



EUROPEAN UNION



GOVERNMENT OF
ROMANIA



GOVERNMENT OF
SERBIA

MANAGING AUTHORITY



ROMANIA

NATIONAL AUTHORITY

MINISTRY OF FINANCE



Republic of SERBIA

APPLICANT'S GUIDE



ROMANIA-SERBIA
IPA CROSS-BORDER COOPERATION PROGRAMME

PRIORITY AXIS 2 - Environment and Emergency Preparedness

Call for proposals No. 1

30th of April 2009

Deadline for receipt of applications: 29th of July 2009

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For the purposes of the Romania-Serbia IPA Cross-Border Cooperation Programme and its related documents, the following definitions shall apply:

Glossary of terms	
Applicant	Any legal entity meeting the eligible criteria <i>which submits</i> an application to be financed by the programme
Applicant's Guide	A document, which is a part of the Application Pack and contains information, requirements and recommendations for preparing applications.
Application	A set of forms which have to be filled in properly and submitted by the Lead Partner to the Joint Technical Secretariat in order to apply for the programme funding.
Application Pack	A set of documents, forms and guidelines that group all information, requirements and forms needed to prepare application.
Partner	Any applicant whose application has been approved for financing
Eligible expenditure	Expenditure incurred by project partners involved in the implementation of a project approved by the programme concerned, which could be financed from the structural instruments, as well as from the state budget and/or own Partner contribution
Eligible area/region	The Romanian counties and Serbian districts located in the border area, as mentioned in the programming document approved by the European Commission.
Emergency situation	Exceptional event, with non-military character, which due to its intensity and proportion threatens people's life and health, the environment, important material and cultural assets, and measures and pressing actions need to be adopted, additional resources to be allocated and an unitary management of the human and material resources involved in order to re-establish the normal status
First level control	Control on project level. In order to validate expenditure declared by a project partner, the controller will verify the delivery of products and services co-financed, the soundness of expenditure declared for operations or parts of operations implemented on its territory and the compliance of such expenditure and of related operations, or parts of those operations, with Community and its national rules.
Ineligible expenditure	Project expenditure which is not eligible for co-funding from the programme. See rules on eligible and ineligible expenditure in the Applicant's Guide.

Lead Partner	An applicant designated by the partners involved in a project, responsible for coordinating the process of development, submission and implementation of that specific project
National legislation	The legislation of the state on whose territory the partner is located
Natural protected area	Land, aquatic and/or underground area hosting endemic 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
Partner	Any applicant involved in a project
Partnership Agreement	A document that formalises 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 eligible criteria for submitting an application to be financed by the programme
Potential beneficiary	Any applicant or potential applicant is a potential beneficiary until the decision for financing its project has been issued
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	
AA	Audit Authority
CA	Certifying Authority
CBC	Cross-Border Cooperation
CBC RO TM	Regional Office for Cross-border Cooperation Timisoara
EC	European Commission
EU	European Union
GD	Government Decision
GDP	Gross Domestic Product
ICT	Information and Communication Technology
IPA	Instrument for Pre-accession Assistance
IT	Information Technology
JMC	Joint Monitoring Committee
JTS	Joint Technical Secretariat
MA	Managing Authority
MRDH	Ministry of Regional Development and Housing
MF	Ministry of Finance (Serbia)
MEF	Ministry of Public Finance (Romania)
MIS-ETC	Management Information System for European Territorial Cooperation
MoU	Memorandum of Understanding
MS	Member State
ACSI	Authority for Coordination of Structural Instruments
NDP	National Development Plan
NGO	Non Governmental Organization
NIS	National Institute for Statistics
NSRF	National Strategic Reference Framework
NUTS	Nomenclature of Territorial Units for Statistics
PCC	Potential Candidate Country
Phare CBC	Phare (Poland Hungary Aid for Reconstruction of the Economy) Programme for Cross-Border Cooperation
Programme	Romania - Serbia IPA Cross-Border Cooperation Programme

RDA	Regional Development Agency
R&D	Research and Development
RTD	Research and Technological Development
RO	Romania
SEA	Strategic Environmental Assessment
SMEs	Small and Medium sized Enterprises
SWOT	Strengths, Weakness, Opportunities, Threats
TA	Technical Assistance
VAT	Value Added Tax

Legal basis

- Romania-Serbia IPA Cross-Border Cooperation Programme
- Council Regulation (EC) No 1085/2006 establishing an Instrument for Pre-Accession Assistance (IPA) (hereafter IPA Regulation)
- Commission Regulation (EC) No. 718/2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) (hereafter IPA implementing Regulation)
- Other relevant national and European legislation (Annex F)

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

I. General information

The Applicant's guide aims to give practical information for project applicants to the Romania-Serbia IPA Cross-Border Cooperation Programme. It is a practical user friendly document that helps applicants to submit projects under this Programme. The present guide offers a range of information on how to fill in an application, budget and related forms, the application procedure, the project selection criteria, the decision procedure and other practical advices.

I.1 Overview of Romania-Serbia IPA Cross-Border Cooperation Programme

The Romania-Serbia IPA Cross-Border Cooperation Programme has been prepared in line with the Council Regulation (EC) No 1085/2006 establishing an Instrument for Pre-Accession Assistance (IPA) (hereafter referred to as the "IPA Regulation"), Commission Regulation (EC) No. 718/2007 implementing IPA Regulation (hereafter referred to as the "IPA Implementing Regulation"). Community's renewed Lisbon Agenda and Community's Gothenburg Agenda were also taken into consideration when preparing the Programme. The Programme is the result of a co-operative effort by the Romanian and Serbian national, regional and local authorities, supported by the EC Delegation to Romania, the EC Delegation in Belgrade, the Serbian Ministry of Finance, and the Romanian Ministry of Regional Development and Housing.

The Romania-Serbia IPA Cross-Border Cooperation Programme has been approved by the European Commission on 27 of March 2008 for the period 2007-2013 and focuses on increasing the overall competitiveness of the economy in the border area and on the improvement of the quality of life for the border communities.

The 2003 Phare External Border Initiative Programme for Romania and the Neighbourhood Programme Romania-Serbia & Montenegro 2004-2006 paved the

way for the new integrated cross-border instrument to be implemented at EU external borders as of 2007, therefore basic conditions for cross-border cooperation are already in place and this IPA Cross-Border Cooperation Programme can concentrate on its strategic goal of achieving a more balanced sustainable socio-economic development of the Romania-Serbia border area.

I.2 Programme strategy

The Romania-Serbia IPA Cross-Border Cooperation Programme provides the opportunity for both countries to continue their cross-border cooperation under the new instrument. The analysis set out in the Joint 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 *connectedness* of the region, both internally between the border regions, and crucially also externally between the border region and neighbouring areas
- Tackling the lack of *competitiveness* which is a common issue affecting the economy of the border area as a whole, with negative impacts in both the Romanian and Serbian border areas. This includes issues such as entrepreneurship and business activity, innovation, and levels of investment
- Addressing key issues of *rural development* which are characteristic of the regions on both sides of the border, and which would benefit from joint cross-border action in relation to key areas such as (inter alia) agriculture, rural tourism development, and specific labour market challenges in rural areas.
- Dealing with the significant *common challenges* in the environment and in 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

i. Programme objectives

The programme strategy sets out one *strategic goal* of the Romania-Serbia IPA Cross-Border Cooperation Programme:

to achieve on the basis of joint cross-border projects and common actions by Romanian and Serbian stakeholders a more balanced and sustainable socio-economic development of the Romanian-Serbian border area.

- Increasing the overall competitiveness of the economy in the border area
- Improvement of the quality of life for the communities of the border area

ii. Eligible area



România - 3 counties:

- Timiș
- Caraș-Severin
- Mehedinți

Serbia - 5 districts:

- Severno-Banatski
- Srednje-Banatski
- Južno-Banatski
- Braničevski
- Borski

iii. Programme Priority Axes

Four priority axes have been identified as basis for intervention to address common challenges facing regions in both Romania and Serbia:

Priority Axis 1: Economic and Social Development

Priority Axis 2: Environment and Emergency Preparedness

Priority Axis 3: Promoting "people to people" exchanges

Priority Axis 4: Technical Assistance

Under Priority Axes 1, 2 and 3 projects will be financed after being submitted by applicants following the call for proposals. The fourth Priority Axis is dedicated to ensuring the proper functioning of the programme implementation bodies and is not to be included in the allocation for project applications.

Priority Axis 2: Environment and Emergency Preparedness		Indicative operations
Measure 2.1	<p>✓ Improve systems and approaches to address cross-border environmental challenges, protection and management</p>	<ul style="list-style-type: none"> • Adaptation of the existing environmental protection and management systems to the actual needs; • Small scale investment for joint physical infrastructure regarding environment protection; • • Joint natural and technological risk prevention • Joint research studies, inventories, data collection, information and know-how exchange on cross-border area's natural resources protection, on climate change impacts on the area and joint action plans for reducing these impacts, on energy efficiency and of the use of renewable energies; • Joint development and promotion of tools and techniques to encourage sustainable resource use; • Improvements/setting up infrastructure in protected areas (i.e. places for visitors) of common interest; • Protection of natural heritage; • Support to establishment/ rehabilitation/ modernization of area environmental (including greenhouse gas emissions) monitoring centres and laboratories, and facilitating cooperation between existing agencies and institutions in the cross-border area; • Promotion and implementation of the EU policy in the field of: Biodiversity, climate change, environment and

		health and the quality of life, sustainable consumption and production
Measure 2.2	✓ Develop and implement effective strategies for waste and waste water management	<ul style="list-style-type: none"> • Development/updating and implement joint cross-border strategies/ action plans for waste and waste water management. • Development of public utilities for waste management (services & equipment) according with a joint strategy/ action/ plan
Measure 2.3	✓ More effective systems and approaches to emergency preparedness	<ul style="list-style-type: none"> • Small scale investment for joint physical infrastructure regarding emergency preparedness; • Development and implementation of training and educational activities and training products in the field of environment and emergency preparedness • Development and implementation of training products in the field of environment and emergency preparedness; • Development/ improvement of the existing management systems in case of emergency situations.

For further details on programme strategy please refer to the IPA CBC Programming Document.

iiii. Programme indicators

Priority Axis 2: Environment and Emergency Preparedness			
Output indicators			
Indicators	Measurement	Baseline 2007	Target 2015
Improved technical capacity of the cross-border monitoring of pollution	Number of investments, number of equipment purchased.	0	10

Improved physical infrastructure of waste and wastewater treatment in the border area	Number of infrastructure investment projects (calculated also by type).	0	2
Increased institutional capacity and preparedness in reacting to situations of environmental emergency (e.g. flooding, bird flu)	Number of newly elaborated cross-border emergency plans or training events realized on emergency planning or emergency management techniques	0	6
Increased joint technical preparedness to situations of environmental emergency	Number of shared equipment purchased for situations of environmental emergency	0	10
Result indicators			
Indicators	Measurement	Baseline 2007	Target 2015
Increased cross-border cooperation in environment protection	Number of actions, activities, initiatives protecting or preserving the environment or raising public awareness on the topic (calculated also by type).	0	3
Increased expertise and exchange of experience in the field of environment protection	Number of actions, activities, initiatives increasing expertise or exchange of experience in environment protection topics	0	5
Increased qualification of human resource in reacting to situations of environmental emergency	Number of relevant staff and volunteers among local inhabitants gained skills /trained to react effectively in case of environmental emergency	0	50
Improved implementation of national and EU environmental legislative framework	Number of activities, actions, initiatives implementing national and EU environmental legislative framework;	0	10

Increased public awareness in the field of environment protection	Number of participants gained new knowledge in educational or information activities aiming at raising environmental awareness of wider public.	0	100
Improved knowledge on different environment-friendly approaches and applications in everyday life	Number of activities, actions, initiatives promoting different environment-friendly solutions.	0	5
Source of information: Annual implementation report; Evaluation reports; Monitoring reports; Surveys /studies; SMIS. Method of measurement: Annually.			

For further details on programme indicators please refer to the IPA CBC Programming Document.

I.3 Programme implementation structures

Managing Authority - the *Romanian Ministry of Regional Development and Housing* is being responsible for the managing and implementing the Programme in accordance with the principle of sound financial management.

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

Certifying Authority - the *Romanian Ministry of Public Finance* is responsible for drawing up and submitting to the Commission certified statements of expenditure and applications for payment and for receiving the payments made by the Commission.

Audit Authority - the *Court of Accounts of Romania*. The main responsibilities of the AA consist in ensuring that audits are carried out to verify the effective functioning of the management and control system and ensuring that audits are carried out on operations on the basis of an appropriate sample to verify expenditure declared. 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.

Joint Monitoring Committee (JMC), is formed by representatives from both participating states in the Programme (representatives from the national, regional and local level and other economic, social and environmental partners), ensures the effectiveness and quality of the implementation of the Programme, having specific tasks related to the monitoring of the Programme. The JMC 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 Technical Secretariat (JTS) is based in Timișoara within the **Regional Office for Cross-Border Cooperation Timișoara**. The JTS 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 Regional Office for Cross-Border Cooperation Timișoara and according to the provisions of national and EU legislation. The JTS and the Regional Office for Cross-Border Cooperation Timișoara are responsible for fulfilling all the tasks delegated by the MA for the implementation of the Programme with regard to the JMC 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 JTS is located in **Cross-Border Local Office in Vrșac, Serbia**, having as its main role to serve as a local contact point for Serbian potential beneficiaries/project partners and to disseminate information at regional level, to support projects development in Serbia.

I.4 Programme Financial Allocation

The programme strategy covers the whole programming period but the programme budget approved through EC Decision 1076/ 2008 covers only the first three years (2007-2009). The total budget of the programme for 2007-2009 is €23,010,661 out of which €19,559,062 represents EU contribution. The remaining €3,451,599 are national contributions from state budgets and projects partners.

The breakdown of the programme budget on priority axes and national contributions approved by the European Commission is available in the programming document.

The EU allocation and national contributions from state budgets and projects partners for Priority Axis 2 are shown in the table below:

2007-2009	1	2	3
	IPA 85%	National Co-financing 15%	Total funding (1)+(2) 100%
Priority Axis 2 Environment and Emergency Preparedness	€5,085,356	€897,416	€5,982,772

i. Financial allocation for the call for proposals

The total amount allocated to this call for proposals for the second priority axis is proportional with the financial allocation corresponding to 2007-2008, broken down as follows:

2007-2008	1	2	3
	IPA 85%	National Co-financing* 15%	Total funding (1)+(2) 100%
Priority Axis 2 Environment and Emergency Preparedness	€3,009,971	€531,171	€3,541,142

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

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

Within one single project, the maximum rate of IPA financing for each partner from Serbia and Romania is 85% of eligible costs of the projects.

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

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

The advance 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, relevant legislation and provisions of the Memorandum of Understanding between Romania and Serbia.

I. 5 State aid¹

Considering the activities financed under the current call, activities for which the partners 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 expenditure must be made according to the relevant laws on public procurement (PRAG rules are to be observed). This condition applies to all partners (e.g. public administration bodies, NGOs).
- The project must not create an economic advantage to an economic operator.
- 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.

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.

Special provisions regarding state aid are included in the sections of this Guide dedicated to the eligibility of actions.

II. Rules of the call for proposals

II.1. Type of call for proposals

The financing under the Romania - Serbia IPA Cross-Border Cooperation Programme shall be made available to potential beneficiaries through a competitive process. The Managing Authority together with the National Authority and the Joint Technical Secretariat are launching the present call for proposals with deadline for submitting the applications. Nevertheless, the applicants may submit their applications throughout the entire period of the call for proposals, until the mentioned deadline.

These specific guidelines are tailored for the first call for proposals covering 2007 and 2008 financial allocations. The present call for proposal, under these guidelines, has the goal of establishing solid partnerships in the eligible area by financing both "soft" projects (such as studies, strategies, seminars, know-how

¹ State aid as defined in the Romanian national legislation is to be observed by the Romanian partners. However the provisions under this point must be observed for any operation or part of an operation.

exchanges) and “hard” projects (such as projects involving investments with a concrete impact to the cross-border area).

All investment projects must observe the relevant national provisions regarding the elaboration, financing and approving (see Annex F- Relevant national and EU legislation).

II. 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. However, please note that the Joint Monitoring Committee may decide to change these eligibility criteria for the forthcoming calls for proposals.

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 *expenditure*.

i. Eligibility of applicants

- In order to be eligible for a grant, applicants must fulfill the following criteria:
 - ❖ Be Romanian or Serbian non-profit making bodies/organizations, legally established according to national legislation of the state on whose territory they are located;
 - ❖ Be non-governmental organizations (associations or foundations) or public sector operators or local/regional authorities which have their headquarters/branches registered and operating in the eligible cross border region;
 - if the applicant is a regional branch of a national organisation, and the national organisation's headquarter is not situated in the eligible regions, and the regional branch is a legal entity, the regional branch shall apply for assistance and in case of contracting it shall be the beneficiary.
 - ❖ Be directly responsible for the preparation and management of the action together with their partners and not acting only as an intermediary;
 - ❖ 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 96 of the IPA Implementing Regulation, in the subsidy contract (Annex C) and in the partnership agreement (Annex E);
 - ❖ Have at least one partner on the other side of the border, which must fulfil the same eligibility criteria. Applicants without any partners from the other side of the border will not be eligible;

- ❖ Have stable and sufficient sources of finance to ensure the continuity of their organization throughout the project and, if necessary, to play a part in financing it;
- ❖ Be experienced and able to demonstrate their capacity to manage their share of activities of the project for which the subsidy is requested;
- ❖ 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 projects, this provision refers to the same infrastructure/segment of infrastructure).
- ❖ For investment projects, the applicants must be registered for at least 3 years before the date of the application for financing;
- ❖ For investment projects, the applicants must prove they are the owner of the land and/or building or the fact that the land is in concession by the following documents:
 - a) the applicant is the owner of the land/or building:
 - 1. *for public authorities:*
 - the legal act (e.g. government decision, law, government ordinance, decision of local counties, etc) stating that the land and/or building is in the ownership of the relevant public authority;
 - documents related to the registration of property of the relevant applicant and covering the land and/or building in the relevant public registers.
 - 2. *for NGOs*
 - property ownership document for the land and/or building;
 - documents related to the registration of the land and/or building, by the NGO, in the relevant public registers.
 - b) the applicant holds the land and/or building under a concession (for Romanian beneficiaries) or long term contract for at least 10 years (for Serbian beneficiaries).
 - 1. *for public authorities:*
 - the legal act (e.g. government decision, law, government ordinance, decision of local counties etc) stating the fact that the land and/or building is in concession/ long term contract for at least 10 years; it must be proved that the duration of the concession/ long term contract for at least 10 years, for the land is for at least 5 years after the completion of the operation and that the landowner has given it's written agreement saying that the applicant may perform the investment on / in the relevant land/building.
 - declaration from the land and/or building owner that the land and/or building is:

- free of any encumbrances;
 - not the object of a pending litigation;
 - not the object of a claim according to the relevant national legislation.
- documents related to the registration of the land and/or building in the relevant public registers.

2. for NGOs

- concession/long term contract for at least 10 years for the land and/or building; it must be proved that the duration of the concession/long term contract for at least 10 years for the land is for at least 5 years from the completion of the operation and that the owner of the land and/or building has given his written agreement saying that the applicant may perform the investment on / in the relevant land/building.
- Declaration from the land and/or building owner that the land and/or building is:
- free of any encumbrances;
 - not the object of a pending litigation;
 - not the object of a claim according to the relevant national legislation.
- documents related to the registration of the ownership of the land and/or building in the relevant public registers.

The land and/or building, which are subject of the application for financial support for investment, must:

- *Be free of any encumbrances;*
- *Not be the object of a pending litigation;*
- *Not be the object of a legal claim according to the relevant national legislation*

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 E. The minimum provisions of the partnership agreement provided in the model- Annex E 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 JTS 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.

Partnerships not involving strong commitment and contributions (observing at least one of the four cooperation criteria mentioned art. 95, para.2 of the IPA Implementing Regulation) from the part of all partners shall be rejected! All partners must have clear roles in project development and implementation.

Political parties are not eligible as either applicant or partner!

Potential applicants may not participate in calls for proposals if:

- (a) they are bankrupt or being wound up, they have their affairs administered by the courts, they have entered into an arrangement with creditors, they have suspended business activities, they are the subject of proceedings concerning those matters or they are in any analogous situation, arising from a similar procedure provided for in the national legislation or EU regulations;
- (b) they have been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata* (i.e., against which no appeal is possible);
- (c) they are guilty of serious professional misconduct proven by any means;
- (d) they have not fulfilled obligations related to the payment of debts to the consolidated budget;
- (e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organization or any other illegal activity detrimental to the Communities or national financial interests;
- (f) they have been declared to be in serious breach of contract for failure to comply with their contractual obligations in connection with a procurement procedure or other grant award procedure financed by the Community or national budget.

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 Technical Secretariat as a condition of participation in the call for proposals or fail to supply this information;
- (i) have attempted to obtain confidential information or influence the evaluation bodies during the evaluation process of current or previous calls for proposals;

In the cases referred to in points (a), (c), (d), (f), (h) and (i) above, the exclusion applies for a period of two years from the time when the infringement is established. In the cases referred to in points (b) and (e), the exclusion applies for a period of four years from the date of notification of the judgment.

In the signed "Declaration by the applicant" included in the application form, applicants must declare that they do not fall into any of the above categories (a) to (i).

All partners should dispose of the required knowledge, resources and capacity to fulfil their designated tasks. The applicants must state their financial and administrative capacity to manage their share of the project.

The applicants must attach Annex A8 - Declaration of Commitment, Annex A2 Budget Form to the Application Form and must also attach the Balance Sheet of the organization for the previous 3 years and the latest budgetary execution account, both checked by the Financial administration, as specified in the list of Annexes after Section 5 of this Applicants Guide below.

The applicants must also attach the Declaration of Commitment regarding the coverage of expenditures related to the project.

The value of the contribution by the applicant and by each of the partners to the project is shown in subsection 3 - Financing Sources of Annex A2 - the Budget Form.

According to the Annex 8 Declaration of Commitment, the applicants shall state that:

- all partners know the application and accept to be a partner;
- all partners will provide their own contribution to the eligible expenditure in the amount shown in the application and will ensure the temporary availability of funds until they are reimbursed by the programme;
- all partners will participate in the project activities as shown in the application
- all partners will cover all non-eligible expenditures corresponding to their activities incurred during project implementation.

The Managing Authority or the Joint Technical Secretariat may request at any time additional documentary evidence and argumentations regarding financial capacity.

Indicative examples of potential applicants²:

- County Councils/ District Administrations;
- Local Councils/Municipalities;
- Regional and local development agencies;
- Associations of local public authorities;
- Public interest organisations;
- Religious organizations, legally established according to the national legislation in force;
- Public equivalent bodies, which means any legal body governed by public law, and:
 - (i) established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;

² Conflict of interest must be avoided. It is essential that there is a clear separation of functions between the part of organization applying for funding and the people from the same organization involved in the assessment (i.e independent evaluators). They cannot be directly subordinated to one another.

(ii) having legal personality, and
(iii) financed, for the most part, by the state, or regional or local authorities, or other bodies governed by public law or subject to management supervision by those bodies or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the state, regional or local authorities or by other bodies governed by public law.

- Chambers of Commerce/ SMEs associations;
- Educational institutions (schools, universities etc.);
- Non-profit research institutes;
- Other NGOs acting in the fields financed by the programme.

Concerning the retention of all documents related to the implementation of a project, the partner must retain and make them available until at least December 31, 2021.

ii. Eligibility of actions (operations)

As a general rule, activities for which funding is sought, have to be carried out within the eligible area and applicants are asked to demonstrate that those activities have cross border impact on the Programme area.

The project must be in line with the measures under Priority Axis 2 as stipulated in the Romania-Serbia IPA Cross-Border Cooperation Programme.

The types of activities financed under each Measure and Indicative operation, as well as projects duration and budget limits are described below.

Information on State Aid provisions³

- the following conditions must also be observed: public bodies acting as beneficiaries: only public bodies which have the right to declare a service as a service of “general economic interest” and when applying for a project, the service must be defined through a legal/administrative act as a “service of general economic interest”;
- the infrastructure for implementing the project has to be the property of the public body, only the administration and services may be entrusted to a sub-contractor through a public tender procedure, and only under the condition that the sub-contractor pays a market royalty to deliver this service and only in such manner that the rent for the infrastructure administration and the royalty for service operation paid by the sub-contractor are at the market price;
- the partner has the obligation to stipulate in the contract that all

³ These provisions are only indicative examples of the rules to be observed under all operations or part of operations.

renovation or reparation works must be implemented by the sub-contractor to whom the contract is awarded;

- all project results shall be free of charge, for the general public, and must be located in a public space/area, which ensures the public access;

Priority Axis 2 - Environment and Emergency Preparedness

This Priority Axis is split in three measures:

Measure 2.1- Improve systems and approaches to address cross-border environmental challenges, protection and management

Indicative eligible operations financed under Measure 2.1:

- Adaptation of the existing environmental protection and management systems to the actual needs;
- Small scale investment for joint physical infrastructure regarding environment protection;
- Joint natural and technological risk prevention
- Joint research studies, inventories, data collection, information and know-how exchange on cross-border area's natural resources protection, on climate change impacts on the area and joint action plans for reducing these impacts, on energy efficiency and of the use of renewable energies;
- Joint development and promotion of tools and techniques to encourage sustainable resource use;
- Improvements/setting up infrastructure in protected areas (i.e. places for visitors) of common interest;
- Protection of natural heritage;
- Support to establishment/ rehabilitation/ modernization of area environmental (including greenhouse gas emissions) monitoring centres and laboratories, and facilitating cooperation between existing agencies and institutions in the cross-border area;
- Promotion and implementation of the EU policy in the field of: Biodiversity, climate change, environment and health and the quality of life, sustainable consumption and production

Indicative eligible activities within the operations may be:

- Implementing joint works for flood prevention on Danube River, its tributary rivers and Danube basin; sanitation and reforestation of the river banks;
- Cooperation of existing institutional frameworks to harmonize activities in the field of Danube River flood prevention, its tributary rivers and Danube basin, as well as of air, soil and water quality protection;
- Development and rehabilitation of monitoring centres and laboratories, infrastructure in protected areas
- Elaboration of nature protection strategies - creation of joint systems and management plans for the nature protected areas;
- Implementation of integrated cross-border flood prevention and management systems, development of retention areas on Danube River, its tributary rivers and Danube basin;
- Elaboration of joint detailed maps and data bases indicating natural and technological risks, and land use for regional planning authorities, environmental agencies and emergency services;
- Elaboration of joint strategies and studies environmental protection ;
- Elaboration of joint educational plans in the field of environment protection
- Elaboration of joint biological and environment biodiversity studies
- Elaboration of joint emergency and disaster management plans;
- Development of networking activities in the field of environment, health, food safety;
- Exchanges of experience and best practices between the border environmental authorities/ emergency/fast intervention bodies.
- Transfer of information between universities/ environmental research institutes and the border area environmental authorities/ emergency/fast intervention bodies;
- Elaboration and/or harmonising of joint studies, plans for joint disaster early warning, control and emergency management;
- Cooperation between environmental protection agencies and institutions in the cross-border area
- Cooperation between emergency health care service providers (joint purchase and use of medical equipment, planning of joint research infrastructure, establishment of online network for emergency actions; creation of joint portfolio of health services in emergency situations;
- Development and implementation of joint actions to forecast possible crises (meteorological services, river level monitoring, climate & pollution monitoring);

- Development and implementation of joint measures for health safety;
- Development and rehabilitation of infrastructure in protected areas of common interest;
- Purchase of the specific equipment for joint monitoring points: environment & health, food quality analysis;
- Purchase the specific mobile/portable intervention systems and equipment for human health safeguard in the emergency situations
- Purchasing common equipment for measuring/monitoring environmental parameters, i.e. emission levels, water purity, analysis of soil and water samples etc., and joint assessment of results;

The above lists of eligible activities are informative. Other activities may be eligible if the applicant can justify the necessity of these activities in order to implement the project.

NOTE: The eligibility of an activity does not confer eligibility on the expenditure made for the implementation of that activity. For this purpose you should consult the *List of eligible expenditure* further provided by this Guide.

Project duration:

All projects except investment projects must have the project duration between 6 and 18 months from the starting date of the project, on condition that the final reimbursement claim is submitted before the 30th of September 2011.

All investment 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 the 30th of September 2011.

Project Budget:

The total financial support from the programme (IPA funds) for one project will range between 250,000 EURO and 1,000,000 EURO.

- EU funding shall finance up to 85% of the eligible expenditure
- the 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.

Measure 2.2 - Develop and implement effective strategies for waste and waste water management

Indicative eligible operations financed under Measure 2.2:

- Development/updating and implement joint cross-border strategies/ action plans for waste and waste water management.
- Development of public utilities for waste management (services & equipment) according with a joint strategy/ action/ plan

Indicative eligible activities within the operations may be:

- Development/updating studies for the creation of joint waste management systems (especially in tourist areas);
- Joint small-scale cleaning activities on Danube river, its tributary rivers and Danube basin;
- Purchase of equipments and ecological containers for waste selective gathering;
- Development/updating of joint action plans for waste and waste water management;
- Purchase of the equipment for waste and waste water joint treatment and analysis;

The above lists of eligible activities are informative. Other activities may be eligible if the applicant can justify the necessity of these activities in order to implement the project.

NOTE: The eligibility of an activity does not confer eligibility on the expenditure made for the implementation of that activity. For this purpose you should consult the *List of eligible expenditure* further provided by this Guide.

Project duration:

All projects except investment projects must have the project duration between 6 and 18 months from the starting date of the project, on condition that the final reimbursement claim is submitted before the 30th of September 2011.

All investment 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 the 30th of September 2011.

Project Budget:

The total financial support from the programme (IPA funds) for one project will range between 250,000 EURO and 1,000,000 EURO.

- EU funding shall finance up to 85% of the eligible expenditure
- The Romanian state budget shall provide an additional 13% to the public bodies and NGO's in Romania.
- 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.

Measure 2.3 - More effective systems and approaches to emergency preparedness

Indicative eligible operations financed under Measure 2.3:

- Small scale investment for joint physical infrastructure regarding emergency preparedness;
- Development and implementation of training and educational activities and training products in the field of environment and emergency preparedness
- Development and implementation of training products in the field of environment and emergency preparedness;
- Development/ improvement of the existing management systems in case of emergency situations.

Indicative eligible activities within the operation may be:

- Implementing joint works for emergency preparedness such as flood prevention on Danube River, its tributary rivers and Danube basin;
- Implementation of integrated cross-border emergency preparedness management systems such as flood prevention, development of retention areas on Danube River, its tributary rivers and Danube basin;
- Development and implementation awareness and information campaigns in relation to environmental issues and emergency preparedness;
- Creation/ correlation of joint early flood warning systems;
- Development and implementation of joint studies, plans, measures for health safety, disasters early warning, control and emergency management
- Development and implementation of joint management plans/ actions projects for preparedness regarding crises or disasters;

- Organisation of seminars, trainings, round tables in the field of emergency preparedness or environmental problems;
- Dissemination of the results of studies and analyses by means of leaflets, posters, school magazines, press articles
- Development of networking activities in the field of environment, health, food safety;
- Exchanges of experience and best practices between the border emergency/fast intervention bodies;
- Transfer of information between universities/ environmental research institutes and the border area emergency/fast intervention bodies;
- Training a work team in order to create a single prevention and monitoring informational system for emergency situation
- Organising trainings and simulations on emergency situations

The above lists of eligible activities are informative. Other activities may be eligible if the applicant can justify the necessity of these activities in order to implement the project.

NOTE: The eligibility of an activity does not confer eligibility on the expenditure made for the implementation of that activity. For this purpose you should consult the *List of eligible expenditure* further provided this Guide.

Project duration:

All projects except investment projects must have the project duration between 6 and 18 months from the starting date of the project, on condition that the final reimbursement claim is submitted before the 30th of September 2011.

All investment 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 the 30th of September 2011.

Project Budget:

The total financial support from the programme (IPA funds) for one project will range between 250,000 EURO and 1,000,000 EURO.

- EU funding shall finance up to 85% of the eligible expenditure
- The Romanian state budget shall provide an additional 13% to the public bodies and NGO's in Romania.
- 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.

Rules applicable to all projects

Cooperation criteria:

Projects must have a direct cross-border cooperation impact, which shall be understood in terms of respecting at least one of the following conditions as described below: joint development, joint staffing, joint implementation and joint financing.

- ❑ *Joint development* - 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;
- ❑ *Joint implementation* - 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;
- ❑ *Joint staffing* - means that the project should not duplicate functions 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). These staff will be responsible for project activities on both sides of the border. The Lead Partner is generally the employer of core project staff;
- ❑ *Joint financing* - means that there will be only one contract per project and there must therefore be one joint project budget. The budget should be divided between partners according to the activities carried out. 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. Match-funding should come from both sides of the border and

illustrates the commitment by each partner to the joint project.

Applicable law:

Projects must be in line with all relevant national and European legislation, including legislation on equal opportunities, environmental protection and public procurement (PRAG rules). Projects must observe the European legislation provisions on information and publicity.

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

iii. Eligibility of expenditure

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

Only "eligible costs" can be taken into account for financial support. These costs are detailed below. 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. 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.

Conditions for eligible costs

To be eligible for financial support under the call for proposals, costs must:

- be incurred for projects decided on by the JMC and in accordance with criteria fixed by the JMC;
- be directly related to the project, necessary for the development, starting and/or implementation of the project and in accordance with the project objectives
- be in conformity with the principles of sound financial management, in particular value for money and cost-effectiveness;
- have been stipulated in the approved project budget;
- be in compliance with the principles of efficiency, economy and expediency

- have actually been incurred by the partners during the implementing period for the actions defined in the application form (period of eligibility of expenditure);
- be recorded in the partners' accounts and tax documents, be identifiable and verifiable, and be backed up by supporting documents;
- be verified and certified as eligible by the controllers designated by the Managing Authority and respectively by the National Authority;
- be in line with the provisions of the subsidy contract, co-financing contract, partnership agreement, national and European legislation;
- not have been subject to financing 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 projects, this provision refers to the same infrastructure/segment of infrastructure).
- be spent by the end of project. Projects must clearly indicate their intended duration when applying for funding. The starting date for the eligibility of expenditure as follows:
 - For Romania: The commencement date for eligibility of expenditure for project preparation is the 1st of January 2007 for the Romanian partners. The starting date for the eligibility of other expenditure than the ones for project preparation is the day after the date of the signature of the subsidy contract for operations or parts of operations implemented in Romania.
 - For Serbia: In contrast, in Serbia for operations or parts of operations implemented the expenditure for project preparation is eligible if incurred after the launch of the call for proposals and the day after the date of the signature of the subsidy contract for other expenditure than the ones for project preparation;
- all expenditure must be made according to the relevant laws on public procurement (PRAG rules). This condition applies to all partners (e.g. public administration bodies, NGOs).

NOTE:

The following expenditure shall not be eligible for the Community contribution:

1. taxes, including value added taxes⁴;

⁴ VAT shall be eligible provided that:

- a. they are not recoverable by any means,
- b. it is established that they are borne by the final beneficiary, and
- c. they are clearly identified in the project proposal.

2. customs and import duties, or any other charges;
3. purchase, rent or leasing of land and existing buildings. Purchase of land is eligible provided that it does not exceed 10% of the total eligible expenditure of the operation concerned and if it can be justified in the context of the project proposal;
4. fines, financial penalties and expenses of litigation;
5. operating costs;
6. second hand equipment;
7. bank charges, costs of guarantees and similar charges;
8. conversion costs, charges and exchange losses associated with any of the Component specific Euro accounts, as well as other purely financial expenses;
9. contributions in kind;
10. interest on debt.

In-kind contribution, depreciation costs and leasing are not eligible expenditure

Also the following expenditure shall not be eligible for the Community contribution:

- any expenditure paid before or after the eligible period of the project, as defined in the subsidy contract;
- expenditure for activities implemented outside the programme area unless they are necessary for the project and confirmed by the MA or JMC;
- any forms of double financing of expenditures.

List of eligible expenditures

Priority Axis 2 - Environment and Emergency Preparedness

Measure 2.1- Improve systems and approaches to address cross-border environmental challenges, protection and management

In Romania expenditures from "a" to "i" shall include VAT! The VAT related to all eligible expenditures is eligible, provided that the following cumulative conditions are fulfilled:

- is not recoverable by any means;
- it is established that is borne by the final beneficiary;
- is clearly identified in the project proposal.

In Serbia, VAT is not an eligible expenditure.

a) Project Preparation (maximum 10% of total eligible expenditure):

- Meetings between project partners (supporting documents shall be presented - e.g. minutes, list of participants, invoices etc):
 - Travel - the most cost-effective, based on the analysis of three offers (Internet offers are also considered);
 - Accommodation - within the ceilings allowed by national legislation for public bodies;
 - Interpretation during the meetings;
 - Daily allowances - the ceilings allowed by applicable national legislation;
 - Catering - maximum 2% from the total eligible expenditure for project preparation.
- Purchase/ concession of land (for an amount not exceeding 10% of the total eligible expenditure of the operation concerned);
- Consultancy, studies, technical assistance and translation of documents:
 - Land studies (including expenditure for geo-technical, geological, hydrological, hydro-geo-technical, photometrical, topographical and stability studies for the investment site);
 - Studies (including opportunity studies);
 - Design and engineering: pre-feasibility and feasibility studies, technical projects, execution details, documentation for obtaining the agreements and permits, urban planning documentation, impact studies, site studies/expertise, including technical check of these documents;
 - Consultancy for project preparation (maximum 1% of the total eligible expenditure but not more than 10.000 Euro);
 - Consultancy for preparation of public procurement documents and management of public procurement procedure;
 - Translation of documents;
 - Agreements/ authorizations and other legal permits (Urban planning permits, building permits; Coupling and connection agreements and permits for water public network, sewage system, gas, heating, power, phone lines; Environmental agreements; Fire department agreements; Any other legal agreements, permits and authorizations necessary for project implementation).

- **Site organization:**
 - Construction and installation works for the site organization (levelling natural lands, closing down communication ways or constructions, utilities plugging, realization of access ways, constructions or rehabilitation of existent constructions), purchase or rental of traffic signs, temporary interruption of utilities (water, sewage, electricity, gas, heating) networks or road, railroad, river or air traffic, police assistance, temporary supply of utilities and sanitation.
- **Taxes and other charges (maximum 5% of total eligible expenditure):**
 - charges for transnational financial transactions;
 - where the implementation of an operation requires a separate account or accounts to be opened, the bank charges for opening and administering the accounts;
 - legal consultancy fees, notarial fees, costs of technical or financial experts, and accountancy or audit costs, if they are directly linked to the co-financed operation and are necessary for its preparation or implementation;

The following expenditures are eligible provided that they are different from the expenditures included in the project preparation costs and are made after the signing of the subsidy contract!

b) Investments in land and constructions:

- **Land preparation** - any works aimed at making the site suitable for the purpose of the project - including all expenditure made at the beginning of works for the preparation of the land which consist in: demolitions, disassembling, site clearing, evacuation of the materials resulted, deviation of the utilities pipes network, drainage, dredging, deviation of water courses etc.
- **Land rehabilitation** - works and action aimed at protecting the environment, including site rehabilitation after completion of works: planting trees, rehabilitation of green areas.
- **Site organization:**
 - Construction and installation works for the site organization (leveling natural lands, closing down communication ways or constructions, utilities plugging, realization of access ways, constructions or rehabilitation of existent constructions), purchase or rental of traffic signs, temporary interruption of utilities (water, sewage, electricity, gas, heating) networks or road, railroad, river or air traffic, police assistance, temporary supply of utilities and sanitation.
- **Main investment**
 - Constructions and utilities: construction, rehabilitation and modernization of roads, bridges, (including access roads, parking, fences, traffic signs and lights, water drainage ditches, navigable channel dredging, platforms, footbridges,

facilities for assuring the access of disabled persons, dykes), power/gas connection, water and sewage connection of buildings, etc.

- Assembling of technological equipment;
- Intangible assets: royalty rights patents, licenses, know-how or unpatented technical knowledge.

c) Staff:

- Participation to meetings between project partners and other relevant events or activities during project implementation (supporting documents shall be presented - e.g. minutes, lists of participants, invoices etc):
 - Travel - the most cost-effective, based on the analysis of three offers (Internet offers are also considered);
 - Accommodation - within the ceilings allowed by national legislation for public bodies;
 - Daily allowances - the ceilings allowed by applicable national legislation;
- Salaries and associated costs (taxes on salaries, social contributions) will normally be considered eligible for personnel employed by the Lead Partner/ Partner and directly assigned to the project where the applicant can clearly demonstrate that the staff concerned performs tasks specifically for the respective project. The eligibility of salaries and associated costs shall be proportional with the working time spent on implementing the project, based on timesheets or on the percentage of the respective working time in the total working time of the employee. It must be evident or demonstrated that the levels of salaries and social contributions charged to the project in relation to employees are those normally paid to that person or to that class of employees.

Concerning the salaries of Serbian public servants, these shall be considered as own contribution of the partner.

d) Consultancy, external expertise and other external services:

- Land studies (including expenditure for geo-technical, geological, hydrological, hydro-geo-technical, photometrical, topographical and stability studies for the investment site);
- Studies (including opportunity studies);
- Design and engineering⁵: pre-feasibility and feasibility studies, technical projects, execution details, documentation for obtaining the agreements and permits, urban planning documentation, impact studies, site studies/expertise, including technical check of these documents;
- External services necessary for the implementation of the operation fully

⁵ One project cannot support both feasibility studies and works detailed by that feasibility study, but the technical project may be financed together with the works in the same project.

contracted to an economic operator by the partner;

- Organization of events (conferences, seminars, workshops etc., except the information events) - in case they are organized directly by the partner and not fully contracted to an economic operator. Expenditure may include rent of premises and equipment, material/handouts, and catering expenses;
- Translation and interpretation costs;
- Consultancy/external expertise - maximum 5% of the total eligible value of the project:
 - Preparation of public procurement documents and management of public procurement procedure;
 - Project management, in case that the Lead Partner/ Project Partner does not have adequate capacity and/or qualification to perform the related tasks. The project management shall NOT be totally contracted;
 - Technical assistance provided by the designer;
 - Supervision of the execution of works by construction inspectors, up to a limit of 10% from the works contract;

e) Equipments and goods

Expenditure for purchase/rental of:

- equipment for monitoring, environmental parameters, harmonization and joint management of cross-border environment impact;
- elevation and transport equipment for access of disabled persons;
- alert systems for bad weather conditions;
- emergency intervention equipment;
- bilingual/ multilingual electronic signs and information panels;
- ITC equipment;
- Software;
- Furniture, heaters and other endowments for buildings;
- Other equipments or goods related with the implementation of the project (must be specified).

f) **Administration costs** (maximum 5% of the total eligible expenditure of the project) - office rent, postal services, fax, phone, internet access, electricity, heating, water, gas, cleaning, security, garbage, stationery, office supplies and other reasonable costs associated with the direct delivery of the project (must be specified) - only when the respective expenditures are subject to contracts specifically dedicated to the project.

g) **Information and publicity** the expenditure necessary to fulfill the EU and

programme requirements regarding information and publicity, provided that partners comply with the Visual Identity Manual of the programme:

- publications;
- promotional materials, brochures, press releases, advertisements, newsletter, websites, etc ;
- information events;
- media campaign;
- other costs (must be specified).

h) Taxes and other charges (maximum 5% of total eligible expenditure):

- charges for transnational financial transactions;
- where the implementation of an operation requires a separate account or accounts to be opened, the bank charges for opening and administering the accounts;
- legal consultancy fees, notarial fees, costs of technical or financial experts, and accountancy or audit costs, if they are directly linked to the co-financed operation and are necessary for its preparation or implementation;

The 5% ceiling, mentioned above, applies only for the taxes and charges mentioned above (including, for Romania only, the related VAT to these taxes and charges)!

i) **Contingency** (maximum 5% of total eligible expenditure). This is a reserve for exceptional cases and may only be spent with prior approval of the Managing Authority (formalized through an additional act to the contract) by re-distribution to other budgetary lines.

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

Measure 2.2 - Develop and implement effective strategies for waste and waste water management

In Romania expenditures from "a" to "g" shall include VAT! The VAT related to all eligible expenditures is eligible, provided that the following cumulative conditions are fulfilled:

- is not recoverable by any means;

- it is established that is borne by the final beneficiary;
- is clearly identified in the project proposal.

In Serbia, VAT is not an eligible expenditure.

a) Project Preparation (maximum 10% of total eligible expenditure):

- Meetings between project partners (supporting documents shall be presented - e.g. minutes, list of participants, invoices etc):
 - Travel - the most cost-effective, based on the analysis of three offers (Internet offers are also considered);
 - Accommodation - within the ceilings allowed by national legislation for public bodies;
 - Interpretation during the meetings;
 - Daily allowances - the ceilings allowed by applicable national legislation;
 - Catering - maximum 2% from the total eligible expenditure for project preparation.
- Consultancy, studies, technical assistance and translation of documents:
 - Consultancy for project preparation (maximum 1% of the total eligible expenditure but not more than 10.000 Euro);
 - Consultancy for preparation of public procurement documents and management of public procurement procedure;
 - Translation of documents;
 - Agreements/ authorizations and other legal permits.
- Taxes and other charges (maximum 5% of total eligible expenditure):
 - charges for transnational financial transactions;
 - where the implementation of an operation requires a separate account or accounts to be opened, the bank charges for opening and administering the accounts;
 - legal consultancy fees, notarial fees, costs of technical or financial experts, and accountancy or audit costs, if they are directly linked to the co-financed operation and are necessary for its preparation or implementation;

The following expenditures are eligible provided that they are different from the expenditures included in the project preparation costs and are made after the signing of the subsidy contract!

b) Staff:

- Participation to meetings between project partners and other relevant events or activities during project implementation (supporting documents shall be presented - e.g. minutes, lists of participants, invoices etc):
 - Travel - the most cost-effective, based on the analysis of three offers (Internet offers are also considered);
 - Accommodation - within the ceilings allowed by national legislation for public bodies;
 - Daily allowances - the ceilings allowed by applicable national legislation ;
- Salaries and associated costs (taxes on salaries, social contributions) will normally be considered eligible for personnel employed by the Lead Partner/ Partner and directly assigned to the project where the applicant can clearly demonstrate that the staff concerned performs tasks specifically for the respective project. The eligibility of salaries and associated costs shall be proportional with the working time spent on implementing the project, based on timesheets or on the percentage of the respective working time in the total working time of the employee. It must be evident or demonstrated that the levels of salaries and social contributions charged to the project in relation to employees are those normally paid to that person or to that class of employees.

Concerning the salaries of Serbian public servants, these shall be considered as own contribution of the partner.

c) Consultancy, external expertise and other external services not included in the project preparation costs

- Elaboration of studies;
- External services fully sub-contracted by the partner
- External services fully sub-contracted by the partner.
- Organization of events (conferences, seminars, workshops etc., except the information events) - in case they are organized directly by the partner and not fully contracted to an economic operator. Expenditure may include rent of premises and equipment, material/handouts, and catering expenses;
- Translation and interpretation costs;
- Consultancy - maximum 5% of the total eligible expenditure of the project:
 - Preparation of public procurement documents and management of public procurement procedure;
 - Project management: in case that the Lead Partner/ Project Partner do not have adequate capacity and/or qualification to perform the related tasks. The project management shall NOT be totally contracted;

d) Equipments and goods

Expenditure for purchase/rental of:

- Equipment for for waste management, waste selective gathering;
- Equipment for waste and waste water joint treatment and analysis;
- ITC equipment;
- Software;
- Furniture, heaters and other endowments for buildings;
- Other equipments or goods related with the implementation of the project (must be specified).

e) Administration costs (maximum 5% of the total eligible expenditure of the project) - office rent, postal services, fax, phone, internet access, electricity, heating, water, gas, cleaning, security, garbage, stationery, office supplies and other reasonable costs associated with the direct delivery of the project (must be specified) - only when the respective expenditures are subject to contracts specifically dedicated to the project.

f) Information and publicity the expenditure necessary to fulfill the EU and programme requirements regarding information and publicity, provided that partners comply with the Visual Identity Manual of the programme:

- publications;
- promotional materials, brochures, press releases, advertisements, newsletter, websites, etc;
- information events;
- media campaign;
- other costs (must be specified).

g) Taxes and other charges (maximum 5% of total eligible expenditure):

- charges for transnational financial transactions;
- where the implementation of an operation requires a separate account or accounts to be opened, the bank charges for opening and administering the accounts;
- legal consultancy fees, notarial fees, costs of technical or financial experts, and accountancy or audit costs, if they are directly linked to the co-financed operation and are necessary for its preparation or implementation;

The 5% ceiling, mentioned above, applies only for the taxes and charges mentioned above (including, for Romania only, the related VAT to these taxes and charges)!

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 Beneficiary/Beneficiary organisations can act or get paid as external experts for the work done in the project

Measure 2.3 - More effective systems and approaches to emergency preparedness

In Romania expenditures from "a" to "i" shall include VAT! The VAT related to all eligible expenditures is eligible, provided that the following cumulative conditions are fulfilled:

- is not recoverable by any means;
- it is established that is borne by the final beneficiary;
- is clearly identified in the project proposal.

In Serbia, VAT is not an eligible expenditure.

a) Project Preparation (maximum 10% of total eligible expenditure):

- Meetings between project partners (supporting documents shall be presented - e.g. minutes, list of participants, invoices etc):
 - Travel - the most cost-effective, based on the analysis of three offers (Internet offers are also considered);
 - Accommodation - within the ceilings allowed by national legislation for public bodies;
 - Interpretation during the meetings;
 - Daily allowances - the ceilings allowed by applicable national legislation;
 - Catering - maximum 2% from the total eligible expenditure for project preparation.
- Purchase/ concession of land (for an amount not exceeding 10% of the total eligible expenditure of the operation concerned);
- Consultancy, studies, technical assistance and translation of documents:
 - Land studies (including expenditure for geo-technical, geological, hydrological, hydro-geo-technical, photometrical, topographical and stability studies for the investment site);
 - Studies (including opportunity studies);
 - Design and engineering: pre-feasibility and feasibility studies, technical projects, execution details, documentation for obtaining the agreements and permits, urban planning documentation, impact studies, site studies/expertise, including technical check of these documents;
 - Consultancy for project preparation (maximum 1% of the total eligible

expenditure but not more than 10.000 Euro);

- Consultancy for preparation of public procurement documents and management of public procurement procedure;

- Translation of documents;

- Agreements/ authorizations and other legal permits (Urban planning permits, building permits; Coupling and connection agreements and permits for water public network, sewage system, gas, heating, power, phone lines; Environmental agreements; Fire department agreements; Any other legal agreements, permits and authorizations necessary for project implementation).

- **Site organization:**

- Construction and installation works for the site organization (levelling natural lands, closing down communication ways or constructions, utilities plugging, realization of access ways, constructions or rehabilitation of existent constructions), purchase or rental of traffic signs, temporary interruption of utilities (water, sewage, electricity, gas, heating) networks or road, railroad, river or air traffic, police assistance, temporary supply of utilities and sanitation.

- **Taxes and other charges (maximum 5% of total eligible expenditure):**

- charges for transnational financial transactions;

- where the implementation of an operation requires a separate account or accounts to be opened, the bank charges for opening and administering the accounts;

- legal consultancy fees, notarial fees, costs of technical or financial experts, and accountancy or audit costs, if they are directly linked to the co-financed operation and are necessary for its preparation or implementation;

The following expenditures are eligible provided that they are different from the expenditures included in the project preparation costs and are made after the signing of the subsidy contract!

b) Investments in land and constructions:

- Land preparation - any works aimed at making the site suitable for the purpose of the project - including all expenditure made at the beginning of works for the preparation of the land which consist in: demolitions, disassembling, site clearing, evacuation of the materials resulted, deviation of the utilities pipes network, drainage, dredging, deviation of water courses etc.
 - Land rehabilitation - works and action aimed at protecting the environment, including site rehabilitation after completion of works: planting trees, rehabilitation of green areas.
 - Site organization:
 - Construction and installation works for the site organization (leveling natural lands, closing down communication ways or constructions, utilities plugging, realization of access ways, constructions or rehabilitation of existent constructions), purchase or rental of traffic signs, temporary interruption of utilities (water, sewage, electricity, gas, heating) networks or road, railroad, river or air traffic, police assistance, temporary supply of utilities and sanitation.
 - Main investment
 - Constructions and utilities: construction, rehabilitation and modernization of roads, bridges, (including access roads, parking, fences, traffic signs and lights, water drainage ditches, navigable channel dredging, platforms, footbridges, facilities for assuring the access of disabled persons, dykes), power/gas connection, water and sewage connection of buildings, etc.
 - Assembling of technological equipment;
 - Intangible assets: royalty rights patents, licenses, know-how or unpatented technical knowledge.
- c) Staff:
- Participation to meetings between project partners and other relevant events or activities during project implementation (supporting documents shall be presented - e.g. minutes, lists of participants, invoices etc):
 - Travel - the most cost-effective, based on the analysis of three offers (Internet offers are also considered);
 - Accommodation - within the ceilings allowed by national legislation for public bodies;
 - Daily allowances - the ceilings allowed by applicable national legislation ;
 - Salaries and associated costs (taxes on salaries, social contributions) will normally be considered eligible for personnel employed by the Lead Partner/ Partner and directly assigned to the project where the applicant can clearly demonstrate that the staff concerned performs tasks specifically for the respective project. The eligibility of salaries and associated costs shall be proportional with the working time spent on implementing the project, based on timesheets or on the percentage of the respective working time in the total working time of the

employee. It must be evident or demonstrated that the levels of salaries and social contributions charged to the project in relation to employees are those normally paid to that person or to that class of employees.

Concerning the salaries of Serbian public servants, these shall be considered as own contribution of the partner.

d) Consultancy, external expertise and other external services:

- Land studies (including expenditure for geo-technical, geological, hydrological, hydro-geo-technical, photometrical, topographical and stability studies for the investment site);
- Studies (including traffic studies, opportunity studies);
- Design and engineering⁶: pre-feasibility and feasibility studies, technical projects, execution details, documentation for obtaining the agreements and permits, urban planning documentation, impact studies, site studies/expertise, including technical check of these documents;
- External services necessary for the implementation of the operation fully contracted to an economic operator by the partner;
- Organization of events (conferences, seminars, workshops etc., except the information events) - in case they are organized directly by the partner and not fully contracted to an economic operator. Expenditure may include rent of premises and equipment, material/handouts, and catering expenses;
- Translation and interpretation costs;
- Consultancy/external expertise - maximum 5% of the total eligible expenditure of the project:
 - Preparation of public procurement documents and management of public procurement procedure;
 - Project management: in case that the Lead Partner/ Project Partner do not have adequate capacity and/or qualification to perform the related tasks. The project management shall NOT be totally contracted;
 - Technical assistance provided by the designer;
 - Supervision of the execution of works by construction inspectors, up to a limit of 10% from the works contract;

e) Equipments and goods

Expenditure for purchase/rental of:

⁶ One project cannot support both feasibility studies and works detailed by that feasibility study, but the technical project may be financed together with the works in the same project.

- emergency intervention equipment, health safety and food safety monitoring equipment;
- alert systems for bad weather conditions;
- elevation and transport equipment for access of disabled persons;
- bilingual/multilingual electronic signs and information panels;
- special intervention vehicles for emergency situations;
- ITC equipment;
- Software;
- Furniture, heaters and other endowments for buildings;
- Other equipments or goods related with the implementation of the project (must be specified).

f) Administration costs (maximum 5% of the total eligible expenditure of the project) - office rent, postal services, fax, phone, internet access, electricity, heating, water, gas, cleaning, security, garbage, stationery, office supplies and other reasonable costs associated with the direct delivery of the project (must be specified) - only when the respective expenditures are subject to contracts specifically dedicated to the project.

g) Information and publicity the expenditure necessary to fulfill the EU and programme requirements regarding information and publicity, provided that partners comply with the Visual Identity Manual of the programme:

- publications;
- promotional materials, brochures, press releases, advertisements, newsletter, websites, etc;
- information events;
- media campaign;
- other costs (must be specified).

h) Taxes and other charges (maximum 5% of total eligible expenditure):

- charges for transnational financial transactions;
- where the implementation of an operation requires a separate account or accounts to be opened, the bank charges for opening and administering the accounts;
- legal consultancy fees, notarial fees, costs of technical or financial experts, and accountancy or audit costs, if they are directly linked to the co-financed operation and are necessary for its preparation or implementation;

The 5% ceiling, mentioned above, applies only for the taxes and charges mentioned above (including, for Romania only, the related VAT to these taxes and charges)!

i) **Contingency** (maximum 5% of total eligible expenditure). This is a reserve for exceptional cases and may only be spent with prior approval of the Managing Authority (formalized through an additional act to the contract) by re-distribution to other budgetary lines.

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 Beneficiary/Beneficiary employees nor the Lead Beneficiary/Beneficiary organisations can act or get paid as external experts for the work done in the project

II.3 HOW TO APPLY

i. How to get the Applicant's Pack

The Applicant's Pack contains the Application Form and its annexes. These are the official forms that should be submitted when applying for financial support under the programme. The Applicant's Guide, which is also included in the pack, provides potential beneficiaries with detailed guidelines on the application for funding process.

The Applicant's Pack is available on the following websites:

- Programme website (www.romania-serbia.net);
- Managing Authority's website (www.mdrl.ro);
- National Authority's website (www.mfin.gov.rs; www.evropa.gov.rs)

The applicant's pack can also be provided in electronic form (CD or other memory device) from the:

- Regional Office for Cross Border Cooperation Timișoara (address: Proclamația de la Timișoara Street, no. 5, Timișoara, Timiș County, România, Tel. +40.356.426.360, Fax +40.356.426.361, E-mail: ipacbc@brct-timisoara.ro)
and

- Antenna of the JTS in Vršac (address: Centar Millennium, Poslovna Kula, III Floor 17 Omladinski Trg St., Vršac, Serbia, www.evropa.gov.rs)

ii. How to fill in the Application Form and its Annexes

Please find below the guidelines for filling in the Application Form and its Annexes.

Make sure you fill in by computer, correctly and completely, the application form and its annexes (see below) and add all related documents. The annexes are part of the Application Form.

Applications and annexes must be submitted using the forms included in the Applicant's Pack.

The application and its annexes must be filled in using English. .

The page number (which will continue from the Application Form until the last page of the last annex) should be written, in the lower right corner on all annexes. The first and last page number of each annex should be specified in the Table of contents.

When a maximum number of characters is indicated for completing a certain field, the number does not include spaces.

Modifying the standard application form or its annexes will result in the rejection of your application.

All documents should be valid at the date of submitting the application form!

A. Application Form

Cover: The project title and the name of the Lead Partner organization should be stated in English. Priority axis no. and Measure no. should be taken from the table shown at point Programme priority axes of this document.

Project registration

Project number: Will be filled in by the JTS

Registration number and date: This will also be filled in by the JTS. The registration date is the day when the dated, stamped and signed application form, together with the budget form and all annexes, arrive at the JTS. The application form and annexes in hard copy (on paper) and digital (CD/DVD) should reach the JTS before or on the deadline announced in the call for proposals.

Table of contents of the Application Form and annexes

Each document should be mentioned stating its exact title and the partner to which it refers while keeping the corresponding form code in the second column (e.g. Form Code A.4. Balance sheet for the previous three years for Lead Partner; Form Code A.4. Balance sheet for the previous three years for partner 2 and so on).

1. Project identification

1.1. Project Information

State the official and *full name* of the project.

Give a short name or *acronym*, which the project can be referred to. The use of an

acronym or short name is necessary for efficient communication and administration.

State the priority axis, and measure where your project integrates.

Present the total number of partners (including Lead Partner), and the starting and end date of the project.

Give the number of contracts you intend to sign, according to the contracting plan.

1.2. Applicant information

The names of all partner organizations should be stated both in their native language and in English. The "legal status" field should be filled in with the type of organization (NGO, central public administration, public sector operator, local public administration etc.) For the Lead Partner organization, both the name of the legal representative and the project manager are requested. For other project partners, the legal representative and one contact person will be supplied.

The Lead Partner and the partners must present data regarding the object of activity and the tax registration number.

If there are more partners involved in the project than rows available, applicants should remember to provide the relevant information for these organizations too, by multiplying the table for each partner. Information about which eligible NUTS III level region or equivalent (for Serbian partners), county / district each partner belongs to should be included.

The *Lead Partner* is, responsible for the implementation of the entire project. The Lead Partner will be the addressee of the entire correspondence during the application evaluation process and will also be responsible for reporting to the JTS after approval of the project. More information about the role and tasks of the Lead Partner are stipulated in the model contracts annexed to this Guide.

2. Financial information

2.1. Project budget (EUR)

Here must be stipulated the total value of the project, the eligible value, the IPA contribution, the national co-financing of which the state budget contribution and the own contribution.

2.2. Financing history

2.2.1. Here the partners must state if they have ever received financing from European funds.

2.2.2. Here the partners must state if this project has ever before been submitted for financing from another programme either as such, parts of it or as part of a bigger project.

If a project has sought *funding from other sources* prior to the Romania-Serbia IPA Cross-Border Cooperation Programme, this should be stated here, together with all

relevant financial data. This section must be completed by all partners.

If the project has been rejected in another call for proposal for another programme, this should be stated here and the Rejection Letter must be annexed.

3. Project description

3.1. Consistency with programme strategy

All projects in the Romania-Serbia IPA Cross-Border Cooperation Programme must comply with the *strategy set out in the Programme*. This can be demonstrated by explaining the estimated contribution of a project to the aims of the programme. Applicants should explain briefly and clearly how their project will contribute to the aims of the programme.

In this area the partners must explain how the project complies with the programme strategy and state the priority axis, and measure under which the project falls.

In case the project envisages activities which might contribute or influence another priority axis or measure, explanations are to be given in this section.

3.2. Project objectives

The project should clearly set its own objectives (general and specific), in line with the programme objectives. It must be explained how the project objectives comply with the objectives of the programme and of the priority axes.

3.3. Project context

Applicants should give a clear description of the problem which the project is going to tackle and the contribution which the project will make to help solve it. It is recommended to describe what is new about the project in relation to what has been previously achieved - including other EU supported activities and other projects and programmes in the area - and in relation to what will be achieved in this area in the future. It should be described why the chosen partnership is necessary for the project. Furthermore, the level of achievements of the project should be justified in terms of having a long-lasting impact from its final results.

3.4. Project activities

Applicants should fill in the activities planned to achieve the objectives as set out in 3.2. Please state the estimated value of each activity, values that must be correlated with the data shown in the budget form (Budget per activity).

For each activity must be clearly stated the starting date, the completion date, the location and the responsible partner.

3.5. Project expected results

The applicants must provide information on the results the project is going to achieve. The results should be very clearly stated and should be easily measurable. In the "rationale" field the applicants must describe in detail the project results and state how these results will be achieved.

3.6. Target groups

The applicants must define the target groups to whom the project is directed and provide clear evidence of there being a sufficient demand for the proposed project to go ahead. The applicants must show that it is not simply a compilation of the expertise of the project partners being assembled in shaping the scope of the project nor is it merely an inward-looking project with a narrow scope of activities.

3.7. Cross-border character of the project

In order to prove the cross-border character of the project the applicants must explain which of the following criteria are fulfilled (minimum one): Joint Development, Joint Implementation, Joint Staffing and Joint Financing (please refer to section II.2.ii. (Eligibility of Actions) for details on these criteria).

Additionally, the applicants must provide information regarding the cross-border impact of the project.

3.8. Programme Indicators

It must be specified how the project influences the programme's output and result indicators, by ticking or by justifying the data.

The project must identify other relevant specific indicators, whose measurement, baseline value (situation), target value (result) and justification must be provided. Environmental indicators are particularly important and their use shall be scored accordingly during the evaluation process.

Indicators are used to measure performance and a number of indicators have been developed for that purpose. Project applicants can select which indicators they report on. A good choice of indicators is also important. They should be relevant for the objectives of the project and the target value indicated should be reasonable as well as measurable.

3.9. Project coherence with other programmes/strategies/projects

The applicants must identify those regional/national/European programmes, strategies or projects in the field to which the application refers and demonstrate the coherence of the project to the respective documents/actions.

3.10. Project coherence with horizontal themes

Explain how your project will contribute towards the promotion of the three *horizontal themes* (gender equality and equal opportunities, sustainable development). Under some measures it might be expected that there should be a significant and positive contribution under a particular horizontal theme.

If a negative impact is envisaged, for any reason, then it should be clearly explained how such effects will be minimized or otherwise offset.

3.11. Information and publicity

According to the EC Regulations and the IPA CBC Programming Document, the partners must promote their projects and the added value of the Community funds.

All costs for proposed measures need to be included in the financial plan for the project and accounted for in the Budget Form. Partners will have to comply with the Visual Identity Manual of the IPA CBC Programme.

All project partners shall promote their project results by activities such as:

- Editing and distributing publications (flyers, leaflets, brochures, newsletters etc.);
- Developing activities in relation to mass media (writing and distributing press releases, holding press conferences, sending articles to the media channels to be delivered to the general public, holding interviews about the project on TV or radio etc.);
- Organizing promotion events (seminars, conferences, on-site visits etc.);
- Designing web pages promoting the projects and their results;
- Producing and distributing promotional materials,
- Other relevant promotion and information activities.

The partners must fill in the table from the application form containing the concrete communication activities, the target groups they address and evaluation. The evaluation refers to the impact of the promotion activities on the target groups, measured by indicators established for each activity. The indicators must be correlated with estimated values. (e.g. Indicator: number of participants; Value: 50).

3.12. Breakdown of eligible expenditure per year

The partners shall describe each eligible expenditure planned (per categories as included in the form 1.B.1. General budget) and the year when it is going to be made.

3.13. Contracting Plan

Eligible expenditure must be correlated with a contracting plan. All partners must observe the relevant procurement law (PRAG rules) and must indicate which procurement procedure is intended to be used. A contracting plan will also be part of the subsidy contract and the two plans must be correlated.

3.14. Value Added Tax

The VAT will be treated according to the national legislation. Before signing the contract, the Romanian applicants should bring clear proof that they are not in the position to recover the VAT for the activities of the project from any source in order to have this tax reimbursed by the programme.

4. Exit/continuation strategy

Applicants should describe what impact their project results may have five years after the project has ended. The kind of follow-up actions that are planned (i.e., exit/continuation strategy) and the chances for them to be achieved should be also stated here. In general, it is expected that the results of a project would

outlive the lifetime of the project itself. Based on the results of this projects, the applicants should estimate what other projects or activities can be developed in the benefit of the communities in the cross-border area.

5. Certification and Submission

This declaration should be filled in, signed and stamped by the Lead Partner organization.

Annexes:

Together with the application form the following documents must be submitted as

Annexes⁷:

1. **Project summary:** the key issues of the application (partners, objectives, activities, budget etc.) - should be filled only in English.
2. **Budget of the operation:** all the sheets of the Excel file should be filled in completely and correctly. The budget should be realistic and based on a minimum needs analysis. However, please be aware that the budget stated in the application form is maximal and cannot be increased based on further findings of the applicants.
3. **Legal documents of the applicants:** documents proving the establishing of the project partner entities (law, decree, government decision, statute, registration act, article of association, Tax payment Certificate, etc.) - copies of the relevant documents must be provided and English translation for relevant provisions.
4. **Financial situation of all partners (copies and English translation):**
 - Previous three annual balance sheet checked by the Financial Administration;
 - Latest annual budgetary execution account checked by the Financial Administration (only for local public administration).
5. **CVs of the project management team** (the positions that have a role in the implementation of the project); if all/some of the members of the management team are not known yet/are still to be employed, job descriptions should be attached; if the project partners intend to partially contract the project management to a sub-contractor, the Terms of Reference for selecting the project management sub-contractor should be annexed.
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) - original document and its English

⁷ Annexes from point 3, 4, 11, 13, 14 may not be submitted with the Application Form but in the contracting phase. However at the moment of submitting the Application the applicant must prove that he has made all the endeavors in obtaining these permits/ agreements.

translation.

7. Declaration of Eligibility, issued by each project partner, in original, stating that the applicant fulfils the criteria stipulated at II.2.i.

8. Declaration of Commitment, issued by each project partner, in original, stating that the applicant shall:

- provide its own contribution to the eligible expenditure and ensure temporary availability of funds until they are reimbursed by the programme (amounts that will be spent by the partners in advance of reimbursement);
- cover all non-eligible expenditures corresponding to its activities incurred during project implementation;
- ensure that the representatives in the project management team are available throughout the entire implementation period.

The decisions of the empowered bodies (county council, board of directors etc.) regarding the availability of own resources and appointing their representatives in the project management team should be provided. This would include copies of the original documents appointing the employees to work on the project and its English translation. These documents must be provided in the pre-contractual phase

9. Partnership declarations from all project partners, in original, stating their willingness to participate in the project and to sign the Partnership Agreement after the project is approved.

10. Schedule of reimbursement requests (one per project)

The general principle of IPA funding is the reimbursement of the expenses already made by the partners. However, considering that the beneficiaries might have difficulties in providing their own resources for starting project implementation, the programme shall make advance payments to the partners.

The amount of the advance payment as well as the criteria and conditions for its approval shall be established through legal acts and shall be brought to the knowledge of partners by all means available, including publication on programme website.

However, the partners shall draft the Schedule of requests for payments based solely on the reimbursement principle, the advance payment being regarded as an additional support from the programme to the partners.

At the same time, the applicants should bear in mind that one reimbursement claim per project, aggregating the requests of all partners, should be submitted every three months by the Lead Partner. To this end, all partners should present all supporting documents to the controllers in order to be verified before requesting the payments. Please take into account that a period of two months is allocated for the controllers to check the payment

claim and the associated supporting documents of each partner.

11. Documents certifying the ownership status of the land and/or building:

For investment projects, the applicants must prove they are the owner of the land and/or building or the fact that the land is in concession by the following documents:

a) the applicant is the owner of the land/or building:

1. for public authorities:

-the legal act (e.g. government decision, law, government ordinance, decision of local counties etc) stating that the land and/or building is in the ownership of the relevant public authority;

-documents related to the registration of property of the relevant applicant and covering the land and/or buildings in the relevant public registers.

2. for NGO's

- property ownership document for the land and/or building;

- documents related to the registration of the land and/or building, by the NGO, in the relevant public registers.

b) the applicant holds the land and/or building under a concession/ long-term contract for at least 10 years:

1. for public authorities:

-the legal act (e.g. government decision, law, government ordinance, decision of local counties etc) stating the fact that the land and/or building is in concession/long-term contract for at least 10 years; it must be proved that the duration of the concession / long-term contract for at least 10 years for the land is for at least 5 years from the completion of the operation and that the landowner has given its written agreement saying that the applicant may perform the investment on / in the relevant land / building.

- declaration from the land and/or building owner that the land and/or building is:

o free of any encumbrances;

o not the object of a pending litigation;

o not the object of a claim according to the relevant national legislation.

- documents related to the registration of the land and/or building in the relevant public registers.

2. for NGO's

- concession/ long-term contract for at least 10 years for the land and/or building; it must be proved that the duration of the concession/long-term contract for at least 10 years for the land and/or building is for at least 5 years from the completion of the operation and that the owner of the land and/or building has given his written agreement saying that the applicant may perform the investment on/in the relevant land / building.
- Declaration from the land and/or building owner that the land and/or building is:
 - o free of any encumbrances;
 - o not the object of an pending litigation;
 - o not the object of a claim according to the relevant national legislation.
- documents related to the registration of the land and/or building in the relevant public registers.

12. Feasibility studies (for investment projects)

In order to evaluate the technical characteristics of an investment project, the applicants must annex the feasibility studies for the investment project to the application form. The elaboration and approval of the feasibility studies must observe the national provisions in this matter (see Annex F - Relevant national and EU legislation).

The Feasibility Study should not have been elaborated or updated more than one year before the deadline for the present call for proposals (the document must bear the date of elaboration/revision). However, this document should be submitted in English, as an annex to the application form provided that it has already been completed before the project submission date and should be accompanied by the legal agreements and approvals.

13. Urban planning/ constructions and works permit (for investment projects)

In case the project involves construction/rehabilitation/modernization of infrastructure, the applicant must present the Urban planning/ constructions and works permit.

14. Environment agreement (for investment projects, only required for the Romanian partners)

The applicants must present an official act from the competent environment authority stating that the investment project observes the legal provisions of environment protection.

The Serbian applicants must submit a suitable Environmental Impact Assessment

(Statement) covering the proposed development or a written confirmation from the environmental Office of the Local authority that such a document is not required.

All copies should be certified "According to the original document" by the legal representative of the respective partner or of the Lead partner.

iii. Where and how to send the applications

The application forms will be submitted in annual sessions to the JTS's premises, located within the Timișoara Regional Cross-Border Cooperation Office.

Filling in and submitting the application form will be done by the applicant.

When drafting the application form, the applicant must comply with the standard format of the application form, as mentioned in the Applicant's Guide. The applicant will attach to the application form the administrative and technical documents requested by this form and by the Applicant's Guide.

The applicant may contact the JTS in order to receive more clarifications regarding the completion of the application form.

After completion, the application form and its annexes, containing the administrative and technical documents:

- will be signed and stamped by the legal representative of the applicant, on the first page, in the right down corner
- will be multiplied in 5 copies by the applicant
- will be prepared an electronic copy of the application form and the summary of the project (one CD)
- will be bound (together with its annexes) in the way that pages could not be taken away from a whole set, and placed in a sealed package; on the package the following shall be mentioned: "Not to be opened before the opening session".

On the original will be written on the cover, in the right top corner, the mention „ORIGINAL” and the 5 copies will have written in the right top corner of the cover the following: „ COPY NO.1”, „COPY NO.2”, „COPY NO.3” and so on.

For the original documents which, according to the law, remain to the beneficiaries, the copies must be signed by the applicant on the first page and stamped on each page, contain the mention „ In compliance with the original” and must be signed by the legal representative of the applicant.

Applications must be received in a sealed envelope by registered mail, private courier service or by hand-delivery (a signed and dated certificate of receipt will be given to the deliverer) at the address below:

Postal address, Address for hand delivery or by courier service

CBC Regional Office Timișoara

5 Proclamația de la Timișoara Street, Timisoara, Timiș County.

Applications sent by any other means (e.g. by fax or by e-mail) or delivered to other addresses will be rejected.

The application form (one original and five copies), including the CD, containing the electronic version of the application form and the summary of the project, will be sent to the Regional Office for Cross-Border Cooperation Timișoara, in a sealed package, by post (registered letter) or will be submitted directly to the Regional Office for Cross-Border Cooperation Timișoara premises. It is mandatory that the external part of the sealed package bears a label containing the following information:

„Application form for IPA Cross- Border Cooperation Programme România-Serbia”	
Priority Axis	
Measure	
Name of the institution where the application form is submitted	
Applicant Name/address	
Project title	
Location of the project	

iv. Deadline for receipt of applications

Applications may be submitted to the JTS at any time during the period from the launching day of the present call for proposals and until the 29th of July 2009 (17:00 o'clock, Romanian local time).

The deadline for the receipt of applications is the 29th of July 2009 (17:00 o'clock, Romanian local time).

In order to be proposed for financing, the applications must respect the administrative and eligibility criteria and receive at least 60 points at the technical and financial evaluation.

Any application registered after the deadline will automatically be rejected, even if the postmark indicates a date preceding the deadline or if the delay is due to the courier service.

II.3. Evaluation and Selection of Applications

The project evaluation and selection criteria which were prepared by the Managing Authority, together with the Serbian National Authority and the Joint Technical Secretariat, are approved by the Joint Monitoring Committee and are available to potential partners being included in the present Applicant's Guide.

An Evaluation Committee approved by the Managing Authority shall be in charge of project evaluation and ranking. This Committee shall evaluate the projects proposals submitted. After the ranking is done, the list of projects is submitted for the approval of the Joint Monitoring Committee. Only projects with a score of at least 60 points will be proposed for approval.

In course of the evaluation and selection process, three sets of criteria will be used: administrative criteria (to check admissibility), technical and financial (used to rank projects) and eligibility criteria.

In the administrative phase the applications are checked for completeness, which means that all necessary documents are included in the application pack and they follow the standard application form and annexes.

The technical and financial evaluation is the phase when the projects which passed the administrative check are ranked by the Evaluation Committee according to the technical and financial characteristics of the project. The technical and financial evaluation is carried out by awarding scoring points and it refers to: consistency with the programme and other strategic documents, project maturity, operational capacity and value for money (see evaluation grids for details).

The eligibility phase refers to the eligibility of partners, activities and expenditure. The eligible partners are described in chapter II.2.i. The operations are eligible if they fall within the programme objectives, priority axes and measures while observing other supplementary criteria set out in Chapter II.2.ii. The eligibility also refers to the eligibility of expenditure, according to section II.2.iii.

The projects are pre-ranked in descending order according to the score awarded and grouped into two categories:

1. projects proposed for financing;
2. projects proposed for rejection.

The projects proposed for financing are those projects which scored at least 60 points and whose aggregated eligible budgets are within the limit set for the call for proposals.

After the eligibility verification, the projects pre-ranked in the technical and

financial evaluation are forwarded to the Joint Monitoring Committee, which selects the projects for financing and approves the list of rejected projects and the list of projects proposed for financing.

Subsequently, all Lead Partners will receive notification of the approval/rejection of their projects.

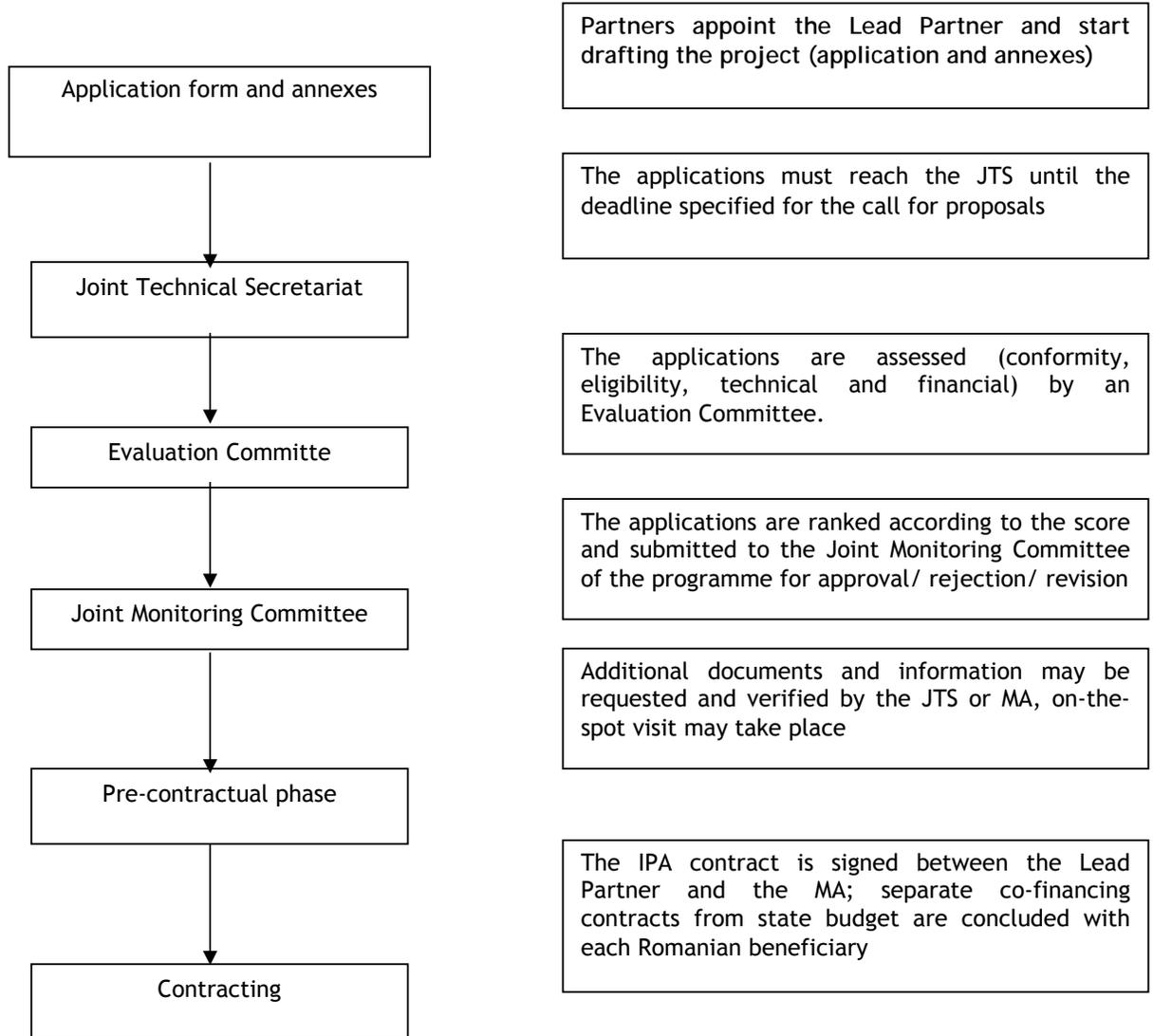
The Decision of the Joint Monitoring Committee is final and mandatory for all applicants.

All evaluation grids are presented in Annex B to this Guide.

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

Should the allocated budget be insufficient for the received applications, the Joint Monitoring Committee, at the proposal of the Managing Authority, may decide to increase the budgetary allocation.

Project evaluation and selection procedure



III. Pre-Contractual conditions

After the Joint Monitoring Committee approves the projects, the JTS notifies each Lead Partner if its project has been approved or rejected.

For the projects approved the JTS prepares the subsidy contracts (for IPA contribution), which are concluded between the MA and the Lead Partner. The JTS also prepares the co-financing contracts (for Romanian state budget contribution), which are concluded between the Ministry of Regional Development and Housing and the Romanian partners.

Before signing the contracts, other documents may be requested by the JTS/MA (e.g. proof that there are no debts to the consolidated budgets, proof that the VAT is non-recoverable from other sources etc.) and on-the-spot visits may also take place. On-the-spot visits may be performed by the MA, NA, JTS and by any other body with responsibilities in the implementation of the programme. All partners have the obligation to provide all necessary documents and to be available for the on-the-spot visits in order for the contracts to be signed (e.g. partnership agreement - see Annex E for model - must be presented to the MA/JTS before the signing of the contract).

The subsidy contracts will be signed by the MA and then sent to the Joint Technical Secretariat. The partners and Lead Partners will be invited to the Joint Technical Secretariat to sign the contract until a certain deadline.

Changes of the contracts

Any changes inside or between budget line or lines, in limit of 10% of the total budget should be made with the previous notification of the Managing Authority through the Joint Technical Secretariat.

Changes in the budget including, component budgets, over the limit of 10% (but under € 50.000), also extension of the project duration, are allowed, with the previous approval of the Managing Authority through the Joint Technical Secretariat and No-objection letter from NA, (will be operated by an addendum to the present contract) and as long as the maximum amount of funding awarded remains and the major goals of the operation are not affected.

As an exception, any other changes must be duly justified and shall be subject to the Programme Joint Monitoring Committee's approval (changes of partners, changes between partner budgets, changes in budget lines over € 50.000,00 etc.) and will be operated by an addendum to the present contract. In this case, the MA may decide to suspend the implementation of the project until the JMC Decision.

IV. Modifications of the contract

Procedure for Addendums and Notification letters

For Romanian Lead Partners

1. The Lead Partner prepares Addendum and sends it to the JTS;
2. JTS checks and sends the Addendum to MA;
3. MA approves the Addendum

For Serbian Lead Partner

1. The Lead Partner prepares the Addendum and sends it to the JTS Antenna;
2. JTS Antenna sends the Addendum to the NA;
3. NA prepares a "No objection letter" and sends it back to the JTS;
4. JTS checks and sends the Addendum and the "No objection letter" to the MA for approval;
5. MA approves the Addendum.

Procedure for Notification letters

For Romanian Lead Partners

1. The Lead Partner prepares Notification letter and sends it to the JTS;
2. JTS checks and sends the Notification letter to MA, for information;

For Serbian Lead Partner

1. The Lead Partner prepares the Notification letter and sends it to the JTS Antenna;
2. JTS Antenna sends the Notification letter to the NA;
3. NA prepares a "No objection letter" and sends it back to the JTS;
4. JTS checks and sends the Notification letter and the "No objection letter" to the MA for information;

IV. Annexes

Annex A. Application Form and its annexes

Annex A.1. Project summary (in English)

Annex A.2. Budget of the operation

Annex A.3. Legal documents of the applicants

Annex A.4. Financial situations/ of the applicants

Annex A.5. CV's/ Job descriptions/ Terms of reference for project management team

Annex A.6. Legalized mandates, if applicable

Annex A.7. Declaration of eligibility

Annex A.8. Declaration of commitment

Annex A.9. Partnership declarations from all project partners

Annex A.10. Schedule of reimbursement requests

Annex A.11. Documents certifying the right of property/concession (for Romanian partners) or long term contract for at least 10 years (for Serbian partners) on the land and/or building

Annex A.12. Feasibility studies, only for investment projects

Annex A.13. Urban planning/ constructions and works permit, only for investment projects

Annex A.14. Environment agreement, only for investment projects

Annex B. Evaluation grids

Annex C. Framework subsidy contract

Annex D. Model co-financing contract

Annex E. Model Partnership Agreement

Annex F. Relevant national and EU legislation

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