

Interreg



Co-funded by
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IPA Romania – Serbia

APPLICANT`S GUIDE

Call for proposals No. 2

Deadline for submitting the Concept Notes:

03.03.2025

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For the purposes of the **Interreg IPA Romania-Serbia programme 2021-2027** and its related documents, the following definitions shall apply:

Applicant	Any legal entity which submits an application to be financed by the programme
Partner	Any applicant whose application has been approved for financing
Biodiversity	The variability of living bodies within the land, sea, continental aquatic ecosystems and ecological complexes; this comprises the intra-specific, inter-specific and ecosystems diversity
Eligible expenditure	Expenditures made by a partner, related to the projects financed through the programme, which could be financed from the IPA funds, as well as from the state budget and/or own/ private partner contribution
Programme area	The Romanian counties and Serbian districts located in the border area, as mentioned in the programming document approved by the European Commission
Expenditure incurred	Expenditure is incurred when the activity that has generated the expenditure (for example the works executed in accordance with the conditions of the contract) has been completed or the services foreseen in a contract have been provided and accepted by the beneficiaries. Proof of expenditures incurred relates to supporting documents indicating the completion of the activity, for instance take over certificates or confirmation of service delivery.
Organization functioning in the Programme area	An organization which has the right to perform activities in the Programme area
Investment project	<p>A project that spends its resources to acquire or significantly improve the capacity or capabilities of an output or deliverable, that remains in use and in the ownership of the lead partner or project partners for at least five years after the project end date.</p> <p>Categories of eligible investments and their accompanying services: works, infrastructure, non-removable installations, fixed and intangible assets, new or renovated building, equipment and related software, investments in access to services.</p> <p>“Investment projects” are those projects which in JeMS envisage expenditures for the budget lines: “Equipment” and/or “Infrastructure and works”. These expenditures must be linked to the appropriate “investments” described in the corresponding section in JeMS in order to be taken into account for calculating the total budget allocated to an investment component (the 50% rule applicable to the total project budget).</p>

	<p>However, if an investment expenditure is not linked to an “investment” in JeMS, this means that it will not be taken into account for calculating the 50% percentage, but it will be possible to spend it outside the programme area.</p>
Infrastructure and works costs	<p>Expenditure for the financing of infrastructure and construction works. Infrastructure and works covers costs related to investments in infrastructure that do not fall into the scope of any other budget line. This includes, but it is not limited to: costs for site preparation, delivery, handling, installation, renovation, and purchase of land, when applicable.</p> <p>These costs will be registered in JeMS under the budget line “infrastructure and works” and the partners which envisage these types of costs will have to submit additional supporting documents (see section 2.3.4.B)</p>
Joint Secretariat	<p>The structure responsible for assisting the programme management bodies in carrying out their duties. The Regional Office for Cross Border Cooperation Timisoara (for the Romanian Serbian Border) is hosting the Joint Secretariat for the Programme.</p>
Lead Partner	<p>(a) lays down the arrangements with the other partners in an agreement comprising provisions that, inter alia, guarantee the sound financial management of the respective Union fund allocated to the Interreg operation, including the arrangements for recovering amounts unduly paid;</p> <p>(b) assumes responsibility for ensuring implementation of the entire Interreg operation;</p> <p>(c) ensures that expenditure presented by all partners has been incurred in implementing the Interreg operation and corresponds to the activities agreed between all the partners, and is in accordance with the document provided by the managing authority pursuant to Article 22(6) Interreg Regulation 1059/ 2021.</p>
Managing Authority	<p>The structure responsible for managing the Interreg programme. The Romanian Ministry of Development, Public Works and Administration is the Managing Authority for the Programme.</p>
National Authority	<p>The counterpart of the Managing Authority in the partner country. The Serbian Ministry for European Integration is the National Authority for the Programme.</p>
National Legislation	<p>The legislation of the state on whose territory the partner is located.</p>
Natural protected area	<p>Land, aquatic and/or underground area hosting savage fauna and flora species, bio-geographical, landscape, geological, pale-ontological, speleological or other elements and systems with outstanding ecological, scientific or cultural value, governed by special preservation and protection rules in compliance with legal provisions.</p>

Partnership Agreement	A document that formalises the relationship between project partners and the Lead Partner. Mutual rights and obligations regarding cooperation in project are laid down in the agreement, also including provisions guaranteeing the sound financial management of the funds allocated to the project.
Potential applicant	Any legal entity meeting the eligibility criteria for submitting an application to be financed by the programme.
Project	An operation comprising a series of works, activities or services intended in itself to accomplish an indivisible task of a precise economic or technical nature, which has clearly identified goals, expressed as the application form and its annexes.
Sound Financial Management Principle	According to art. 33 of the Regulation (EU, Euratom) 2024/2509 Appropriations shall be used in accordance with the principle of sound financial management, and thus be implemented respecting the following principles: (a) the principle of economy which requires that the resources used by the Union institution concerned in the pursuit of its activities shall be made available in due time, in appropriate quantity and quality, and at the best price; (b) the principle of efficiency which concerns the best relationship between the resources employed, the activities undertaken and the achievement of objectives; (c) the principle of effectiveness which concerns the extent to which the objectives pursued are achieved through the activities undertaken. (for more details, please consult the section <u>RULES APPLICABLE TO ALL PROJECTS</u>)
Subsidy contract	Contract between the Managing Authority and the Lead Partner. It determines the rights and responsibilities of the Lead Partner and the Managing Authority, the scope of activities to be carried out, terms of funding, requirements for reporting and financial controls, etc.

Glossary of Acronyms	
RO	Romania
CBC	Cross-Border Cooperation
EC	European Commission
EvC	Evaluation Committee
IPA	Instrument of Pre-accession Assistance
EU	European Union
GD	Government Decision
IT	Information Technology
LA	Lead Applicant
MC	Monitoring Committee
JS	Joint Secretariat
MA	Managing Authority
MDPWA	Ministry of Development, Public Works and Administration
MEI	Ministry of European Integration
NA	National Authority
NGO	Non-Governmental Organization
PSC	Project Steering Committee
Programme	Interreg IPA Romania-Serbia programme 2021-2027
R&D	Research and Development
RO CBC TM	Regional Office for Cross Border Cooperation Timișoara
VAT	Value Added Tax

LEGAL BASIS

- Commission Decision No. 5322/2022 approving the Interreg IPA Romania-Serbia programme for 2021-2027 period;
- Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy;
- Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments;
- Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund;
- Regulation (EU) 2021/1529 of the European Parliament and of the Council establishing the Instrument for Pre-accession Assistance (IPA III));
- Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast).

Applicable law:

Projects must be in line with all relevant national and European legislation, including legislation on sustainable development and environmental protection, gender equality, equal opportunities and non-discrimination (art. 22.2 of REGULATION (EU) 2021/1059 and art. 9 of Regulation (EU) 2021/1060), public procurement (art. 58 of REGULATION (EU) 2021/1059) and state aid.

Projects must observe the European legislation provisions on communication, information and publicity (art. 36.4 of the Regulation (EU) 2021/1059).

! Please note that all these legal provisions must also be observed by the applicants/partners during both project elaboration and implementation phases.

1. GENERAL INFORMATION

The Applicant's guide aims to give practical information for project applicants to the Interreg IPA Romania-Serbia programme 2021-2027. It helps applicants to submit projects under this Programme as it offers a range of information on how to fill out a concept note, a full application form, elements regarding the budget and related forms, the application procedure, the project selection criteria, the decision-making procedure and other aspects.

1.1. Overview of Interreg IPA Romania -Serbia programme 2021-2027

The Interreg IPA Romania-Serbia programme 2021-2027 has been prepared in line with the *Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration*

and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy, Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments, Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund and Regulation (EU) No 1529/ 2021 Regulation of the European Parliament and of the Council establishing the Instrument for Pre-accession Assistance (IPA III). The Programme is the result of a joint effort made by the Romanian and Serbian national, regional and local authorities.

The Interreg IPA Romania-Serbia programme 2021-2027 has been approved by the European Commission on July 19, 2022 and focuses on the development of the border area through measures that focus on environmental protection and risk management, social and economic development and increasing border management capacity.

The 2014-2020 Programme produced positive results in the area in terms of tangible improvement in the quality of people`s life. However, the needs identified by the programme in this area are still valid and confirmed. The programming process has developed the instruments needed for capitalization at the level of the programme (database with the outputs and results of all projects financed in 2007-2013 and 2014-2020, aggregation of all studies and strategies financed in the previous programming periods on which further investments could be realized and outstanding projects` results which could be replicated and further built upon in the border area).

1.2. Programme strategy

The Interreg IPA Romania-Serbia programme 2021-2027 provides the opportunity for both countries to continue their cross-border cooperation under the new Instrument for Pre-accession Assistance. The analysis set out in the Programming Document shows that even if there is very uneven economic development within the border area, this area of cooperation is characterized by similar agricultural, economic and industrial assets on both sides of the border, and thus common challenges can and should be tackled in part by joint actions.

The programme strategy focuses on the key challenges of the border region and the responses that are available to address problems that exist, namely:

- Overcoming specific issues related to the protection and preservation of nature, biodiversity and green infrastructure.
- Tackling the reduced coordination between the educational system and the labour market, along with paving the way towards digital education and improved learning services;
- Approaching the issues of disparities in accessibility to health care services and low distribution of medical infrastructure and equipment.
- Addressing key issues of rural development which are characteristic to the regions on both sides of the border, and which would benefit from joint cross-border actions in relation to key areas such as (inter alia) health and education, rural tourism development, specific environmental challenges in rural areas.
- Dealing with the significant common challenges deriving from the climate change phenomenon and specific aspects of local/regional preparedness in relation to cross-border emergency situations.
- Overcoming the border as a perceived “division” and promoting greater cooperation and contact between regions and communities on both sides of the border.

- Reducing the vulnerability of the external borders and improving the institutional capacity of public authorities to guarantee safe, secure and well-functioning EU borders.

1.2.1. Programme priorities and their specific objectives

Please see the Programme document, available at: <https://romania-serbia.net/programme/programming-documents/>.

1.2.2. Programme area

România - 3 counties:

- Timiș
- Caraș-Severin
- Mehedinți

Republic of Serbia - 6 districts:

- Severnbanatski
- Srednjobanatski
- Južnbanatski
- Podunavski
- Braničevski
- Borski

1.2.3. Programme Priorities addressed by this Call for proposals

Priority 1: Environmental protection and risk management

This call for proposals is open ONLY for:

PRIORITY 1 - ENVIRONMENTAL PROTECTION AND RISK MANAGEMENT

Specific objective 1.2. "Promoting renewable energy in accordance with Directive (EU) 2018/2001, including the sustainability criteria set out therein

AND

Specific objective 1.3. -" Promoting energy efficiency and reducing green-house gas emissions"

! For further details on programme strategy please refer to the Programme Document for Interreg IPA Romania-Serbia programme

1.2.4. Programme indicators addressed by this Call for proposals

PRIORITY LEVEL INDICATORS for this CALL FOR PROPOSALS

Priority 1 - Result indicators

Priority	Specific objective	ID	Indicator	Measurement unit
<i>Environmental protection and risk management</i>	<i>Promoting renewable energy in accordance with Directive (EU) 2018/2001, including the sustainability criteria set out therein</i>	<i>RCR 104</i>	<i>Solutions taken up or up-scaled by organisations</i>	<i>solutions</i>
	<i>Promoting energy efficiency and reducing green-house gas emissions</i>	<i>RCR 104</i>	<i>Solutions taken up or up-scaled by organisations</i>	<i>solutions</i>

Priority 1 - Output indicators

Priority	Specific objective	ID	Indicator	Measurement unit
<i>Environmental protection and risk management</i>	<i>Promoting renewable energy in accordance with Directive (EU) 2018/2001, including the sustainability criteria set out therein</i>	<i>RCO 84</i>	<i>Pilot actions developed jointly and implemented in projects</i>	<i>pilot actions</i>
	<i>Promoting energy efficiency and reducing green-house gas emissions</i>	<i>RCO 84</i>	<i>Pilot actions developed jointly and implemented in projects</i>	<i>pilot actions</i>

1.2.5 Horizontal principles

! The observance of the horizontal principles and themes shall be taken into account during projects' evaluation and monitoring.

Throughout their life cycle, projects have to respect **horizontal principles** such as *equal opportunities and non-discrimination*, including ensuring accessibility for persons with disabilities and preventing any discrimination, *equality between men and women* and *sustainable development*. Projects have to describe their specific contributions to these horizontal principles in the application form, under the dedicated sections in JeMS.

1. *Equal opportunities & non-discrimination*

All project partners are strongly encouraged to take measures in order to promote *equal opportunities and to combat discrimination* based on gender, racial or ethnic origin, religion or belief, age or sexual orientation and, if it is necessary, to take into account specific needs of different target groups at risk of discrimination, in particular the requirements to ensure accessibility for persons with disabilities. In general, projects should focus on considering the different needs of potential participants/target population and on reducing the obstacles and limitations to their participation.

2. *Equality between men and women*

For complying with the horizontal principle of ensuring *equality between men and women*, projects shall take into account gender mainstreaming and the integration of a gender perspective and promote it throughout the entire project life cycle. When possible, projects will implement measures to eliminate, prevent or remedy gender inequalities. During the activities carried out throughout a project, the rights, responsibilities or priorities of the participants will not depend in any way on their gender.

! All actions at project level shall respect the horizontal principles of equal opportunity, non-discrimination, accessibility and gender equality.

3. *Sustainable development*

Projects shall be in line with the objective of promoting *sustainable development*, taking into account the UN Sustainable Development Goals, the Paris Agreement and the "do no significant harm" principle (DNSH). Sustainable development - meeting the present needs while thinking of those of the future generations - should be regarded from the ecologic, economic and social point of view. In designing and implementing the project, the applicants should aim at a balanced use of resources, appropriate choice of logistics and raising public awareness on sustainable development issues (e.g. by inserting messages on printed materials or in the e-mails). The biggest challenges are related to environmental and biodiversity protection and sustainable use of natural resources and the addressing of climate change, environmental risks management and emergency preparedness. These challenges relate to the protection of the environment as an intrinsic value of the region and as a prerequisite for sustainable tourism.

The assessment of the quality of the eligible project proposals will also be based on a set of quality criteria which are common to all Priorities and fields of interest. In the evaluation of the applications, the following indicative aspects will also be considered:

- Contributing to the reduction of greenhouse gases emissions from different areas of activity to achieve EU targets;
- Contribute to climate change adaptation and natural risk prevention, promoting ecosystem benefits¹;
- The contribution to the reduction of surface water pollution and groundwater.
- Contribution to the reduction of pollutant emissions into the atmosphere (CO_x, NO_x, SO₂, suspended particles, heavy metals, VOC, PAH) resulting in the construction / operation period of the projects proposed by the Interreg IPA Romania-Serbia programme 2021-2027;
- Contribution to the reduction of accidental pollution registered and the affected areas (as a result of the projects proposed by the Interreg IPA Romania-Serbia programme 2021-2027), including the quantity and type of substances that determined the accidental pollution;
- Contribution to maintaining or improving the conservation status of species and habitats within protected natural areas and in the vicinity of projects proposed by the Interreg IPA Romania-Serbia programme 2021-2027;
- Contribution to the preservation and conservation of cultural heritage elements;
- Contribution to reducing the exploitation of depletable resources and facilitating the use of renewable ones;
- Contribution to reducing the quantities of waste generated and increasing the degree of recycling/ recovery for all types of waste integrating the solutions of the circular economy;
- Contribute to improving energy efficiency and sustainable use of resources;

DNSH:

- An activity is considered to do significant harm to climate change mitigation if it leads to significant greenhouse gas (GHG) emissions;
- An activity is considered to do significant harm to climate change adaptation if it leads to an increased adverse impact of the current climate and the expected future climate, on the activity itself or on people, nature or assets;
- An activity is considered to do significant harm to the sustainable use and protection of water and marine resources if it is detrimental to the good status or the good ecological potential of bodies of water, including surface water and groundwater, or to the good environmental status of marine waters;
- An activity is considered to do significant harm to the circular economy, including waste prevention and recycling, if it leads to significant inefficiencies in the use of materials or in the direct or indirect use of natural resources, or if it significantly increases the generation, incineration or disposal of waste, or if the long-term disposal of waste may cause significant and long-term environmental harm;

¹ The estimated decrease of greenhouse gas emissions, the increase in energy efficiency and in renewable energy production are EU 2030 headline target indicators and should be monitored across supported operations.

- An activity is considered to do significant harm to pollution prevention and control if it leads to a significant increase in emissions of pollutants into air, water or land;
- An activity is considered to do significant harm to the protection and restoration of biodiversity and ecosystems if it is significantly detrimental to the good condition and resilience of ecosystems, or detrimental to the conservation status of habitats and species, including those of Union interest.

For **infrastructure investments with an expected lifespan of at least 5 years**, the "infrastructure and works" proposed by the project should take into consideration the potential impacts of climate change (climate proofing in the sense of climate adaptation & resilience, according to the Technical guidance on the climate proofing of infrastructure in the period 2021-2027 C(2021) 5430²).

Moreover, **other horizontal themes** such as **the strategic use of public procurement**, encouraging quality-related and lifecycle costing criteria and do no significant harm principle should be taken into account by projects, starting from their design and preparation to their implementation and reporting.

When feasible, environmental (e.g. green public procurement criteria) and social considerations as well as innovation incentives should be incorporated into public procurement procedures. Also, where applicable, projects shall consider the core principles of **the New European Bauhaus Initiative**, aiming at beautiful, sustainable, and inclusive interventions by the Programme and its projects.

Ensuring access and opportunities for all to quality public services, removing barriers to healthcare, education, culture, etc., sustainability and climate change mitigation & adaptation, enshrined in the design of the Programme and its projects, are key objectives which should be taken into account and promoted throughout the project life cycle.

While the New European Bauhaus initiative will guide the implementation of actions, as an element of context, interventions having an impact on the cultural heritage should be in accordance with the best practices referred to in the **"European Quality Principles for EU-funded Interventions with Potential Impact upon Cultural Heritage"**³.

In order to **green their projects**, the partners are invited to implement as many actions as they see fit for the purpose of their project. Hereby, a list of examples is provided for incorporating sustainability into project activities:

- Publications could be disseminated only by electronic means;
- Recycled paper, both sides printing, as well as "printer-friendly" versions should be used in every day work;
- Use of natural light is preferred and the use of energy efficient light bulbs is strongly encouraged;

² <https://op.europa.eu/en/publication-detail/-/publication/23a24b21-16d0-11ec-b4fe-01aa75ed71a1/language-en>

³ European Quality Principles for EU-funded Interventions with Potential Impact upon Cultural Heritage, revised and augmented in November 2020, <http://openarchive.icomos.org/id/eprint/2436/>

- On-line meetings should be preferred whenever feasible, electronic communication means (e.g. e-mail, website) should be used rather than printed materials for pre-meeting and follow-up communications;
- The use of decorative elements such as flowers, banners etc. should be minimised and the re-use of badges should be encouraged;
- If disposable items are essential, it is ensured that they have a high content of recycled or plantbased material, are recyclable and that appropriate recycling systems are in place;
- All waste produced should be sorted for recycling in well-marked bins, if available;
- Locally grown and produced food and drinks should be used and reflect the seasonal products of the region;
- For products like sugar and coffee, the use of fair-trade labelled products is preferred.

For more information on sustainable measure which can be implemented at the level of the project please go to:

- UNEP Guide to Climate neutrality: “Kick the habit” <https://www.grida.no/publications/225>
- EU eco-management and audit schemes (EMAS) https://ec.europa.eu/environment/emas/index_en.htm
- European green office website: <https://www.eugreenoffice.eu/energies-durables-veritable-espoir-energetique/>
- UNEP: Green meetings guide for participants: <https://www.unescap.org/sites/default/files/Green%20Meetings%20Participant-guide.pdf>

1.3 Programme implementation structures

Managing Authority - the *Romanian Ministry of Development, Public Works and Administration* is responsible for managing and implementing the Programme in accordance with the principle of sound financial management.

National Authority - the *Serbian Ministry of European Integration* is the counterpart of the Managing Authority being responsible for programming, planning and implementing the Programme in Republic of Serbia, ensuring national co-financing at programme level, first level control for the expenditures made in Republic of Serbia.

Audit Authority - within the Romanian *Court of Accounts*, carrying out system audits and audits on operations in order to provide independent assurance to the Commission that the management and control systems function effectively and that the expenditure included in the accounts submitted to the Commission is legal and regular. The Audit Authority for the programme shall be assisted by a group of auditors which will assist the Audit Authority in carrying out its duties.

Monitoring Committee (MC), is composed of representatives from both participating countries in the Programme (representatives from the national, regional and local level and other economic, social and environmental partners), and ensures the effectiveness and quality of the implementation of the Programme, having specific tasks related to the monitoring of the Programme. The MC plays also a very important role in the selection of the operations, due to the fact that it approves/ revises the criteria for selecting the operations financed by the Programme and is responsible for selecting the operations.

Joint Secretariat (JS) is based in Timișoara within the *Regional Office for Cross-Border Cooperation Timișoara*. The JS is responsible for the day-to-day implementation of the

Programme, according to the provisions of the implementing agreement concluded between the Managing Authority and the Regional Office for Cross-Border Cooperation Timișoara and according to the provisions of national and EU legislation. The JS is responsible for fulfilling all the tasks delegated by the MA for the implementation of the Programme with regard to the MC secretariat, project generation, evaluation and selection of the projects, technical, economic and financial monitoring and control of the projects, information and publicity.

Antenna of the JS is located in *Zrenjanin, Republic of Serbia*, having as its main role to serve as a local contact point for Serbian potential beneficiaries/ project partners, to disseminate information at regional level and to support projects` development in the Republic of Serbia.

2. Call for proposals financial allocation

The amount allocated for this call is: **8,822,677 Euro (IPA funds)** to this call for proposals, which is broken down as follows:

Priority	Maximum EU support	Total funding*	Co-financing rate
Priority 1: Environmental protection and risk management	8,822,677	10,379,620	85%

**Includes the contributions from state budgets, local budgets and contribution of partners from both countries.*

! This call for proposals targets ONLY projects that will contribute to *Priority 1: Environmental protection and risk management, Specific objective 1.2.” Promoting renewable energy in accordance with Directive (EU) 2018/2001, including the sustainability criteria set out therein” and Specific objective 1.3. -” Promoting energy efficiency and reducing green-house gas emissions”*

The IPA contribution will be allocated for the reimbursement of eligible expenditure, duly justified and certified.

Within every single project, the IPA co-financing for each partner from Republic of Serbia and Romania is 85%⁴ of the eligible budget for each partner.

For Republic of Serbia, the remaining 15% must be covered by the partner; for Romania, the remaining 15% can be covered by the national public funds and the partner. National public co-financing at the state level in Romania shall be provided by the MDPWA to project partners from Romania participating in approved projects.

⁴ The 85 % is fixed, therefore it cannot be lower, nor higher.

Based on the subsidy contract concluded between the Lead Partner and the MA, the Lead Partner (Romanian or Serbian) may receive an advance payment in an amount of **15% from the value of the subsidy contract (IPA funds)**.

The advance payment shall be paid out of the IPA funds received from the EC as pre-financing at programme level and shall be granted, at the written request of the Lead Partner, according to the provisions of the subsidy contract.

2.1 State aid⁵

State aid refers to financial support that can distort competition and intra-community market trade. In order to meet the requirements of the European Commission and in order to allow a smooth implementation of the Programme and its approved projects, in the framework of Interreg IPA Romania-Serbia, **State Aid is not permitted**.

In case that during project implementation, or during 5 years after the end of project implementation period, illegal state-aid incidence is discovered the MA may apply a correction up to 100% financial correction for the respective project, including penalties and debts from the date of grant award to date.

For state aid to take place, the recipient of project funding must be an undertaking, and the Court of Justice has consistently defined undertakings as entities engaged in an economic activity, regardless of their legal status and the way in which they are financed.⁶ The term "**undertaking**" is in this context used in a wide sense as any entity which has an activity of an economic nature and which offers goods and services on the market, regardless the legal form and the way of financing of this entity. Also, if an entity is not profit-oriented, state aid rules will apply as long as it competes with companies that are profit-oriented. Therefore, not only private companies are subject to state aid rules but also public authorities, if they carry out an economic activity on the market.

The next step in establishing state aid is to use the set of four criteria **which have to be fulfilled** cumulatively in order to be state aid. Two of those (the existence of state origin / state resources and **selectivity**) always apply for Interreg IPA Romania-Serbia programme projects. Thus, state aid exists if the remaining these conditions are also met:

☐ **Economic advantage:** The project support is an economic advantage that the undertaking would not have received in the normal course of business. Such an economic advantage can be assumed if the undertaking does not provide for any market-driven consideration (e.g. it promises to create jobs in return for state funds received or it buys land from the state for a price lower than the market price).

- **an indirect advantage** may also be granted (indirect State aid) if the funds received by entities which are direct beneficiaries of the Programme are

⁵ In accordance with Article 2 of the Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy "**beneficiary**" means a public or private body, an entity with or without legal personality, or a natural person, responsible for initiating or both initiating and implementing operations; in the context of State aid schemes, the undertaking which receives the aid.

⁶ For further information, please see Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union C/2016/2946

channeled to identifiable undertakings/groups of undertakings (e.g. if the funds received by a direct beneficiary are used for building up infrastructure that is to be used for economic activities and the operation of this infrastructure is not granted through a public, open, unconditional tender, or if the funds are used by the beneficiary to train the employees of certain undertakings etc.).

☐ **Effect on trade and competition:** This criterion is already fulfilled if an aid has potential effect on competition and trade between Member States. It is sufficient if it can be shown that the beneficiary is involved in an economic activity and that it operates in a market in which there is trade between Member States. As a general rule, no effects on competition and trade are to be expected in case of purely local activities or legal monopolies.

Considering the activities financed under the current call, activities for which the beneficiaries do not act as economic operators and for which there are no considerations to assume that the competition will be distorted, the projects shall not be subject to state aid rules.

To this end, the following provisions **shall be fulfilled by each project**:

- All expenditures must be made according to the relevant public procurement provisions. This condition applies to **all** partners (e.g. public administration bodies, NGOs). The procurement procedure (performed by either Romania/Serbian partners) has to be open (to allow all interested and qualified bidders to participate in the process), transparent, sufficiently well-publicized, non-discriminatory and unconditional. When a tender procedure complies with these principles, it can be presumed that the transactions are in line with normal market conditions. For direct procurements the market price level is observed (try to refer to any well-known suppliers available at national level - print screen from websites are accepted and recommended).

- The project must not create an economic advantage to an economic operator/undertaking. The undertakings are defined as entities engaged in an economic activity, regardless of their status and the way in which are financed. The classification of a particular entity as an undertaking thus depends entirely on the nature of its activities. This general principle has three important consequences:

- First, the status of the entity under national law is not decisive. For example, an entity that is classified as an association or a sports club under national law may nevertheless have to be regarded as an undertaking within the meaning of Article 107(1) of the Treaty. The only relevant criterion in this respect is whether it carries out an economic activity.

- Secondly, the application of the state aid rules as such does not depend on whether the entity is set up to generate profit.

- Thirdly, the classification of an entity as an undertaking is always relative to a specific activity. An entity that carries out both economic and non-economic activities is to be regarded as an undertaking only with regard to the former. Any activity consisting in offering goods and services on a market is an economic activity.

- A service that is reimbursed at market price is not conveying an advantage. All studies or other results of the non-investment research and development projects shall be made available for free to all interested individual or legal persons, in a non-discriminatory way.

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

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

✓ education for more and better skilled human resources. Public education organised within the national educational system, predominantly or entirely funded by the State and supervised by the State is considered as a non-economic activity

✓ independent R&D for more knowledge and better understanding, including collaborative R&D where the research organisation or research infrastructure engages in effective collaboration

✓ wide dissemination of research results on a non-exclusive and non-discriminatory basis, for example through teaching, open-access databases, open publications or open software.

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

The non-economic nature of those activities is not prejudiced by contracting the provision of corresponding services to third parties by way of open tenders.

Where a research organisation or research infrastructure is used for both economic and non-economic activities, public funding falls under state aid rules only insofar as it covers costs linked to the economic activities. Where the research organisation or research infrastructure is used almost exclusively for a non-economic activity, its funding may fall outside state aid rules in its entirety, provided that the economic use remains purely ancillary, that is to say corresponds to an activity which is directly related to and necessary for the operation of the research organisation or research infrastructure or intrinsically linked to its main non-economic use, and which is limited in scope. This should be considered to be the case where the economic activities consume exactly the same inputs (such as material, equipment, labour and fixed capital) as the non-economic activities and the capacity allocated each year to such economic activities does not exceed 20 % of the relevant entity's overall annual capacity. Making the project results available only for certain individual or legal persons is strictly forbidden! Also, the project results should not create an economic advantage to a certain undertaking/activity/the production of certain goods.

- Any other categories of services, apart from those above mentioned, which are relevant and included in the projects financed by the respective Interreg programme, shall be provided freely or at market value.

Making the project results available only for certain individual or legal persons is strictly forbidden!

- The existence of state aid is excluded where the State acts by exercising public power or where authorities emanating from the State act in their capacity as public authorities. Any entity may be deemed to act by exercising public powers where the activity in question is a task that forms part of the essential functions of the State or is connected with those functions by its nature, its aim and the rules to which it is subject. Generally speaking, unless the Member State concerned has decided to introduce market mechanisms, activities that intrinsically form part of the prerogatives of official authority and are performed by the State do not constitute economic activities. Examples are activities related to: the army or the police; air navigation safety and control; maritime traffic control and safety; anti-pollution surveillance and the organisation, financing and enforcement of prison sentences.

The State Aid Self-Assessment- Annex 3 of the Application Form will be duly filled in.

If the State Aid self-assessment shows a possibility of state aid, the applicants should consult the JS at the earliest stage possible. The JS will support the project applicants in the self-assessment of the existence of state aid and guide them on how to proceed further in order to avoid state aid incidence, or even to cancel the application process, as state aid is not eligible in the Programme.

If during the check following grant award and corresponding national contribution, the relevant Authority (Managing Authority, Audit Authority or the relevant services of the European Commission) verifies an irregularity in the rules of the granting, in contrast with applicable regulation on the State aid or an irregularity in the grant award, it will be possible at Programme level to make a financial correction in compliance with the specific Community Regulation in force at the time of the grant award, and the part of “illegal aid” shall be subject to the recovery procedure.

3. RULES OF THE CALL FOR PROPOSALS

3.1. Type of call for proposals

The financing under this call for proposals shall be made available to potential beneficiaries through a competitive process. The Managing Authority, together with the National Authority and the Joint Secretariat, are launching the present call for proposals with a strict deadline for submitting the Concept Notes. Nevertheless, the applicants may submit their concept notes at any time, before the mentioned deadline.

3.2. General rules

The present call for proposals, under these guidelines, has the goal of establishing solid partnerships in the programme area by financing investment projects, specifically projects that spend their resources to contribute to an output that remains in use and in the ownership of the lead partner or project partners for at least five years after the project end date.

! Please note that the Programme will only finance investment projects which dedicate at least 50% of their budget to investments (as described in JeMS).

“Investment projects” are those projects which in JeMS envisage expenditures for the budget lines: “Equipment” and/or “Infrastructure and works”. These expenditures must be linked to the appropriate “investments” described in the corresponding section in JeMS in order to be taken into account for calculating the total budget allocated to an investment component (the 50% rule).

However, if an investment expenditure (equipment and/or infrastructure and works) is not linked to an “investment” in JeMS, this means that it will not be taken into account for calculating the 50% percentage, but it will be possible to spend it outside the programme area.

Example: The cost of 10.000 euro allocated to equipment 1 will not be added to the project’s “budget dedicated to investment”, but that equipment can be used outside the programme area.

Equipment

Please update the budget table: The sum of the amounts per period must match the budget item total.

Description	Award procedures	Linked to an Investment	Price	Total	Period 1	Period 2
equipment 1		N/A	10.000,00	10.000,00	0,00	0,00
equipment 2		11.1	5.000,00	5.000,00	0,00	0,00
equipment 3		11.2	250.000,00	250.000,00	0,00	0,00
+				265.000,00	0,00	0,00

Categories of eligible investments and their accompanying services: works, infrastructure, non-removable installations, fixed and intangible assets, new or renovated building, equipment and software, investments in access to services.

! The project implementation period and/ or the value of the grant for the projects contracted under this call for proposals may be increased⁷ by decision of the Monitoring Committee, based on the proposal made by the Managing Authority in consultation with the National Authority, after careful consideration of the Lead Partners' request and justifications.

The increase of the project implementation period and/ or the value of the grant shall be done in consideration of achieving the objective(s) of the project and its outputs and results.

All projects must observe the relevant EU & national legislation.

! All actions should seek synergies and, where relevant, should use complementarities aiming at the upscaling of results and leveraging of further funding and investments.

The minimum number of partners is two (2), one from each side of the border!
The maximum number of partners in a project will be five (5), including the Lead Partner!

3.3 How to apply

STEP 1:

The Programme bodies drafted a Concept note template and invites all interested stakeholders, through the Programme website and social media channels, to submit their proposals for projects by filling in the Concept Note template.

Concept Notes will be submitted via email: ipacbc@brct-timisoara.ro and romania-serbia@mdlpa.gov.ro.

The Concept Notes received within the deadline will be evaluated by an Evaluation Committee, taking into consideration the information provided in the Concept notes and observing the criteria set in the evaluation grid annexed to this Applicant Guide.

⁷ The new project implementation period and/ or the new grant value may exceed the maximum duration/ value, as specified in the current Applicant Guide.

Based on the points awarded for each proposed operation, a final list of Concept Notes shall be elaborated, in descending order of the scores. The final list shall only comprise the proposed Concept Notes that obtained the minimum required score of 70 points and shall be approved by the MC.

The selection of the concept notes will be done during an MC meeting. Only Concept Notes falling within the financial allocations of this call for proposals will be invited to draft a full application form.

The concept notes scoring higher than 70 points, but which don't fall within the financial allocation for this call for proposals, will be placed on a reserve list.

STEP 2:

After the selection of the Concept Notes by the MC, the concept notes falling within the financial allocations will be requested to submit a full application form within one month after the MC decision on the selection of the Concept Note. In this sense, a working group comprised by MA, NA and JS members will be organized, helping the beneficiaries to draft the full application form in line with the Programme documents.

For the present call for project proposals, the application process shall be done through the programme's Electronic Management System (JeMS). The JeMS is accessible at the following web address: <https://jems-rors.mdlpa.ro>.

The Applicant's Guide and JeMS manual provide potential beneficiaries with detailed guidelines on the application for funding process.

The Applicant's Guide, Annexes and JeMS manual are available on the following website:

<https://romania-serbia.net/>.

Following the submission of the full application forms, an Evaluation Committee will assess the project proposals, in line with the assessment criteria approved by MC.

In case that after filling in the Application Form, a proposed operation does not comply with the approved Programme document (e.g: key contribution to the achievement of the objectives of the Programme, indicators, budget, and activities, present the best relationship between the amount of support, the activities undertaken and the achievement of objectives) or the application form does not comply with the evaluated criteria from the Concept note and the AF cannot be improved to comply with the Programme document, the Programme shall decide not to finance that operation, but to select the next one from the reserve list.

3.3.1 Electronic Monitoring System (JeMS)

According to the provisions of art. 69(8) of the Regulation 2021/1060, an electronic data exchange system for the Interreg IPA Romania-Serbia programme 2021-2027 has been set up.

All exchanges of information between beneficiaries and the programme authorities are carried out by means of electronic data exchange system.

The JeMS is a monitoring system with communication portal to support submission, assessment, approval, contracting, implementation & monitoring and payment of projects in the context of Interreg IPA Romania-Serbia programme 2021-2027. The system supports collection of all information on submitted projects, implementation of the approved projects, their achievements, modifications and closure. Additionally, aggregated data on the progress of projects and a programme are recorded in the system. All programme bodies are able to

communicate with beneficiaries via the system and re-use the data already collected.

Online submission system

Full applications can be submitted via JEMS only, accessible at the following URL:

<https://jems-rors.mdlpa.ro>

A user who first created an application form is treated by the system as a lead applicant and can allow other applicants read or read/write access to the application form. **The lead applicant is the only user who can submit the application.** The person registering as lead applicant should be the contact person or the project manager of the Lead Partner/beneficiary institution/organization.

NOTE: The Application Form may only be submitted in the JeMS by the Lead Partner of the project.

Further information on how to use the JeMS (user registration, how to fill in the application form and apply for financing, contracting and reporting) can be found in the JeMS manual, available on the Programme website: <https://romania-serbia.net/>.

3.3.2 Eligibility Criteria

The submission of projects is open to all potential beneficiaries that meet the eligibility criteria set-out below. These eligibility criteria shall apply for the entire programme duration. In order to be eligible for funding under the programme, a project should meet all three criteria set out below: the eligibility of *applicants*, *activities* and *expenditures*.

3.3.3 Eligibility of applicants

In order to be eligible for a grant, applicants must fulfil the following criteria:

- Be legally established according to national legislation of the state on whose territory they are located
- Be non - profit generating bodies (in the sense of art. 195, of Regulation (EU, Euratom) 2024/2509)⁸

In addition, applicants should:

- ❖ Be directly responsible for the preparation and implementation of the action together with their partners and not acting only as an intermediary;
- ❖ Have stable and sufficient sources of finance to ensure the continuity of their organization throughout the project and to play a part in financing it;
- ❖ Be able to implement the project in the Programme area and demonstrate their financial and administrative capacity to manage their share of the project.

⁸ Grants shall not have the purpose or effect of producing a profit within the framework of the action or the work programme of the beneficiary (no-profit principle).

- ❖ Have not received financing support from public funds in the past 5 years before the deadline for submitting the applications under this call for proposals for the same type of operation in terms of objectives, activities and results.

For **infrastructure and works actions**, the applicants must prove they have the legal right to perform the project activities in the specific location.

! Partnerships not involving strong commitment and contributions from the part of all partners shall be rejected!

Considering this, partners shall cooperate in the development, implementation and financing of the Interreg operations. Project partners can also cooperate in staffing, if needed.

! Political parties are not eligible, neither as applicants nor as partners!

Potential applicants shall be excluded from participation in calls for proposals if (according with Art. 138 of REGULATION (EU, Euratom) 2024/2509):

(a) the person or entity is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended, or it is in any analogous situation arising from a similar procedure provided for under Union or national law;

(b) it has been established by a final judgment or a final administrative decision that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;

(c) it has been established by a final judgment or a final administrative decision that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:

i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the implementation of the legal commitment;

ii. entering into agreement with other persons or entities with the aim of distorting competition;

iii. violating intellectual property rights;

iv. attempting to influence the decision-making of the authorising officer responsible during the award procedure;

v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;

(d) it has been established by a final judgment that the person or entity is guilty of any of the following:

i. fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council (44) and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995 (45);

ii. corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European

Union, drawn up by the Council Act of 26 May 1997 (46), or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA (47), or corruption as defined in other applicable laws;

iii. conduct related to a criminal organisation as referred to in Article 2 of Council Framework Decision 2008/841/JHA (48);

iv. money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council (49);

v. terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA (50), respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;

vi. child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council (51);

(e) the person or entity has shown significant deficiencies in complying with main obligations in the implementation of a legal commitment financed by the budget which has:

i. led to the early termination of a legal commitment;

ii. led to the application of liquidated damages or other contractual penalties; or

iii. been discovered by an authorising officer, OLAF or the Court of Auditors following checks, audits or investigations;

iv. it has been established by a final judgment or final administrative decision that the person or entity has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95 (52);

v. it has been established by a final judgment or final administrative decision that the person or entity has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business;

(f) it has been established by a final judgment or final administrative decision that an entity has been created with the intent referred to in point (g).

Applicants are also excluded from participation in calls for proposals or the award of financial support if, at the time of the call for proposals, they:

(g) 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.

(h) are guilty of misrepresentation in supplying the information required by the Managing Authority/ Joint Secretariat as a condition of participation in the call for proposals or fail to supply this information which might have led to a different decision of the evaluators/ Managing Authority during the evaluation process;

(i) have attempted to obtain confidential information or influence the evaluation bodies or the Managing Authority during the evaluation process of current or previous calls for proposals;

In the cases referred to in points (a) to (i) above, the exclusion applies for a maximum period of ten years, from the time when the infringement is established or from the date of notification of the judgment.

In the "Project partner statement" (Annex 2), applicants must declare that they do not fall into any of the above categories (a) to (i).

! For an easier identification of each applicant, it is strongly recommended to also use the

PIC number (which can be obtained by registering within the EC Participant Register⁹) when filling in the Partner Identity Information in Jems. The link for applying for the PIC number is posted on the Programme website: <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register>

The Managing Authority or the Joint Secretariat may request, at any time, additional documentary evidence and argumentations regarding the eligibility of applicants.

3.3.4 Eligibility of actions (operations)

! Applicants are asked to demonstrate that the project activities have cross-border impact on the Programme area, contribute to the objectives of the Programme and that the results cannot be achieved without cross-border cooperation.

As a general rule, activities for which funding is sought have to be carried out in the area of the programme. However, as an exception, **a part of an operation may be implemented outside the programme area** but within the territory of the countries participating to the Programme, provided that the activities contribute to the objectives of the programme and are in the benefit of the programme area. When a part of an operation is implemented outside the programme area, the selection of that operation shall require the explicit approval by the managing authority in the monitoring committee (Art. 22, REGULATION (EU) 2021/1059). Please take into consideration that: Investments (“Infrastructure & works” and “equipment” expenditures) linked to an Investment defined in JeMS, shall be done only in the Programme area.

- Investment expenditure NOT LINKED with an Investment in JeMS, WILL NOT be considered as Investment and WILL NOT be calculated as part of the 50% of the project budget dedicated to investments.

For all operations and parts of operations, the obligations of the managing and audit authorities in relation to management, control and audit concerning the operation are fulfilled by the cross-border cooperation programme authorities.

All projects must be in line with the priorities and specific objectives as stipulated in the Interreg IPA Romania-Serbia programme.

Also, all operations have to fall within the scope of the type of actions defined in the present Applicant`s Guide under each Specific Objective.

! In this respect, in the Concept Notes and in the Application Form, under section “*Project overall objective*”, the applicant shall clearly specify to what type(s) of action(s) it contributes.

The types of actions financed under each specific objective, as well as projects` duration, budget limits and special requirements regarding indicators/outputs and results are described below:

⁹ <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register>

PRIORITY 1 - ENVIRONMENTAL PROTECTION AND RISK MANAGEMENT

Specific objective 1.2. "Promoting renewable energy in accordance with Directive (EU) 2018/2001, including the sustainability criteria set out therein

Eligible types of actions:

- Solutions developed through joint "pilot actions" in renewable energy (e.g wind, solar, geothermal).

NOTE: The eligibility of an action does not confer eligibility on the expenditure made for the implementation of that action.

Project duration:

All projects must have the project duration between 12 - 24 months from the starting date of the project, on condition that the final reimbursement claim is submitted before March 2, 2029.

Project Budget:

The IPA funds requested for one project will range between **2,000,000 EURO - 4,000,000 EURO**.

- EU funding shall finance 85% of the eligible expenditure;
- Romanian state budget shall provide an additional 13% to the Romanian public bodies and NGOs;
- The remaining amount represents own contribution of Romanian project partners (2%);
- For Serbian partners the amount representing own contribution shall cover 15% of the eligible expenditure to the project.

Indicators:

Each project should contribute to the output indicator *RCO 84 - Pilot actions developed jointly and implemented in projects* and to the result indicator *RCR 104 - Solutions taken up or upscaled by organisations*. This means that each project should invest in developing pilot actions in the field of renewable energy (outputs of the project), actions that are later on promoted and replicated so that the effect of the initial investment is multiplied. Therefore, the pilot action/s will generate solutions to the challenges tackled by the project and these solutions will be later on taken up or up-scaled by other organisations (results of the project).

The output indicator *RCO 84 - Pilot actions developed jointly and implemented in projects* counts the pilot actions developed jointly and implemented by the project. The scope of a jointly developed pilot action could be to test procedures, new instruments, tools, experimentation, or the transfer of practices. The pilot action needs not only to be developed, but also implemented within the project, meaning that in order to be counted for this indicator, the implementation of the pilot action should be finalized by the end of the project. Each "pilot action" represents an output delivered by the project and each pilot action cannot generate more than one solution.

Jointly developed pilot action implies the involvement of organizations from both participating countries.

Please keep in mind that for this indicator there will be counted only concrete actions/initiatives/tools/instruments developed and not number of events, meetings, strategies or studies. These pilot actions should have an impact on the specific objective on their own and should implement concrete measures for the production and use of renewable energy.

The project will define outputs in connection with this indicator and if more than one pilot action is intended to be developed and implemented, project partners should define each pilot action as a separate group of activities. Also, we recommend that an output is defined for each pilot action developed and implemented. Therefore, the target for each output will be 1, but the project can define as many outputs as pilot actions is developing and implementing. Please use the “output description” section in JeMS to describe the pilot action, its novelty character and its contribution to the project`s specific objective.

! for each output contributing to this indicator, it is mandatory to describe *in section C.8.3 Transferability* of the Application Form the measures proposed for:

- increasing visibility of the pilot actions and their corresponding generated solutions so that other organizations can adopt/up-scale them;
- facilitating the adoption/ scaling-up of the solutions generated by the pilot actions by the partners of the project themselves.

The **result indicator RCR 104 - Solutions taken up or upscaled by organisations** counts the number of solutions stemming from the pilot actions that are developed by the project and are later on taken up or up-scaled until the end of the one-year period after project completion.

Each “solution taken-up or upscaled” represents a result delivered by the project.

The organisation adopting the solutions deriving from the pilot actions developed by the project may or may not be a participant in the project. The uptake / up-scaling should be documented by the adopting organisations in, for instance, strategies, action plans etc.

The contribution to this indicator will be measured at 1 year after project completion. In the application form, please select the “after project implementation” option for the “delivery period” section for each result described.

! Special monitoring measures will be taken by the project partners for capturing the contribution to this indicator in the sense that the solutions need to be formally adopted by organisations and supporting documents from the adopting organisation need to be provided by the lead partner when reporting the contribution to this result indicator (at 1 year after project completion), for instance, strategies, action plans etc.

! One project may achieve one or more taken-up or upscaled solutions. If the same solution is taken up by more than one organization, only one is counted when estimating the target for this result in the application form.

Specific objective 1.3. -" Promoting energy efficiency and reducing green-house gas emissions"

Eligible types of actions¹⁰:

- Investments in energy efficiency measures regarding public infrastructure;
- Promotion of energy efficiency and resource efficiency measures;
- Demonstration projects and initiatives for reducing emissions of green-house gas and air pollutants;
- Investment in supporting measures for reducing emissions of green-house gas and air pollutants.

NOTE: The eligibility of an action does not confer eligibility on the expenditure made for the implementation of that action.

Project duration:

All projects must have the project duration between 12 - 24 months from the starting date of the project, on condition that the final reimbursement claim is submitted before March 2, 2029.

Project Budget:

The IPA funds requested for one project will range between **2,000,000 EURO - 4,000,000 EURO**.

- EU funding shall finance 85% of the eligible expenditure;
- Romanian state budget shall provide an additional 13% to the Romanian public bodies and NGOs;
- The remaining amount represents own contribution of Romanian project partners (2%);
- For Serbian partners the amount representing own contribution shall cover 15% of the eligible expenditure to the project.

Indicators:

Each project should contribute to the output indicator *RCO 84 - Pilot actions developed jointly and implemented in projects* and to the result indicator *RCR 104 - Solutions taken up or upscaled by organisations*. This means that each project should invest in pilot actions in the field of energy efficiency and reduction of green-house gas emissions (outputs of the project), actions that are later on promoted and replicated so that the effect of the initial investment is multiplied. Therefore, the pilot action/s will generate solutions to the challenges tackled by the project and these solutions will be later on taken up or up-scaled by other organisations (results of the project).

¹⁰ As the programme is addressing Intervention field code 045 - Energy efficiency renovation or energy efficiency measures regarding public infrastructure, demonstration projects and supporting measures compliant with energy efficiency criteria, the renovation of buildings is also meant to include infrastructure in the sense of intervention fields 120 to 127 (Regulation 1060/2021).

The output indicator **RCO 84 - Pilot actions developed jointly and implemented in projects** counts the pilot actions developed jointly and implemented by the project. The scope of a jointly developed pilot action could be to test procedures, new instruments, tools, experimentation, or the transfer of practices. The pilot action needs not only to be developed, but also implemented within the project, meaning that in order to be counted for this indicator, the implementation of the pilot action should be finalized by the end of the project. Each “pilot action” represents an output delivered by the project and each pilot action cannot generate more than one solution.

Jointly developed pilot action implies the involvement of organizations from both participating countries.

Please keep in mind that for this indicator there will be counted only concrete actions/initiatives/tools/instruments developed and not number of events, meetings, strategies or studies. These pilot actions should have an impact on the specific objective on their own and should implement concrete measures for promoting energy efficiency measures and reducing green-house emissions.

The project will define outputs in connection with this indicator and if more than one pilot action is intended to be developed and implemented, project partners should define each pilot action as a separate group of activities. Also, we recommend that an output is defined for each pilot action developed and implemented. Therefore, the target for each output will be 1, but the project can define as many outputs as pilot actions is developing and implementing. Please use the “output description” section in JeMS to describe the pilot action, its novelty character and its contribution to the project`s specific objective.

! for each output contributing to this indicator, it is mandatory to describe *in section C.8.3 Transferability* of the Application Form the measures proposed for:

- increasing visibility of the pilot actions and their corresponding generated solutions so that other organizations can adopt/up-scale them;
- facilitating the adoption/ scaling-up the solutions generated by the pilot actions by the partners of the project themselves

The result indicator **RCR 104 - Solutions taken up or upscaled by organisations** counts the number of solutions stemming from the pilot actions that are developed by the project and are taken up or up-scaled until the end of the one-year period after project completion.

Each “solution taken-up or upscaled” represents a result delivered by the project.

The organisation adopting the solutions deriving from the pilot actions developed by the project may or may not be a participant in the project. The uptake / up-scaling should be documented by the adopting organisations in, for instance, strategies, action plans etc.

The contribution to this indicator will be measured at 1 year after project completion. In the application form, please select the “after project implementation” option for the “delivery period” section for each result described.

! Special monitoring measures will be taken by the project partners for capturing the contribution to this indicator in the sense that the solutions need to be formally adopted by organisations and supporting documents from the adopting organisation need to be provided

by the lead partner when reporting the contribution to this result indicator (at 1 year after project completion), for instance, strategies, action plans etc.

! One project may achieve one or more taken-up or upscaled solutions. If the same solution is taken up by more than one organization, only one is counted when estimating the target for this result in the application form.

! One single project can address both specific objectives, also combining eligible types of actions of the two

4. RULES APPLICABLE TO ALL PROJECTS

Cooperation criteria:

! Partners shall cooperate in the development, implementation and financing of projects. They may also cooperate in staffing.

Joint development - (**mandatory**) means that the project must be designed in common by partners from both sides of the border. This means that project proposals must clearly integrate the ideas, priorities and actions of stakeholders on both sides of the border. The Lead Partner is the coordinator of this process but should include other partners from the beginning of the development process. The project must show the importance of cooperation in the specific field;

Joint implementation - (**mandatory**) means that activities must be carried out and coordinated among partners on both sides of the border. It is not enough that activities run in parallel. There must be clear content-based links between what is happening on either side of the border and regular contact between the two sides. The Lead Partner is responsible for ensuring that activities are properly coordinated, that schedules are kept and that the right quality levels are achieved. The project must demonstrate that the results cannot be achieved without cooperation and that there is a clear benefit for the programme area stemming from the project partners' cooperation;

Joint financing - (**mandatory**) means that there will be only one contract per project and there must therefore be one joint project budget. The budget should be proportional to the activities carried out by each partner and should reflect the cross-border character of the project. There is also only one project bank account for the EU contribution (held by the Lead Partner) and payments representing EU support are made from the programme to this account. The Lead Partner is responsible for administration and distribution of these funds and for reporting on their use. Funding should come from both sides of the border and illustrates the commitment by each partner to the joint project. The distribution of financial resources should reflect tasks and responsibilities of the partners.

Joint staffing - (**optional**) means that the project should not duplicate functions in the project management team on either side of the border. Therefore, regardless of where the person is located, there should be one joint project manager, one joint financial manager

etc., (of course more staff may be required for larger projects). The staff will be responsible for project activities on both sides of the border.

The project must include activities for information and publicity, according to the European Commission Regulations and observing the 2021-2027 Visual Identity Manual of the Programme (available at www.romania-serbia.net).

Each partner of an Interreg project must:

- provide on the partner's official website or social media sites, where such sites exist, a short description of the Interreg operation, proportionate to the level of support provided by an Interreg fund, including its aims and results, and highlighting the financial support from the Interreg fund;
- provide a statement highlighting the support from an Interreg fund in a visible manner on documents and communication material relating to the implementation of the Interreg operation, intended for the general public or for participants;
- display durable plaques or billboards clearly visible to the public, presenting the emblem of the Union in accordance with the technical characteristics laid down in Annex IX of Regulation (EU) 2021/1060, as soon as the physical implementation of an Interreg operation involving physical investment (infrastructure & works) or the purchase of equipment starts or purchased equipment is installed (as part of an investment), with regard to operations supported by an Interreg fund, the total cost of which exceeds EUR 100 000;

The projects should include details that allow for the evaluators to assess that the project complies with the "sound financial management principle" (economy, efficiency and effectiveness):

- The principle of economy concerns minimising the costs of resources. The resources used by the project partners for its activities should be made available in due time, in appropriate quantity and quality, and at the best price.
 - The budget allocated to staff and external expertise is in line with the project content and the costs are realistic.
 - Sufficient and reasonable resources are planned to ensure project implementation.
- The principle of efficiency concerns getting the most from the available resources. It is concerned with the relationship between resources employed and outputs delivered in terms of quantity, quality and timing.
 - The need for engaging external expertise is justified and the costs seem realistic.
 - Financial allocation per cost category is in line with the work plan.
 - If applicable, the distribution of the budget per period is in line with the work plan.
 - The application of simplified cost options (SCOs) is appropriate and in line with the programme rules.

- The principle of effectiveness concerns meeting the objectives and achieving the intended results.
 - The available information in the budget is transparent and sufficient. On that basis, the project budget appears proportionate to the proposed work plan, project outputs and project's contribution to programme indicators aimed for.
 - Sufficient and reasonable resources are planned for investments and equipment purchases (if applicable) and their costs are realistic.

4.1 Eligibility of expenditure

The detailed budget of the application should always be prepared on the basis of the activities needed to meet the projects' objective and the resources required to carry out these activities within the time allowed.

! Specific details regarding eligible expenditure and non-eligible expenditure are available in **Annex G - List of eligible expenditure for the 2nd Call for proposals dedicated to regular projects.**

Only "eligible costs" can be taken into account for financial support. The budget is therefore both a cost estimate and a maximum ceiling for "eligible costs". Note that the eligible costs must be based on real costs, except for the lump sums and flat rates, which are automatically calculated. The eligibility of expenditure applies to both public and own contribution, so it is not possible to consider an ineligible expenditure as own contribution.

It is therefore in the applicant's interest to provide a **realistic and cost-effective budget.**

Taking into consideration the European Commission recommendation that programmes should increasingly make use of simplified cost options, the Programme decided that the following lump sums and flat rates **shall** be used when drafting the projects' budgets / reimbursement of eligible expenditure:

- Project preparation lump sum¹¹ - 15,882 euro (total costs) at project level, for project preparation expenditures for infrastructure investment projects or 11,765 euro (total costs) at project level, for project preparation expenditures for equipment investment projects;
- Staff costs flat rate - up to 20 % of the direct costs other than the direct staff costs, at partner level. Total Staff costs flat rate is calculated by applying the rate (%) to the sum of direct costs (External expertise and services costs, Equipment expenditure, Costs for infrastructure and works). Activities foreseen to be externalised will not be also performed by own staff (e.g project management, including external expertise related to the organisation of the public procurements for the project, services related to the financial and technical reporting for the project or other activities).
- Travel & accommodation flat rate - up to 15 % of the direct staff costs¹², at partner level;

¹¹ This amount covers all costs linked to the preparation of the Application and further costs related to the conditions clearing until the contracting of the project.

¹² Direct staff costs are those staff costs that are directly related to the implementation of the operation or project where the direct link with this individual operation or project can be demonstrated

- Office & administrative costs flat rate - up to 7% of eligible direct costs, at partner level. Total office & administrative flat rate is calculated by applying the rate (%) to the sum of direct costs (External expertise and services costs, Equipment costs, Costs for infrastructure and works, direct staff costs, travel and accommodation costs);
- Project closure lump sum - 3,529 euro (total costs) at project level.

! All direct staff costs MUST be budgeted under Staff costs budget line, as a flat rate of up to 20%.

! All indirect staff costs must be included under Office and administration.

Direct staff costs are those salaries paid for the staff involved in the main activities of the project (e.g project manager, financial manager, technical staff such as engineer, laboratory, medical, university staff, etc.).

Indirect staff costs are those paid for the staff involved only in administrative tasks (e.g driver, secretary, accountant of the beneficiary institution, cleaning personnel).

Direct costs are those costs which are directly related to an individual activity of the entity, where the link with this individual activity can be demonstrated.

The above-mentioned simplified cost options have been chosen taking into consideration the benefits they will bring to the projects' implementation and to the project partners:

- easier project implementation;
- reduced administrative burden for the project partners and programme authorities;
- lower risk in implementation and hence control/audit requirements;
- easier retention of documents after the project;
- reduced error rate;
- allowing speeding up reimbursements to the project partners.

General Note: The Lead Partner/ Partner cannot act as a supplier (contractor or sub-contractor that provides services and products against payment). Neither the Lead Partner/ Partner employees nor the Lead Partner/ Partner organisations can act or get paid as external experts for the work done in the project.

Information about VAT for Serbian beneficiaries:

Having regard to:

Article 64 of EU Regulation 2021/1060 which stipulates that Value Added Tax is not eligible expenditure, except for operations the total cost of which is below 5 million euros (including VAT) and for operations the total cost of which is at least 5 million euro (including VAT) where it is non-coverable under national VAT legislation,

Annex G to the Guidelines for Applicants, "List of eligible expenditure for the 2nd Call for proposals dedicated to regular projects",

Republic of Serbia will not have legal grounds for VAT exemption for costs incurred within Cross-border Cooperation Programme with Romania in programming period 2021-2027, **therefore VAT exemption will not be performed.**

This further implies that **costs in relation to procurement of services, supplies and works are eligible in gross amount meaning with VAT included**. Future applicants should make sure that parts of their project budget referring to Serbian partners include also VAT.

4.2 Lead Partner and partnership rules:

! The Lead Partner shall be established in one of the participating countries of the programme.

Partnership rules:

- ❖ Appoint, for each project, a Lead Partner among the project partners, which bears the overall responsibility and liability for the entire project implementation and management. The tasks of the Lead Partner are provided in article 26 of the Regulation (EU) 2021/1059 of the European Parliament and of the Council, in the subsidy contract (Annex D) and in the Partnership Agreement (Annex F), as following:
 - a. lay down the arrangements with the other partners in an agreement comprising provisions that, inter alia, guarantee the sound financial management of the respective Union funds allocated to the Interreg operation, including the arrangements for recovering amounts unduly paid;
 - b. assume responsibility for ensuring implementation of the entire Interreg operation;
 - c. ensure that expenditure presented by all partners has been paid in implementing the Interreg operation and corresponds to the activities agreed between all the partners, and is in accordance with the document provided by the managing authority pursuant to Article 22(6) of Regulation (EU) 2021/1059.
 - d. If not otherwise specified in the arrangements laid down pursuant to point (a), the lead partner shall ensure that the other partners receive the total amount of the contribution from the respective Union fund in full and within a timeframe agreed by all partners and following the same procedure applied in respect of the lead partner. No amount shall be deducted or withheld and no specific charge or other charge with equivalent effect shall be levied that would reduce that amount for the other partners.
 - e. In addition, the lead partner bears the responsibility for monitoring and reporting on the level of achievement for the project`s output and result indicators.

! Concerning the retention of all documents related to the implementation of a project, all partners must retain and make them available for a 5-year period from 31 December of the year in which the final payment by the managing authority to the lead partner is made.

! All partners in a project must sign a partnership agreement before the signing of the subsidy contract with the MA that stipulates the rights and duties of the partners. A model of partnership agreement is annexed to the present Guide.

The partners may decide, with prior agreement of the MA, to stipulate additional or more restrictive provisions from those mentioned in the model partnership agreement, Annex F. However, the minimum provisions of the partnership agreement provided in the model - Annex F - must be included in the signed partnership agreement.

According to the Partnership Agreement, after the signing of the subsidy contract, the parties must establish a Project Steering Committee composed of representatives of all partners, having the role of approving progress reports and payment requests before submitting them to JS and performing any other tasks stipulated in the respective agreement or assigned by project partners. The partners may choose to establish the Project Steering Committee in the project development phase, in order to have a better continuity with the implementation phase.

All partners should dispose of the expertise, resources and capacity to fulfil their designated tasks.

The value of the own contribution by the applicant and by each of the partners to the project is shown in the Partner Budget/ Partner Contribution section in the JeMS.

NOTE: The Application Form may only be submitted in the JeMS by the Lead Partner of the project.

4.3 Required documents to be submitted with the Application form

A. Documents mandatory for all applications

- 1) **Project statement (Annex 1)**, issued, filled in and signed by the Lead Partner organization.
- 2) **Project partner statement (Annex 2)**, issued, filled in and signed by each project partner.
- 3) **State-aid self-assessment (Annex 3)**, issued, filled in and signed by each project partner. This State-aid self-assessment document has been developed to help the beneficiaries to make an initial assessment of whether State aid is involved in their project and the options for dealing with this.
- 4) **Declaration on free availability of project results (Annex 4)**, issued, filled in and signed by each project partner.
- 5) **Declaration of the empowered bodies** (county/local council, board of directors etc.) regarding the availability of own resources (including non-eligible expenditure), temporary availability of funds for their activities until reimbursement (**Annex 5**), issued and signed by the representative of the empowered body for each project partner.
- 6) **Legalized mandates** of delegation from the legal representatives of partners (in case the application form and annexed declarations are not signed by the legal representatives of the Lead Partner/partners), accompanied by their English translation.
- 7) **Legal registration documents of the applicants proving the eligibility (according to point 3.3.3 - Applicant Guide).**

B. Documents to be submitted depending on the specificity of the application

1. For partners who envisage infrastructure and works: Documents certifying the ownership status of the land and/or building:

a) the legal act (e.g. government decision, law, government ordinance, decision of local counties, etc.) proving that the applicant owns the land and/or building/ item of infrastructure or holds the land and/or building/ item of infrastructure in concession/on long term contract/ in administration/ bailment contract/rent contract/ any other right under the real property law;

b) *if the applicant is not the owner:*

I. the document proving that the concession/ long term contract/ bailment contract/ rent contract/ any other right under the real property law is for at least 5 years after the completion of the operation

II. Declaration from the owner saying that the applicant may perform the infrastructure actions on/ in the relevant land/ building/ item of infrastructure (Annex 6).

c) **Annex 6:** the declaration from the land and/or building/ item of infrastructure owner (for the public authorities administrating the land/building owned by the State, the declaration can be signed by the administrator`s legal representative - as long as the administrator has been officially appointed through a legal document which is also submitted) that the land and/or building/ item of infrastructure is:

- free of any encumbrances;
- not the object of a pending litigation;
- not the object of a claim according to the relevant national legislation.

d) documents (e.g. Cadastral excerpt) related to the registration of the land and/or building/ item of infrastructure in the relevant public registers

2. For partners who envisage infrastructure and works: Feasibility studies, according to the Romanian legislation/ Conceptual Design (Idejni projekat)/ General design (Generalni projekat) or any other design document elaborated by the licenced designer that contains description of construction works and Bill of Quantities, according to the Serbian legislation.

! The above document should not have been elaborated/ updated/ revised more than one year before the submission deadline for concept notes (3rd March 2025) - the document must bear the date of elaboration/revision. The document should be submitted as an annex to the application form and should be accompanied by the legal agreements and approvals according to national legislation in force.

In order to evaluate the technical characteristics of an infrastructure and works project, the applicants must annex the above document to the application form. Its elaboration and approval must observe the national provisions in this matter.

In case of Conceptual Design/ General Design or other design submitted by **Serbian partners**, only the General description (textual part of documentation) and Bill of Quantities have to be in English.

Only the written sections (Section A of the Feasibility Study/Documentation for Approval of Intervention Works content framework) must be provided in English by **Romanian partners**. Approvals, agreements, and drawings included in the documentation may be submitted in Romanian.

In case small scale works are envisaged (e.g. renovation works), where such works do not require the applicant to obtain the building permit, at least the Bill of Quantities should be submitted (in English).

!!! Before submitting your Project Application via JeMS please check that ALL needed documents are attached:

No.	Name of the Document	Observation
1.	Project statement	Annex 1
2.	Project partner statement	Annex 2
3.	State-aid self-assessment	Annex 3
4.	Declaration on free availability of project results	Annex 4
5.	Declaration of the empowered bodies	Annex 5
6.	Declaration from the land and/or building/ item of infrastructure owner	Annex 6 (only for partners who envisage infrastructure and works)
7.	Legalized mandates	Only in case the application form and annexed declarations are not signed by the legal representatives of the Lead Partner/partners
8.	Legal documents proving the eligibility	According to point 3.3.3 - Applicant Guide
9.	Documents certifying the ownership status of the land and/or building	Only for partners who envisage infrastructure and works
10.	Feasibility studies/ Conceptual Design/ General design or any other design document elaborated by the licenced designer that contains description of construction works and Bill of Quantities.	Only for partners who envisage infrastructure and works

Documents required to be submitted during the pre-contracting phase

The Applicant should start the endeavours for obtaining the below listed documents and any other documents/ permits/ authorizations/ agreements needed for project implementation, upon receiving the notification regarding MC Decision on selection.

1. Documents which are the object of the own responsibility statements (i.e. Tax Payment Certificate for the proof of payment of taxes to the state consolidated budget and local budget). For Serbian Beneficiaries two documents are to be submitted: Tax Certificate issued by Tax Administration of Ministry of Finance for Legal Entities Regarding Fees and Taxes and Tax Certificate for Legal Entities Regarding Local Fees and Taxes. (*Uverenje Poreske uprave Ministarstva finansija da je izmirio dospele poreze i doprinose Uverenje nadlezne uprave*)

lokalne samouprave da je izmirio obaveze po osnovu izvornih lokalnih javnih prihoda).

2. Partnership agreement signed by all project partners (see Annex F Model Partnership Agreement).

3. For the Romanian public authorities must be also submitted the proof (**budgetary substantiation sheet - “fisa de fundamentare”**) that the budget of the Romanian Beneficiary, is financed from the state budget, from the state social insurance budget or from the special funds budgets and **the amounts necessary for financing in that year of the value corresponding to the part of the project, within the entire cross border cooperation project, including the national cofinancing and own contribution are foreseen**, in accordance with the provisions of Law no. 231/2022, and the rules for the application of Law no. 231/2022. These documents must be provided in the pre-contractual phase.

4. Criminal record (for both the institution and legal representative/ person empowered to sign the contract), which shows that the beneficiary and legal representative/person empowered to sign the contract was/ is not convicted or was/ is not in one of the situations presented in the Applicant Guide under eligibility of applicants. For beneficiaries in Serbia Criminal record consists of two documents, one is issued by relevant Basic Court and the other by Higher Court in Belgrade, Special Department (for organized crime). If Criminal record cannot be issued according to national legislation of the Republic of Serbia, having in mind Law on the Liability of Legal Entities for Criminal Offences ("Official Gazette of the Republic of Serbia" No. 97/08 of 27 October 2008) that defines Exclusion and Limitation of Liability and according to which the Republic of Serbia, the autonomous province and the local-self government unit, that is, government authorities and authorities of the autonomous province and local-self government unit cannot be liable for criminal offences, nor other legal entities vested with public powers by virtue of law can be liable for criminal offences committed when exercising such public powers, then the beneficiary's institution must sign a declaration certifying that they do not fall into any of the exclusion situations cited under Article 138 of the Financial Regulation (REGULATION (EU, Euratom) 2024/2509, (recast).

5. Financial identification forms (EUR and RON/ RSD accounts) and account balance. The euro account identification form must be accompanied by a bank statement regarding the balance of the account which must be 0,00 euro.

6. Declaration regarding the project team members and on the absence of conflict of interest (Annex I).

In order to satisfy itself of the sound management of the contracting process, at any stage the MA may request additional documents from the beneficiary. The JS must ensure that the documents are submitted to the MA in due time according to specific MA requirements.

Failure to submit any of the above documents shall determine the termination of the contracting process for the respective project.

4.4 Deadline for submitting the concept notes

Concept Notes may be submitted at any time during the period from the launching day of the present call for proposals and until the **Deadline**.

***The deadline for submitting the
Concept Notes is 3rd March 2025 (16 o'clock, Romanian local time).***

It is not possible to submit the Concept Notes after the deadline.

4.5 Deadline for submitting the full Application Form

After the selection of the concepts notes by the MC, a working group will be established comprising MA, NA and JS members in order to support the applicants to develop the full application in line with the programme documents.

The full responsibility to attend the working group meetings and draft the full application lies with the project beneficiaries!

5. Evaluation of Applications

All projects will be assessed and selected according to the evaluation criteria approved by the MC. Both Concept Notes and Full Applications will be selected by the Monitoring Committee.

An Evaluation Committee established for this call shall perform the assessment of the Concept Notes and of the Full Applications for the project proposals and the MC shall select the projects proposed for financing. The decisions in the Evaluation Committee shall be taken via consensus.

The evaluation of the full applications will be carried out in two phases:

Phase 1, administrative compliance and eligibility check, to be carried out by the Evaluation Committee.

Phase 2, technical and financial evaluation and state aid incidence assessment, to be carried out by the Evaluation Committee.

Verification of the compliance of project application with eligibility criteria can be made all through the evaluation, selection, and contracting process and failure to comply with the established eligibility criteria can lead to the rejection of the application in any stage of the evaluation, selection, and contracting process.

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

In order to be proposed for approval, the applications must respect the administrative and eligibility criteria, pass the technical and financial evaluation and not be rejected during the state aid incidence evaluation.

5.1 Clarification Requests

For Phase 1: Administrative compliance and eligibility check

If, after examining the AF and filling in the administrative compliance grid and eligibility grid, clarifications/completions/supporting documents are necessary, the Chairperson assisted by

the Secretary of the Evaluation Committee shall send **one single** clarification letter to the Lead Applicant.

The Lead Applicant must ensure that the deadline for the clarification request indicated in the clarification letter is met. If the response to the clarification is not received in the requested deadline or clarifications/documents are incomplete, the project is considered rejected.

For Phase 2: Technical and financial evaluation and state aid incidence assessment

If, during the technical and financial evaluation process, after the complete examination of the project proposals and the appropriate grid, the EvC considers that, for a better assessment of the project proposals, certain **clarifications** are required in relation to the technical and financial information and Annexes included in the application, then, the Evaluation Committee will request by means of a written notification to the Lead Applicant all the necessary information.

The Lead Applicant must ensure that the response to the clarification request meets the deadline indicated in the clarification letter. The response shall be sent by replying to the Clarification request message. During the evaluation, depending on the complexity of the clarifications requested, the EvC may decide to give an extended deadline for submitting the clarifications.

The maximum number of clarification requests that can be allowed for a single project proposal during the technical and financial verification phase is 1.

One additional clarification can be issued for state aid incidence assessment.

The Application and all supporting documents should be filled with utmost attention in order to avoid requests for clarifications.

All documents issued by the project partners MUST be signed electronically, except in duly justified circumstances.

If the Lead Applicant fails to send the response to the clarification request by the deadline set by the EvC or if the response does not provide the expected clarifications, the answer will not be taken into consideration and the results will be properly indicated in the quality assessment grids, only according to the existing information.

5.2 The solution of the appeals during the project assessment and selection process

Each decision of the Evaluation Committee for each of the two phases (Phase 1: Administrative compliance and eligibility check, and Phase 2: Technical and financial evaluation and state aid incidence assessment) of the evaluation process can be appealed by the applicants, by sending the notifications to the JS via JEMS. Only the project's Lead Applicant as the one representing the project partnership affected by the funding decision is entitled to file a complaint. It is therefore the task of the Lead Applicant to collect and bring forward the complaint reasons from all project partners.

The right to complain against a decision regarding the project selection applies to the Lead Applicant whose project application was found non-compliant in the administrative or/and eligibility, and/or technical and financial evaluation, thus rejected.

The appeal must be submitted by the Lead Applicant in no more than 5 working days following the date the evaluation decision is registered in the JeMS.

Any appeals received later than 5 working days from the date when the notification was received by the Lead Applicants will not be taken into consideration.

The complaint is to be lodged against the communication issued by the JS as the JS's communication is the only legally binding act towards the Lead Applicant during the project assessment and selection process.

The complaint can be lodged only against the following criteria:

- a. the outcomes of administrative compliance and eligibility check (if the application was rejected following phase 1) or of the technical and financial evaluation of the project application (if the application was rejected following phase 2), based on the selection criteria approved by the Monitoring Committee, do not correspond to the information provided by the Lead Applicant during the project assessment and selection process; and/or
- b. the project assessment and evaluation failed to comply with specific procedures laid down in the Programme Call documents and national, European and any other relevant programme rules that materially affected or could have materially affected the decision.

If a project is rejected based on state aid assessment, the decision cannot be further appealed, in the framework of the current appeals procedure.

The complaint should be lodged in writing through JeMS to the JS of the Programme within maximum 5 working days after the Lead Applicant had been officially notified by the JS through Evaluation Committee's letter about the results of the project assessment process.

The complaint shall include:

- a. name and address of the Lead Applicant;
- b. reference number of the application which is a subject of the complaint;
- c. clearly indicated reasons for the complaint, including listing of all elements of the assessment which are being complaint and/or failures in adherence with procedures limited to those criteria mentioned above;
- d. any supporting documents;

The relevant documentation shall be provided for the sole purpose of supporting the complaint and may not alter the quality or content of the assessed application.

No other grounds for the complaint than indicated above will be taken into account during the complaint procedure.

A complaint will be rejected without further examination if submitted after the deadline set above or if the formal requirements are not observed. In case the complaint is rejected, the JS conveys this information within 5 working days to the Lead Applicant and informs the Managing Authority.

Within 3 working days after the receipt of the complaint the JS confirms to the Lead Applicant in writing having received the complaint and notifies the Managing Authority. The complaint will then be examined on the basis of the information brought forward by the Lead Applicant in the complaint, and technical examination will be performed by the Complaint Panel to be convened for this purpose.

The decision if the complaint is justified or to be rejected is taken by the Complaint Panel by consensus and if this is not possible to be reached by qualified majority. In case it is justified,

the case will be sent back to the Evaluation Committee to review the project application and its assessment.

If, following the appeal for phase 1: **Administrative compliance and eligibility check**, it is concluded that the appeal has foundation and that the project proposal corresponds to all the administrative & eligibility requirements, it shall be taken into consideration for the technical and financial evaluation phase, and proposed for evaluation for the technical and financial evaluation and state aid incidence assessment phase. The JS shall change the evaluation decision in the JEMS to “eligible”.

In case of the complaint for phase 2: **Technical and financial evaluation and state aid incidence assessment**, the decision if the complaint is justified or to be rejected is taken by the Complaint Panel for **the technical and financial check phase** by consensus and if this is not possible to be reached, by qualified majority.

If, following the appeal for phase 2: Technical and financial evaluation, it is concluded that the appeal has foundation, the project will be re-assessed.

If the appeal is rejected, JS shall notify the LA and the MA regarding the result of the appeal analysis.

The decision of the Complaint Panel is final, binding to all parties and not subject of any further complaint proceedings within the Programme based on the same grounds and in the same Phase of the procedure.

If the appeal is rejected, JS shall notify the Lead Applicant and MA regarding the result of the appeal analysis.

The complaint procedure - from the receipt of the complaint by the JS to the communication to the Lead Applicant of the Complaint Panel’s decision should be finalized and communicated within maximum 30 calendar days.

5.3 The selection of projects

If an operation does not fall under the types of actions defined in the Programme, it cannot be selected for funding. All selected operations have to fall within the scope of the type of actions defined in the Programme, under each Specific Objective.

The projects proposed for funding are those projects which have obtained the minimum score of 70 points at the concept notes evaluation stage, whose budgets contain eligible expenses which do not exceed the limit set forth for the respective call and were not rejected during the full application evaluation phase.

The list of projects proposed for funding shall be approved at the first meeting of the Monitoring Committee organised following the completion of the 2 phases of the evaluation process.

The decision of the Monitoring Committee shall be inserted into the JEMS by the JS after the meeting. The MC decision is recorded in a list ‘Funding decision (MC)’.

Possible decisions are:

- Approved for funding- approved applications are forwarded to the “handover” phase
- Approved with conditions (if conditions are to be met in order to be approved for funding, opening the application form to be further modified or supplementary documents to be attached)

- Reserved - for projects in the reserve list
- Not approved for funding

Approved with conditions

If the funding decision is “Project is approved with conditions”, the applicant needs to amend the application or deliver additional information in order to get the final decision on funding.

After the deadline given for submitting supporting documentation in pre-contractual phase expires and after the Lead applicant modifies the application form according to the comments (if any), the JS reviews the modified application form and submitted documents and sets the status to:

- Approved for funding- approved applications are forwarded to the “handover” phase.

or

- Not approved for funding.

Subsequently, all Lead Applicants will receive notification of the approval/rejection of their projects. **The Decision of the Monitoring Committee is final and mandatory for all applicants. This Decision does not allow any right of appeal.**

The decision of the Monitoring Committee is followed by the pre-contractual phase and then the contracts will be concluded.

Pre-Contractual stage

After the issuance of the decision of the selected/ rejected projects by the Monitoring Committee the MA and JS shall begin the contracting process.

Handover application to the lead partner

After the project is approved, the next time the lead applicant accesses the project, he/she sees a notification ‘Please hand over the project to the future lead partner’. It is displayed in the upper right corner of the page. The lead applicant needs to access the Handover menu item, by clicking on the left side on the section “lead partner”. The lead applicant needs to indicate a user name of the future lead partner. The user needs to be already registered in the JEMS. It is possible to indicate his/her own user. The handover needs to be accepted by the JS, only then it is valid. If it is accepted, the project changes its state to “Startup” and the lead partner can fill out the Supplementary Information section.

As a general rule, during the contracting stage the JS shall ensure all communication with beneficiaries in view of gathering all necessary supporting documents and provide all the support to them in order to perform this task. The JS shall ensure that all documents received from the beneficiaries are correct before submitting them to the MA. The JS shall make all the necessary endeavours so that beneficiaries are aware of the fact that all documents addressed to the MA are to be processed by the JS for conformity and correctness.

Supporting documents submitted by beneficiaries shall be in the national language of the applicant, in full or in part, depending on the situation, accompanied by the translation in English, the official language of the programme. All supporting documents, as well as the needed supplementary information shall be uploaded/ filled in in the JEMS.

Following the decision of the MC regarding the projects approved for funding, JS shall perform on site visits to all Lead Partners and the selected partners for the purpose of establishing the coherence of the application form with the actual state of fact at beneficiary’s premises and prevent contracting errors or frauds.

Within 3 working days from the issuance of the decision of the MC for the project selection/rejection, JS will send through JEMS, to the applicants' letters regarding the selection/rejection of their projects and request additional contracting documentation/information according to the Applicant's guide and Evaluation Committee recommendations. Beneficiaries have 10 working days to submit, using the JEMS platform, the documents requested by the JS. Documents issued by third parties that cannot be submitted within the deadline set will be submitted by the Lead Partners during the pre-contracting on-site visits.

During the preparation phase of the on-site visits conditions of Evaluation Committee approved by the MC shall be verified (e.g. budget cuts, correction of arithmetical errors etc.). The beneficiary shall be informed as soon as possible about the necessary changes decided by the Evaluation Committee and shall provide the JS the modified documents during the on-site visits and via JEMS, according with the JS request.

! In order to satisfy itself of the sound management of the contracting process, at any stage the MA may request additional documents from the beneficiary. The JS must ensure that the documents are uploaded in the JEMS/ submitted to the MA in due time according to specific MA requirements.

JS will notify the beneficiaries via JEMS regarding the carrying out of the on-site visit. The notification is addressed to the Lead Applicant and it will contain, if it is the case, the list of partners who will be visited and the time and date of the proposed visits or time and date of on-line meeting in the case of virtual visit.

The notification will be sent at least 5 working days prior to the date of the visit, informing of the time and date of the on-site visit, the surname, the first name and the position of the JS experts who will perform the on-site visit, any original documents/copies which the beneficiary must prepare for the on-site visit: eligibility documents, documents regarding the property etc. as the case may be. In the notification letter, JS will communicate, if it is the case, the name of the MA and/or NA observers participating in the site visit.

The beneficiary will be requested to confirm in writing to JS the acceptance of the proposed date and time for the carrying out the on-site visit or to make a justified proposal of modification of the date or time within a maximum 3 working days of receipt of the notification.

! All correspondence must be sent also via JEMS

If during the pre-contracting phase appears the situation of partnership modification, the distinct Partnership modification procedure for pre-contracting phase will be dully followed.

If other modifications are to be performed, that are not recommended by the Evaluation Committee or the Monitoring Committee in the selection phase, the Monitoring Committee approval will be required for each modification. Minor changes, such as: arithmetical errors, miscalculations of SCO's to be applied can be subject to modifications without MC approval.

If, following the verifications on site/verifications of the documents sent by the beneficiaries, the JS experts consider that there is a reason not to finance the project, they will send to MA as well as the report of the on-site visit/a justification of non-conformity of the documents presented by the beneficiaries. MA analyses the JS proposal within 5 working days, and if they agree with the JS proposal, they notify the Monitoring Committee regarding the proposal for project rejection. The same procedure is applied if MA considers, at any moment during the procedure of contract approval, that there is a reason not to finance a project.

If, following the verifications of the documents sent by the beneficiaries, JS considers that clarifications are needed, the JS representatives can send one letter for clarification in the

precontractual stage. The deadline for replying to the letter of clarification will be between 5 and maximum 15 working days, according to the documents to be submitted.

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

If it is concluded that the information or the documents provided by the beneficiaries during the virtual pre-contracting visits are inaccurate or are misrepresented, the payments will not be made and the Contract may be terminated.

The subsidy contracts will be signed by the MA and Lead Beneficiaries. The beneficiaries have at their disposal for the signing of the contracts 5 working days, following the receipt of the notification from the JS. If this deadline cannot be observed for duly justified reasons, the beneficiaries will properly inform JS, in due time and propose a date as closer as possible from the one initially proposed.

6. ANNEXES

Annexes mandatory to be submitted together with the Application Form:

- Annex 1. Project statement
- Annex 2. Project partner statement
- Annex 3. State-aid self-assessment
- Annex 4. Declaration on free availability of project results
- Annex 5. Declaration of the empowered bodies regarding the availability of own resources
- Annex 6. Owner declaration (only for infrastructure and works projects)

Annexes to the Applicant`s Guide, for information purposes:

- Annex A. Concept note
- Annex B. Concept note evaluation grid
- Annex C1. Evaluation grid for administrative and eligibility (for full application)
- Annex C2. Evaluation criteria for technical and financial evaluation (for full application)
- Annex C3. Evaluation grid for State-aid incidence (for full application)
- Annex D. Framework subsidy contract
- Annex E. Model co-financing contract
- Annex F. Model Partnership Agreement
- Annex G. List of eligible expenditure for the 2nd Call for proposals dedicated to regular projects
- Annex H. Environmental impact report
- Annex I. Declaration regarding the project team members and on the absence of conflict of interest

The contract templates annexed to this Guide are only indicative; the final version of all contracts (subsidy contract, co-financing contract and partnership agreement will be presented by the Contracting Authority to the beneficiaries of the selected projects in the pre-contractual phase).