| **No.** | **Question received** | **Answer provided** |
| --- | --- | --- |
| **I. Application Form** | | |
| **I.1** |  |  |
| **II. Eligibility of expenditures** | | |
| **II.1** |  |  |
|  |  |  |
| **III. Eligibility of applicants and activities** | | |
| **III.1** | Related to the Open Call dedicated to Priority 2 – A Greener Region, Specific Objective 2.7 Increasing the protection and conservation of nature, biodiversity and green infrastructure, including in urban areas, as well as reducing all forms of pollution and based on the provisions of the Applicant Guidebook section 2.2. Eligible applications and applicants: Applicants, outside the Programme area, but from Romania and Bulgaria, can also participate in projects if:  - Are competent in their scope of action for certain parts of the eligible area (e.g. ministries, national agencies, agencies, administration's, national companies etc.);  - Carry out activities that are beneficial for the Programme area  - Their participation must bring clear added value and expertise to the implementation of a project and has to be beneficial for the Programme area.  - They cannot take the Lead Partner role,  Please clarify whether the Institute of World Economy of the Romanian Academy, based in Bucharest and which has no branches or offices in other areas but operates at national level as a public research organization with responsibilities in carrying out relevant studies, analyses and public policies at national, European and global level, can be a partner in a project under this call. | In relation to your request regarding the eligibility of the Institute of World Economy of the Romanian Academy, we inform you that, in accordance with the provisions of the Applicant Guide, section 2.2 - Eligible applications and applicants, entities outside the eligible area of the Programme, but located in Romania or Bulgaria, may participate in projects as partners (except for the role of Lead Partner), if the following conditions are cumulatively met:  1. They are competent in their field of activity for certain parts of the eligible area (e.g. ministries, national agencies, research institutes, etc.);  2. They carry out activities that bring direct benefits to the eligible area of the Programme;  3. Their participation brings clear added value and expertise in the implementation of the project;  4. They cannot have the role of Lead Partner.  In case the Institute of World Economy is a public research institution, part of the Romanian Academy, with recognized competences in conducting relevant studies, analyses and public policies at national and international level and it operates at national level (supporting documents such as legal framework and statute shall be provided in this regard) , it may be considered eligible as a partner in a project, provided that the activities proposed in the project are clearly relevant, useful and beneficial for the eligible area of the Programme.  It is the applicant's responsibility to demonstrate in the project proposal how the Institute of World Economy involvement will bring added value to the implementation of the project in the eligible area of the Programme.  However, please be informed that the eligibility of partners will be assessed during the evaluation process (evaluators may request additional evidence and arguments regarding the eligibility of applicants), based on the supporting documents submitted and in accordance with the eligibility criteria of applicants listed in the Applicant Guide. |
| **III. 2** | According to the provisions of the Applicant guide, offices/ branches of public national/regional authorities and other public bodies can participate in projects if they are registered and functioning in the programme area. If those offices/ branches which are functioning in the programme area are not legal bodies, the Application should be submitted by their Headquarters indicating the office/ branch responsible for implementing the activities. The applicant has its headquarter outside the programme area, the branches are registered and functioning in the programme area.  Does it mean that the applicant (Headquarter) can not be a Lead partner, as well? | Indeed, your understanding is correct, the organizations located outside the eligible area, having branches which are not legal bodies located in the eligible area, may apply for financing with their headquarter with a clear indication of the office / branch responsible for implementing the activities. Also, since they are located outside the eligible area, they cannot take the role of Lead Partner.  In this regards, on pages 5 and 6 from the Applicant`s Guide, it is specified that, “offices/ branches of public national/regional authorities and other public bodies active on the themes of the priority in the programme area (registered and functioning in the programme area). If those offices/ branches which are functioning in the programme area are not legal bodies, the Application should be submitted by their Headquarters, indicating the office/ branch responsible for implementing the activities. If the project covers more administrative units or if there is/are office(s)/ branch(s) with their own legal personality in the Programme area, depending on the partnership’s decision, the application may still be submitted by the Headquarters”.  Further on, at page 8, it is mentioned that “Applicants, outside the Programme area, but from Romania and Bulgaria, can also participate in projects, but only in exceptional cases, namely if they:   * Are competent in their scope of action for certain parts of the Programme area (e.g. ministries, national agencies, research institutes etc.); * Carry out activities that are beneficial for the Programme area; * Their participation must bring clear added value and expertise to the implementation of a project and has to be beneficial for the Programme area. * They cannot take the Lead Partner role”.   Last, but not least, we would like to draw your attention also to the fact that the Applicant’s Guide, Section 2.4 – Location of activities states that “activities related to investments (equipment, infrastructure, works etc.) should be implemented exclusively in the Programme area. The purchased equipment must be located, installed and used in the eligible area of the Programme. As an exception, in duly justified cases, IT equipment (such as laptops and/or desktops) can be purchased and used outside the Programme area, provided they are used in the interest of the programme and are necessary for implementing the project activities”. Therefore, in case of organizations located outside the eligible area applying with their headquarters and indicating the offices / branches responsible for implementation, the activities and the related investments (equipment / infrastructure / works) shall be implemented at the offices / branches, in the eligible area.  Still, please be informed that the administrative compliance of the submitted project proposals in JEMS is to be analysed during the evaluation process. In addition, please be aware that, during the process of elaboration of the application proposal, it is recommendable to consult regularly the list with the Q&A available on the Programme website, which contains questions and given answers from other potential applicants under Call 5. |
| **III.3** | When organizations located outside the eligible area, having branches which are not legal bodies located in the eligible area,  apply for financing with their headquarter of the office, whose financial capacity should be taken into account - of the headquarter or of the branch? In section "B.1 Project partner" should we fill the legal and financial information of the headqurter - PIC, VAT number, etc.? Even the branches are not legal bodies, they have identifiers, производни на identifier of the headuarter.  In cases where organizations located outside the eligible area apply for financing through their headquarters,  with a clear indication of the branch (which is not a separate legal entity) within the eligible area, which entity’s financial capacity should be assessed — the headquarters or the branch?  Additionally, in Section "B.1 Project Partner", should the legal and financial information (e.g., PIC, VAT number, etc.) refer to the headquarter, even though the branch will be involved in the project implementation? While the branches are not legal entities, they have identifiers derived from the headquarters' identification number. How should this be correctly presented in the application? | In regards to your question concerning the clarification of the financial information related to the eligible applicant entitled to apply under the Programme, please be aware that, according to the Programme’s eligibility rules, if offices/ branches which are functioning in the programme area are not legal bodies, the Application should be submitted by their Headquarters, indicating the office/ branch responsible for implementing the activities. Therefore, in this particular case, when the application is submitted through the headquarters, all required documents and financial information (e.g., financial capacity, PIC numer, VAT number, etc.) shall be provided with reference to the headquarters, which holds the main responsibility for the project and for ensuring the financial resources. Please also note that Applicants from outside the Programme area cannot take the Lead Partner role.  With regard to the PIC number, please consult the Applicant’s Guide, page 7, where it is specified that, all applicants must register in the EC Participant Register to obtain a PIC number, which must be included in the Partner Identity Information section in Jems. For more details, it could be visited the EC Participant Register (<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register>).  Further and not the last, following the instructions for filling the required documents to be submitted with the Application form, described within the Applicant`s Guide on pages 55-57, in regards to Annex A9 “Financial Capacity Self-Assessment – spreadsheet file format (.xls or similar) and signed document (Annex AF\_A9 – standard format) - and the related mitigation plan, if the case (open format)”, please note that, each project partner should fill in financial Capacity Self-Assessment (.xls or similar format as well as in the form of a document **certified through signature by the legal representative of the organization** or by other authorized person).  Still, please be informed that the administrative compliance of the submitted project proposals in JEMS is to be analysed during the evaluation process. In addition, please be aware that, during the process of elaboration of the application proposal, it is recommendable to consult regularly the list with the Q&A available on the Programme website, which contains questions and given answers from other potential applicants under Call 5. |
| **III.4** | We are currently developing a project proposal under the 5th call of the INTERREG VI-A Romania–Bulgaria Programme (Specific Objective 2.7), which involves the renovation and transformation of an abandoned school building owned by a Bulgarian municipality (also partner in the project) into a cross-border Biodiversity and Sports Living Lab.  In this regard, we kindly request clarification on the following two points:   1. Contractual arrangements between municipality and NGO Is it permissible under the Programme rules for the owning municipality (public body) to sign a contract or agreement with a local sports club (NGO and project partner) for the management and exploitation of the renovated facility (the school building)? The intention is for the NGO to operate the Living Lab and ensure its long-term functionality and community outreach. 2. Delegation of tendering responsibility to NGO Partner Given that the BG municipality currently lacks sufficient administrative and human resource capacity to carry out procurement procedures, would it be acceptable under programme regulations for the NGO partner to launch and manage the tender procedures for the refurbishment of the municipal building, assuming this is clearly agreed upon and detailed within the project proposal and partnership agreement?   We would appreciate your guidance on whether such arrangements comply with the programme rules and eligibility criteria, especially regarding ownership, investment, and procurement under shared management. | First of all, please note that call 5 is addressed to types of actions dedicated to Specific Objective 2.7: Enhancing protection and preservation of nature, biodiversity and green infrastructure, including in urban areas, and reducing all forms of pollution. In this respect, we kindly ask you to carefully consider the eligible types of actions (please refer to Section 2.3 – Eligible indicative types of actions of the Guide).  Secondly, please take into consideration a set of mandatory conditions, as follows:  1. To be eligible, applicants are required to fulfill a number of criteria and conditions, including:  Prove their competence in the field and the activities envisaged under the project through ownership acts, legal acts/strategies/action plans references, etc. Thus, the applicant must have the necessary legal authorization, responsibility or task to carry out the proposed activities, according with its statute or according to the national legislation, or alternatively have a formal agreement from the relevant institutions, organizations, bodies etc. to implement these activities.  For both soft and hard type of operations, the partnership should include project partners or associated project partners legally responsible for the field of interventions/policy domain addressed by the project and who will be the user of the project outputs.  Specific Requirements for Bulgarian Partners - in case of infrastructure and works, the investment activities should be carried out on public property, both public and private domain of the state/municipality (the applicant must prove the ownership of the public property or the concession of that property).  Subcontracting between project partners or associated partners is strictly prohibited. Any such cases will result in the entire partnership being deemed ineligible, and the project will be rejected without further assessment.  2. Furthermore, at the time of submitting the application, each applicant, in their capacity as project partner, certifies that:  The institution they 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;   It is directly responsible for the preparation, management and implementation of the project with project partners, and is not acting as an intermediary.  The institution they 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.  Therefore, when developing the future application, please take into account the above-mentioned aspects, as well as the fact that no state aid is granted under this call. Accordingly, specific provisions regarding state aid must be observed. The project must not confer an economic advantage to an undertaking (please refer to the provisions on state aid in the Applicant’s Guide). To this end, please be advised that the operation and administration of the renovated facility must be subject to public procurement procedures in accordance with EU and national legislation, ensuring compliance with the principles of openness, transparency, and non-discrimination.  Regarding question no. 2, if the NGO is also a project partner, please be advised that subcontracting between project partners is not allowed within the project, as previously mentioned. However, if your institution lacks the expertise or administrative capacity required to carry out procurement procedures, you may choose to subcontract this type of service under External expertise and services cost category, provided that the expertise and services to be contracted is not available at the level of the project management team and that the Staff costs are not already financing the type of external expertise and services (to be) contracted. |
| **IV. Applicant’s Guide and Annexes** | | |
| **IV.1** |  |  |
| **V. JEMS** | | |
| **V.1** |  |  |
| **VI. Budget** | | |
| **VI.1** |  |  |
| **VII. Horizontal issues** | | |
| **VII.1** |  |  |
| **VIII. Other aspects** | | |
| **VIII.1** |  |  |