



Managing Authority: Ministry of Foreign Affairs and Trade

**Hungary-Slovakia-Romania-Ukraine  
ENI CBC Programme  
2014-2020**

**EC decision No C(2015) 9180**

**Guidelines  
for applicants  
for the 3rd Call for Proposals**

Budget lines numbers: General budget Articles of the European Union  
21 03 03 01 and 21 03 03 02

Reference number: HUSKROUA/1901

Deadline for submission of proposals:

13<sup>th</sup> of February 2020

## Notice

This is an **open** Call for Proposals, where all documents are submitted at one stage.

**Please note that this Call for Proposals has been launched under a Suspension Clause. This entails that the award and signature of the Grant contracts is therefore subject to the EC approval of the revision and adjustment of the Joint Operational Programme of the “Hungary Slovakia-Romania-Ukraine ENI Cross-border Cooperation Programme 2014-2020” concerning modification of TO 7 and introduction of Banská Bystrica and Zvolen from Slovakia as Programme’s social, economic or cultural centres.**

The Guidelines for applicants are compiled to provide assistance to the potential Applicants for the elaboration of the application documents (Full Grant Application Form, its annexes and supporting documents) of the 3<sup>rd</sup> Call for proposals of the Hungary-Slovakia-Romania-Ukraine ENI CBC Programme 2014-2020.

The present guide is supplemented by the User’s Manual IMIS Application Module. The offline template of the Grant Application Form is to be used as informative material as it reflects the content of the online module. The Guidelines provide an overview of the design, planning, co-ordinating, managing and follow-up to the projects financed from the Programme. The Guidelines include information on the process from the drafting of the Grant Application Form to implementation, monitoring, reporting and finalization of the project. The guidelines also contain information on how to fill in the Grant Application Form, what annexes to provide and what procedures to follow. The text of the Guidelines shall serve as a summarised basic guide to the Applicants. Please note that at the moment of submitting the proposal, the entities of the potential partnership are called Lead Applicant and Applicant(s) and after signing the grant contract with the Managing Authority later Lead Beneficiary and Beneficiary(ies). Please note that these Guidelines do not in any way replace the obligations and provisions set out in the respective EU and national legislation. In case of doubt, the latest provisions prevail. Programme level rules for implementation of projects can be found in Project Implementation manual.

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# 1. HUNGARY-SLOVAKIA-ROMANIA-UKRAINE ENI CROSS-BORDER COOPERATION PROGRAMME 2014-2020

## 1.1 Background

The programme area is located on the Hungarian-Slovak-Romanian-Ukrainian border.

The programme area includes approximately 598.9 km joint border with Ukraine which covers fully the Slovak-Ukrainian (97.9 km) the Hungarian-Ukrainian (134.6 km) and partially the Romanian-Ukrainian (366.4 km) border lines.

The programme area, in reality, features strong historical and cultural connections. It is also characterised by many common geographical and ecological features, such as importance of rivers as well as the presence of ecological corridors crossing administrative borders. This cooperation programme – as continuity of the ENPI CBC Hungary-Slovakia-Romania-Ukraine Programme 2007-2013 aims to intensify the co-operation between the regions of Zakarpatska, Ivano-Frankivska and Chernivetska of Ukraine and the eligible areas of the Member States in order to initiate progress on the fields of existing social, economic, infrastructural and environmental difficulties.

Based on the intention written above the following vision was defined for the programme implementation:

*In 2030 the area along the borders of Ukraine with the three Member States of Hungary, Slovakia and Romania is a **cooperative cross-border region** that efficiently functions and works together in the field of **promotion of local culture and preservation of historical heritage, environmental protection, climate change adaptation and disaster management**. The **cross-border accessibility among Ukraine and the three Member States does not hinder day-to-day cross-border cooperation, while safety and security and including border management is assured on an adequate level**. **Cooperation is an integral and natural part of the daily life of the people living and authorities operating here.***

In the eligible area for the ENI CBC Hungary-Slovakia-Romania-Ukraine Programme, the EU supports also other programmes of cross-border cooperation (Romania-Ukraine and Poland-Belarus-Ukraine ENI CBC Programme 2014-2020, Slovakia-Hungary and Romania-Hungary INTERREG V-A Cooperation Programmes 2014-2020) and regional cooperation on a larger regional scale (Danube Transnational Programme 2014-2020), and supported projects implemented under the cross-border cooperation programmes (Romania-Ukraine-Republic of Moldova and Hungary-Slovakia Cross-border Cooperation Programmes 2007-2013), the neighbourhood programmes (Neighbourhood Programme Hungary-Slovakia-Ukraine 2004-2006, PHARE/TACIS Neighbourhood Programme Romania-Ukraine 2004-2006) and regional cooperations on a larger regional scale (Eastern regional, Interreg IVC, South-East Europe). The Managing Authority, as defined hereafter, will ensure coordination mechanisms with these other programmes.

The following joint structures have been established to manage the ENI CBC Hungary-Slovakia-Romania-Ukraine Programme:

- Joint Monitoring Committee (JMC): supervising and monitoring the programme implementation, ultimately responsible for selecting projects;
- Managing Authority (MA): the body appointed by the participating countries as responsible for managing the programme and bearing overall responsibility for the management and implementation of the programme towards the European Commission;
- Joint Technical Secretariat (JTS): the programme coordination and implementation body, assisting the Managing Authority, the Joint Monitoring Committee and the National Authorities in carrying out their respective duties, the JTS acts under the responsibility of the MA.

The legal framework for the implementation and management of the Programme is the following:

- Commission Implementing Decision of 8 October 2014 adopting a programming document for European Union support to ENI Cross-Border Cooperation for the period 2014-2020 (Programming Document);

- Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (ENI Regulation);
- Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action (ENI CIR);
- Commission Implementing Regulation (EU) No 897/2014 of 18 August 2014 laying down specific provisions for the implementation of cross-border cooperation programmes financed under Regulation (EU) No 232/2014 of the European Parliament and the Council establishing a European Neighbourhood Instrument (ENI CBC IR);
- Regulation (EU) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002;
- Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union;
- Joint Operational Programme of Hungary-Slovakia-Romania-Ukraine ENI Cross-Border Cooperation Programme 2014-2020 (hereinafter referred to as JOP);
- National rules applicable to the Lead Beneficiary and Beneficiaries;
- State Aid applicable rules;
- Financing Agreement concluded between the European Commission and Ukraine;
- Memorandum of Understanding concluded between Hungary and the Member States participating in the Programme;
- Project implementation manual of the Programme.

## 1.2 Programme Eligible Area

The Projects financed from the programme budget can be implemented in the following territorial units:

### **In Hungary**

- Szabolcs-Szatmár-Bereg
- Borsod-Abaúj-Zemplén (adjoining region with full participation rights)

### **In Slovakia**

- Košický
- Prešovský

### **In Romania**

- Maramureş,
- Satu-Mare
- Suceava (adjoining region with limited participation rights)

### **In Ukraine**

- Zakarpatska,
- Ivano-Frankivska
- Chernivetska (adjoining region with limited participation rights)

### ***Adjoining region with full participation rights***

“Adjoining region with full participation rights” means that any organisation located in the concerned area is able to cooperate within the programme without any restriction.

### ***Adjoining region with limited participation rights***

“Adjoining region with limited participation rights” means that any organisation located in the concerned area is able to cooperate within the programme with restriction as follows:

- in order to avoid any overlap with the Romania-Ukraine Programme where Suceava in Romania and Chernivetska in Ukraine are also eligible, projects from the adjoining regions has to have Hungarian or Slovak partners in the partnership, projects are restricted to Thematic Objective 3, 6 and 7, and Large Infrastructure Projects (LIPs) cannot be implemented by them.

### *Major social, economic or cultural centres*

Besides the seven core and three adjoining regions the following **centres are identified and conditions for their participation in the programme are as follows:**

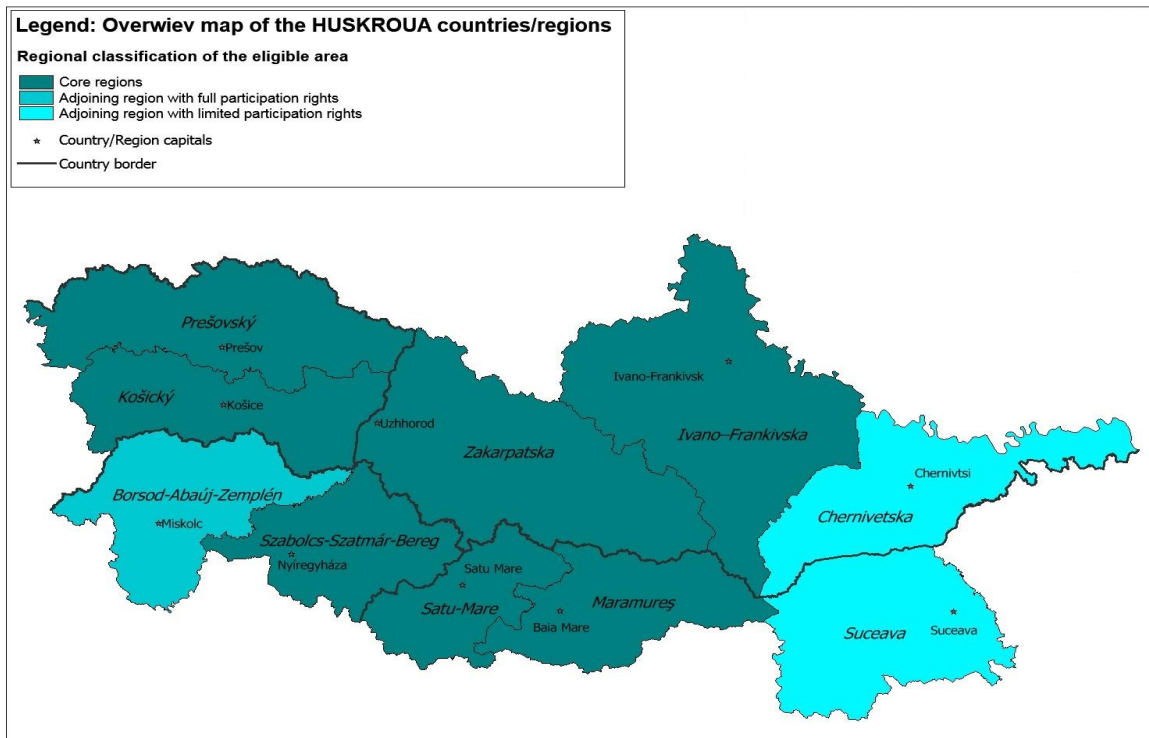
National or regional authorities or organisations located in the capital cities will be included in the Programme, in the specific cases when the involvement of these authorities and organisation is essential for the implementation or sustainability of the projects. In these cases, the authorities and organisations are allowed to participate in projects in the role of lead beneficiary or beneficiary. The project activities carried out by these authorities and organisations can be carried out in the major social, economic or cultural centres, but the **results of these activities must always be to the benefit of the border region.**

The national and regional capitals concerned are:

- Budapest (Hungary)
- Debrecen (Hungary)
- Eger (Hungary)
- Bratislava (Slovakia)
- Banská Bystrica (Slovakia)
- Zvolen (Slovakia)
- Bucharest (Romania)
- Cluj Napoca (Romania)
- Kiev (Ukraine)

The above mentioned major social, economic or cultural centres are involved in all priorities of the programme. The type of authorities and organisations that may participate from these territories identified for each programme priority are listed in point 2.4 of the JOP.

### **The eligible core area distinguishing between the territorial units by their nature (core or adjoining) of the HUSKROUA ENI CBC Programme 2014-2020:**



**Eligible core area and the major centres involved of the HUSKROUA ENI CBC Programme 2014-2020**



**1.3 Thematic Objectives (TOs) of the programme and priorities**

The following thematic objectives were selected by the decision of the Joint Task Force:

- **TO3 Promotion of local culture and preservation of historical heritage**
- **TO6 Environmental protection, climate change mitigation and adaptation**
- **TO7 Improvement of accessibility to the regions, development of sustainable and climate-proof transport and communication networks and systems**
- **TO8 Common challenges in the field of safety and security**

*According to the decision of the Joint Monitoring Committee Thematic objective 3 Priority 1, Thematic objective 6 Priority 1, Thematic objective 7 Priority 1, Thematic objective 8 Priority 1 and 2 will be available under the present Call for Proposals.*

The selected thematic objectives, priorities supporting the TOs and types of actions foreseen of this Call for Proposals are:

*Table 1*

<b>TO 3 Promotion of local culture and preservation of historical heritage</b>	
<b>Indicative list of activities*</b>	
<b>Priority 1:</b> <b>Promoting local</b>	<ul style="list-style-type: none"> <li>• Preservation and restoration of historical heritage sites (buildings, historical parks and gardens in accordance with monument restoration requirements with the goal to create a network of touristic sites as basis of thematic routes and thematic packages in the cross-border region.</li> <li>• Surveys on buildings of cultural, historical, and religious heritage to form the</li> </ul>

<b>culture and historical heritage along with tourism functions</b>	<p>bases of cross border thematic routes.</p> <ul style="list-style-type: none"> <li>• Development of joint cross-border touristic destinations, thematic routes, packages connecting historical cultural or religious heritage sites and other attractions and services.</li> <li>• Joint promotion activities and information provision on cross-border routes and related attractions (including the development of maps, joint online information sources and information materials, modern IT tools and applications for the promotion of routes and attractions, signs, tourism cards, etc.).</li> <li>• Organisation of joint cultural events with cross-border added value linked to historical, cultural, and religious heritage.</li> <li>• Support of the development and promotion of traditional local (handicraft, (organic) agricultural) products at touristic sites to foster local economic effects.</li> <li>• Creating cross-border standard of services through the development of new or existing regional product-specific trademarks and quality systems.</li> <li>• Exchange of experiences among organisations related to cultural religious and historic heritage.</li> <li>• Training for local stakeholders in tourism, cooperation, promotion and networking.</li> </ul>
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**TO 6 Environmental protection, climate change mitigation and adaptation**

**Indicative list of activities\***

<b>Priority 1: Sustainable use of the environment in the cross border area - preservation of natural resources, actions to reduce GHG emission and pollution of rivers</b>	<ul style="list-style-type: none"> <li>• Protection of landscape, maintenance of biodiversity and eco-systems with cross border relevance via common developments like protected areas co-operations, sustainable forestry managements systems, ecological and traditional agricultural production etc.</li> <li>• Protection of water resources, adaptation to the more frequent water extremities through integrated water management actions.</li> <li>• Joint ecological education programmes.</li> <li>• Co-operation between institutions, authorities and civil organisations for the sustainable use of natural resources; support for the harmonisation of relevant regulations.</li> <li>• Supporting investments to increase renewable energy production, energy efficiency, energy savings and recycling.</li> <li>• Elaboration of joint low-carbon strategies.</li> <li>• Exchange of best practices and expertise, study tours, education on energy efficiency.</li> <li>• Strengthening competences and skills in the field of eco-innovation and low-carbon solutions.</li> <li>• Harmonisation of local renewable energy production strategies for biomass, hydro power and geothermal energy.</li> <li>• Sharing best practices, setting up of small scale pilot systems for wastewater treatment, communal and industrial waste management.</li> <li>• Surveys on water quality problems of river basins crossing the border.</li> <li>• Setting up water quality monitoring systems of rivers crossing the borders.</li> <li>• Development of landfills that are suitable for recycling and fulfil environmental requirements.</li> <li>• Joint awareness campaigns.</li> </ul>
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**TO 7 Improvement of accessibility to the regions, development of sustainable and climate-proof transport and communication networks and systems**

**Indicative list of activities\***

**Priority 1:  
Development of transport infrastructure to improve the mobility of persons and goods**

- Preparation activities and/or building, modernisation and upgrading of transport infrastructures leading to and crossing the border to improve the opportunities for transboundary mobility.
- Developing border crossing infrastructure and improvement of border management systems connected with transport infrastructure developments.
- Building, modernisation and upgrading of bicycle paths, routes leading to and crossing the border.
- Development of cross-border public transport initiatives, harmonisation of systems, acquisition of rolling stocks.
- Awareness-raising activity regarding the importance of environment-friendly transport system (low emission and low noise pollution of cross-border transport).
- Development of IT solutions for public transport facilities.

**TO8 Common challenges in the field of safety and security**

**Indicative list of activities\***

**Priority 1:  
Support to joint activities for the prevention of natural and man-made disasters as well as joint action during emergency situations**

- Harmonising activities in the field of flood prevention, development of flood and inland water prevention infrastructure.
- Setting up joint early warning systems for natural disaster incidents.
- Strategic and technical planning and establishment of joint monitoring systems on environmental (air, water, soil) pollutions.
- Support/cooperation/network of non-governmental and public rescue teams/organisations.
- Database regarding natural disasters incidents.
- Joint training programmes and workshops, exchange of experiences, study tours.

**Priority 2:  
Support to the development of health**

- Improvement of health care and prevention infrastructure and equipment related to cross border service provision, joint capacity development.
- Joint development and establishment of patient care areas.
- Exchange of know-how, joint training programmes, joint prevention programmes, joint support services.
- Co-operation between institutions on the field of human epidemiology.
- Improvement of health related social care services infrastructure.

\*The indicative list of activities represents examples in the frame of the priorities, but they **do not** represent an exhaustive list of activities

**1.4 CROSS-CUTTING ISSUES OF THE PROGRAMME**

In addition to the priorities which are in the focus of the Programme activities, there are four horizontal issues that are crucial in case of any project activity. Project applicants are expected to consider these issues when developing their projects. The possible types of action per TOs and per Priorities and the ways of contribution to the concerned cross-cutting issue are demonstrated in paragraph 9 of the JOP.

Cross-cutting issues of the Programme are:

- a) Environmental sustainability
- b) Democracy and human rights

- c) Gender equality
- d) HIV/AIDS

### 1.5 INDICATIVE FINANCIAL ALLOCATION PROVIDED BY THE MANAGING AUTHORITY

The overall *indicative* amount made available under this Call for Proposals is 17,300,000 EUR. Considering that the 3<sup>rd</sup> call for proposals is the last to be launched within the Programme, the Joint Monitoring Committee reserves the right to award more funds than available within this Call and may revise the allocation dedicated to the thematic objectives

#### Size of grants

Any grant awarded under this Call for Proposals must fall between the following minimum and maximum amounts, defined according to the priorities and cannot be more than 90% of the total eligible costs of the Project.

Table 2

Thematic Objective	Priority	allocation per Priority in EUR	Minimum amount in EUR	Maximum amount in EUR	% of the Programme budget per Priority – 3 <sup>rd</sup> call	% of Priority per 3 <sup>rd</sup> call in the total budget of the call
<b>Thematic Objective 3:</b> Promotion of local culture and preservation of historical heritage	Priority 1 Promoting local culture and history along with tourism functions	3,450,000	50,000	1,000,000	24,44%	19.94%
<b>Thematic Objective 6:</b> Environmental protection, climate change mitigation and adaptation	Priority 1 Sustainable use of the environment in the cross border area - preservation of natural resources, actions to reduce GHG emission and pollution of rivers	2,500,000	100,000	1,500,000	14,79%	14.45%

<b>Thematic Objective 7:</b> Improvement of accessibility to the regions, development of sustainable and climate-proof transport and communication networks and systems	Priority 1 Development of transport infrastructure to improve the mobility of persons and goods	4,250,000	100,000	1,500,000	33,45%	24.57 %
<b>Thematic Objective 8:</b> Common challenges in the field of safety and security	Priority 1 Support to joint activities for the prevention of natural and man-made disasters as well as joint action during emergency situations	3,000,000	100,000	1,500,000	26,05%	17.34 %
	Priority 2 Support to the development of health	4,100,000	50,000	1,000,000	35,6 %	23.7 %

Please note that according to the Programme rules the organisations located in **adjoining areas** with limited participation are able to cooperate within the programme with the restriction that they have to involve Applicants from Hungary or the Slovak Republic, are restricted to Thematic Objective 3, 6 and 7.

#### Co-financing rate

EC Grants may not finance the entire eligible cost of the Project of a Lead Beneficiary. No grant may exceed 90 % of the total forecasted eligible costs of the Project, nor be below 50%.

The balance must be financed from the Lead Beneficiary's or Beneficiaries' own resources, or from sources other than the European Community budget or the European Development Fund. The co-financing shall amount to at least 10% of the total eligible costs of the Project.

In case of grant Lead Beneficiaries/Beneficiaries registered in participating Member States maximum 5% of the total eligible costs of the Project (50% of the co-financing) will be funded from the national budget. The remaining minimum 5% of the total eligible costs of the Project (50% of the co-financing) has to be covered

from the Lead Beneficiary's/Beneficiary's own contribution or from sources other than the European Community budget or the European Development Fund. Detailed information on the national co-financing in the Member States is available in the Project Implementation Manual.

National co-financing for **Hungarian beneficiaries** is stipulated in Article 22 of Government Decree 83/2018 (IV.20)<sup>1</sup>.

For the **Slovak beneficiaries**, the rate of co-financing (max 10% and min 5%) depends on the type of the organization: organizations financed from the central budget, as well as directly or indirectly state-owned organizations receive 10% of co-financing, while all other types of organizations receive 5% of co-financing.

For **Romanian beneficiaries**, state co-financing is maximum 5% with the exception of the bodies 100% funded through state's central budget. In case the beneficiary is not 100 % funded through state's budget, the minimum 10% co-financing is covered as maximum 5% through the National Authority and the rest up to 10% as beneficiary's share.

## 1.6 STATE AID RULES

Aid granted by participating countries under the Programme shall comply with the rules on State aid within the meaning of Article 107 of the Treaty on the functioning of the European Union for the Beneficiaries located in EU Member States and – where applicable - with State aid provisions in Chapter 10 of Title IV of the Association Agreement between the EU and Ukraine for the Beneficiaries located in Ukraine.

As a general principle, all project activities have to be assessed at partner level to determine whether they are State aid relevant or not. Therefore each Applicant has to provide a State aid declaration conform to the template in Annex 9.2 and 9.3 of the Grant Application Form. This will form the basis on which the MA/JTS decide on the State aid relevance of each Applicant's activities. The MA/JTS supports the Applicants in this process (e.g. during individual project consultations) and they are also encouraged to consult their national State aid units.

If an activity of a project meets the cumulative criteria of State aid definition, it means that no grant might be awarded. The European Commission has to be notified and its prior approval is necessary to the grant. However, EU legislation gives the possibility to apply exemptions to the rule and award grant. Where support to a project is identified as being State aid relevant, there are two options provided for compliance: de minimis support (only in Member States) and State aid compatible with the General Block Exemption Regulation (GBER).

De minimis regime is based on the principle that the negative effects of a competitive advantage and the distortion of the intra-community market are reduced if financial aid is kept to a minimum. Therefore De Minimis regulation<sup>2</sup> allows small amounts of aid – less than €200,000 per Member State<sup>3</sup> over 3 rolling years – to be given to an undertaking for a wide range of purposes. If you use this mechanism, records of aid granted must be kept and all the rules of the de minimis regulation must be followed.

The overall aim of the General Block Exemption Regulation<sup>4</sup> is to obviate the need for notification of aid to the European Commission and its approval in advance of implementation. Instead, for certain categories of aid, compatibility is presumed, provided that specified conditions are met and the monitoring and reporting requirements are fulfilled.

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<sup>1</sup> <https://net.jogtar.hu/jogszabaly?docid=A1800083.KOR>

<sup>2</sup> Commission Regulation (EU) No 1407/2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid

<sup>3</sup> In the Hungary-Slovakia-Romania-Ukraine ENI CBC Programme 2014-2020 the grant is provided by the Member State where the Beneficiary implementing State aid relevant activity is located.

<sup>4</sup> Commission Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (General Block Exemption Regulation (GBER))

## 2. RULES FOR THIS CALL FOR PROPOSALS

The purpose of this open call for proposals is to support the implementation of regular projects which are applying to one of the four Priorities and considering the high quality and distinguished development of the project concept was awarded by the Joint Monitoring Committee.

Regular projects are defined for the purpose of this call as either infrastructure, soft with an infrastructure component (or soft project, within the minimum and maximum grant size set above in Tables 2.

These guidelines set out the rules for the submission, selection and contracting of Projects financed under this Call.

### 2.1 Eligibility criteria

There are three sets of eligibility criteria, relating to:

- Lead Applicant(s) which may request a grant (2.1.1), and Applicants (2.1.2);
- Projects which may receive financial contribution from the Programme (2.1.3);
- Types of cost which may be taken into account in setting the amount of the grant (2.1.4).

#### 2.1.1 Eligibility of Lead Applicants: who may apply?

(1) In order to be eligible for a grant, Lead Applicants **must be**:

- legal persons **and**
- public bodies, bodies governed by public law<sup>5</sup> or non-profit making private bodies **and**
- established for the purposes of public interest or specific purpose of meeting needs of general interest, which may belong to one of the groups indicated in the following non-exhaustive list:
  - a. national, regional and local organisations implementing policies in the fields of relevant policies defined as programme priorities;
  - b. semi-public institutions like regional development associations and promoters, innovation and development agencies, research institutes and universities;
  - c. regional and local associations of enterprises (e.g. chambers of commerce, unions); professional organisations;
  - d. regional, local and county self-governments and their organisations acting as legal entities, regional councils;
  - e. EGTCs<sup>6</sup> - the applicants must have their seats or a regional/local branch registered in the eligible programme area
  - f. non-state actors such as:
    - non-governmental organisation;
    - organisation representing national and/or ethnic minorities;
    - local citizen groups and traders' associations;

<sup>5</sup> Body Governed by public law, as defined in Article 1.9 of Directive 2004/18/EC means any legal body established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character, and financed, for the most part, by the State, 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.

<sup>6</sup> Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC)

- cooperatives, trade unions, organisations representing economic and social interests;
  - local organisations (including networks) involved in the decentralised regional cooperation and integration;
  - consumer organisations, women's and youth organisations, teaching, cultural research and scientific organisations;
  - universities;
  - churches and religious associations and communities;
  - the media;
  - cross border associations, non-governmental associations and independent foundations **and**
- be nationals<sup>7</sup> of one of the Programme participating countries: Hungary, Slovakia, Romania, Ukraine **and**
  - have their operation of at least two years<sup>8</sup> **and**
  - be directly responsible for the preparation and management of the project in cooperation with the other Applicant(s), not acting as an intermediary **and**
  - have their headquarters or a registered regional/local branch having legal entity in the specified programme territorial units (see point 1.2)
    - If the Lead Applicant is a regional/local branch with legal personality of a national/regional organisation, and the national/regional organisation's *headquarter is not situated* in the eligible regions, the *regional/local branch shall apply* for funding, and in case of contracting it shall be the Lead Beneficiary; or
    - A central/national public sector body or a body governed by private law with a public service mission from one of the major social, economic or cultural centres (see point 1.2) of the participating country may act as a Lead Applicant or as an Applicant if it can demonstrate that the Project is fully for the benefit of the eligible area covered by the Programme.

In addition to the above-mentioned eligibility criteria the indicative list of the legal entities - eligible Applicants according to the Slovak national legislation - can be found in Section 3 under documents for information.

(2) Potential Lead Applicants and Applicants **may not** participate in Calls for Proposals or be awarded grants if they are in any of the exclusion situations set out in Article 106(1) and Article 107 of Regulation (EU, Euratom) No 966/2012<sup>9</sup>:

(a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

(b) they or persons having powers of representation, decision making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a state which has the force of *res judicata*;

(c) they have been guilty of grave professional misconduct proven by any means which the Managing Authority can justify;

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<sup>7</sup> Such nationality being determined on the basis of the organisation's statutes which should demonstrate that it has been established by an instrument governed by the national law of the country concerned. In this respect, any legal entity whose statutes have been established in another country cannot be considered an eligible local organisation, even if the statutes are registered locally or a "Memorandum of Understanding" has been concluded.

<sup>8</sup> Legal succession may be accepted in duly justified cases depending on the existence and proof of financial and operational capacity.

<sup>9</sup> Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002.

(d) they are not in compliance with their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the Managing Authority or those of the country where the contract is to be performed;

(e) they or persons having power of representation, decision making or control over them have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such illegal activity is detrimental to the Union's financial interests;

(f) they are subject to an administrative penalty referred to in Article 109(1) of Regulation No 966/2012.<sup>10</sup>

(g) they are subject to a conflict of interests connected to their participation in the present Call for Proposals;

(h) they are guilty of misrepresenting the information required by the Managing Authority as a condition of participation in the Call for Proposals or fail to supply that information.

Subparagraphs (a) to (d) of the point (2) shall not apply in the case of the purchase of supplies on particularly advantageous terms from a supplier which is definitively winding up its business activities or from the receivers or liquidators of a bankruptcy, through an arrangement with creditors, or through a similar procedure under national law.

Subparagraphs (b) and (e) of the point (2) shall not apply where the candidates or tenderers can demonstrate that adequate measures have been adopted against the persons having power of representation, decision making or control over them, who are subject to a judgement as referred to in subparagraphs (b) or (e) of the point (2).

In case the Managing Authority/Joint Technical Secretariat has evidence that (any of) the Applicant(s) have any unduly paid and/or not recovered amounts under the HU-SK-RO-UA ENPI CBC Programme 2007-2013 at the time of submission of the Project proposal, the respective Lead Applicant(s) shall not be allowed to participate in the Call for Proposals or be awarded grants under the HU-SK-RO-UA ENI CBC Programme 2014-2020. As a consequence, the applications submitted with its participation **may be disqualified from the decision making process** unless the concerned Applicant(s) recover their debt to the HU-SK-RO-UA ENPI CBC Programme 2007-2013 until the award decision.

Lead Applicants and Applicants must declare that they do not fall into any of these situations (“Declaration by the Lead Applicant” is Annex 1 and “Declaration by the Applicant” is Annex 2 to the Grant Application Form).

## **2.1.2 Partnerships and eligibility of Project Participants**

### **a. Lead Applicant/Lead Beneficiary**

Lead Applicant is a legal person that submits an application with a view to obtaining a grant and in case its project proposal is selected by the JMC will receive the financial contribution in order to implement the activities of a project. Lead Applicants must act with partner organisations as specified below following the Lead Partner Principle.

The Lead Applicant will be the “Lead Beneficiary” in case its project proposal is selected for financing by the JMC and a Grant Contract is signed between the Lead Beneficiary and the Managing Authority.

<sup>10</sup> The Managing Authority may impose administrative and/or financial penalties on the following: (a) contractors, candidates or tenderers in the cases referred to in point (b) of Article 107(1); (b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget. In all cases, however, the Managing Authority shall first give the person concerned an opportunity to present his or her observations.

## **b. Lead Partner Principle**

The “Lead Partner Principle” is a basic requirement in all projects financed from the Programme.

The Lead Partner is referred to as “Lead Applicant” when submitting the proposal and as “Lead Beneficiary” after signature of the Grant Contract.

For each project a Lead Applicant/Lead Beneficiary shall be appointed by the Project Participants among themselves before submitting the proposal. The Lead Applicant/Lead Beneficiary is a body which takes the overall responsibility for the submission of the Grant Application Form, signs a Grant Contract with the Managing Authority and which assumes full legal and financial responsibility for project implementation vis-à-vis that authority. It receives the financial contribution from the Managing Authority and ensures that it is managed and distributed in accordance with the agreements drawn up with Beneficiaries. The Lead Beneficiary is directly accountable to the Managing Authority for the operational and financial progress of activities. The Lead Beneficiary is also responsible for the proper reporting of progress during project implementation to the Joint Technical Secretariat as stipulated in the Grant Contract.

Beneficiary is an actor that commits itself to functionally and financially implement a part of the project according to the Grant Application Form as approved by the Joint Monitoring Committee.

Project Participants means Lead Beneficiary and other Beneficiary/Beneficiaries together.

Project part covers a set of activities within the project as a whole, undertaken by the Lead Beneficiary or another Beneficiary in a defined timeframe and presented as a Lead Beneficiary / Beneficiary budget sheet in the Budget of the Application.

The project will be presented by the Lead Beneficiary who will act as the only direct contact between the project and the joint management bodies of the Programme. It is the responsibility of the Lead Beneficiary to create a well working partnership and lawful connection between the project participants ensuring the proper and sound implementation of the project.

### **The Lead Beneficiary shall assume the following responsibilities:**

- a. it shall monitor that the Project is implemented in accordance with the Grant Contract and ensure coordination with all Beneficiaries in the implementation of the Project. For that purpose, it shall ensure that the relevant provisions of the grant contract applicable to all project participant are included in the Partnership Agreement;
- b. it shall be the intermediary for all communications between the Beneficiaries and the Managing Authority/Joint Technical Secretariat;
- c. it shall be responsible for supplying all documents and information to the Managing Authority/Joint Technical Secretariat which may be required under the Grant Contract, in particular in relation to the reports and the requests for payment. Where information from the Beneficiaries is required, the Lead Beneficiary shall be responsible for obtaining, verifying and consolidating this information before passing it on to the Managing Authority/Joint Technical Secretariat.

Any information given, as well as any request made by the Lead Beneficiary to the Managing Authority/Joint Technical Secretariat, shall be deemed to have been given in agreement with all Beneficiaries;

- d. it shall inform the Managing Authority/Joint Technical Secretariat of any event likely to significantly affect or delay the implementation of the Project;
- e. it shall inform the Managing Authority/Joint Technical Secretariat of any change in the legal, financial, technical, organisational or ownership situation of the Lead Beneficiary/Beneficiaries, as well as, of any change in the name, address or legal representative of the Lead Beneficiary/Beneficiaries;
- f. it shall be responsible in the event of audits, checks, monitoring or evaluations, as described in Article 11 of the draft Grant Contract for providing all the necessary documents, including



- the accounts of the Beneficiaries, copies of the most relevant supporting documents and signed copies of any contract concluded according to Article 15 of the draft Grant Contract;
- g. it shall have financial responsibility for ensuring that the Project is implemented in accordance with the Grant Contract;
  - h. it shall establish the payment requests in accordance with the Grant Contract;
  - i. it shall be the sole recipient, on behalf of all of the Beneficiaries, of the payments of the Managing Authority. The Lead Beneficiary shall ensure that the appropriate payments are then made to the Beneficiaries without unjustified delay, in accordance with the agreed provisions of the Partnership Agreement;
  - j. it shall ensure that the expenditure submitted by the Project Participants in the financial reports complies with all the eligibility requirement, *inter alia*, it has been paid for the purpose of implementing the Project and corresponds to the activities agreed between the Project Participants;
  - k. it shall have its expenditures incurred in the given reporting period, verified by the designated national controller (for Lead Beneficiary from one of the Member States) or accepted auditor (for Lead Beneficiary from Ukraine);
  - l. it shall not delegate any, or part of, these tasks to the Beneficiaries or other entities.

The possibility to initiate projects and to act as Lead Applicant/Lead Beneficiary will be open for all eligible organisations.

The “Declaration by the Lead Applicant” shall be filled in and duly signed by the Lead Applicant.

**c. Applicant(s)/Beneficiary(ies)**

Beneficiary(ies) are those other organisation(s) that in addition to the Lead Beneficiary are involved with the implementation of the projects.

They are referred to as “Applicant(s)” when submitting the proposal and as “Beneficiary(ies)” after signature of the Grant Contract.

Projects shall involve at least one Applicant from one of the Member States participating in the Programme and at least one Applicant from Ukraine. This compulsory Applicant(s) shall fulfil the eligibility criteria set up for the Lead Applicants in the point 2.1.1 of the Guidelines.

Applicants/Beneficiaries participate in designing and implementing the project, and the costs they incur are eligible in the same way as those incurred by the Lead Beneficiary. They must therefore satisfy the eligibility criteria as applicable on the Lead Beneficiary.

The applicant organisations may have partnerships with organisation(s) from their own country. If a Beneficiary from the same country (if any) is a recipient of the funding, it should be located in the eligible territorial unit and must comply with the same eligibility criteria identified in the point 2.1.1 of the Guidelines.

The Lead Applicant and Applicant(s) shall be presented in the dedicated sections of the Grant Application Form.

Declaration by the Applicant as an annex to the Grant Application Form will have to be filled in and duly signed by the statutory representative of each Applicant. For the objective evaluation of the partnership, the real role and involvement of the Project Participants during planning, development, implementation, financing and utilisation after completion of the proposed Project must be described in detail and endorsed by all Applicants (Declaration by the Applicant, as well as Description of the Activities – including the involvement of specific Applicants). The necessary number of copies should be made of this statement and annexed to the Grant Application Form.

Before the signing of the Grant Contract a Partnership Agreement has to be signed by the Lead Beneficiary and Beneficiary(ies). The model Partnership Agreement regulating the relationship between project Participants is part of the Application Package.

Each Beneficiary is directly and exclusively responsible to the Lead Beneficiary for the due implementation of its respective project part and for the proper fulfilment of its obligations. Beneficiary(ies) also bear financial responsibility for the funds that they implement in accordance with Article 46.2 of ENI CBC Implementing Rules. The specific obligations as well as the financial responsibilities of the beneficiaries shall be laid down in the Grant Contract, in the Partnership Agreement and in the Grant Application Form.

**The following are not Project Participants and do not have to sign the “Declaration by the Applicant”:**

- **Subcontractors**

Each Beneficiary has the possibility to award contracts. Beneficiary cannot be subcontractor. If the implementation of a project requires procurement of goods, works or services by a Beneficiary, the following rules shall apply:

- Where the Beneficiary is a contracting authority or a contracting entity within the meaning of the Union legislation applicable to procurement procedures, it may apply national laws, regulations and administrative provisions adopted in connection with Union legislation.
- In all other cases the applicable rules are set out in Art. 52 paragraph 2 and Articles 53 to 56 of the ENI CBC Implementing Rules, as well as any specific instructions defined in the Project Implementation Manual.

- **Target group**

Target groups are the groups/entities who will be directly positively affected by the project at the project level.

- **Final beneficiaries**

Final beneficiaries are those who will benefit from the project in the long term at the level of the society or sector at large.

### **2.1.3 Eligible Projects: Projects which may receive financial contribution from the Programme**

Definition: A project is composed of a set of activities aiming at achieving specific, measurable, relevant, achievable and timed results and objectives, which contribute to the programme priorities.

Projects may receive financial contribution from the Programme provided they meet all the following conditions:

- (a) they deliver a clear cross-border cooperation impact and benefits as described in the programming document and demonstrate added value to Union strategies and programmes;
- (b) they are implemented in the programme area;
- (c) they fall within one of the following categories:
  - (i) **integrated projects** where each beneficiary implements a part of the activities of the project on its own territory;
  - (ii) **symmetrical projects** where similar activities are implemented in parallel in Member State(s) and Ukraine.

Projects may not be implemented in regions other than those defined in point 1.2 as Programme eligible area.

*Projects shall be submitted by Lead Applicants representing partnerships consisting of at least one Applicant from a Member State participating in the Programme and at least one Applicant from Ukraine.*

## Duration

The planned duration of a Project implementation may not be lower than **12 months** nor exceed **24 months**. In exceptional and justified cases the possibility of the extension of the project implementation period (without grant amount or rate increase) will be foreseen with approval of the MA on the request of the Lead Beneficiary. However, due to the extension of the project implementation period the own contribution rate can be increased upon the request of the Lead Beneficiary.

## Cooperation criteria

*Main four cooperation criteria* of the project need to be respected in the projects of all nature.

1. joint project development
2. joint project implementation
3. joint staffing
4. joint financing

All beneficiaries shall actively cooperate in the development and implementation of the project. In addition, they shall cooperate in the staffing and financing of the project.

## Types of activity

The type of activity which can be financed under this Call: the indicative list of activities is defined in the Table 1 of the point 1.3.

### The following types of Projects are ineligible:

- Projects concerned only or mainly with individual sponsorships for participation in workshops, seminars, conferences, congresses;
- Projects concerned only or mainly with individual scholarships for studies or training courses;

**Note that the Lead Applicant must comply with the thematic objectives (TOs) and priorities of this call and guarantee the visibility of the EU-financing in accordance with Article 19 of the Grant Contract.**

### Number of applications and grants per Lead Applicant

A Lead Applicant may submit more than 1 application under this Call for Proposals.

A Lead Applicant may at the same time be Applicant in other applications.

Applicants may take part in more than one application.

A Lead Applicant (Lead Beneficiary) may be awarded more than one grant under this Call for Proposals, if it can demonstrate its financial and administrative capacity of managing and co-financing all the awarded projects.

Concentration of grants in some entities can be considered a risk factor and should be discussed by the Joint Monitoring Committee and consequently may lead to a rejection of the Project Application.

### **2.1.4 Eligibility of costs: costs which may be taken into consideration for the grant**

Only **eligible costs** can be taken into account for a grant. The categories of costs considered as eligible and non-eligible are indicated below. Additional rules on eligibility of costs per budget chapter are to be found in the next section and in Chapter 5 of the PIM. The budget is both a cost estimate and a ceiling for "eligible costs". Note that the eligible costs must be based on real costs based on supporting documents (except for indirect costs where flat-rate funding applies).

Recommendations to award a grant are always subject to the condition that the checking process which precedes the signing of the contract does not reveal problems requiring changes to the budget (for instance arithmetical errors, inaccuracies or unrealistic costs and other ineligible costs). The checks may give rise to requests for clarification and may lead the Managing Authority/Joint Technical Secretariat to impose modifications or reductions to address such mistakes or inaccuracies. The amount of the grant and the percentage of co-financing as a result of these corrections shall not be increased.

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

In order to be eligible, the expenditure of the project must be incurred during the project period and in the previously defined eligibility area of execution of each relevant contract. The eligible costs have to meet all the following criteria:

(a) they are incurred during the implementation period of the project. In particular:

(i) costs relating to services and works shall relate to activities performed during the implementation period. Costs relating to supplies shall relate to delivery and installation of items during the implementation period. Signature of a contract, placing of an order, or entering into any commitment for expenditure within the implementation period for future delivery of services, works or supplies after expiry of the implementation period do not meet this requirement; cash transfers between the lead beneficiary and the other beneficiaries may not be considered as costs incurred;

(ii) costs incurred should be paid before the submission of the final reports. They may be paid afterwards, provided they are listed in the final report together with the estimated date of payment;

(iii) an exception is made for costs relating to final reports, including expenditure verification, audit and final evaluation of the project, which may be incurred after the implementation period of the project;

(iv) procedures to award contracts, as referred to in Article 52 and following of ENI CBC Implementing Rules, may have been initiated and contracts may be concluded by the Lead Beneficiary/Beneficiary(ies) before the start of the implementation period of the project, provided the provisions of Article 52 and following of ENI CBC Implementing Rules have been respected;

(v) retroactive costs can be considered eligible as long as they relate to the preparation of documentation for an infrastructure component of the project and have been incurred between the time of the launching of the call for proposals and the date of the signature of the grant contract.

(b) they must be indicated in the project's estimated overall budget;

(c) they must be necessary for the project implementation;

(d) they are identifiable and verifiable, in particular being recorded in the accounting records of the Lead Beneficiary/Beneficiaries and determined according to the accounting standards and the usual cost accounting practices applicable to the Lead Beneficiary/Beneficiaries;

(e) they comply with the requirements of applicable tax and social legislation;

(f) they must be reasonable, justified, and comply with the requirements of sound financial management, in particular regarding economy and efficiency;

(g) they are supported by invoices or documents of equivalent probative value.

#### **(4) Eligible direct costs**

Subject to the above, the following direct costs of the Lead Beneficiary and Beneficiaries shall be eligible:

- a) the cost of staff assigned to the Project, under the following cumulative conditions:
  - o they relate to the costs of activities which the beneficiary would not carry out if the project was not undertaken,
  - o they must not exceed those normally borne by the beneficiary unless it is demonstrated that this is essential to carry out the project,
  - o they relate to actual gross salaries including social security charges and other remuneration-related costs;
- b) travel and subsistence costs of staff and other persons taking part in the project, provided they exceed neither the costs normally paid by the beneficiary according to its rules and regulations nor the rates published by the Commission at the time of the mission if reimbursed on the basis of lump sums, unit costs or flat rate financing;
- c) purchase or rental costs for equipment and supplies (new or used<sup>11</sup>) specifically for the purposes of the Project, and costs of services, provided they correspond to market rates;
- d) costs of consumables specifically purchased for the project;
- e) costs entailed by contracts awarded by the beneficiaries for the purposes of the project;
- f) costs deriving directly from the requirements of the Grant Contract (dissemination of information, evaluation specific to the Project, audits, translation, reproduction, insurance, etc.) including financial service costs (in particular the cost of bank transfers and financial guarantees).

A grant may be awarded retroactively (costs may be incurred before start of implementation period) for costs related to studies and documentation for **projects including an infrastructure component**. All studies and documentation for projects have to be in appropriate quality and up to date.

The date of launching of the Call for Proposals is the start date of the retroactive eligibility and the grant contract signature is the end date (meaning that those expenditures shall be incurred until the grant contract signature). Only Lead Beneficiaries and Beneficiaries with whom a grant contract is signed could claim the reimbursement of retroactive costs. The costs related to studies and documentation for projects may include costs for external expertise and services. Lead Applicant(s) must clearly indicate the costs related to studies and documentation prior to the grant contract signature in the project budget. Costs shall be indicated at budget line *6.1 Studies, technical documentations, permissions*. Activities eligible for retroactive award are as follows:

- preparation of the Environmental Impact Assessment,
- preparation of Full Feasibility Study,
- elaboration of Technical documentation for infrastructure component of the project.

No grant may be awarded retroactively for projects already completed. Only Lead Beneficiaries and Beneficiaries of the contracted projects with an infrastructure component (upon submission of the first report) will be able to claim the reimbursement of the costs retroactively.

#### **(5) Eligible indirect costs (overheads)**

The indirect costs incurred in carrying out the Project may be eligible for flat-rate funding fixed at not more than 2% of the total eligible direct costs, excluding costs incurred in relation to the provision of infrastructure, provided that the rate is calculated on the basis of a fair, equitable and verifiable calculation method. Indirect costs are eligible provided that they do not include ineligible costs as referred to below or costs already declared under another cost item or heading of the budget of the project. The Lead Applicant may be asked to

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<sup>11</sup> If it was not funded by other EU instruments.

justify the requested percentage before contracting. However, once the flat-rate has been fixed in the Grant Contract, no supporting documents need to be provided. The indirect administrative cost is calculated on applicant level meaning that each applicant can choose the method of the calculation of its own administrative cost as it is in the Guideline point 2.2.5.

### **(6) Contributions in kind**

Contribution in kind is not considered actual expenditure. The contributions in kind may not be treated as co-financing by the Lead Beneficiary/Beneficiaries. The cost of staff assigned to the Project shall not be considered a contribution in kind but may be considered part of the minimum 10 % co-financing.

### **(7) Ineligible costs**

The following costs are not eligible:

- a) debts and debt service charges;
- b) provisions for losses or potential future liabilities;
- c) costs declared by the beneficiary and already financed by the Union budget;
- d) purchases of land or buildings for an amount exceeding 10 % of the eligible expenditure of the project concerned, except where necessary for the direct implementation of the Project, in which case ownership must be transferred to the final beneficiaries and/or local Partners, at the latest by the end of the Project;
- e) currency exchange-rate losses;
- f) duties, taxes and charges, including VAT, except where non-recoverable under the relevant national tax legislation, unless otherwise provided in appropriate provisions negotiated with Ukraine;
- g) loans to third parties;
- h) fines, financial penalties and expenses of litigation.

The unjustified and ineligible cost will be deducted from the Project's eligible expenditure.

### **No-profit**

The grant may not produce a profit for the beneficiary. Profit is defined as a surplus of the receipts over the eligible costs approved by the Managing Authority when the request for payment of the balance is made. The receipts to be taken into account are the consolidated receipts on the date on which the payment request for the balance is made by the beneficiary that fall within one of the three following categories:

- a) income generated by the Project;
- b) financial contributions specifically assigned by the donors to the financing of the same eligible costs financed by this Contract and declared by the Lead Beneficiary as actual costs under this Contract. Any financial contribution that may be used by the Lead Beneficiary to cover costs other than those eligible under this Contract or that are not due to the donor where unused at the end of the Project are not to be considered as a receipt to be taken into account for the purpose of verifying whether the grant produces a profit for the Lead Beneficiary;
- c) interest from pre-financing.

Where the final amount of the grant determined in accordance with the Contract would result in a profit, it shall be reduced by the percentage of the profit corresponding to the final European Union contribution to the eligible costs actually incurred and approved by the Managing Authority.

## **2.2. Project Budget and Description of the Budget Headings**

### 2.2.1. Human resources

Budget Heading “Human Resources” shall include costs related to the staff involved in project management (e.g. costs of project manager, financial manager, project manager assistant, communication manager etc.) as well as staff related costs concerned to the technical expertise use in the project provided by the Lead Applicant and other Applicant(s).

The Lead Beneficiary must appoint at least a project manager for the overall project coordination, a financial manager in charge of the overall project financial implementation and a communication manager in charge of the assurance of the visibility requirements, the communication and the capitalisation of the activities (obligations stemmed from the Partnership Agreement).

Within the project management function, the other Applicant(s) must appoint a project manager who is responsible for the Applicant’s part of project implementation and a financial manager in charge of ensuring a proper book keeping system, filing the original invoices, ensuring adequate measures to avoid double financing.

Please be aware that the resources for undertaking the project management activity can only be allocated under the Human Resources heading. The project management related costs cannot be externalized, although the Beneficiary can employ new staff for the dedicated project. However, be conscious of the fact the LA’s and the other Applicants’ technical expertise and management capacity is subject to the qualitative assessment.

The Human Resources heading must contain:

- All the positions related to project management or to the project’s technical expertise that would be remunerated based on a full time or part time assignment or a labor (other than service contracts with legal entities; a service contract with a legal entity cannot be concluded under this budget heading);
- These costs must relate to the actual costs of the actual time devoted by project’s staff (already existing positions within the organization of the LA or in the Applicants or newly created positions to be filled in); each position should be listed in a separate budget line providing the number of units and unit cost;
- Expenditure should cover the real gross costs that would be paid on supporting documents;
- Costs related activities which the LA and the Applicants would not carry out if the project was not undertaken; these costs should also be proportional to the activities planned;
- Costs must not exceed those normally borne by the beneficiary unless it is demonstrated that this is essential to carry out the project;
- If staff are not working full time on the designed project, the estimated percentage of dedication (e.g. 50%, 25%) should be indicated alongside the description of the item and reflected in the number of units. The actual dedicated time shall be supported with detailed time records. Unit of the salary can be set in month in case of staff assigned full-time to the project, or in working days or hours in case of staff partially assigned.

### 2.2.2. Travel and subsistence costs

Expenditure on travel and subsistence costs must all be related to project implementation.

These costs incurred for staff and other persons taking part in the project (e.g. final beneficiaries, participants in the events, etc.), are eligible provided they exceed neither the costs normally paid by the beneficiary according to its rules and regulations nor the rates published by the Commission (on the following website: [https://ec.europa.eu/europeaid/funding/about-procurement-contracts/procedures-and-practical-guide-prag/diems\\_en](https://ec.europa.eu/europeaid/funding/about-procurement-contracts/procedures-and-practical-guide-prag/diems_en)) at the time of the mission if reimbursed on the basis of lump sums, unit costs or flat rate financing (e.g. *per diems*). Per diems cover accommodation, meals and local travel within the place of the mission and sundry expenses.

### *2.2.3. Equipment and supplies*

This heading refers to the expenditure for the financing of equipment purchased or rented by a partner, necessary to achieve objectives of the project. Examples of eligible costs under this heading: furniture (including office furniture), computer equipment (desktop computer, laptop, tablet, monitor, keyboard, mouse, printer, scanner, IT software, digital projector, digital/video camera, mobile phone) or other like technical tools, machines, instruments etc.

All costs are subject to the applicable public procurement rules and each lead beneficiary/beneficiary is responsible for ensuring that these rules have been respected.

Purchase cost of equipment is eligible, if it is used solely for the purpose of the project or the target group in line with objectives of the project and incurred within the eligible period.

The equipment cannot be purchased or rented from another project beneficiary.

According to Articles 8 and 9 of Regulation (EU) No 236/2014 all supplies purchased during the project implementation shall originate from an eligible country (EU, ENI, IPA & EEA) however in case of the amount of the supplies planned to be purchased is below 100.000 EUR they may originate from any other country. In all cases, the rules of nationality and origin set forth in Articles 8 and 9 of Regulation (EU) No 236/2014 shall apply and the Beneficiary must follow all the specific instructions defined in the Project Implementation Manual.

### *2.2.4. Services*

Cost of expertise and services related to the project implementation, with the exception of project management costs which cannot be externalized, provided by a public or private law body or a natural person other than the beneficiary.

The services costs must be specifically incurred for the project, clearly identifiable and not covered by any other heading of cost.

This heading should cover the real planned costs and lump sums will not be accepted. Please indicate the costs that are fully subcontracted. Communication and visibility activities should be properly planned and budgeted at each stage of the project implementation. These activities should not only focus on publicising the EU support for the action but also on its outcome and impact. Please consult with the communication and visibility manual for EU external actions which is published by the Commission.

A service contract cannot be awarded to another project beneficiary.

### *2.2.5. Project dedicated office*

Costs of “5. Project dedicated office” is designed mostly for small organisations. The “5. Project dedicated office” and “7. Administrative cost” could not be used for the same organisation. The large public entities or organisations should use the “7. Administrative costs”. The Administrative costs are calculated on flat rate base, max. 2% of direct cost without infrastructure component (Budget lines 1+2+3+4).

### *2.2.6. Investment/ Works*

Studies, building documentations, permissions contains all necessary documentation for the infrastructure component of the project i.e.: Feasibility Study, Environmental Impact Assessment, Permissions, plan documentation, etc. as the respecting National Legislation requires. The documentations need to be prepared and paid in the eligible timeframe described in Guidelines.

Expenditures for the financing of infrastructure and works also cover costs related to creation of infrastructure that do not fall into the scope of other budget lines. This includes costs for site preparation,



delivery, handling, installation, renovation, and purchase of land or building, other costs related to planned works, e.g.: costs of preparation of the technical documentation (applicable only in case when both design and execution of works are foreseen in the same project, in other cases cost of technical documentation shall be included under the budget heading 4. Service), costs of supplies including purchase of fixed assets etc., when applicable.

Retroactive award for costs related to studies and documentation (strictly related to preparation of the Environmental Impact Assessment, preparation of Full Feasibility Study, elaboration of Technical documentation for infrastructure component of the project) for projects including an infrastructure component – if any – shall be included under this budget line and marked appropriately in the “description” section

### *2.2.7. Administrative costs*

These costs cover the operating and administrative expenses of LA and the other Applicants that support delivery of project activities.

Examples of eligible administrative costs: office rent, utilities (e.g. electricity, heating water), office supplies (e.g. pens, paper-clips, binders, paper, photocopy toner), archiving of documents, data archiving and storage, maintenance and cleaning of office premises, security, license fee for the use of software (e.g. accounting system), communication costs (e.g. telephone, mobile phone subscription, fax, Internet, postal services, charges to use online applications for communication) etc.

## **2.3 Procurement: which rules apply for HUSKROUA Programme countries**

As a general and overarching rule, procurement procedures and thresholds shall follow the national legislation of the country where the Applicant is located (Hungary or Slovakia or Romania or Ukraine), as well as the rules of governing the particular Applicant. This provision is mandatory for all types of beneficiaries, irrespective of their statute (either public or private).

The following section describes the rules applicable in ENI CBC IR, irrespective of the legislation followed. Beneficiaries need to observe these rules and apply them in case their legislation is lacking for certain types of beneficiaries. However, in case stricter rules are applied in national legislation than in IR, national legislation should be followed. For Ukrainian public and private beneficiaries as well as for private Romanian beneficiaries, the Annexes to PIM are also relevant when planning and conducting procurement procedures.

Beneficiaries shall take note of the fact that the national guides on expenditure verification developed for each country shall contain details on all the European and national applicable rules as well as on the Programme’s rules.

### **2.3.1. Applicable legislation for procurement in case of Hungarian beneficiaries**

Hungarian Beneficiaries shall apply Act CXLIII of 2015 on public procurement (if the procurement falls under the scope of the above mentioned legislation). In case of public procurement, all documents of the public procurement procedure have to be submitted to the CCP.

For expenditures where no public procurement procedure is required by the national law (below national threshold) the following rules have to be respected:

- **Below 1 000 € (excl. VAT):** the principles of sound financial management must be applied, but no specific proof of the market price is required. Nevertheless, please note that the CCP will check it during the validation of expenditures. Note that procurement must not be split artificially to circumvent the 1 000 € threshold.

- **Equal or above 1000 € and below 5000 € (excl. VAT):** beneficiaries must perform and document the execution of the proof of market price with at least one independent price presentation of similar product/service (e.g. through internet portal, indicative price offer, or comparison of a price offer of an already implemented project). It means in practice that total 2 price offer shall be provided (one regarding the selected tenderer and another one, which was not selected).

Beneficiaries shall also avoid conflict of interest when performing the proof of market price. Note that procurement must not be split artificially to circumvent the 1 000 € - 5 000 € threshold.

- **Equal or above 5 000 € (excl. VAT):** beneficiaries must perform and document the execution of the proof of adequate market price through request of at least three independent price presentations of product or service by direct price offer requested or through using centralized e-procurement services.

### 2.3.2. Applicable legislation for procurement for **Slovak beneficiaries**

Slovak beneficiaries shall apply Act no. 343/2015 Coll. Beneficiaries are required to conclude low-value contracts in accordance with the rules set in the **Public Procurement Guidelines** issued by the National Authority. If the procurement of goods, works or services is not covered by the Act on Public Procurement (No. 343/2015 Coll.), the beneficiaries will be required to proceed in accordance with the relevant provisions of the Public Procurement Guidelines and other binding documents to which the Guidelines refers (e.g. Methodic instructions of Central Coordination Authority no. 12 and no. 14).

### 2.3.3. Applicable legislation for procurement for **Romanian beneficiaries**

Public institutions acting as contracting authorities according to national law will apply the provision of Law 98/2016 on public procurement.

Romanian private beneficiaries shall use their own institutional practices and templates on procurement that shall follow the best international practice in European Territorial Cooperation. The principles of equal treatment, proportionality and non-discrimination shall be ensured, as well as sufficient transparency, fair competition and adequate ex-ante publicity.

Where in the subsidies/multiannual agreements implemented for a period longer than one calendar year, the private beneficiary will choose the method of procurement taking into account the total value of goods, services, works that are considered similar or addressing to the economic operators constantly involved in activities in a relevant profile market estimated for the entire implementation period of the project, without having to conduct a single procedure/direct procurement.

If a private beneficiary implements several financing subsidies/agreements in the same period for the election of the procurement procedure in a project, the estimated values of such subsidies/ agreements for the same type of supply/service/work is not cumulated. They will be estimated separately for each subsidy/agreement.

### 2.3.4. Applicable legislation for procurement for **Ukrainian beneficiaries**

#### **Public project beneficiaries**

The current public procurement legislation in Ukraine comprises both primary and secondary legislation. There is one main law covering public procurement issues - The Law of Ukraine “**On Public Procurement**” No. 922-VII of 25 December 2015 that has entered into force gradually from 1 April 2016.

Apart from this Law, Cabinet of Ministries of Ukraine resolutions and orders of the Ministry of Economic Development and Trade of Ukraine drawn up in pursuance of the above Law may be included in the basic legal acts comprising a legal framework regulating public procurements:

#### **Resolutions of the Cabinet of Ministries of Ukraine:**

- “On approval of the Procedure operation of e-procurement procedure carrying out e-platform authorization” from 24 February 2016 No. 166;
- “On establishing a fee for filing a complaint” from 28 March 2016 No. 291

### **Orders of the Ministry of Economic Development and Trade of Ukraine:**

- “On approval of the Model regulation on the tender committee or on the authorized person(s)” from 30 March 2016 No. 557;
- “On approval of the forms of the documents in the sphere of public procurement” from 22 March 2016 No. 490;
- “On the definition of a web portal of the Authorized Purchasing Authority in the electronic procurement system and ensuring its functioning” No. 473 from 18 March 2016;
- “On approval of the Procedure of publication of information on public procurement” from 18 March 2016 No. 477;
- “On approval of the Procedure of determination of the procurement item” from 17 March 2016 No. 454;
- “On Approval of Model tender documents” from 13 April 2016 No. 680

The “*Law of Ukraine on procurement*” introduces an **e-procurement** on-line information and telecommunication system -“*Prozorro*”, which is a platform and a collaboration environment that ensures open access to public procurement (tenders) in Ukraine via a dedicated web portal <https://prozorro.gov.ua> . The mentioned Law stipulates the minimum thresholds for public bodies when the application of the “*Prozorro*” system is mandatory.

**Below UAH 3000** all basic procurement principles have to be respected but no specific proof of the market price is required. Ukrainian public bodies conclude the contract for supply/service/works and pay against the invoice. The on-line electronic system “*Prozorro*” is not used.

Rules and procedures for contacts value **between UAH 3000 and UAH 200,000 for goods/services and UAH 1,5 million for works** are regulated by the Order of the State Entrepreneurship “*Zovnishtorhvydav Ukrainy*” from 13 April 2016 No. 35. Even if this document is not a regulatory act, but it complements the Law of Ukraine “*On Public Procurement*” and defines the order of using the “*Prozorro*” platform for mentioned threshold using the procedure of the **price-based E-Auction**.

**Equal or above UAH 200,000 for goods/services and UAH 1,5 million for works:** the beneficiaries has to follow clauses of the “*Law of Ukraine on procurement*” which make on-line e-procurements via “*Prozorro*” platform mandatory.

Ukrainian beneficiaries, in accordance with the provisions of the Financing Agreement, also need to comply with the rules stipulated in the ENI CBC Implementing Regulation (EU) no 897/2014. Articles 53 to 55 of the ENI CBC IR define the type of procedure and thresholds for services, supplies and works. Moreover Article 9 of the Special Conditions of the Financing Agreements stipulate that: “...*For the avoidance of doubt, lower thresholds than those set out in title VI Chapter 4 of Implementing Regulation (EU) no 897/2014 may be applied by beneficiaries or the CBC partner country*”. This clause applies to the public bodies, as the thresholds in the national legislation are lower and the national legislation is mandatory for these bodies.

Factsheet on procurement by project public beneficiaries in Ukraine prepared by the TESIM project describes the compliance of the national regulation requirements with points ENI CBC Implementing Rules for the procurement above 60,000 €.

### **Private project beneficiaries**

The activity of the non-governmental, nonprofit organizations in Ukraine is regulated mainly by the “*Law of Ukraine on Civic Associations*” from 22 June 2012 No.5026-VI.

The applicable legal framework for procurement for the non-governmental, **nonprofit organizations** within the Programme would be:

- Commission implementing regulation No 897/2014 of 18 August 2014 laying down specific provisions for the implementation of cross-border cooperation programmes financed under Regulation (EU) No 232/2014 establishing the ENI;

The requirements of the Financing Agreement, which stipulates the procedures in the ENI CBC Implementing Regulation no 897/2014 of 18 August 2014;

- Decree of Cabinet of Ministers of Ukraine No 554 of 11th July 2018 on CBC programmes implementation. Procedures, rules and thresholds for private beneficiaries are described in the Guide on procurement by private project beneficiaries in Ukraine prepared by TESIM project.

An overview of the applicable legislation and requirements for procurement are described in detail in the Project Implementation Manual - Annex 1 (Factsheet on procurement by project public beneficiaries in Ukraine) and Annex 2 (Guide on procurement by private project beneficiaries in Ukraine).

## **2.4 How to apply and the procedures to follow**

### **2.4.1 Grant Application Form, its annexes and supporting documents**

Applicants must apply in English and the Applications must be submitted online via the Application Module of IMIS 2014-2020. Applications cannot be submitted after the given deadline, the IMIS 2014-2020 blocks the Application module when the submission deadline expires. The present guide is supplemented by the User's Manual IMIS Application Module. Applicants are advised to consult and also save their application in the MSWord offline template of the Grant Application Form as it reflects the content of the online module. In addition, any further updates or modifications to the Application Form in the pre-contracting phase shall be carried out in the MSWord version of the project application.

Any error or major discrepancy related to the points listed in the instructions on the Grant Application Form or any major inconsistency in the Grant Application Form (e.g. the amounts mentioned in the budget are inconsistent with those mentioned in the Grant Application Form) may lead to the rejection of the application.

Clarifications will only be requested when information provided is unclear, thus preventing the Joint Technical Secretariat from conducting an objective assessment. Clarifications should be provided via the online module or via e-mail.

Please note that only the Grant Application Form including all tables and model plans (description of the Activity Groups, risk analysis & contingency plan per Activity Groups, communication plan, time plan, procurement plan, logical framework matrix, list of Project team and CVs of the key permanent staff of Lead Applicant/Applicant(s) which will be involved in the project implementation), the Annexes to the Grant Application Form (Annex 1: the Declaration by the Lead Applicant, Annex 2: the Declaration(s) by the Applicant(s), Annex 3 and 4: the State aid declarations, Annex 5: the Legal Entity Form and Annex 6: the Financial Identification Form), the published documents which have to be filled in (Budget, Financial plan and Financial capacity) as well as the supporting documents detailed below will be evaluated. It is therefore of utmost importance that these documents contain ALL relevant information concerning the project.

Legal entity form (sample provided<sup>12,13</sup>) shall be duly filled in and signed by the Lead Applicant, accompanied by the justifying documents which are requested therein.

Financial identification form with the EURO account (sample provided<sup>14</sup>), shall be certified by the bank to which the payments will be made. This bank must be located in the country where the Lead Applicant is registered. In case the Lead Applicant does not have EURO account at the moment of the application the existing account in national currency should be declared in the Financial identification form. However, before the Contract signature and after the Lead Applicant gets the award letter it should provide the Managing

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<sup>12</sup> [http://ec.europa.eu/budget/library/contracts\\_grants/info\\_contracts/legal\\_entities/legEnt\\_public\\_en.pdf](http://ec.europa.eu/budget/library/contracts_grants/info_contracts/legal_entities/legEnt_public_en.pdf)

<sup>13</sup> [http://ec.europa.eu/budget/library/contracts\\_grants/info\\_contracts/legal\\_entities/legEnt\\_privComp\\_en.pdf](http://ec.europa.eu/budget/library/contracts_grants/info_contracts/legal_entities/legEnt_privComp_en.pdf)

<sup>14</sup> [http://ec.europa.eu/budget/library/contracts\\_grants/info\\_contracts/financial\\_id/fich\\_sign\\_ba\\_gb\\_en.pdf](http://ec.europa.eu/budget/library/contracts_grants/info_contracts/financial_id/fich_sign_ba_gb_en.pdf)

Authority with the Financial identification form with the bank account in EURO. All Ukrainian Project Participants are obliged opening a bank account by any of the state-owned banks and in line with the Programme requirements it should be denominated in EURO in the case of the Lead Applicant. The Lead Applicant must inform the Managing Authority about any changes in the bank requisites.

The **following documents** should be provided (submitted online) together with the Grant Application Form and its **Annexes 1 to 6**<sup>15</sup>:

1. The Statutes or Articles of association of the Lead Applicant organisation<sup>16</sup>.
2. The Statutes or Articles of association of each Applicant organisation<sup>17</sup>.
3. Copy of the Lead Applicant's and all the Applicants' approved and audited Annual accounts for the last 2 financially closed years<sup>18</sup>.
4. The original specimen of signature of the legally authorized representative of the Lead Applicant organization issued by a public notary<sup>19</sup>.

In case of investment project, the following documents shall be provided (submitted online) in addition:

5. Full Feasibility study or equivalent carried out, including the options analysis, the results, and independent quality review (if according to the national legislation it is required for the obtaining the building permission in the set format).
6. Environmental impact assessment in compliance with the Directive 2011/92/EU of the European Parliament and of the Council<sup>20</sup> and, for the participating countries which are parties to it, UN/ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context of 25 February 1991
7. Building permit signed by the relevant authority. If the investment does not require a building permit, a certification should be annexed that the works component is not subject of a building permission.
8. Evidence of ownership by the beneficiaries or access to the land.
  1. In case the Beneficiary is the owner of the land and/or buildings where construction/reconstruction works will be carried out, the Beneficiary shall prove the ownership.

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<sup>15</sup> Annex 1 – Declaration by the Lead Applicant;  
Annex 2 – Declaration(s) by the Applicants;  
Annex 3 – State Aid declaration for Applicants in the Member States;  
Annex 4 – State Aid declaration for Applicants in Ukraine;  
Annex 5 – Legal Entity Form;  
Annex 6 – Financial Identification Form.

<sup>16</sup> Where the Lead Applicant is a public body created by a law, the Statutes or Articles of association are not required. In such cases the Lead Applicant should submit a statement referring to the relevant legal act.

<sup>17</sup> Where the Applicant(s) is a public body created by a law, the Statutes or Articles of association are not required. In such cases the Applicant(s) should submit a statement referring to the relevant legal act.

<sup>18</sup> The expression "audited annual accounts" means, in case the legislation does not oblige an organization to run such an audit, to submit together with the application the approved annual accounts for the last two closed financial years. In conclusion one can dismiss the term "audit(ed)" in case the legislation does not oblige, but still needs to provide the approved annual accounts for the last 2 closed financial years.

<sup>19</sup> Signature of the legally authorized representative of the Lead applicant organization should be the same on the Declaration by the Lead Applicant, State aid declaration by the Lead Applicant, Legal Entity Form, Financial Identification Form and Original Specimen of Signature. In case if the abovementioned documents are signed by more than one legally authorized representative of the Lead Applicant organization, all the corresponding original specimens of signature have to be provided.

<sup>20</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

2. In case the Beneficiary is not the owner of the land and/or buildings where construction/reconstruction works will be carried out, that property has to be owned by the State or a county/local government.

a. The Beneficiary shall submit permission to use or operate of the property for at least 10 years from the date of the launch of the present Call for proposals.

OR

b. The Beneficiary shall submit relevant rental contract together with the declaration of the owner of the property that the owner agrees with the submission of the Application to implement and subsequently operate the works component for at least 10 years from the date of the launch of the present Call for proposals.

In these cases above the following documents must be submitted together with the Application (if available), or by Contracting at the latest (in case of being selected):

1. land or building registration certificate from the relevant public register;
2. permission to use or operate of the property according to point 8.2.a;
3. rental contract with the declaration according to point 8.2.b.

9. Project technical documentation (ordinary copy), depending on the type of the investment, could be considered: construction plan submitted for the building permit or, in case the works activity is not subject to permission, the technical description; diagrammatical plan and/or the general plan of the building site.

Exceptionally and in duly justified cases, the Managing Authority may accept a later submission of the Building permit (point7). In case the building permit cannot be provided together with the application, the proof may be presented that the process of obtaining building permit have been initiated.

The full feasibility study (point 5) and Environmental impact assessment (point 6) may be submitted in original language *accompanied with brief English summary*, reflecting the main content.

**The Application will be disqualified from the evaluation process in case any of the following documents or its parts are missing from the online Application:**

- Grant Application Form and its Annexes (Declaration by the Lead Applicant, Declaration(s) by the Applicant(s), State Aid declarations, Legal Entity Form, Financial Identification Form);
- Budget of the Project;
- Financial Plan;
- Financial capacity.

However, in case of uncertainties or unclear information provided in the Grant Application Form and its annexes and/or the supporting documents, the Lead Applicant is invited to submit online a clarification within 14 calendar days after receipt of the notification via the IMIS 2014-2020 system-generated e-mail. The Joint Monitoring Committee may use its discretion to decide whether or not it should still be considered the rest of the evaluation, while ensuring the equal treatment of proposals and in accordance with the principle of proportionality.

The Lead Applicants could be requested to submit the missing supporting documents, defined in the above points 1-4 and 9. The Lead Applicants have to submit online the missing documents to the Joint Technical Secretariat within 14 calendar days after the receipt of the notification via the IMIS 2014-2020 system-generated e-mails to complete their applications. If the Lead Applicant fails to submit the missing supporting documents within the given deadline the application will be rejected.

Incoherence between the Declaration by the Lead Applicant and the supporting documents will lead to the rejection of the proposal on that sole basis.

## **2.4.2 Deadline for submission of Applications**

The deadline for the online submission of applications is the **13<sup>th</sup> of February 2020, 14:00 CET** (IMIS 2014-2020 Application Module blocks the submission after the deadline). At the time of the electronic submission of the Application, IMIS 2014-2020 generates a Certification, which shall be stamped and signed by the legal representative(s) of the Lead Applicant and uploaded. Any application submitted after the deadline will automatically be rejected.

## **2.4.3 Further information for the Application**

Questions may in addition be sent by e-mail no later than 10 days before the deadline for the submission of applications to the below address, indicating clearly the reference of the Call for Proposals:

E-mail address: [info@huskroua-cbc.eu](mailto:info@huskroua-cbc.eu).

The Joint Technical Secretariat has no obligation to provide further clarifications after this date.

Replies will be given no later than 5 days before the deadline for the submission of applications.

In the interest of equal treatment of Applicants, the Managing Authority and the Joint Technical Secretariat cannot give a prior opinion on the eligibility of a Lead Applicant, an Applicant, Project specific activities.

Questions that may be relevant to other Applicants, together with the answers, will be published on the internet at the: <http://www.huskroua-cbc.eu>. It is therefore highly recommended to regularly consult the above-mentioned website in order to be informed of the questions and answers published.

Contact details of the Branch Offices will be published on the programme's website right after setting them up in the eligible Programme territory.

## **2.5 Evaluation and selection of applications**

Applications will be examined and evaluated by the Joint Monitoring Committee with the direct assistance of the assessors. All Projects submitted by the Lead Applicants will be assessed according to the following steps and criteria.

If the examination of the application reveals that the proposed Project does not meet the eligibility criteria stated in paragraphs 2.1.1, 2.1.2 and 2.1.3, the application shall be rejected on this sole basis.

### **(1)STEP 1: ADMINISTRATIVE AND ELIGIBILITY CHECK**

All online applications should be subject to administrative and eligibility check.

The registration of proposals should contain the following information:

- registration number of Application;
- date of submission;
- the Lead Applicant's name and address.

The following will be assessed:

- The online submission deadline has been respected. If the deadline has not been respected the application will automatically be rejected.
- The Grant Application Form satisfies all the criteria specified in points 1-16 of the Checklist (section 7 of the Grant Application Form) and the Assessment Grid (to be used by the Joint Technical Secretariat for administrative and eligibility check). If any of the requested information is missing or is incorrect, the application may be rejected on that **sole** basis and the application will not be evaluated further.

The Application will be **disqualified** from the evaluation process in case any of the following documents are **missing** from the Application:

- **the Grant Application Form and/or the following published documents which have to be filled in:**
  - **Budget and / or**
  - **Financial plan and/ or**
  - **Financial capacity).**

The Joint Monitoring Committee may use its discretion to decide whether or not it should still be considered during the rest of the evaluation process, while ensuring the equal treatment of proposals and in accordance with the principle of proportionality. Whatever the Joint Monitoring Committee decides, this must be fully recorded and justified in the Evaluation Report.

The Declaration by the Lead Applicant (Annex 1 of the Grant Application Form) will be cross-checked with the supporting documents provided by the Lead Applicant (see point 2.3.1). The Lead Applicants could be requested to submit the missing supporting documents, defined in points 1-4 and 9 of the section 2.3.1. The Lead Applicants have to submit missing documents to the Joint Technical Secretariat within 14 calendar days after the receipt of the notification via the IMIS 2014-2020 system-generated e-mail. If the Lead Applicant fails to submit the missing supporting documents within the given deadline the application will be rejected.

However, in case of uncertainties or unclear information provided in the Grant Application Form and its annexes and/or the supporting documents, the Lead Applicant is invited to submit online a clarification within 14 calendar days after receipt of the notification via the IMIS 2014-2020 system-generated e-mail.

**Incoherence between the Declaration by the Lead Applicant and the supporting documents will lead to the rejection of the proposal on that sole basis.**

The eligibility of the Lead Applicant, the Applicants, and the Project will be verified according to the criteria set out in sections 2.1.1, 2.1.2 and 2.1.3 and will be performed by the representatives of the MA/JTS or Branch offices. The Evaluation Report will be endorsed by the JMC.

Following the administrative and eligibility check, the Chairperson of the JMC will send a letter to all Lead Applicants, indicating whether their application was submitted prior to the deadline, informing them of the reference number they have been allocated and whether they have been recommended for further evaluation.

## **(2)STEP 2: EVALUATION OF THE APPLICATION**

The evaluation of the Grant Application Forms that have passed the first administrative and eligibility check will cover the relevance of the Project, its merits and effectiveness, its viability and sustainability. An evaluation of the quality of the applications, including the proposed budget, and of the capacity of the Lead Applicant and Applicants, cross-border impact will be carried out in accordance with the evaluation criteria set out in the Evaluation Grid. There are two types of evaluation criteria: selection and award criteria.

**The selection criteria** are intended to help evaluate the Lead Applicants' financial and operational capacity to ensure that they:

- have stable and sufficient sources of finance to maintain their activity throughout the period during which the Project is being carried out and, where appropriate, to participate in its funding;
- have the management capacity, professional competencies and qualifications required to successfully complete the proposed Project. This also applies to any Applicants.

**The award criteria** allow the quality of the applications submitted to be evaluated in relation to the set objectives and priorities, and grants to be awarded to Projects which maximise the overall effectiveness of the Call for Proposals. They enable the selection of applications which the Managing Authority can be confident will comply with its objectives and priorities. They cover such aspects as the relevance the Project, its consistency with the objectives of the Call for Proposals, quality, expected cross-border impact, sustainability and cost-effectiveness.



*Scoring:*

The Grant Application Form will be given an overall score out of **100 points** in accordance with the breakdown provided in the Evaluation Grid below.

The evaluation criteria are divided into sections and subsections.

## Evaluation Grid

ASSESSMENT CRITERIA	Maximum Score	Reference	
<b>SELECTION CRITERIA</b>			Aspects to be considered in relation with the set criteria
<b>1. <u>Operational and financial capacity</u> of the Lead Applicant and of other Applicants</b>	13		
<p>1.1. The Lead Applicant and Applicants demonstrate sufficient technical expertise -- knowledge of the issues to be addressed:</p> <ul style="list-style-type: none"> <li>- experience of the project team on the topic of the project: number of employees (e.g. tourism, mobility, cultural heritage, health etc);</li> <li>- technical capacity: e.g specific equipment</li> <li>- other resources.)</li> </ul>	4	AF 1.5, 4.4 & 4.1.3	<ul style="list-style-type: none"> <li>➤ The applicants shall have a track record of similar projects and / or similar activities as the project presented.</li> <li>➤ If the point above is not applicable, the project presents at least key resources. E.g: expertise (experts, methodologies), equipment and/ or tools.</li> <li>➤ Do the applicants have similar or complementary expertise?</li> </ul>
<p>1.2. The Lead Applicant and Applicants have sufficient experience in project management and hold management capacity (including staff, equipment, knowledge and ability to handle the budget size of the project)</p>	4	AF 1.5, 4.4 & 4.1.3	<ul style="list-style-type: none"> <li>➤ The applicants have implemented projects/ activities of similar scale and specifics as the one presented.</li> <li>➤ The administrative capacities of the all the applicants are sufficient to ensure project implementation.</li> </ul>
<p>1.3. The Lead Applicant's and Applicant's organisations have sufficient sources at their disposal in order to run their day-to day financial operations</p>	2	AF Section 8, and Supporting	<ul style="list-style-type: none"> <li>➤ What are the sources of funding of the lead applicant?</li> <li>➤ To what extent are other applicants (with financial contribution) reliable in terms of financial capacities?</li> </ul>

		document 3	
1.4. Sufficient and reasonable sources are planned for the project to ensure implementation (both the Lead Applicant and Applicants who financially contribute to the project have stable and sufficient sources of co-financing)	3	4.1.3 & Supporting document Financial Capacity	<ul style="list-style-type: none"> <li>➤ Do the applicants possess stable sources of financing which shall allow them to secure proper cash flow for the implementation?</li> <li>➤ In terms of private organisations – has it been explained how shall the co-financing be secured?</li> </ul>
<b>AWARD CRITERIA</b>			
<b>2. <u>Cross border approach</u> for the chosen topic, target group, programme area and partners</b>	15		
2.1. The project demonstrates clear cross-border impact and positively affects target groups and final beneficiaries	5	AF 2.1, 3.5, 3.8 & 3.9	<ul style="list-style-type: none"> <li>➤ Is the cross-border approach clearly demonstrated?</li> <li>➤ Are mechanisms put into place by the project in order to strengthen the cross-border cooperation?</li> <li>➤ Partnership and topic of cooperation is not artificially selected?</li> </ul>
<p>2.2. The added value deriving from cross-border cooperation and share of joint benefits is significant.</p> <p>The cross-border cooperation brings added value in terms of:</p> <p>a) The results benefit two/three/four sides of the borders</p> <p>b) There is a clear benefit of cooperation – results cannot be fully achieved without cooperation in the proposed project partnership</p>	4	AF 3.2, 3.4, 3.5 & 3.9	<ul style="list-style-type: none"> <li>➤ Is there a clear benefit from cooperating for: <ul style="list-style-type: none"> <li>- all of the project partners,</li> <li>- target group(s),</li> <li>- the Programme area?</li> <li>- tangible results or additional benefits</li> </ul> </li> <li>➤ How does the project demonstrate implementation of the solutions that go beyond the existing practice in the sector/Programme area/participating countries?</li> <li>➤ To what extent do the applicants share their experience and knowledge?</li> </ul>

c) Partners share their experience, methods, models, data, ideas, know-how, knowledge etc.			
2.3 Relevant and necessary partners are involved in project development, during project implementation and in achieving project results	3	AF 1.5, 5 & 6	<ul style="list-style-type: none"> <li>➤ Are the partners competent to ensure the appropriate implementation of the project in the suggested scope?</li> <li>➤ Do the applicants possess the authorization required to make sure that the activities shall bring the forecasted results?</li> <li>➤ Is the composition of partnership relevant in terms of project location?</li> <li>➤ Is the partnership wide enough to ensure that project reaches the target group without any support needed from other entities?</li> <li>➤ If partners from the adjoining regions or the major social, economic and cultural centers are involved – are they necessary to achieve the project’s results? How important/unique is their role/responsibilities?</li> </ul>
2.4 All partners play a precise role in the partnership and get a real benefit from it	3	AF 1.5	<ul style="list-style-type: none"> <li>➤ Did all partners contribute to the design of a project concept? How clearly has it been described?</li> <li>➤ Did all partners have a precise and justified role in the project to be managed and implemented?</li> </ul>
3. <u>Relevance</u> of the project to the Programme	30		
3.1 The problems and needs that justify the project are precisely defined and described	5	AF 3.3 & 3.4	<ul style="list-style-type: none"> <li>➤ Does the project clearly identifies the problems and needs for partners in each country? Are these challenges and opportunities common and cross-border?</li> <li>➤ Is the situation (in terms of defined problems) similar and comparable in case of each partner?</li> <li>➤ How real is the demand for the project?</li> </ul>

<p>3.2 The project's objectives are relevant and are supported by the background analysis. The objectives are in line with the aims of the relevant Programme's Thematic Objective and Priority</p>	<p>5</p>	<p>AF 2.1, 2.2, 2.4, 3.1 &amp; 3.2</p>	<ul style="list-style-type: none"> <li>➤ To what extent does the project refer to the available knowledge and is built on existing practices?</li> <li>➤ How clear is the connection between the problems and solutions suggested in AF?</li> <li>➤ Does the project present a solid and specific contribution to the solution of the problem?</li> <li>➤ Is the solution proposed by the applicants reasonable or are there alternatives that can be taken into account?</li> <li>➤ Is the entire project and its activities devoted to the solution of the identified problems/needs?</li> <li>➤ Does the project take into account the constraints the regions covered by the proposal?</li> <li>➤ How precise is the coherence of the project with the selected Programme Priority?</li> <li>➤ Is there any artificial correlation demonstrated in the AF?</li> </ul>
<p>3.3 The project proposal contains a complex, relevant and detailed risk analysis with a clear contingency plan</p>	<p>4</p>	<p>AF 4.1</p>	<ul style="list-style-type: none"> <li>➤ Is there sufficient insurance that the risks have been taken into account?</li> <li>➤ Is there a contingency plan described?</li> </ul>
<p>3.4 All project activities are balanced, relevant for achieving the project results and are all necessary for the successful implementation of the project</p>	<p>3</p>	<p>AF 2.3 and 4.1.</p>	<ul style="list-style-type: none"> <li>➤ Are the proposed activities relevant for the intervention the project proposes?</li> <li>➤ Are the proposed activities linked to the output or result?</li> <li>➤ Are all the activities necessary for the impact envisioned?</li> <li>➤ Are all the activities balanced on all the sides of the borders tackled?</li> </ul>
<p>3.5 Final beneficiaries and target groups are clearly defined and strategically chosen. Their needs have been clearly defined and the project proposal addresses them appropriately. The added value of the project for target groups is clearly demonstrated as well as the way the project serves the wider public (there is a real need for the project).</p>	<p>3</p>	<p>AF 3.6</p>	<ul style="list-style-type: none"> <li>➤ To what extent the target group profit from the project? Is its impact supposed to be substantial for the defined target groups on two, three or four sides of the border? Please refer to their perspective on the situation tackled.</li> <li>➤ How the target group approached? Any solution identified?</li> <li>➤ Does the foreseen impact on the target groups/final beneficiaries relate also to the persons in vulnerable situations? Will they be able to equally benefit from the project?</li> </ul>

			<ul style="list-style-type: none"> <li>➤ Will the project impact only the project participants or also for the wider scope of beneficiaries?</li> </ul>
3.6 The project is relevant to the cross-cutting issues (such as gender equality, human rights, democracy, environmental sustainability )	1	AF 3.7	<ul style="list-style-type: none"> <li>➤ Does the project positively contribute to the programme horizontal principles in terms of gender equality, human rights, democracy, environmental sustainability,? How reliable and feasible its declared contribution is?</li> </ul>
3.7 The project demonstrates added value to the relevant national/regional/ macro regional strategies	4	AF 2.4 & 3.3	<ul style="list-style-type: none"> <li>➤ How relevant is the project, its objectives and activities for the national/ regional/ macro-regional strategies? How strongly the linkage is demonstrated in the project?</li> </ul>
3.8 Indicators of output and result have been properly identified vis-à-vis all project activities. The achievement of the objectives can be traced by the realization of the identified indicators. Project monitoring can rely on the output indicators.	3	AF 2.4 and 4.1	<ul style="list-style-type: none"> <li>➤ Is there coherence between the project's activities, the outputs and the results?</li> <li>➤ Are the outputs tangible and quantitatively identified?</li> <li>➤ Are the results measurable?</li> <li>➤ Are the output and result indicators realistically achievable until the end of the project implementation?</li> </ul>
3.9 The project indicators contribute to the Programme indicators	2	AF 2.4 and 4.1	<ul style="list-style-type: none"> <li>➤ Will the project specific indicators contribute to the Programme's indicators? (result and output)</li> </ul>
<b>4. <u>Sustainability</u></b>	<b>10</b>		
4.1 The project is likely to have a long-lasting impact on its target groups. The project main outputs will be further used once the project has ended.	2	AF 2.5 and 4.1	<ul style="list-style-type: none"> <li>➤ Does the project have impact limited until the end of the implementation of the project only or does the impact overreaching the implementation period with mid-term impact. Or even long-lasting effect can be measured.</li> <li>➤ Does the project have impact on a smaller number of target group or it may reach a wider scope?</li> </ul>
4.2 Project is likely to have a multiplier effects (including scope for replication and extension of the results of the project and dissemination of	2	AF 2.5	<ul style="list-style-type: none"> <li>➤ How likely may the project's results be used by other stakeholders or in the other fields or wider audience or anybody affected (multiplier effect)?</li> </ul>

information)			
4.3 The expected results of the proposed project are sustainable in relation to: a.) financial sustainability (there are sources of revenue for covering all future operating and maintenance costs during the period of project results sustainability, for financing of follow-up activities etc.) b.) institutional level (there are structures that would allow the results of the project to be continued after the end of the action- local “ownership” of the project results) c.) environmental sustainability (if applicable) (there are conditions put in place to avoid negative effects on natural resources on which the project depends and on the broader natural environment).	2  2  2	AF 2.5.3	<ul style="list-style-type: none"> <li>➤ How detailed and how realistic is the description of the project’s sustainability provided in the application with concern to the following aspects: <ul style="list-style-type: none"> <li>- Financial sustainability after the grant has been used, presumably the sustainability can be ensured;</li> <li>- Institutional sustainability - can it be assumed that the partners will continue their cooperation after the project ends? Shall this cooperation lead to further development of the elaborated outcomes?</li> <li>- Environmental sustainability –the project has no negative impact on the environment and any additional action in this regard.</li> </ul> </li> </ul>
<b>5. <u>Work plan and Communication</u></b>	19		
5.1 The overall design of the project is coherent. In particular, it reflects the analysis of the problems involved and takes into account external factors and relevant stakeholders	4	AF 4.1	<ul style="list-style-type: none"> <li>➤ What is the quality of the project design? Is it coherent and justified in terms of the project’s aims?</li> <li>➤ To what extent is the project design consistent with the project’s aims and objectives?</li> </ul>
5.2 The project’s intervention logic clearly presents the proposed activities, results and objectives. The intervention logic and project plan are clear and feasible. The results will improve the situation of the identified target groups and will serve as proper solution for the presented problems and needs. The method of	4	AF 2.3	<ul style="list-style-type: none"> <li>➤ Are the subsequent parts of the project resulting one from another, consistent and logical? <ul style="list-style-type: none"> <li>- project activities consistent with the specific objective;</li> <li>- project activities consistent with the planned outputs and results;</li> </ul> </li> <li>➤ Are activities logically presented and form a logical whole?</li> <li>➤ Are activities in the adjoining regions and / or in the major social, economic and cultural centers well justified?</li> </ul>

implementing the planned activities is presented in adequate detail.			
5.3 Proposed activities and project outputs are appropriate, practical and consistent with the objectives and expected results	4	AF 2.3& 4.1	➤ Are the suggested project activities consistent with the planned outputs and results?
5.4 The project communication plan is appropriate to achieve project communication goals. The planned communication activities have a joint nature, are suitable for the dissemination of the project results	2	AF 4.1.3	<ul style="list-style-type: none"> <li>➤ How detailed and realistic is the communication plan?</li> <li>➤ Is the communication plan reliable enough to reach the planned communication goals?</li> <li>➤ Are the communication tools appropriate and reasonable in terms of scope for the forecasted activities?</li> <li>➤ Are communication activities carried out on all side of the border that the project tackles?</li> </ul>
5.5 The time plan is realistic	3	AF 4.2	<ul style="list-style-type: none"> <li>➤ To what extent is the time plan consistent, coherent and feasible?</li> <li>➤ Would it enable the partnership to make implementation without major risk?</li> <li>➤ If risk is identified, does the time plan take it into account?</li> </ul>
5.6 The level of involvement and participation in the project of the cross-border co-applicants is satisfactory from the perspective of joint preparation/joint implementation/joint staffing/joint financing of the project	2	AF 1.5.3	➤ The roles of the partners are reflected in the whole project cycle: preparation – implementation – financing?
<b>6. Budget</b>	<b>13</b>	<b>Attached to the GAF</b>	
6.1 Project budget is proportionate to the proposed work plan and the main outputs and results aimed for (the ratio between the estimated costs and the expected results is satisfactory)	3	Annex B: Budget of the project	<ul style="list-style-type: none"> <li>➤ Is the proposed budget proportionate in relation to the work plan, activities, outputs and results?</li> <li>➤ To what extent are the expenditures justified in terms of forecasted outputs and results?</li> <li>➤ Does the budget respect value for money?</li> <li>➤ Is there any ineligible cost already planned in budget?</li> </ul>



6.2 Total partner budgets reflect partners' actual involvement in the project and are balanced and realistic. The planned project financing ensures its stable implementation	3	Annex B: Budget of the project	<ul style="list-style-type: none"> <li>➤ What is the quality of the project budget?</li> <li>➤ Is it relevant to the forecasted project activity's plan?</li> </ul>
6.3 The budget is transparent and adequately related to the planned activities, corresponds to usual market prices. Activities are appropriately reflected in the budget.	4	Annex B: Budget of the project	<ul style="list-style-type: none"> <li>➤ Are the specific budget lines clearly described?</li> <li>➤ Are the suggested expenditures really necessary to implement the forecasted activities?</li> <li>➤ Are the indicated expenditures compliant with market prices?</li> <li>➤ Are there any under-/overestimated budget items?</li> <li>➤ Are there any revenues planned during the implementation?</li> </ul>
6.4 Financial plan is efficient and realistic	3	Attached to the GAF	<ul style="list-style-type: none"> <li>➤ Does the financial plan correlate with the provisions of the grant contract?</li> <li>➤ Shall the partners be able to ensure smooth and continuous implementation of the project?</li> </ul>
Maximum total score	100		

### *Selection and contracting*

Following the evaluation, a table listing the applications ranked according to their score and within the available financial envelope will be established as well as a **reserve and a rejection list**.

Based on the evaluation of the applications, the Joint Monitoring Committee will decide on the **award of grants** and will inform about its final decision via the Managing Authority. In case of positive decision, the Lead Applicant will receive a letter of award with the list of conditions and requirement which shall be fulfilled before the signature of the grant contract. During the pre-contracting phase, the fulfilment of the conditions are checked by the JTS who has the right to ask for further clarifications if needed. In the case of arithmetical errors, inaccuracies or other unjustified and ineligible costs, the MA/JTS may impose further modifications or reductions to remedy such cases.

Prior to the signature of the grant contract, the Description of the Project (Annex I of the Grant Contract) must be updated taking into consideration changes which have occurred since the submission of the proposal and the Budget of the Project (Annex II of the Grant Contract) and Financial Plan proposed for the project must be corrected and any arithmetical errors or ineligible costs removed. The Joint Technical Secretariat has the right to investigate any section of the Description of the Project and items of the Budget of the Project included in and annexed to the project application. Any amendments shall not alter the award decision and cannot lead to an increase in neither the amount of the grant nor the percentage of the co-financing fixed by the Joint Monitoring Committee for the EU contribution.

It is in the Applicants' interest to provide a realistic and cost-effective budget. Costs must be reasonable, justified and comply with the requirements of sound financial management, in particular regarding economy and efficiency. The unjustified and ineligible cost will be deducted from the project's expenditure. If the Beneficiary's response is not satisfactory during the pre-contracting phase, the JTS may again ask for further clarifications and reserves the right to investigate other budget items not mentioned in this letter before contracting. If no feedback is received within the stated deadline all the conditions and budget modifications are considered to be accepted by the Lead Applicant and this may lead to the rejection of the proposal

## 2.6 NOTIFICATION OF THE JOINT MONITORING COMMITTEE'S DECISION

### 2.6.1 Content of the decision

Lead Applicants will be informed in writing of the Joint Monitoring Committee's decision concerning their application and, in case of rejections, the reasons for the negative decision.

Lead Applicants believing that they have been harmed by an error or irregularity during the evaluation process may file a complaint not later than 14 calendar days (as evidenced by the date of dispatch, the postmark or the date of the deposit slip) after receiving the letter from the Managing Authority. Complaints should be sent to the address of the Joint Technical Secretariat.

The complaint can be filed in case the decision:

- infringes the rights stipulated in the Regulations of the European Union;
- presents an encroachment to the Call for Proposals published or the procedures regulating the assessment process.

The complaint has to be:

- written in English;
- addressed to the Head of MA and sent to the Joint Technical Secretariat by registered mail to the following address:
- HU-SK-RO-UA ENI JTS – Széchenyi Programme office Nonprofit Llc. H-1053, Budapest, Szép street 2. 3rd floor;
- filed by the legal representative of the Lead Applicant;
- sent in 14 calendar days following the notification regarding the rejection of the project;
- contain clear and articulate reference to the nature of the encroachment based on EU Regulations, and Programme procedures or the Call for Proposals.

All complaints shall be considered and answered by the MA, as the responsible complaint handling body, in 20 calendar days following receipt of the complaint and can be extended once with an extra 45 calendar days in case further investigations are needed. The Lead Applicant will be informed about the extension of the deadline.

Complaints shall be automatically rejected, without any examination in case:

- they were not filed by the one entitled to submit a complaint;
- in case they were filed after 14 calendar days following the receipt of the official rejection letter;
- they do not contain clear reference to the nature of the encroachment based on EU Regulations, procedures or the Call for Proposals;
- in case the subject and content of a complaint correspond with a complaint already filed and rejected;
- the complaint was not sent by registered mail (e.g. complaints received by fax or e-mail will be automatically rejected).

### 2.6.2 Indicative time table

	<b>DATE</b>	<b>TIME*</b>
<b>Information meeting (if any)</b>	see on the programme's website	see on the programme's website
<b>Deadline for request for any clarifications from the Joint Technical Secretariat</b>	31 <sup>st</sup> of January 2020	16:00
<b>Last date on which clarifications are issued by the Joint Technical Secretariat</b>	7 <sup>th</sup> of February, 2020	-

<b>Deadline for submission of Application</b>	13 <sup>th</sup> of February, 2020	14:00
<b>Notification of award with information to Lead Applicant on the evaluation of the Application</b>	30 <sup>th</sup> of June, 2020	-
<b>Contract signature</b>	31 <sup>st</sup> of July, 2020	-

\***Provisional date.** All times are in the time zone of the country of the Managing Authority (CET).

## **2.7 CONDITIONS APPLICABLE TO IMPLEMENTATION OF THE PROJECT FOLLOWING THE JOINT MONITORING COMMITTEE'S DECISION TO AWARD A GRANT**

Following the decision to award a grant, the Beneficiary will be offered a contract based on the Managing Authority's grant contract (attached to the Application Package). By signing the Grant Contract, the Lead Applicant declares accepting, in case where it is awarded a grant, the contractual conditions as laid down in the grant contract.

### Implementation contracts

Where implementation of the project requires the Beneficiary to award procurement contracts, it must award the contract to the tender offering the best value for money, that is to say, the best price-quality ratio, in compliance with the principles of transparency, equal treatment and non-discrimination for potential contractors, care being taken to avoid any conflict of interests and objectivity and fair competition. To this end, the Beneficiary must follow the applicable rules set out in Art. 52.2 of ENI CBC Implementing Rules, as well as any specific instructions defined in the Project Implementation Manual (PIM).

## **2.8 PROJECT MONITORING**

The term monitoring applies for the process of regular gathering of physical and financial data on project implementation, activities that were carried out, payments and achievement of objectives. Monitoring aims at identifying potential deviations in achieving set goals, justifying the Programme in the public and gathering information for the needs of evaluation of the Programme implementation

The monitoring of Hungary-Slovakia-Romania-Ukraine ENI CBC Programme and projects is handled continuously via regular communication, site visits and monitoring system.

The monitoring and information system shall support but not exclusively the whole project cycle of projects implemented under the Hungary-Slovakia-Romania-Ukraine ENI CBC Programme.

### **2.8.1 Indicators**

The project progress is measured by financial and physical indicators which are regularly monitored.

Indicators should reflect as much as possible the objectives that the Project participants want to achieve with the project.

The Lead Applicant is obliged to specify and monitor the project indicators according to the Thematic Objective and priority selected. Each Lead Applicant should use at **least one or more indicators** pre-defined in the table below. The Lead Applicants are required also to define and monitor additional indicators, according to specific outputs and results of the Project.

### Definitions:

**Outputs** are the products of the activities funded e.g. number of reports written, number of seminars held, kilometers of riverbed cleaned, number of innovation centres opened. They tell us what has actually been produced for the money given to the project.

**Results** are the immediate advantages of carrying out these activities e.g. number of regional policy changes, number of members of target group given additional training, percentage reduction of certain pollutants in a river system, number of new business start-ups. They tell us about the benefit of funding the outputs.

**Impacts** are the sustainable long-term benefits of an activity e.g. improved regional situation because of more effective policies, fall in number of long-term unemployed, increase in biodiversity, increased regional GDP. They relate to the project’s objectives and tell us whether the short-term benefits (the results) have actually caused the desired improvements.

**Outcomes** are used to describe the combination of project outputs, results and impacts.

### Result Indicators

The effects and results achieved by the Programme will be tangibly measured through the indicators presented in the table below. A description of each indicator and the method of calculation, including tools to use, is presented in the document “*Guidelines and metrics of Programme result and output indicators*” available on the webpage of the Programme.

<b>Thematic Objective</b>	<b>Priority</b>	<b>Result Indicator</b>
TO 3 Promotion of local culture and preservation of historical heritage	Priority 1: Promoting local culture and history along with tourism functions	Additional number of visitors to the reconstructed or modernized sites (visitors)
TO 6 Environmental protection, climate change mitigation and adaptation	Priority 1: Sustainable use of the environment in the cross border area	Increased capacity in environmental protection and climate change mitigation (Based on surveys (baseline, mid-term, final) among key stakeholders e.g. water directorates, relevant NGOs institutions, authorities)
TO 7 Improvement of accessibility to the regions, development of sustainable and climate-proof transport and communication networks and systems	Priority 1: Development of transport infrastructure to improve the mobility of persons and goods	Additional number of vehicles using the built, modernized transport and/ or border management infrastructure (average number of vehicles per day)
		Additional number of passengers using transport systems improved with the support of the programme (number of passengers per day)
TO 8 Common challenges in the field of safety and security	Priority 1: Support to joint activities for the prevention of natural and man-made disasters as well as joint action during emergency situations	Risk management index (RMI) of the cross-border area <sup>21</sup>

<sup>21</sup> Following the methodology as described in „A System of Indicators for Disaster Risk Management in the Americas”, OMAR D. CARDONA, Instituto de Estudios Ambientales, IDEA, Universidad Nacional de Colombia, Manizales (<http://www.unisdr.org/2005/HFdialogue/download/tp3-paper-system-indicators.pdf>). The survey shall be conducted among the disaster management authorities of the four countries.

	Priority 2: Support to the development of health	Medical equipment density
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### Output Indicators

With the implementation of the planned activities the Programme is planned to have the following outputs by the end of the programming period:

<b>Thematic Objective</b>	<b>Priority</b>	<b>Output Indicator</b>
TO 3 Promotion of local culture and preservation of historical heritage	Priority 1: Promoting local culture and history along with tourism functions	Number of organisations using programme support for promoting local culture and preserving historical heritage(COI6)
		Number of improved cultural and historical sites as a direct consequence of programme support(COI7)
		Number of cross-border cultural events organised and touristic products developed using ENI support(COI8)
TO 6 Environmental protection, climate change mitigation and adaptation	Priority 1: Sustainable use of the environment in the cross border area	Number of persons actively participating in environmental actions and awareness raising activities (COI17)
		Number of waste, wastewater, energy efficiency or renewable energy production interventions(programme specific indicator)
		Surface area of habitats supported in order to attain a better conservation status, ha (COI15)
TO 7 Improvement of accessibility to the regions, development of sustainable and climate-proof transport and communication networks and systems	Priority 1: Development of transport infrastructure to improve the mobility of persons and goods	Total length of newly built roads (km) (COI26)
		Total length of newly built bicycle roads and bicycle paths (km) (programme specific indicator)
		Total length of reconstructed or upgraded roads (km) (COI27)
		Total length of reconstructed or upgraded bicycle roads and bicycle paths (km) (programme specific indicator)
		Number of public transport lines with increased service level as direct consequence of the support (lines)(programme specific indicator)
TO 8 Common challenges in the field of safety and security	Priority 1: Support to joint activities for the prevention of natural and man-made disasters as well as joint action during emergency situations	Number of co-operating organisations in disaster management (programme specific indicator).
		Population benefiting from flood protection measures services as a direct consequence of the support, persons (COI31)

		Population benefiting from forest fire protection measures services as a direct consequence of the support, persons (COI32)
	Priority 2: Support to the development of health	Population covered by improved health services as a direct consequence of the support (COI30)

### **3. Documents to be filled in and uploaded\***

1. The online grant application form including the description of activities, time plan, procurement plan, communication plan, risk analysis & contingency plan, logical framework matrix, list of project team and CVs of the key permanent staff of the Lead applicant/ Applicant(s) which will be involved in the project implementation.
2. Annex 1 – Declaration by the Lead Applicant;
3. Annex 2 – Declaration(s) by the Applicants;
4. Annex 3 – State Aid declaration for Applicants in the Member States;
5. Annex 4 – State Aid declaration for Applicants in Ukraine;
6. Annex 5 – Legal Entity Form;
7. Annex 6 – Financial Identification Form;
8. Budget of the Project (Excel format);
9. Financial Plan of the Project (Excel format);
10. Financial Capacity (MS Word format);

Mandatory documents for the application phase:

1. The statutes or articles of association of the Lead Applicant organisation in original language accompanied with brief English summary;
2. The statutes or articles of association of each Applicant organisation in original language accompanied with brief English summary;
3. Copy of the Lead Applicants and all Applicants' approved and audited annual accounts for the last two financially closed years<sup>22</sup>;
4. Original specimen of signature of the legally authorized representative of the Lead applicant organisation issued by a notary public.

Supporting documents in case of investment projects – mandatory for the application phase:

1. Full feasibility study;
2. Environmental impact assessment;
3. Building permit;
4. Evidence of ownership by the Beneficiaries or access to the land;
5. Project technical documentation.

The following documents must be submitted together with the Application (if available), or by Contracting at the latest (in case of being selected):

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<sup>22</sup> The expression "audited annual accounts" means, in case the legislation does not oblige an organization to run such an audit, to submit together with the application the approved annual accounts for the last two closed financial years. In conclusion one can dismiss the term "audit(ed)" in case the legislation does not oblige, but still needs to provide the approved annual accounts for the last 2 closed financial years.



1. land or building registration certificate from the relevant public register;
2. permission to use or operate of the property in case the Beneficiary is not the owner of the land and/ or building and the property is owned by the State or a county/local government;
3. rental contract with the declaration in case the Beneficiary is not the owner of the land and/or buildings and the property is owned by the State or a county/local government.

Documents for information:

- Grant Contract
- Partnership agreement
- Indicative list of applicants – Slovak Republic

\* In case the content of the AF is missing or and/ budget and/ or financial capacity form and/ or financial plan are missing, the project shall be automatically rejected.

## Data protection and data processing policy

The purpose of the present data protection and data processing policy (hereinafter referred to as 'Policy') is to define data protection and data processing principles related to the Call for proposals launched within the framework of HUSKROUA ENI CBC (hereinafter referred to as 'Programme') by Széchenyi Programme Office Consulting and Service Nonprofit Limited Liability Company (hereinafter referred to as 'Company') and therefore, the data subject will be provided with adequate information of data processed by the Company or the data processor, source of the data, purpose of the processing, legal basis for the processing, period of processing, name and address of data processor involved by data controller, activity of data processor related to data processing, furthermore, where personal data is transferred the legal basis for and recipient of transfer of personal data.

Acts and their abbreviations used and considered in relation to the Policy

the Act	Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (hereinafter referred to as 'Act')
GDPR	Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter referred to as 'GDPR')
Government Decree	Government Decree No 68/2011. (IV.28.) on Széchenyi Programme Offices

### Definitions

Definitions in the present Policy meet definitions of Article 4 of GDPR:

personal data	any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person
processing	any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction
controller	the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such 47 processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law
processor	a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller
third party	a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data
consent of the data subject	any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the

processing of personal data relating to him or her Where definitions of GDPR in force are different from the definitions of the present policy, definitions of GDPR in force shall prevail.

#### **I. Data controller and contact details**

Data controller regarding data provided to participate in Call for proposals:

name: Széchenyi Programme Office Consulting and Service Nonprofit Limited Liability Company

registered office: 1053 Budapest, Szép utca 2. 4. em.

company reg. no: 01 09 916308

represented by: Szakács Áron (managing director)

e-mail: [info@szechenyiprogramiroda.hu](mailto:info@szechenyiprogramiroda.hu)

#### **II. Data protection officer and contact details**

Data protection officer designated by the Company:

name: dr. Nyerges Judit

postal address: 1053 Budapest, Szép utca 2. 4. em.

e-mail: [adatvedelmitisztviselo@szechenyiprogramiroda.hu](mailto:adatvedelmitisztviselo@szechenyiprogramiroda.hu)

#### **III. Personal data, purpose of processing, legal basis for processing, period of processing**

<b>Personal data</b>	<b>Purpose of processing</b>	<b>Legal basis for processing</b>
name	Running call for proposals and contact	Legitimate interest of the company
e-mail	Running call for proposals and contact	Legitimate interest of the company
phone number	Running call for proposals and contact	Legitimate interest of the company

Means of processing: paper-based, electronic

Period of processing: for 5 years from the date of payment of the balance for the Programme.

#### **IV. Principles**

The Company processes personal data in accordance with principles of good faith and fair dealing and transparency and subject to law in force and provisions of the present Policy. The Company processes personal data only on the basis of the present Policy and for a specific purpose(s) and does not go beyond them.

If the Company intends to use personal data for purpose(s) other than the original purpose(s), the Company informs the data subject of such a purpose and use and obtain the previous and express consent of the data subject (where there is no other legal basis determined by GDPR) and the Company allows the data subject opportunity to defy the use of personal data.

The Company does not control personal data provided, person who provided the personal data, shall be liable for adequacy. The Company does not transfer personal data, except that the Company is entitled and obliged to transfer or forward personal data available to and properly stored by the Company to competent authority where transfer and forward of personal data is determined by law or legally binding order of authority. Company shall not be liable for such a transfer or its consequences.

The Company ensures the security of personal data, takes all technical and organizational measures and establishes rules of procedure that guarantee protection of recorded, stored and processed personal data, and prevent accidental losses, destruction, unauthorised access, unauthorised use, unauthorised alteration and unauthorised dissemination.

#### **V. Rights of the data subject**

The data subject may exercise right in the following ways:

- e-mail
- by post
- in person

The Company draws attention to the fact that in case of data processing based on consent, data subject is entitled to withdraw the consent at any time, however this withdrawal shall not concern the lawfulness of data processing based on consent before withdrawal.

#### **Right of information and access to personal data**

The data subject may at any time request the Company to provide information on data processed by the Company or the data processor involved by or according to the order of the Company, purpose of the processing, legal basis for the processing, period of processing, name and address of data processor, activity of data processor related to data processing, the circumstances, effect of a personal data breach, measures taken for averting personal data breach, furthermore, where personal data is transferred the legal basis for and recipient of transfer of personal data.

In relation to the above, the data subject may request a copy of his/her processed data. In case of an electronic request the Company executes the request first electronically (PDF format), except where the data subject requests expressly otherwise. The Company already draws attention to the fact that if the above right of access affects adversely the rights or freedoms of others, including in particular trade secrets or intellectual property, the Company may refuse the execution of the request, to the extent it is necessary and proportionate.

#### **Right to rectification and modification**

The data subject may request the rectification, modification and completion of personal data processed by the Company

#### **Right to data portability**

The data subject has the right to receive the personal data concerning him or her, which he or she has provided to the Company, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the Company. Furthermore, the data subject has the right to have the personal data transmitted directly from one controller to another, where technically feasible.

#### **Right to erasure ('right to be forgotten')**

The data subject may request the erasure of one or all personal data concerning him or her. In this case, the Company erases the personal data without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- the data subject withdraws consent on which the processing is based and where there is no other legal ground for the processing;
- data processing is based on legitimate interest of the Company or third person but the data subject objects to the processing and (except objection to processing related to direct marketing) there are no overriding legitimate grounds for the processing;
- the personal data have been unlawfully processed;
- the personal data have to be erased for compliance with a legal obligation.

The Company informs the data subject of the refusal to the request of erasure in any event (e.g. data processing is required for the establishment, exercise or defence of legal claims), indicating the reason of the refusal. Erasure of personal data is executed that after fulfilment of request of erasure personal data (erased) cannot be restored.

In addition to the exercise of right to erasure, the Company erases personal data if the data processing is unlawfully, the purpose of data processing is no longer exists, data storage period determined by law is already expired, it is ordered by court or authority.

#### **Right to restriction of processing**

The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:

- the accuracy of the personal data is contested by the data subject, for a period enabling the Company to verify the accuracy of the personal data;
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- the Company no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
- the data subject has objected to processing pending the verification whether the legitimate grounds of the Company override those of the data subject

Where processing has been restricted, such personal data won't be processed or will, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State. A data subject will be informed by the Company before the restriction of processing is lifted.

### **Right to object**

Where the legal basis for processing is legitimate interest of the Company or third person (except compulsory data processing) or data is processed for direct marketing, scientific or historical research purposes or statistical purposes, the data subject, has the right to object to processing of personal data concerning him or her. Objection may be rejected if the Company demonstrates

- compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or
- that data processing is related to the establishment, exercise or defence of legal claims of the Company.

The Company examines the lawfulness of the objection of the data subject and where the objection is grounded, the Company stops data processing.

### **Right to legal remedy**

See Section VII.

## **VI. Modification of the Policy**

The Company reserves the right to modify the present Policy through an unilateral decision at any time. If the data subject does not agree with the modification, he/she may request the erasure of his/her personal data as determined above.

## **VII. Legal remedies and enforcement**

The Company as data controller may be contacted for the purpose of any question or comments related to data processing using contact details above. In case of any violation related to data processing, the data subject may make a complaint to the competent data protection supervisory authority of the Member State of residence, workplace or the place of the alleged violation.

In Hungary, complaint shall be made to Hungarian National Authority for Data Protection and Freedom of Information („NAIH”, address: 1125 Budapest, Szilágyi Erzsébet fasor 22/c.; phone: +36-1-391-1400; e-mail: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu); website: [www.naih.hu](http://www.naih.hu)).

The data subject may bring the following cases before court:

- violation of rights;
- against the legally binding decision of the supervisory authority;
- if the supervisory authority does not deal with the filed complaint or does not inform the data subject of aspects or result of the procedure related to the filed complaint within 3 months.