹ Exception is made only when the respective Partner is the owner of the land/ building

¹² 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

- 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**
- statements¹³ 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 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 covering at least 13 years from the date of the grant contract signature, and shall be submitted in national language and English translation.

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

The copies of the requested supporting documents must show legible stamps, signatures and dates.

▶▶▶ 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.

▶▶▶ TAKE NOTE THAT

The English translation must be checked for inconsistencies before submission, as the English translation will prevail for the purpose of evaluation.

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 during evaluation.

The rules for submission are detailed in chapter 2.6.5 below.

▶▶▶ TAKE NOTE THAT

Information as included in the Application Form shall be cross-checked with the information given by the feasibility study, the environmental impact assessment, the building permit etc. submitted in Stage II.

2.6.5 Deadline for closure of the Call for proposals

Deadline for STAGE I

¹³ The statement should be given by the owner of the land/ building

Deadline for submission of the electronic version – for closing the Call for proposals is [4 months from the starting date of call]..... at 4.00 PM Romanian local time. After this deadline, proposals which are not closed in the EMS will not be considered for further evaluation.

▶▶▶ TAKE NOTE THAT

The EMS does not allow further recordings or closure of an application after the deadline set.

Deadline for submission of the hard-copy of the Application Form, its annexes and the supporting documents is no later than..... 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.....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 automatically be rejected. Moreover, for reasons of administrative efficiency, the Project Selection Committee may reject any proposal received after 30 calendar days after the deadline.

Deadline for STAGE II

Deadline for submission of additional documents will be set following step 2 (technical and financial evaluation) and step 3 (additional documents evaluation). The applicants concerned will be notified accordingly.

The Applicants selected will be requested to submit, no later than 6 months from the official notification sent by the Project Selection Committee, the additional documents, in similar conditions of submission (on-line submission and hard copies) as per Stage I detailed above. Detailed information will be given by means of the official notification.

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 JTS branch offices in Chernivtsi and Odessa.

The following e-mail addresses are available:

Joint Technical Secretariat Suceava e-mail [...@brctsuceava.ro](mailto:..@brctsuceava.ro)

Branch Office of the JTS Odessa e-mail info.rum.odessa@gmail.com

Branch Office of the JTS Chernivtsi e-mail address: info.rum.chernivtsi@gmail.com

Replies will be given **no later than 11 calendar days** before the deadline of closure of the Call for proposals. The Managing Authority and the 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 JTS branch offices cannot give prior opinions on the eligibility of the applicant or its Partners, of the project or 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:

STAGE I Submission of the Application Form with its annexes and supporting documents

Step 1. Administrative and eligibility check

Step 2. Technical & financial evaluation

STAGE II Submission of the additional (technical) documents

Step 3. Evaluation of the additional documents

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 assessment and the assessment of additional documents.

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 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 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 and the hard-copy version of the project proposal) has been submitted in the conditions and within the deadlines set in Chapter 2.6.
- The project proposals are compliant with the administrative and eligibility criteria set by the Call for proposals (all documents required for Stage I have been submitted in the conditions set in Chapter 2.6.3 and they prove the eligibility of the Applicant and partners).
- The project includes an infrastructure component of at least 1 million Euro, as reflected in the project Budget.

Annex G 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 indicated in the Application Form 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.5.1** Evaluation Grid, namely:

- a) **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 Programme results and outputs.
- b) **Project design**, to assess the quality of the intervention logic and of the partnership.
- c) **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(s)** (minimum score is of at least 6 points)
- **Contribution to Programme 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 automatically be rejected and will not be further evaluated.

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 J.2** to the Guidelines.

Evaluation will be performed according to the Evaluation Grid (see **Annex J.5.1**) 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 indicated in the Application Form 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 99 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:

- a) the score awarded at section 1.2 Contribution to the Programme
- b) the score awarded at section 1.1 Relevance
- c) the score awarded at section 3.1 Technical feasibility

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

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

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

The selected Applicants (including those on the reserve list) will be requested to submit, in a deadline set (6 months from the date of notification) the additional documents for Step 3 (evaluation of the additional documents).

3.1.3 Evaluation of the additional documents (Step 3)

For the provisionally selected proposals and also for those on the reserve list, the Applicants will be requested to submit the additional documents listed in chapter 2.6.4. The Applicant and partners will have 6 months for preparing the documents. The deadline for submission of these documents will be communicated by notification following the step 2 of evaluation, sent by the Project Selection Committee. The documents will be assessed using the grid in **Annex J.5.2** Evaluation Grid.

Annex H provides a checklist for the Applicants to verify before submission, whether all the requirements have been met. 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 indicated in the Application 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, before the deadline set.

Lack of one or more additional documents as listed in chapter 2.6.4 may not be subject of a request for clarification, and may lead to the rejection of the project.

Non-compliance of one or more additional documents as listed in chapter 2.6.4 may lead to the rejection of the project.

Following Step 3, projects shall be ranked according to the total score resulted after summing up the score received at the end of Step 2 and the score received at the end of Step 3.

If several projects obtain the same total score, the final ranking shall be made following this sequence:

- a) the score obtained at the Step 3 and,
- b) the ranking resulted at the end of Step 2

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 do no guarantee that a contract will be signed in a later stage.

At the end of Step 3, the Joint Monitoring Committee will issue a decision concerning the **list of the 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, the reasons for rejection.

TAKE NOTE THAT

Following the appeal procedure (see chapter 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 clearly infringes the provisions of the Guidelines for grant applicants for the present Call for proposals.

In order to be considered, an appeal must:

- a) be submitted in writing [by mail or fax-mail], signed and stamped by the legal representative of the Applicant. 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 therefore the responsibility of the Applicant to collect and bring forward the complaint reasons from all project partners;
- b) be submitted 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. Appeals submitted on email or by phone will not be considered;
- c) be written in English language;

- d) be addressed to the Coordinator of the Project Selection Committee and submitted by fax, mail or courier, to the following address:

Joint Technical Secretariat
 Regional Office for Cross Border Cooperation Suceava
 8A, Bistritei street, 720274 Suceava
 Suceava County
 Phone: +40 230 530049
 Fax: +40 230 530055
 ROMANIA

- e) clearly describe the infringement considered as being made by the Project Selection Committee and make clear references to the corresponding provisions of the Guidelines for applicants for the present Call for proposals;
- f) indicate the reference number of the application which is a subject of the appeal;

▶▶▶ 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 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 are 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.

3.3 INDICATIVE TIME TABLE

ACTIONS	DATE	TIME*
1) Launch of the Call for proposals		
2) Information and training sessions in the programme area		
3) Deadline for assistance delivery to the potential Applicants		
4) Deadline for closing the Call for proposals		
5) Deadline for submitting proposals in hard-copy		
6) Notifications to Applicants on the results of		

ACTIONS	DATE	TIME*
administrative and eligibility check (step 1)		
7) Notifications to Applicants on the results of technical and financial assessment (step 2)		
8) Deadline for submitting additional documents		
9) Notifications to Applicants on the results of assessment of additional documents (step 3)		
10) JMC decision		
11) Notification of award		
12) Contract signature		

* **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: <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.

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

- a) **Partnership Agreement (Annex L)**, stamped 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.
- b) **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
- c) **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
- d) **Legal entity sheets** for the Applicant and all the project Partners, using the template provided in **Annex N**, as originals, signed and stamped by the legal representatives
- e) Valid certificates issued by the competent state authority in each participating country proving that the Applicant and its Partners have fulfilled their obligations related to the payment of debt to the consolidated state budget in accordance with the legal provisions of the country in which they are established - photocopies certified "According to the original", stamped and signed by the legal representative, in national language and English translation;
- f) Valid certificates issued by the competent local authority in each participating country proving that the Applicant and its Partners have fulfilled obligations relating to the payment of debts to the local budget in accordance with the legal provisions of the country in which they are established – photocopies certified "According to the original", stamped 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;
- g) **Beneficiary's Statement** in the format to be provided by the JTS, in original, in English, signed and stamped by the legal representative of the Applicant

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.

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 at all the locations where infrastructure shall be executed, irrespective the Partner concerned. The purpose of the on-site visits will be, inter alia, to check the documents necessary for the signature of the contract as originals, to check the location where the project is to be implemented and the infrastructure is to be executed, to identify any potential problems which may hinder sound implementation of the selected project, and give feedback to the partners etc. During the on-site visits, the 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

Where implementation of the project requires the Beneficiaries to award procurement contracts, the rules provided by the ENI Implementing Regulation and instructions of the Managing Authority shall be applied.

For the Romanian beneficiaries

Contracting authorities or contracting entities (within the meaning of the European Union legislation applicable to procurement procedures) in Romania, shall apply national laws, regulations and administrative provisions adopted in connection with European Union legislation, as laid down in Article 52.1 of the Regulation no 897/2014.

For the Ukrainian beneficiaries

In all other cases, the public or private beneficiaries shall apply the provisions set out in Articles 52.2 to 56 of the Regulation no 897/2014, supplemented by:

- a) Provisions of the Financing Agreement concluded with the European Commission shall apply. If no otherwise foreseen in the Financing Agreement, the provisions of the Procurement and grants for European Union external actions (PRAG) in force at the moment of the launch of the relevant procurement procedure by the Lead Beneficiary or the Beneficiaries, including templates and details for the types of procedures, shall be applicable.
- b) In case of Lead Beneficiaries / Beneficiaries which are not contracting authorities or contracting entities (within the meaning of the Union legislation applicable to procurement procedures) established in a Member State, the provisions of the Procurement and grants for European Union external actions (PRAG) in force at the moment of the launch of the relevant procurement procedure by the Lead Beneficiary or the Beneficiaries, including templates and details for the types of procedures, shall be applicable.

Notwithstanding the paragraph above, for contracts not exceeding EUR 60 000, the provision of the Procurement and Grants for European Union External Actions (PRAG) in force at the moment of the launch of the relevant procurement procedure by the Lead Beneficiary or by the Beneficiaries, including templates and details for the types of procedures, shall be applicable.

In all cases, the rules on nationality and origin set out in Articles 8 and 9 of Regulation (EU) No 236/2014 shall apply.

CHAPTER 5 ANNEXES

5.1 PROJECT PROPOSAL

Annex A	Application Form, Budget, Logical Framework
Annex A.1	Declaration by the Applicant
Annex B	Partnership Statement
Annex C	State Aid self-assessment grid
Annex D	Job description (template)
Annex E	Feasibility Study (template showing the main content)
Annex F	Environmental Impact Assessment (template showing the main content)
Annex G	Check list for administrative and eligibility verification (step 1)
Annex H	Check list for the additional documents (step 3)

5.2 ANNEXES TO THE GUIDELINES SUPPORTING PREPARATION OF PROPOSALS

Annex J.1	Indicative list of potential Applicants and Partners (per Priority)
Annex J.2	Programme indicators per priority
Annex J.3	Inventory of minimum mandatory communication/ promotion/ information activities
Annex J.4	Current per diem rates, available at the following address: http://ec.europa.eu/europeaid/work/procedures/implementation/index_en.htm
Annex J.5.1	Evaluation Grid step 2
Annex J.5.2	Evaluation Grid step 3

5.3 DOCUMENTS FOR INFORMATION

Annex K	Grant contract and annexes
Annex L	Partnership Agreement (model)
Annex M	Financial Identification
Annex N	Legal Entity sheet

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.
INFRASTRUCTURE BUDGET BREAKDOWN	Budget foreseen to be spent by the project for the execution of infrastructure detailed as per specific categories of costs. The budget breakdown is requested in order to make the financial assessment of the proposed infrastructure.
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, 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.
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, and also quality.
ELIGIBLE	Expenditure (to be) made by the project partners and related to a project, which are fully

EXPENDITURE	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 foreseen to be indirectly influenced by the project.
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 equipment which contribute to at least one Programme (common) output. It should amount to at least 1 million EUR under the present Call for proposals.
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 SOCIAL, ECONOMIC AND CULTURAL 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	Is obtained following a project activity or group of activities, and mandatorily and decisively contribute to achievement of a project result.
MANAGING AUTHORITY	Ministry of Regional Development, Public Administration and European Funds 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”
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.
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, proved and checked during/at the end of the implementation period. They are supporting the solution identified by the project to address the specific needs/challenges.
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.
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).

