



## Lead partner declaration

Project title and acronym		
Project ID		
Name of the institution in original language		
Name of the institution in English language		
Partner No. as listed in the application form	Lead partner	Lead partner

(Official name of the lead applicant institution in English as listed in the AF)

The undersigned, representing the \_\_\_\_\_ participating in the above mentioned **Interreg VI-A Romania-Bulgaria Programme** project proposal with the role of lead partner, hereby certifies the following:

1. I am legally authorised to sign this statement on behalf of my institution;
2. In the event of approval of the project proposal, the institution I represent commits itself to provide the co-financing to the European Regional Development Fund (ERDF) budget allocated to my institution, as indicated in Part B, table B.1.8, of the submitted application form.
3. I hereby confirm that the legal status of my institution as indicated in Part B, table B.1.3, of the submitted application form is correct.
4. The institution I represent has the adequate legal capacity to participate in the Interreg VI-A Romania-Bulgaria Programme call for proposals and especially to submit legally relevant documents;
5. The institution I represent has the financial capacity to implement the project and in particular:
  - The proposed financial commitment is adequate to the institution's size and capacity;
  - It has the capacity to pre-finance project activities also for considerable amounts;
  - Possible delays in ERDF reimbursement will not undermine the institution's capacity of implementing the foreseen actions within the project.
  - Non eligible/non-refundable expenditure, where the case.
6. The institution I represent has the administrative and operational capacity to implement the project proposal and in particular:



- It has enough human resources and technical means to ensure a sound project implementation and management;
  - Its administrative and financial involvement in the project does not undermine the institution's daily activities.
7. The institution I represent has the necessary financial resources and mechanisms to cover operation and maintenance costs for investment in infrastructure or productive investment if implemented within the project, so as to ensure their financial sustainability.
8. The institution I represent is not under a bankruptcy proceeding, bears full legal capacity and is financially reliable, and that its foundation and activities are in line with the respective national legislation.
9. The institution I represent is not in one of the following situations:
- a) It has been established by a final judgment or a final administrative decision that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
  - b) it has been established by a final judgment or a final administrative decision that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
    - fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the implementation of the legal commitment;
    - entering into agreement with other persons or entities with the aim of distorting competition;
    - violating intellectual property rights;
    - attempting to influence the decision-making of the authorizing officer responsible during the award procedure;
    - attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
  - c) it has been established by a final judgment that the person or entity is guilty of any of the following:
    - fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council (44) and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995 (45);
    - corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997 (46), or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA (47), or corruption as defined in other applicable laws;
    - conduct related to a criminal organization as referred to in Article 2 of Council Framework Decision 2008/841/JHA (48);
    - money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council (49);



- terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA (50), respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
  - child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council (51);
- d) the person or entity has shown significant deficiencies in complying with main obligations in the implementation of a legal commitment financed by the budget which has:
- led to the early termination of a legal commitment;
  - led to the application of liquidated damages or other contractual penalties; or
  - been discovered by an authorising officer, OLAF or the Court of Auditors following checks, audits or investigations;
- e) it has been established by a final judgment or final administrative decision that the person or entity has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95 (52) and the person or entity has not taken remedial measures as specified in the paragraph 7 of the article 136 of Regulation (EU, Euratom) 2018/1046, to an extent that is sufficient to demonstrate its reliability;
- f) it has been established by a final judgment or final administrative decision that the person or entity has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business;
- g) it has been established by a final judgment or final administrative decision that an entity has been created with the intent referred to in point (h).
- h) is subject to a conflict of interests; the conflict of interests represents any circumstances that may affect the evaluation or implementation process, in an objective and impartial manner. Such circumstances may result from economic interests, political or national preferences or family connections.
- i) is guilty of misrepresentation in supplying the information required by the Managing Authority/ Joint Secretariat as a condition of participation in the call for proposals or fail to supply this information which might have led to a different decision of the evaluators/ Managing Authority during the evaluation process;
- j) has attempted to obtain confidential information or influence the evaluation bodies or the Managing Authority during the evaluation process of current or previous calls for proposals.
10. All information concerning the participation of my institution in the project proposal, as enclosed in the application form, has been verified and it is correct;
11. The project proposal, as described in the application form, is unique in its objective, approach and activities to the best of my knowledge;
12. The information included in the application form is accurate and true to the best of my knowledge;
13. The project proposal, or any part of it, has not and will not receive support from other EU-funded programmes or other public funds. In case that any of such funding is received after the submission of this proposal or during the implementation of the project, my institution will immediately inform the Managing Authority;
14. The project proposal was not physically completed or fully implemented before the application for funding under the Interreg VI-A Romania-Bulgaria Programme;
15. The project proposal is in line with the relevant EU legislation, Programme rules and - where relevant - national legislation and policies of the countries involved. In particular all necessary approvals and permissions have been or will be obtained;



16. In the event that the project proposal is approved for funding, I acknowledge that Programme authorities shall publish the name and address of my institution, the main contents of the project proposal (title, project focus), the amount awarded and the rate of funding according to Article 49(3) of Regulation (EU) 2021/1060.
17. My institution, and all persons representing it in the project, are familiar with the content of the Interreg VI-A Romania-Bulgaria Programme as well as with the conditions for support from the Programme as set in the Applicant's guide for the call and in the model of the subsidy contract, and understands what its respective obligations will be in case the project proposal is approved and the subsidy is awarded. In particular my institution, in its role of lead partner, is aware that:
  - It will conclude a partnership agreement with all partners as required by point (a) of Article 26(1) of Regulation (EU) 2021/1059;
  - It will bear the overall responsibility for the implementation of the entire project, as required by point (b) of Article 26(1) of Regulation (EU) 2021/1059;
  - It shall repay to the Managing Authority any amount unduly paid, in compliance with Article 52(1) of Regulation (EU) 2021/1059.
18. My institution commits itself in complying with the relevant public procurement rules (internal, national, European and programme specific rules if existing) and in making the results available to the public.
19. VAT statement
  - declares that recoverable VAT is not included in the partner budget and is aware that recoverable VAT will not be eligible for reimbursement
  - declares that VAT can be partially recovered by the organisation and that the recoverable part is not included in the partner budget as it is not eligible for reimbursement.
  - declares that organization is not entitled to recover VAT based on national legislation for the activities implemented in the project
20. In case that, after the date of signing this declaration, my institution is no longer in the position to fulfil any of the requirements listed above, it will inform the Interreg VI-A Romania-Bulgaria Managing Authority without delay.
21. I acknowledge that untruthful/false declarations, in addition to the administrative sanctions and the request for refunding unduly received contribution charged with the interests, can also be prosecuted by the penal code.
22. I acknowledge the provisions of the Applicant's Package and the fact that the Monitoring Committee is responsible with project selection in compliance with the EU regulation and in the Programme benefit, and with the decisions related to the complaints.

Place/date:

Signature(s)<sup>1</sup>:

Name(s) of Legal representative	
Status of signatory(ies)	

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<sup>1</sup> Electronic signature