Interreg Co-funded by the European Union

IPA Romania – Serbia

Important note for project partners regarding non-compliance cases with the mandatory visibility rules!

According to the provisions of Article 36, paragraph 6 of Regulation (EU) 1059/2021 on specific provisions for the European Territorial Cooperation objective (Interreg), supported by the European Regional Development Fund and external financing instruments, in cases where a beneficiary does not comply with the visibility obligations established by EU Regulations and fails to take remedial actions, the Managing Authority (MA) shall apply corrections, taking into account the principle of proportionality, which may lead to the cancellation of up to 2% of the support from the funds.

As a result of the recommendations of the European Commission and Interact, each Interreg program has developed its own methodology for applying these financial corrections, based on the principle of proportionality.

Consequently, the management structures for Interreg IPA Romania–Serbia Program elaborated a methodology regarding the measures applicable in situations of non-compliance with the visibility rules for Interreg IPA Romania–Serbia Programme. This methodology describes the types of identified non-conformity cases, the applicable financial correction thresholds, set on the principle of proportionality, as well as the main rules for applying corrections in cases where the project partners of Interreg IPA Romania-Serbia Programme fail to comply with the compulsory rules concerning visual identity.

This note describes the types of the non-conformity cases identified as well as the percentages of financial corrections to be applied in the situations when remedial actions cannot be taken by the project partner that did not comply with the mandatory visibility requirements, which must be taken into consideration by all project partners.

In conclusion, the visibility requirements foreseen by EU regulation, the financing contracts/financing agreements and the Visual Identity Manual apply to all project partners and technical assistance beneficiaries that receive financing from Interreg IPA Romania-Serbia Programme, in accordance with the provisions of the financing framework agreements concluded with MA.

1. Non-compliance cases:

Based on the provisions of the legislation, of subsidy contract clauses and of the Visual Identity Manual, the following non-compliance cases may appear:

1.1 Moderate non-compliance:

a. the EU emblem within the Programme logo is smaller in size, measured either in height or width, than the biggest institutional logo displayed on the same page or surface;

b. for videos, the logo of the Programme is not included in a visible size or is not included at the end of the video, as foreseen in the Visual Identity Manual;

c. for videos, the mandatory disclaimers or technical frame mentioned in the Visual Identity Manual are missing;

d. for websites, the Programme logo (which includes the EU emblem) is not visible when landing on the already existing website, inside the viewing area of a digital device, without requiring a user to scroll down the page, if possible;

e. the description regarding the Interreg operation on the official websites or social media sites, where such exist, is:

   i. incorrect,

   ii. includes material errors;

f. the disclaimer highlighting EU financial support and the final disclaimer for the edited materials, foreseen by the Visual Identity Manual that must be included in the documents and communication materials and presentations relating to the implementation of the Interreg operation, intended for the general public or for the participants, are:

   i. incorrect (missing relevant information, includes formal misprints / typo etc.);

   ii. not visible and not correctly positioned (used in different positions than foreseen by the Visual Identity Manual);

   iii. for communication products and promotional items, the Programme logo is not visible.

g. for operations including physical investment or the purchase of equipment, whose total cost of the operation exceeds EUR 100,000 the durable sign (plaque or billboard) is: not observing the template within the Visual Identity Manual (errors, different logos etc.);

h. the incorrect use of the EU/Interreg brand. All types of errors in the composition, colours, positioning, fonts, minimum size on the communication materials of the mandatory elements forming the logo: the EU flag, the Interreg brand, name of the Interreg IPA Romania-Serbia Programme, the statement "Co-funded by the European Union" caused by not complying with the rules set in the Visual Identity Manual;

i. using a different icon than the standard ones foreseen for the policy objectives;

1.2 Major non-compliance

a. Not using/ failure to use on the information and communication materials presented to the public the mandatory logo of Interreg IPA Romania-Serbia Programme;

b. Not including a short description of the Interreg operation and highlight the financial support from the Interreg fund on the partner's official website or social media sites, where such sites exist;
c. Not providing a statement highlighting the Interreg support on all the documents and communication materials intended for the general public, regarding the implementation of the operation;
d. Not displaying a durable sign (plaque or billboard) for operations including physical investment or the purchase of equipment, whose total cost of the operation exceeds EUR 100,000 or the durable sign is not displayed in a visible, prominent place or is not displayed immediately after the implementation of the physical investment has started / the equipment was installed;
e. Failure to organize the communication event involving the Commission and the responsible managing authority until the end of the implementation period, for operations of strategic importance and operations whose total costs exceed EUR 5,000,000 or the event is not organized in a timely manner or the partners did not inform EC and/or MA.

The abovementioned non-conformity cases may be identified by the Romanian or Serbian Controllers Units, Joint Secretariat, Managing Authority and other Programme Bodies (Audit Authority, National Authority).

2. How to apply financial corrections when remedial measures cannot be taken by the project partners

The financial corrections shall be applied in the situations when the project partner that does not comply with the mandatory visibility requirements fails to take remedial actions.

The request for remedial measures shall be communicated by JS to the LP of the project, observing the correspondence rules within the subsidy contract. For efficiency, the requests for remedial measures shall also be communicated to the partner(s) responsible for the implementation of the corrective measure, if different from the Lead Partner.

The request for remedial measure shall mandatory include:

I. The description of the identified non-compliance(s);
II. The partner(s) in relation with which the non-compliance is identified and responsible for implementation of the remedial measure(s);
III. The remedial measure(s) to be implemented;
IV. The deadline for implementation of each remedial measure;
V. The information of the Lead partner / partners that it may present relevant information, in case it does not agree with the identified non-compliance(s) / corrective measure(s) / deadline(s) for the remedial measure(s);
VI. The procedure that the partners shall follow in order to report to the Programme regarding the implementation of remedial measures and the supporting documents that shall be submitted in this regard;
VII. The percentage of cancelling the support from the funds to be applied and the partner's budget to be applied on, in case the remedial measures are not implemented as requested and within the requested deadlines.

The deadlines for implementation of the remedial measures shall be set by taking into consideration a reasonable time for implementation, depending on the type and nature of the non-compliance. In case the partner(s) fail to report on the implementation of the remedial measures / do not fully implement the remedial measures even in this new deadline, the JS will duly inform the MA and, depending on the seriousness of non-compliance case (moderate or major non-compliance), will propose the application of measures for cancelling of part of the support from the funds, according to the ceilings mentioned below.

In case the partners do not report on the implementation of the remedial measures/do not implement or only partial implement the remedial measures within the given / extended deadline, JS shall notify the Lead Partner, reminding once again about the request for implementation of remedial measures and setting a new deadline for implementation and communication regarding the implementation of the remedial measures.

In practice, there are situations when remedial actions cannot be taken by the project partner that did not comply with the mandatory visibility requirements, due to objective reasons, such as: the implementation period of the project has ended or the contract concluded with an external services provider is finalised and the communication materials/documents were accepted, paid and partially or totally distributed to those concerned (for example, printed leaflets/agendas which were distributed to participants to an event, before the identification of the non-compliance cases).

In this case, the non-conformity cases (moderate or major) mentioned above may be identified by the Romanian or Serbian Controllers Units, Joint Secretariat, Managing Authority and other Programme Bodies (Audit Authority, National Authority, etc.).

In this situation, **the percentages of financial corrections** that can be applied to the contract or written agreement concluded by the project partner for purchasing of communication goods/services that do not comply with the visibility rules or the budget of the partner that did not comply with the mandatory visibility rules, are:

1. **0.1%** shall be applied to the service contract or written agreement concluded by the project partner for purchasing of communication goods/services that do not comply with the visibility rules for non**-compliance cases as described at point 1.1 Moderate non -compliance cases;**
2. **1%** shall be applied to the eligible budget of the concerned partner for **major non-compliance cases as described at point 1.2 Major non-compliance.**

In case the concerned partner fails to comply with the mandatory visibility rules for the second time and thus the concerned partner finds himself for the second time in a new major non-compliance case, an **additional correction of up to 1% shall be applied to the eligible budget of the concerned partner for non-compliance cases described at point 1.2 Major non-compliance.**