

# **Project Implementation Manual**

**Second Call for Proposals  
No 2014TC16I5CB005-2018-2**

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## **LIST OF ACRONYMS**

<b>AA</b>	<i>Audit Authority</i>
<b>AF</b>	<i>Application Form</i>
<b>BP</b>	<i>Beneficiary portal</i>
<b>CBC</b>	<i>Cross-border cooperation</i>
<b>CfP</b>	<i>Call for Proposals</i>
<b>CVE</b>	<i>Certificate for Validation of Expenditures</i>
<b>EC</b>	<i>European Commission</i>
<b>ETC</b>	<i>European Territorial Cooperation</i>
<b>FPPR</b>	<i>Final Project Progress Report</i>
<b>FLC</b>	<i>First Level Control</i>
<b>IPA</b>	<i>Instrument for Pre-Accession Assistance</i>
<b>JMC</b>	<i>Joint Monitoring Committee</i>
<b>JS</b>	<i>Joint Secretariat</i>
<b>LP</b>	<i>Lead Partner</i>
<b>MA</b>	<i>Managing Authority</i>
<b>MoI</b>	<i>Memorandum on Implementation</i>
<b>MRDPW</b>	<i>Ministry of Regional Development and Public Works, Republic of Bulgaria</i>
<b>NA</b>	<i>National Authority</i>
<b>OJEU</b>	<i>Official Journal of the European Union</i>
<b>PA</b>	<i>Partnership Agreement</i>
<b>PIM</b>	<i>Project Implementation Manual</i>
<b>PP/s</b>	<i>Project partner/s</i>
<b>PPP</b>	<i>Project Procurement Plan</i>
<b>PPR</b>	<i>Project Progress Report</i>
<b>PRAG</b>	<i>Practical Guide on Contract Procedures for EU External Actions</i>
<b>Programme</b>	<i>Interreg-IPA CBC Bulgaria-Turkey Programme</i>
<b>SC</b>	<i>Subsidy Contract</i>
<b>TA</b>	<i>Technical Assistance</i>
<b>ToR</b>	<i>Terms of Reference</i>

**VAT**

*Value Added Tax*

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## 1. INTRODUCTION

The purpose of the Project Implementation Manual (PIM) is to provide detailed guidance to Lead Partners (LP) and Project Partners (PPs) of the approved projects within the 2<sup>nd</sup> Call for Proposals under the Interreg-IPA CBC Bulgaria-Turkey Programme on the full project life cycle, starting from contracting to closure, including reporting obligations, public procurement procedures, payments, publicity measures etc.

The PIM and its annexes can be amended during the project implementation period. Any change of the PIM will be announced at the Programme's website: [www.ipacbc-bgtr.eu](http://www.ipacbc-bgtr.eu) and the newest version will be uploaded.

The Lead Partners should ensure that the project is implemented according to the actual version of the PIM and the latest versions of Annexes are used. In case of specific problems related to particular operations, the Joint Secretariat and the Managing Authority should be contacted for advice.

The language of the Programme is English. All official communication, including the reporting has to be done in English. Exceptionally, in some cases, communication within the project and between the project and Programme bodies may take place in national languages.

## 2. INSTITUTIONAL FRAMEWORK

The **Joint Monitoring Committee (JMC)** consists of representatives appointed by the partnering countries, according to the partnership principle. Representatives of the European Commission, the Certifying Authority and the Audit Authority or other relevant bodies participate in the work of the JMC in advisory capacity. The main competencies and responsibilities of the JMC are as follow:

- ✓ review the overall effectiveness, quality and coherence of the implementation of all actions towards meeting the objectives set out in Programme, the financing agreements and the relevant strategy paper(s). It may make recommendations for corrective actions whenever needed;
- ✓ monitoring by reference to indicators laid down in the Programme, in accordance with Article 16 of Regulation (EU) No 1299/2013.

Detailed information on composition, chairmanship and decision taken by the JMC is available on the Programme's website: <http://www.ipacbc-bgtr.eu/joint-monitoring-committee>.

The **Managing Authority (MA)** is responsible for managing and implementing the Programme in accordance with the principle of sound financial management and for coordinating the other Programme Bodies. The Territorial Cooperation Management Directorate is appointed as the MA for the Programme and is a part of the specialized administration at the Ministry of Regional Development and Public Works of the Republic of Bulgaria.

Ministry of Foreign Affairs, Directorate for EU Affairs of the Republic of Turkey, as the **National Authority (NA)**, cooperates in the joint programming, management and implementation of the Programme and provides assistance to the Managing Authority, Certifying Authority and Audit Authority in their respective duties.

The **Joint Secretariat (JS)** of the Programme assists the MA/ NA and the JMC of the Programme and where appropriate the Certifying Authority and Audit Authority in carrying out their duties. The JS is set



up under the legal responsibility of the MA. The JS also takes part in the preparation and implementation of the decisions of the JMC and carry out usual duties as JMC secretariat. The JS shall also provide information to potential beneficiaries about funding opportunities under the Programme and shall assist beneficiaries in the implementation of operations. The JS is in charge of the technical implementation of the Programme and takes part in all phases of the programme's lifecycle including launching of Call for proposals, evaluation and contracting of the approved projects, monitoring and control of the subsidy contracts, communication activities, etc.

The main office of the JS is placed in Haskovo, Republic of Bulgaria. The JS has a branch office in the partnering country, placed in Edirne, Republic of Turkey.

The **Audit Authority (AA)** for the Programme is the "Audit of European Union Funds" Executive Agency at the Minister of Finance of the Republic of Bulgaria. In compliance with 25(2) of Regulation (EU) No 1299/2013 (via Article 37(3) of the IPA Implementing Regulation) the AA shall be assisted by a Group of Auditors, comprising representatives of Bulgaria and Turkey. The Group of Auditors will assist the AA in setting up and implementing the audit strategy. The audit strategy will also indicate which measures have been put in place by the AA and the Group of Auditors, in order to ensure that the same audit methodology, in accordance with internationally accepted audit standards, has been applied by all members of the Group of Auditors. The AA is functionally independent of the MA and the Certifying Authority and is responsible for:

- verifying the effective functioning of the management and control system of the Programme;
- ensuring that audits are carried out on operations on the basis of an appropriate sample to verify expenditure declared;
- shall draw up an audit opinion and a control report setting out the main findings of the audits carried out in accordance with Article 127 (5) of Regulation (EU) No 1303/2013;
- ensuring that the audit work takes account of internationally accepted audit standards;

The "Audit of European Union Funds" Executive Agency is responsible for assessment of the management and control systems of the Programme and provides an opinion of their compliance.

The **Certifying Authority (CA)** of the Programme is the "National Fund" Directorate at the Ministry of Finance of the Republic of Bulgaria. Its functions are set out in Article 27 of the Structural Regulations of the Ministry of Finance.

### 3. INITIAL ACTIVITIES AND PROJECT SETTING UP

Formal project implementation starts once the Subsidy Contract is signed. The project implementation period begins on the day following the date the Subsidy Contract enters into force (the date of registration in the administrative system of the MA).

**Example:** if the Subsidy contract is registered on 22.07.2019 (Contract № RD-02-XX-XXX/ 22.07.2019), the first day of project implementation should be the day after - 23.07.2019.

The first phase of project implementation is tremendously important since it may influence the whole implementation process - delays incurred at this stage may be difficult to be caught up later.

#### **Cash flow plan:**

Within 20 working days from the starting day of project implementation the LP has to submit to the JS a detailed cash flow plan for spending of the budget of each project partner on trimester bases. As the cash

flow plan is based on the unique budget of every project, the form for preparation of the plan will be sent to the LP by the JS in 5 working days from the start of project implementation. The cash flow plan is requested for statistical and analytical reasons only. It is a base for monitoring of the project financial implementation. Its violation will not lead to financial penalties for the beneficiaries. The plan shall be approved by the JS, but the use of project budget is not bound by this approval.

### 3.1. Project management staff and internal control system

The appointment of the project staff is to be carried out by all project partners as soon as the project starts. The proper appointment of the project team members is sole responsibility of the project partners and should be carried out in accordance with the applicable European and national legislation. According to COMMISSION DELEGATED REGULATION (EU) No 481/2014 expenditure on staff costs shall consist of gross employment costs of staff employed by the beneficiary in one of the following ways:

- (a) full time;
- (b) part-time with a fixed percentage of time worked per month;
- (c) part-time with a flexible number of hours worked per month; or
- (d) on an hourly basis.

Within 10 days from the beginning of the project implementation period the Lead Partner has to send to the Joint Secretariat:

- Declarations in free format signed by the legal representative of each Project partner that the necessary and qualified project staff for the successful implementation of the project activities will be kept.
- Copy of an administrative order or a letter for nomination of the project team members by each Project partner, with a short description of tasks.

Two options for reimbursement of staff costs are possible:

- **Flat rate** up to 10% of direct costs for investment projects and up to 15% of direct costs for soft projects. The flat rate is eligible option only for project partners, where all team members will be engaged in full time under the project. In any other cases, the eligible option is real costs;

After appointment/establishment of the of the project management team and submission of the above mentioned documents, it is not necessary to provide any other documents as employment/work contract / order, time sheets or proofs of payment of salaries. An administrative order/a letter for nomination of the project team members shall be provided to the FLController/MA/Auditors on request.

- **Real cost** basis, depending on the assignment (full-time, part-time, contracted on an hourly basis) to work on the project.

In each case, the employment documents shall contain clear information on the assignment to the project, role/position within the project and relevant tasks, including the period of the contract and hours of involvement within the project.

- **Full-time:**

The project team member dedicates 100% of his/her working time to the project. This full-time engagement for the whole duration of the project should be clearly stated in the employment document



(Labor contract, Job description, Administrative order providing information on responsibilities related to the project, Decision of appointment of the project team (for Turkish partners)). In this case, time sheets are not required.

- **Part-time assignments with a fixed percentage of time worked per month:**

The percentage (%) of time to be worked for the duration of the project should be fixed in the employment document (Labor contract/second Labor contract or addendum to the labor contract; job description; administrative order; other relevant contract according to Turkish law) by the employer for each project staff member. In this case, time sheets are not required.

Please, note that fixing daily hours in the employment document is not considered a part-time assignments with a fixed percentage of time worked per month.

- **Part -time assignments with a flexible number of hours worked per month:**

The maximum number of working hours per month for the whole duration of the project should be fixed in the employment document (Labor contract/second Labor contract or addendum to the labor contract, job description; administrative order; other relevant contract according to Turkish law) by the employer for each project staff member. Timesheets (Annex 17) which cover 100% actual working time of staff member and providing information on the actual number of working hours under the project are necessary, in order to prove the actual work under the project. Time sheets should be prepared monthly.

- **Part time assignment on an hourly basis:**

The project team member is contracted on an hourly basis and dedicates a certain number of hours to work on the project. The maximum number of working hours for the whole duration of the project should be indicated in the employment document (Labor contract/second Labor contract or addendum to the labor contract, job description; administrative order; other relevant contract according to Turkish law). Time sheets (Annex 17) which cover 100% of actual working time of staff member should be prepared monthly (if actual work under the project is carried out).

The Beneficiaries should organize the project workflow in the best possible way in order for each step of the project implementation to be clear and foreseeable. Thus, the internal management rules should be adopted by the partners, stressing up the principle of good management.

The project time schedule should be developed in detail and structure/s for project implementation should be defined. Clear distribution of the tasks, responsibilities and deadlines between the project partners is strongly recommendable in order to ensure smooth project implementation. If there is a need for amendment of the subsidy contract, JS should be contacted (please refer to section 8 of this Manual).

### **3.2. Advance payment**

After the Subsidy Contract is signed, the Lead partner (LP) may request advance payment at the rate of 10 % or 20 % of the total contract amount. The percentage of the advance payment depends on the type of the project - "investment" or "soft measures" project. In order to receive an advance payment, the LP must send a request for an advance payment (see section 7.3 "Submission of Request for payment").

The LP must send a request for advance payment to the MA no later than 45 days after the Contract enters into force.

### 3.3. Procurement plan

The LP has the obligation after signing of the Subsidy Contract to collect information about the procurement procedures to be carried out by all PPs and to summarize the information in the Project Procurement Plan (PPP) (*Annex2*).

During preparation of the PPP, the LP should take into careful consideration the following documents:

- Chapter 3, Title VII, Part I of Regulation (EU, Euratom) 2018/1046 and Chapter III of Annex I of the same regulation;
- Practical Guide to Contract Procedures for EU External Actions (PRAG);
- “Procurement procedures” section of this Manual, as well as Annex 15 User manual for the Beneficiary portal.

Project partners are advised to consult the preparation of the PPP with the JS.

**The LP has an obligation to prepare and submit to the JS a PPP within 10 working days after signature of the Subsidy contract. The plan is to be filled in and sent to the JS through the Beneficiary portal** (Annex 2 is published for information purposes and may be used for informal exchange of information).

In addition to the requirements related to procurement rules for European Union External Actions, in the process of preparation of the Procurement plan and implementation of procurement procedures the partners should respect the following:

**In case the project partner intends to conclude two or more contracts with one and the same contractor, regardless whether they have to be procured or not (i.e. even if they fall below the threshold of the Single tender procedure), all the related expenditures should be planned as one combined contract or procurement procedure in the initial PPP if the subject of the activities is identical/similar.**

**If after the approval of the initial PPP during the subsidy contract implementation the project partner decides to award two or more separate expenditures (regardless whether they are planned to be procured or not) from the approved PPP to one and the same contractor, the PPP must be amended and all the related expenditures should be planned as one combined contract or procurement procedure, that can be concluded or launched only after the approval of the amendment by the JS.** Amendments to PPP in this case are not applicable for expenditures that have been already contracted and/or paid.

**In case a Project partner implements simultaneously more than one project** under the Instrument for Pre-accession Assistance, i.e. other contracts will be awarded under the provisions for EU external actions, they are obliged to plan and implement the respective tender procedures so that the applicable procurement rules and thresholds are respected.

Within 5 working days after receiving the PPP the JS shall review and approve the submitted plan. The JS may return for corrections the Project procurement plan to the LP in case of a mistake or inadequate information. The Beneficiary has to submit the revised PPP up to 3 working days after receiving the comments. The deadline for approval of the respective PPP by JS starts running again on the date the required information is received.

All expenditures which could be grouped together in procurement procedures (according to PRAG),

because of similarity of their nature, should be included in the Procurement plan. Expenditures under BL 1, 2 and budget sublines 3.2, and all expenditures below the minimal threshold for single tender, which could not be grouped together with other similar expenditures, could be done without procurement procedures.

JS is responsible for reviewing and approval of the individual Project's Procurement Plans. The JS may return for corrections the PPP to the LP in case of identified mistake or inadequate information. The LP has to provide revised version of the PPP up to 3 working days after receiving of the comments. The deadline for approval of the respective PPP by JS starts running again on the date the required information is received. After approval of the PPP, the JS will notify the LP with an Approval letter via Beneficiary portal.

**NB!**

**The Beneficiary can proceed with the preparation and launching of the procurement procedures only after the PPP has been approved by the JS.**

If there is a necessity for amendment of the PPP, the LP has to consult the JS in advance.

**JS/ MA/ NA are not going to provide ex-ante control on the preparation and launching of procurement procedures. The project partners bear sole responsibility for the implementation of the procurement procedures in conformity with the Programme rules, their projects and the Practical Guide on Contract Procedures for European Union External Action (PRAG).**

### 3.4. Initial monitoring visit/ meeting

In order to receive a realistic view of the readiness of the project teams for implementations of their projects, the JS performs initial on-the-spot visits or meetings in the JS office. The initial visit/ meeting will be held within 3 (three) months after signature of the Subsidy contract.

During the initial monitoring visit/ meeting following issues will be checked and discussed with the project team:

- **Beneficiary capacity and resources** - the JS expert checks whether the project team is aware of the terms and conditions of the contract and the specific characteristics of the project - readiness for the tender procedures, visualization requirements, reporting, etc. and whether the project partners have sufficient human resources for the project implementation and available financial resources to meet current expenditures on the project.
- **Project management and coordination** - the purpose of the check is to ascertain the level of management skills of the Project manager and LP's team for implementation of CBC projects, to assess if the LP is aware of it's role and to assess the partnership relations between the project partners. The JS experts check whether the roles and responsibilities between the PPs are clearly defined, whether the coordination/ communication between them is good and whether the LP has enforced accounting system and common monitoring and reporting system to ensure smooth project management.
- **Record keeping** - the purpose of the check is to verify that project documentation is kept separately from other documentation, in a project dossier containing all relevant documents, providing sufficient information on the project activities and whether it is properly organized and filled in. During the visit/ meeting the documents for appointment of the project team will be checked as well. Project office including for the needs of the monitoring visit should be ensured.

- **Time schedule and progress of activities** - the purpose of the check is to verify the progress of the project activities in comparison with project time schedule and the contract obligation and if the implemented activities correspond to these in the subsidy contract. The JS experts will check the project progress and the measures undertaken by the PPs concerning the planned services, supplies and construction works.
- **Public procurement** - the purpose of the check is to verify that the public procurement procedures are implemented in accordance with the approved Project procurement plan and to check the specified types of procedures, deadlines, maximum available budgets, etc.
- **Information and publicity** - the purpose of the check is to verify whether the information and publicity activities are carried out in accordance with subsidy contract and whether the Programme communication and visibility rules are properly respected.

### 3.5. Calculation of deadlines

Except where otherwise provided for in this document, deadlines are considered to be calculated in calendar days. The deadline starts running from the day following the day on which the reference date is estimated. Deadline ends at 17:30 p.m. on its last day. When the last day of the deadline expires during weekend or officially non-working days, the end day of the deadline is considered expired at 17:30 p.m. on the first following working day.

## 4. PUBLIC PROCUREMENT

The descriptions given below cover procedures for service, supply and works contracts in relation to procurement procedures as a part of project implementation activities of the Subsidy Contract. They are based on Art. 45 (1) of Implementing Regulation (EU) No 447/2014, Chapter 3 of Title VII of Part I of Regulation (EU, Euratom) No 2018/1046 and Chapter 3 of Annex I of the same regulation, as well as on the rules used already in the field of external aid/actions..

**Therefore this section of the PIM is based on existing procedures described in the Practical Guide on Contract Procedures for EU External Action (PRAG), available at the web page: <http://ec.europa.eu/europeaid/prag/>.**

During the project implementation PRAG may be amended. In case of substantial changes in the rules and procedures of PRAG, the MA will reflect the relevant changes in the PIM. Nevertheless, the Beneficiaries have the obligation to keep a close watch on the latest version of PRAG and to apply the current procedures and annexes.

**NB!**

**In case of modification of PRAG rules/annexes, the procedures launched before the new version was officially published shall be procured and contracted following the previous version of the Guide.**

The basic principle governing the awarding of the contracts is competitive tendering. The purpose is twofold:

- to ensure the transparency of operations, proportionality, equal treatment and non-discrimination;

and

- to obtain the desired quality of services, supplies or works at the best possible price.

There are several different procurement procedures, each allowing for a different degree of competition. The basic principles, types of procedures and rules apply to the procurement of all project partners.

**In the event of failure to comply with the procurement rules, expenditure relating to the operations in question is not eligible for EU financing or might be subject to irregularity proceeding.**

In order to facilitate efficient management and control of the procurement process carried-out by the Beneficiaries under the Programme, the MA requires the Beneficiaries to duly prepare and submit for approval the Project Procurement Plan immediately upon signing of the Subsidy Contracts (see section 3.3 "Procurement Plan").

#### **4.1. Basic rules**

- **Nationality (Annex A2a of PRAG)**

Participation in the award of procurement procedures, for the benefit of third parties, is open to all natural persons who are nationals of, and legal persons who are effectively established in, one of the following eligible countries/ territories / Beneficiaries:

- EU Member States;
- Beneficiaries listed in the Annex I of the IPA II;
- European Economic Area;
- Partner countries and territories covered by ENI Instrument;
- Countries for which the Commission has adopted a decision approving the request for reciprocal access to external assistance.

##### **How to verify compliance with the nationality rules?**

- The nationality of experts and other natural persons employed or legally contracted does not have to follow the nationality rules. Therefore, experts recruited or otherwise legally contracted by an eligible contractor/sub-contractor, may be of any nationality.
- For the purpose of verifying compliance with the nationality rules, the tender dossier requires the following from candidates and tenderers:
  - natural persons must state the country of which they are nationals;
  - legal persons must state the country in which they are established and provide evidence of such establishment by presenting the documents required under that country's law.

If the contracting authority (or evaluation committee) suspects that a candidate, tenderer or applicant does not comply with the nationality rules, it must ask the candidate/tenderer/applicant to provide evidence demonstrating actual compliance with the applicable rules.

To demonstrate their actual compliance with the 'establishment' criterion, legal persons have to demonstrate that:

- The legal person is established under the law of an eligible State, and



- Its real seat is within an eligible State. 'Real seat' must be understood as the place where its managing board and central administration, or its principal place of business, are located.

**NB!**

**The decision on whether or not candidates/tenderers/applicants are eligible is taken by the Contracting authority (usually on the basis of the information and evidence provided during the evaluation).**

- **Origin of goods**

All goods to be delivered under a supply contract and all materials, goods and components part of a works contract, financed under an EU instrument, must originate from an eligible country (please see above). The term 'origin' is defined in the relevant EU legislation on rules of origin for customs purposes: Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code<sup>38</sup>, and the Code's implementing provisions: Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code<sup>39</sup> and Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code<sup>40</sup>.

The country of origin is not necessarily the country from which the goods were shipped and supplied. Two basic concepts are used to determine the origin of goods:

- the concept of "wholly obtained" products (when only one country is involved in the production);
- the concept of products having undergone a "last substantial transformation" (when two or more countries are involved in the production of goods).

However, according to the Common Implementing Regulation (CIR), when the value of the supplies to be purchased is below 100 000 € per purchase, the supplies do not have to originate from an eligible country in case provision for full untying has been applied<sup>1</sup>. For the supplies higher than 100.000 € a derogation from the rule of origin can be approved in exceptional cases.

**NB!**

**Goods purchased for use during the execution of the contract, but not with the project funds (such as machinery for testing and installing the goods supplied, equipment used for construction activities, computers used by a service contractor to draft a study) are not subject to the rule of origin.**

The Contracting Authority may decide to apply the rule of origin with provision for full untying, meaning that all products (goods, materials, components) can be of any origin (full untying) if their value is below the threshold of EUR 100 000. The amount of any ancillary works and services is not taken into account. Where the contract is divided into lots, the rule applies per lot (only applicable to lots of less than EUR 100 000).

In case of works contracts that involve multiple purchases (supplies), the EUR 100 000 threshold applies by type of supply. Where the contract takes the form of a lump sum price, the breakdown of the lump sum price must be used to verify the EUR 100 000 threshold by type of supply. Rules of origin do not apply to

<sup>1</sup> Art. 8(4) of REG No 236/2014



supplies purchased in order to carry out a works contract, where the contractor keeps the purchased items at the end of the project.

When the rule of origin is applied with provision for full untying and the overall value of supplied products (goods, materials, components) is below the above threshold, no documents proving the origin are necessary.

**Example:** For procurement of three vehicles, with a total value of 90,000 EUR (30,000 EUR each), no document proving the origin is necessary, if full untying is stated in the Contract notice. In case the total value for three vehicles was 120,000 EUR (40,000 EUR each), then no full untying is applicable and adequate documentation for proving the origin is necessary (certificates of origin).

**NB!**

**In order to apply the rule of origin with provision for full untying, the Contracting Authority for all tenders should clearly state this in the Contract notice or in case of single tender – in the Instructions to tenderers.**

#### How to verify compliance with the origin rules?

If the procured goods should be from an eligible country, when submitting its tender (under supply procurement procedure), the tenderer must state expressly that all the supplied products (goods, materials, components) will meet the requirements concerning origin and must state the country(ies) of origin. When tendering for systems comprising more than one item, the origin of each item in the system must be specified. The tenderer may be requested to provide documents supporting the stated origin.

**NB!**

**The declarations of origin must be submitted at the latest during implementation of the contract when the certificate of provisional acceptance is requested. Failing this, the contracting authority will not make any further payment to the contractor. Declarations of origin must be issued by the competent authorities (usually the Chamber of Commerce) and comply with the international agreements of which that country is a signatory.**

- **Grounds for exclusion**

The exclusion criteria aim at excluding from receiving European Union funds or participating in grant or procurement procedures the entities or persons found in specific exclusion situations (also called 'exclusion grounds').

The contracting authority must reject from a given award procedure a candidate, tenderer or applicant who:

- a) is in one of the exclusion situations established under Section 2.6.10.1.1 of PRAG;
- b) has misrepresented the information required by the contracting authority as a condition for participating in the procedure or has failed to supply that information;
- c) was previously involved in the preparation of procurement documents used in the award procedure where this entails a breach of the principle of equality of treatment, including distortion of competition that cannot be remedied otherwise.

All candidates, tenderers and applicants should declare the circumstances related to these criteria in relevant annexes, parts of the tendering documentation, or through documentary evidence, when

specifically requested..

For more details, please refer to points 2.6.10, as well as 2.5.4 and 2.5.7 of the PRAG.

### **Visibility**

All Beneficiaries and contractors, managing EU funds, must ensure the visibility of EU financing. The visibility requirements and guidelines are provided in the Communication and Visibility Manual for EU External Actions, published at: <https://ec.europa.eu/europeaid/work/visibility/en>

All of these requirements are explained and illustrated with practical examples, included in the Programme's Communication and Visibility Guidelines (Annex 10 of the PIM).

- **Other essential points**

**Irregularity** means any breach of Union law, or of national law relating to its application, resulting from an act or omission by an economic operator involved in the implementation of the ESI Funds, which has, or would have, the effect of prejudicing the budget of the Union by charging an unjustified item of expenditure to the budget of the Union;

Fraud shall consist of any intentional act or omission relating to:

1. the use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of funds from the general budget of the European Communities or budgets managed by, or on behalf of, the European Communities;
2. non-disclosure of information in violation of a specific obligation, with the same effect;
3. the misapplication of such funds for purposes other than those for which they were originally granted

- **Conflicts of interest**

A conflict of interest occurs when the impartial and objective exercise of the functions of the contracting authority, or observance of the principles of competition, non-discrimination against or equality of treatment of candidates, tenderers, applicants and contractors, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a Beneficiary of EU-funded programmes. A conflict of interest may arise where, for instance, a member of the evaluation committee or someone in the contracting authority or others involved in the procedure grant themselves, or others, unjustified direct or indirect advantages by influencing the outcome, or allow an expert or company to obtain information leading to an unfair advantage in subsequent or related procedures.

For instance, any firm or expert involved in preparing a project (e.g. drafting the terms of reference) must, as a rule, be excluded from being awarded a services contract that are based on those preparations, unless they can prove to the contracting authority that their initial involvement does not constitute unfair competition.

Candidates/tenderers/applicants that have a conflict of interest in relation to a particular contract are excluded from this contract award. The grounds for exclusion must be considered case by case. Any automatic exclusion deprives the candidate/tenderer/applicant of the right to present supporting evidence



which might remove all suspicion of a conflict of interest.

**NB!**

**Where a conflict of interest might occur with regard to on-going contracts, measures must be adopted to prevent or to resolve such a conflict, including cancelling the contract if necessary.**

## 4.2. Type of contracts

### • Service contracts

IPA contracts in the context of EU External aid include specific support in form of studies or technical assistance.

**Study contracts** include studies for identification and preparation of projects, feasibility studies, economic and market studies, technical studies, evaluations and audits.

**Technical assistance contracts** are used where a service provider is called on to provide a service, such as organizing events, or to play advisory role, to manage or supervise a project, or to provide the experts specified in the contract.

Generally a service contract may be concluded in two different ways:

- **Global price** - where specified outputs are defined. The service will be paid on the basis of the delivery of the specified outputs. Examples for the global price contracts are service contracts for studies, evaluations, audits, organization of events such as conferences, trainings, etc. Global price always specifies the output, i.e. the consultant must provide a given product.
- **Fee-based** - where the output is unpredictable, or where the workload to achieve the specified output is impossible to quantify in advance. Therefore it is economically more advantageous to pay the services on the basis of time actually worked. The examples for fee-based contracts are the service contracts for Project supervision, Resident Technical assistance, Facilitation in a multi-stakeholder process (depending of the complexity of the environment), etc.

### • Supply contracts

Supply contracts cover the purchase, leasing, rental or hire purchase, with or without option to buy, of products. A contract for the supply of products and, incidentally, for sitting and installation shall be considered a supply contract. Generally, this includes supply of vehicles, IT equipment, furniture, audio visual equipment, promotional materials, etc.

Specific provisions and challenges in purchasing supplies **depend on the type and scope of equipment.**

### • Works Contracts

Works contracts cover either the execution, or both the execution and design, of works or a work related activities, such as:

- Building site preparation;
- Building of complete constructions or parts thereof; civil engineering;
- Building installation;

- Building completion;
- Renting of construction and demolition equipment, etc.

The notion 'works' includes the outcome of building or civil engineering works taken as a whole that is sufficient of itself to fulfil an economic or technical function.

### 4.3. Procurement procedures

- **Which procurement procedure to apply?**

In the definition of the type of procurement procedure, the following key elements are particularly important:

- **Financial thresholds** - the financial thresholds define which procedure needs to be applied.
- **Procedure** - depending on the type of the contract, different procedures are applied.
- **Use of standard format of documents** - in order to enable comparison and control on the implementation of the public procurement, the PRAG provides a number of standardized documents, covering every step in the procedure. **They are obligatory for use by all Beneficiaries, in order to simplify and unify tender dossiers under the Programme.** The standardized documents are considered to provide sufficient basis for preparation of tender documentation in compliance to the rules and procedures of the PRAG.
- **Evaluation procedure** - evaluation procedure largely depends on the type of contract. In some cases, the price is the exclusive selection criteria and in other cases the selection is based on the combination of price and technical quality of offers.

Regardless of which procedure is used, the Beneficiaries must ensure that all the basic principles are respected (including eligibility, exclusion and selection criteria).

<b>NB!</b>	<p><b>Note that procedures must not be split artificially to circumvent the procurement thresholds. Services / supplies / works of the same / similar nature should be included in one procurement procedure. Example:</b> In general, elaboration of web sites and web portals; supply of computer equipment and computer software; repairs and construction works; etc.).</p>
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- **Thresholds for public procurement procedures**

The thresholds for public procurement procedures can be summarized as follows:

<b>SERVICES</b>	<p><b>≥ € 300,000</b></p> <p><i>International restricted or open tender procedure</i></p>	<p><b>&lt; € 300,000 but &gt; € 20,000</b></p> <p><i>-Framework contracts SIEA 2018</i></p> <p><i>- Simplified procedure</i></p>	<p><b>≤ € 20,000</b></p> <p><i>Single tender</i></p>
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<b>SUPPLIES</b>	<b>≥ € 300,000</b> <i>International restricted or open tender procedure</i>	<b>&lt; € 300,000 but ≥ € 100,000</b> <i>Local open tender procedure</i>	<b>&lt; € 100,000 but &gt; € 20,000</b> <i>Simplified procedure</i>	A payment may be made against invoice without prior acceptance of a tender if the expenditure is  <b>≤ 2 500 €</b>
	<b>≥ € 5,000,000</b> <i>International open tender procedure</i>  <i>Or</i> <i>International restricted tender procedure</i>	<b>&lt; € 5,000,000 but ≥ € 300,000</b> <i>Local open tender procedure</i>	<b>&lt; € 300,000 but &gt; € 20,000</b> <i>Simplified procedure</i>	
<b>WORKS</b>	<b>≥ € 300,000</b> <i>International restricted or open tender procedure</i>	<b>&lt; € 300,000 but ≥ € 100,000</b> <i>Local open tender procedure</i>	<b>&lt; € 100,000 but &gt; € 20,000</b> <i>Simplified procedure</i>	A payment may be made against invoice without prior acceptance of a tender if the expenditure is  <b>≤ 2 500 €</b>
	<b>≥ € 5,000,000</b> <i>International open tender procedure</i>  <i>Or</i> <i>International restricted tender procedure</i>	<b>&lt; € 5,000,000 but ≥ € 300,000</b> <i>Local open tender procedure</i>	<b>&lt; € 300,000 but &gt; € 20,000</b> <i>Simplified procedure</i>	

The thresholds given in the table are based on the maximum budget for the contract in question, including any co-financing.

For some practical advice regarding public procurement, please refer to Annex 14.2 of the PIM.

### SERVICES, SUPPLIES AND WORKS ≤ EUR 2 500,00

**NB!**

**Payments for services, supplies and works less than or equal to EUR 2 500 may be made against invoice without prior acceptance of a tender.**

This concerns only expenditures for services, supplies and works, with amount less than or equal to EUR 2 500, which cannot be merged with other similar expenditures. However, when the complexity or duration of the service/supply requires it, Beneficiaries are recommended to conclude simplified service/ works contracts with Terms of reference (ToR) / Technical specification (TS). The annexes of for single tender procedures, are applicable in such cases.

### SINGLE TENDER

Under the single tender procedure, the Beneficiary (in its role of Contracting Authority) invites candidate/s to submit an offer (or more than one). The Contracting Authority checks whether the offers correspond to the requirements (Terms of references) in case of services, or whether they are technically compliant to the specifications, in case of supply and works tenders.

Even though one offer is formally enough, the Beneficiary, i.e. Contracting Authority, should prepare a detailed justification of the choice of contractor and to include it in the Negotiation report. Moreover, the Beneficiary **has the obligation to strictly observe the principle of best value for money** and to take all necessary measures (e.g. internet research of prices, comparison between similar contracts, etc.).

**Publication:** No publication is required.

**Submission of tenders:** The tenderer/s is/are normally given 15 days for submission of offers.



**Tender dossier:**

<b>NB!</b>	<p>Due to the fact, that there are no detailed tender dossiers for single tenders in the PRAG (with the exception of single tender procedure for service), the Managing Authority adapted simplified dossiers recommended to be used by the Beneficiaries. If the complexity and specifics of the tender require it, the beneficiaries may include additional annexes or adjustments to the proposed tender dossiers.</p> <p>In order to ensure high level of competition, beneficiaries could invite more than one tenderer. In such case, the respective PRAG tender dossier for Simplified procedure (simplified tender dossier) is to be used.</p>
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The Beneficiary in its role of Contracting Authority shall prepare tender dossier, containing:

**Single tender dossier for service:**

In case of single tender procedures for services one of two possible scenarios could be followed:

1. One tender invited:

Based on the complexity, amount and the nature of the tender, the Beneficiary may choose to invite ONLY ONE TENDERER under a single tender procedure. In this case, the simplified dossiers adapted by the Joint Secretariat and available with the most recent version of the PIM (Annex 14.1.1) could be used.

2. More than one tenderer invited:

In case the Beneficiary, i.e. the Contracting Authority, decides to invite MORE THAN ONE TENDERER/PUBLISHES THE TENDER DOSSIER, the respective PRAG tender dossier for Simplified procedure (simplified dossier – b8o) is to be used.

Templates for single tender procedures for service (minimal set of documents recommended)			
<i>One tenderer invited</i>		<i>More than one tenderer invited</i>	
<i>Templates: PIM + PRAG</i>		<i>Templates: PRAG</i>	
<i>Tender dossier</i>			
<b>Invitation to Tender</b>	<i>PRAG, Annex b8o4_invit_simp_en.doc</i>	<b>Invitation to Tender</b>	<i>PRAG, Annex b8o4_invit_simp_en.doc</i>
<b>Instructions to tenderers</b>	<i>PIM, Annex 14.1.1.1</i>	<b>Instructions to Tenderers</b>	<i>PRAG, Annex b8o5_itt_simp_en.doc</i>
		<b>Contract notice</b>	<i>PRAG, Annex B8o3 Contract notice</i>
<b>Draft contract</b>	<i>PIM, Annex 14.1.1.3</i>	<b>Terms of Reference</b>	<i>PRAG, Annex B8e Draft contract: Terms of reference Fee-based (Annex II) or B8f Draft contract: Terms of reference Global (Annex II)</i>
		<b>Organisation and Methodology (to be submitted by the</b>	<i>PRAG, Annex B8g Draft contract: Organisation &amp; methodology (Annex III)</i>

		tenderer using the template provided)	
		Key experts (including templates for the summary list of key experts and their CVs) (For contracts requiring key experts)	<i>PRAG, Annex B8h Draft contract: List and CVs of key experts (Annex IV)</i>
		Budget (to be submitted by the tenderer as the Financial offer using the template provided)	<i>PRAG, Annex B8i1 Budget for a global-price contract or B8i2 Budget breakdown for a fee-based contract</i>
		Forms and other supporting documents	<i>PRAG, Annexes: B8j1 Bank account notification form B8j2 Financial guarantee template B8j3 Legal Entity File (individual) B8j4 Legal Entity File (private companies) B8j5 Legal Entity File (public bodies)</i>
		Expenditure verification: Terms of Reference and Report of Factual Findings (to be deleted for global price contracts)	<i>PRAG, Annex B8k Draft contract: Expenditure verification: Terms of Reference and Report of factual Findings (Annex VII)</i>
<b>Tender submission form</b>	<i>PIM, Annex 14.1.1.2</i>	<b>Service Contract Notice</b>	<i>PRAG, Annex b8o3_contractnotice_simp_en.doc</i>
		<b>Draft Contract</b>	<i>PRAG, Annex b8o2_contract_simp_en.doc</i>
		<b>General Conditions for service contracts</b>	<i>PRAG, Annex B8d Draft contract : General conditions (Annex I)</i>
		<b>Tender Submission Form</b>	<i>PRAG, Annex b8o7_tenderform_simp_en.doc</i>
		<b>Declaration of honour on exclusion and selection criteria</b>	<i>PRAG, Annex A14 Declaration of honour on exclusion and selection criteria</i>
		<b>List of Entities Invited to Submit a Tender</b>	<i>PRAG, Annex b8o6_list_simp_en.doc</i>

	<b>Administrative Compliance Grid</b>	<i>PRAG, Annex b8o1_admingrid_simp_en.doc</i>
	<b>Evaluation grid</b>	<i>PRAG, Annex B8m1 Evaluation grid (fee-based) or B8m2 Evaluation grid (global price)</i>

**Single tender for supply:**

<b>Templates for single tender procedures for supply (minimal set of documents recommended)</b>	
<b>Instructions to tenderers</b>	<i>PIM, Annex 14.1.2</i>
<b>Tender submission form</b>	<i>PIM, Annex 14.1.2</i>
<b>Supply contract (draft)</b>	<i>PIM, Annex 14.1.2</i>

**Single tender for works:**

<b>Templates for single tender procedures for works (minimal set of documents recommended)</b>	
<b>Instructions to tenderers</b>	<i>PIM, Annex 14.1.3</i>
<b>Tender submission form</b>	<i>PIM, Annex 14.1.3</i>
<b>Works contract (draft)</b>	<i>PIM, Annex 14.1.3</i>

For single tenders for supply and works the tender dossiers in PIM will be used in both cases – in procedures with only one tenderer invited and in procedures with more than one tenderer invited.

Additionally, Declaration of honour on exclusion and selection criteria (Annex A14 of PRAG) could be included in the tender dossier for Single tender (service, supply or works). For procurement contracts with a value of EUR 15 000 or less, the contracting authority may refrain from requiring a declaration depending on its risk assessment.

### **Selection process on the basis of single tender procedure**

The selection process for single tender contracts is by definition not about comparison of different tenders, rather than assessment whether the received tender is **in line with basic technical requirements** as described in the tender dossier.

Single tender procedure evaluation is based on p. 2.6.8 of the PRAG.

**Establishment of Evaluation committee is not required in case of single tender procedures.** The Beneficiary shall describe the selection process in Annex A10b of the PRAG for all type of contracts, explaining the manner in which the participant(s) in the negotiations were identified and the price was established, and the grounds for the award decision. The Contracting Authority must follow the negotiation steps shown in the negotiation report template and ensure that basic principles relating to procurement procedures such as checking compliance with eligibility rules (nationality rules), capacity to carry out the contract and exclusion criteria are duly applied.

All documents, proving the declared circumstances by the tenderer should be requested and attached to

the Annex A10b, in order to support the final decision of the Beneficiary. The additional documents should be requested at latest at the evaluation stage and before signature of the contract.

In case of single tender procedures for services one of two possible scenarios could be followed:

1. One tenderer invited:

The assessment of the tender should be carried out under the template for Negotiation report for single tenders, annex A10b of the PRAG. Following this scenario, the assessment procedure serves only for confirming the administrative and technical compliance of the tender to the requirements, set out in the Instruction to tenders.

2. More than one tenderer invited:

The Contracting Authority has to evaluate all tenders according to the “best value for money” award criterion, by establishing best price-quality ratio, and weighing technical quality against price on an 80/20 basis. This evaluation must also be documented in the Negotiation Report for single tenders, annex A10b of the PRAG. !!! This scenario is to be followed even though some of the invited candidates may not submit offers.

**In all cases, the respective conclusions from the evaluation process must be justified in the Negotiation report for single tenders, Annex A10b of the PRAG.**

<b>Forms for the selection process for service contracts</b>			
<b>One tenderer invited</b>		<b>More than one tenderer invited</b>	
<b>Negotiation report for single tenders</b>	<i>PRAG, Annex a10b_singletenderreport_en.doc</i>	<b>Negotiation report for single tenders</b>	<i>PRAG, Annex a10b_singeltenderreport_en.doc</i>
<b>Notification Letter to awarded tenderer</b>	<i>PRAG, Annex b13a_notification_letter_en.doc</i>	<b>Notification Letter to awarded tenderer</b>	<i>PRAG, Annex b13a_notification_letter_en.doc</i>
		<b>Letter to second best tenderer</b>	<i>PRAG, Annex b13b_lettersecond_best_en.doc</i>
		<b>Letter to unsuccessful tenderer</b>	<i>PRAG, Annex b13c_letterunsuccessful_en.doc</i>

The Contracting Authority should send notification letter to the awarded company, as well as to the unsuccessful tenderers. Models of such letters can be found in the PRAG (sections 3, 4 and 5).

**Contract** with the successful tenderer could be drafted on the basis of the format provided in the tender documents.

**TENDER PROCEDURES > EUR 20 000,00**

**NB!**

**For all tender procedures above EUR 20 000,00, the Beneficiary (i.e. Contracting Authority) must invite JS to observe the evaluation process by nominating observers.**

Invitations for the opening session of the tenders have to be sent to JS within 10 days before the relevant date of opening. Up to 5 days after receiving of the invitation the members of the programme structure, with a letter to the Beneficiary, may appoint its representative to observe all or part of the evaluation process.



## SIMPLIFIED PROCEDURE (FORMER “COMPETITIVE NEGOTIATED”)

Under the simplified procedure, the Beneficiary (in its role of Contracting Authority) invites candidates of its choice to submit tenders. The Beneficiary draws up a list of at least three contractors with a justification of its choice and sends letters of invitation to tender accompanied by a tender dossier.

Simplified procedure applies to **service, supply and works contracts**. The procedures for services and works should be implemented using simplified tender documents (annexes B8o and DS1 of PRAG). The Beneficiary, in its capacity of Contracting Authority should prepare the tender dossier which describes in sufficient details procedures and expectations from the tenderer.

**Publication:** The tender dossier has to be published on the Programme website and the beneficiary’s website (in its role of Contracting Authority). More details are available below in section Procurement publications.

**Submission of tenders:** The invited tenderers must be allowed minimum 30 days from the dispatch of the letter of invitation to tender to submit their offers.

The Beneficiary in its role of Contracting Authority **shall prepare tender dossier, containing:**

Simplified procedure for service	Simplified procedure for supply	Simplified procedure for works
<ul style="list-style-type: none"> <li>- Invitation to tenderers;</li> <li>- Contract notice;</li> <li>- Instructions to tenderers;</li> <li>- Service contract (draft), special and general conditions;</li> <li>- Terms of reference;</li> <li>- Organization and methodology;</li> <li>- Administrative compliance grid;</li> <li>- Evaluation grid;</li> <li>- Tender submission form;-</li> <li>- Declaration of honour on exclusion and selection criteria</li> <li>- Budget;</li> </ul>	<ul style="list-style-type: none"> <li>- Invitation to tenderers;</li> <li>- Contract notice;</li> <li>- Instructions to tenderers;</li> <li>- Draft contract, Special conditions &amp; General conditions;</li> <li>- Technical specifications &amp; Technical offer;</li> <li>- Budget breakdown (model financial offer);</li> <li>- Supply contract (draft);</li> <li>- Tender form for a supply contract;</li> <li>- Declaration of honour on exclusion and selection criteria</li> <li>- Administrative compliance grid;</li> <li>- Evaluation grid;</li> <li>- Forms.</li> </ul>	<p><b>Volume 1:</b></p> <ul style="list-style-type: none"> <li>- Invitation to tenderers;</li> <li>- Instructions to tenderers;</li> <li>- Tender form &amp; Tender guarantee form;</li> <li>- Contract notice;</li> <li>- General information about the tenderer (Legal entity file);</li> <li>- Organization chart;</li> <li>- Power of attorney, Financial statement &amp; Financial identification form;</li> <li>- Technical qualifications: overview of the tenderer’s staff; staff to be employed on the contract; professional experience of key staff; CV;</li> <li>- Plant;</li> <li>- Work plan and programme;</li> <li>- Experience as contractor;</li> <li>- Administrative compliance grid / Evaluation grid.</li> <li>- Declaration of honour on exclusion and selection criteria</li> </ul> <p><b>Volume 2:</b></p> <ul style="list-style-type: none"> <li>- Contract form, general and special conditions;</li> </ul> <p><b>Volume 3:</b> Technical specifications;</p>





- Forms.		<b>Volume 4:</b> Financial offer; <b>Volume 5:</b> Design documents, drawings.
<b>All annexes included in the PRAG</b>	<b>All annexes included in the PRAG</b>	<b>All annexes included in the PRAG</b>

### Selection process under Simplified procedure

Tenders are opened and evaluated by an **Evaluation Committee** appointed timely and formally by the Contracting Authority comprising:

- **a non-voting Chairperson;**
- **a non-voting Secretary;**
- **an odd number of voting members (minimum of three).**

The Evaluation Committee members should be appointed by official nomination (Administrative order of composition) of the Beneficiary in its role of a Contracting Authority, **based on their qualifications and skills**. Each member must have a reasonable command of the language in which the applications are submitted (English) and the technical and administrative ability to give an informed opinion on the tenders.

**All members of the Evaluation Committee are obliged to sign a Declaration of Impartiality and Confidentiality.** The format of the declaration is available under **Annex A4 of the PRAG: Declaration of Impartiality and Confidentiality**.

The process of evaluation includes assessment of the candidates/tenders and tenderers under four types of criteria:

Type of criteria	Description
<b>Eligibility criteria</b>	Assessment whether the candidates/tenderers and tenders comply with the basic rules (nationality, origin, other essentials). For more information, refer to p. 2.3 of the PRAG.
<b>Exclusion criteria</b>	Assessment whether the candidates/tenderers fall under one or any exclusion criteria. For more information, refer to p. 2.6.10 of the PRAG.
<b>Selection criteria</b>	Regardless of the type of procurement procedure used, the capacity of the candidate or tenderer to implement the contract is always assessed on the basis of objective criteria set out in the tender dossier. This includes assessment of the financial and economic capacity of candidates or tenderers and of their technical and professional capacity. For more information, refer to p. 2.6.11 of the PRAG.
<b>Award criteria</b>	In case of service contract the award criterion is "best value for money". The selection is based on comparison of the price and the technical quality of the received offers. The offer which provides the best value for money is awarded with the contract. Normally the ratio 20% price and 80% technical quality is

used.

In case of supply and works contracts, the selection is based on the criterion "lowest price". The contract is awarded to the tender which, while being in order and satisfying the conditions laid down in the tender dossier, quotes the lowest price.

For more information, please refer to p.2.6.11.4 of the PRAG.

**The selection process under simplified procedure includes the following steps:**

***I. Receipt and registration of tenders***

The Contracting Authority must register the receiving of tenders, marking the date and time of reception, and provide a receipt for those delivered by hand. The envelopes containing the tenders must remain sealed and be kept in a safe place until they are opened. The outer envelopes of tenders must be numbered in order of receipt (whether or not they are received before the deadline for submission of tenders).

***II. Preparatory meeting***

First meeting of the Evaluation Committee has to be held before the Tender opening session. The tender dossier should have been distributed in advance to the members of the Evaluation Committee. The Chairperson presents the purpose of the tender, the procedures to be followed by the Evaluation Committee including the evaluation grid and selection and award criteria specified in the tender dossier.

***III. Tender opening session***

The Tender opening session is a formal process, which for supply and works tenders is also public. Although it is public, participation in the tender opening session is restricted to representatives of the companies which are tendering for the contract. The Evaluation Committee opens the tenders in public at the place and time fixed in the tender dossier.

During the tender opening session, the **tender opening checklist** has to be filled in by the Chairperson with the assistance of the Secretary of the Evaluation Committee.

The Chairperson must check that no member of the Evaluation Committee has a potential conflict of interest with any of the tenderers (on the basis of the tenders received, consortium members and any identified subcontractor).

The Evaluation Committee must check that the tenders are complete and to decide whether or not tenders comply with the formal requirements of the tender dossier. The summary of tenders received, which is attached to the **Tender opening report** must be used to record the compliance of each of the tenders with the formal submission requirements. The minutes of this meeting are included in the Tender Opening Report and it must be made available to the tenderers on request.

***IV. Evaluation of offers***

As part of the technical evaluation, the Evaluation Committee analyses the commercial aspects and, where applicable, the service component of the tenders to determine whether they satisfy the

requirements set in the tender dossier. The results are recorded in a YES/NO grid for all elements specified in the tender dossier. No scoring method should be used. If the tender is divided into lots, the evaluation should be carried out lot-by-lot.

With the agreement of the other Evaluation Committee members, the Chairperson may communicate in writing with tenderers whose submissions require clarification, offering them the possibility to respond within a reasonable time limit to be fixed by the Committee.

**In case of Simplified procedure for service contract:**

***Part 1: Checking of administrative compliance***

The Evaluation Committee checks the compliance of tenders with the instructions given in the tender dossier and in particular the administrative compliance grid. Any major formal errors or restrictions affecting performance of the contract or distorting competition result in the rejection of the tender concerned.

**Nationality of sub-contractors:** the Evaluation Committee must check at this stage that the nationalities of any sub-contractors identified in the technical offers satisfy the INTERREG-IPA CBC programme nationality rule. If the service provider is required by the terms of reference to provide supplies in accordance with detailed technical specifications laid down in the terms of reference, the Evaluation Committee must verify that the proposed supplies satisfy the rule of origin.

The tenderers could be requested to provide proof documents for the key experts proposed. This can include copies of the diplomas mentioned in the CV and employers' certificates or references proving the professional experience indicated in the CV. If missing proofs are requested it should only be for the relevant experience and diplomas which are among the requirements in the Terms of Reference.

The Administrative compliance grid included in the Tender Dossier must be used to record the administrative compliance of each of the tenders.

***Part 2: Technical evaluation***

The Evaluation Committee then examines the technical offers; the financial offers must remain sealed at this stage. When evaluating technical offers, each member awards each offer a score out of a maximum 100 points in accordance with the technical evaluation grid laid down in the tender dossier. Under no circumstances may the evaluation grid be changed.

In practice, it is recommended that tenders be scored for a given criterion one after another, rather than scoring each tender for all criteria before moving on to the next. Where the content of a tender is incomplete or deviates substantially from one or more of the technical award criteria laid down in the tender dossier (e.g. the required profile of a certain expert), the tender should be automatically rejected, without being given a score, but this should be justified in the evaluation report.

For experts the scores should be given in comparison to the requirements stated in the Terms of Reference.

Each voting member of the Evaluation Committee completes an **Evaluation grid** to record his/her assessment of each technical offer in order to establish a general appreciation of strengths and weaknesses of the individual technical offers.

On completion of the technical evaluation, the points awarded by each member are compared at the Committee's session. Besides the numerical score, a member must explain the reasons for his/her choice

and defend his/her scores before the Committee.

The Evaluation Committee discusses each technical offer and each member awards it a final score. The Committee members may modify their individual evaluation grids as a result of the general discussion on the merits of each offer.

Once discussed, each Evaluation Committee member finalizes his/her evaluation grid on each of the technical offers and signs it before handing it over to the Secretary of the Evaluation Committee. The Secretary must then compile a summary of the comments of the Committee members as part of the Evaluation Report.

In the case of major discrepancies, a full justification has to be provided by dissenting members during a meeting of the Evaluation Committee.

The Secretary calculates the aggregate final score, which is the arithmetical average of the individual final scores.

The Evaluation Committee might decide to implement interviews with proposed key experts to assess their competences, either by telephone or personally. *Depending on the type of service and the size of the contract this can be strongly recommended.*

Once the Evaluation Committee has established each technical offer's average score (the mathematical average of the final scores awarded by each voting member), any tender falling short of the 75-point threshold is automatically rejected. If no tender achieves 75 points or more, the tender procedure will be cancelled.

Out of the tenders reaching the 75-point threshold, the best technical offer is awarded 100 points. The others receive points calculated using the following formula:

Technical score = (final score of the technical offer in question/final score of the best technical offer) x 100.

	Maximum possible	Tenderer 1	Tenderer 2	Tenderer 3
Evaluator A	100	55	88	84
Evaluator B	100	60	84	82
Evaluator C	100	59	82	90
Total	300	174	254	256
Average score (mathematical average)		174/3=58,00	254/3=84.67	256/3=85.33
Technical score (actual final score/highest final score)		Eliminated*	84.67/85.33x100 = 99.22	100.00

\* Only tenderers with average score of at least 75 points qualify for the financial evaluation.

### Part 3: Financial evaluation

Upon completion of the technical evaluation, the envelopes containing the financial offers for tenders who were not eliminated during the technical evaluation (i.e., those which have achieved an average score of 75 points or more) are opened and all originals of these financial offers are initialed by the Chairperson



and the Secretary of the Evaluation Committee.

The Evaluation Committee has to ensure that the financial offer satisfies all formal requirements. A financial offer not meeting these requirements may be rejected. Any rejection on these grounds will have to be fully justified in the Evaluation Report.

The Evaluation Committee checks that the financial offers contain no arithmetical errors. Any arithmetical errors are corrected without penalty to the tenderer. The envelopes containing the financial offers of rejected tenderers following the technical evaluation must remain unopened and retained. They must be archived by the Contracting Authority together with the other tender procedure documents.

In the case of fee-based contracts, the total contract value comprises the fees (including employment-related overheads), the incidental expenditure and the provision for expenditure verification, which are specified in the tender dossier. In the case of lump-sum contracts only total contract value is provided. The total contract value is compared with the maximum budget available for the contract. Tenders exceeding the maximum budget allocated for the contract are eliminated. For the Turkish project partners: exchange rate for conversion of financial offers to euro should be specified in Instructions to tenderers. Otherwise, InforEuro exchange rate from month of launching the tender procedure must be applied.

The Evaluation Committee then proceeds with the financial comparison of the fees between the different financial offers. The provision for incidental expenditure, as well as the provision for expenditure verification is excluded from the comparison of the financial offers as it was specified in the tender dossier. In case of lump-sum contract the total contract value is used as basis for financial evaluation.

The tender with the lowest total fees + lump sums receives 100 points. The others are awarded points by means of the following formula:

Financial score = (lowest total fees + lump sums / total fees + lump sums of the tender being considered) x 100.

When evaluating financial offers, the evaluation committee compares only the total fees and lump sums.

Specimen Tender Evaluation Summary: Financial Evaluation \*

	Maximum possible	Tenderer 1	Tenderer 2	Tenderer 3
<b>Total fees</b>			€ 951.322	€ 1.060.452
<b>Financial score (lowest total fees/actual total fees x 100)</b>		Eliminated following technical evaluation	100	951.322/1.060.452 x100 = <b>89.71</b>

\* Only tenderers with average scores of at least 75 points in the technical evaluation qualify for the financial evaluation

**Part 4: Choice of contractor**

The best value for money is established by weighing technical quality against price on an 80/20 basis. This is done by multiplying:

- the scores awarded to the technical offers by 0,80,
- the scores awarded to the financial offers by 0,20.

Specimen Tender Evaluation Summary: Composite Evaluation

	Tenderer 1	Tenderer 2	Tenderer 3
<b>Technical score</b> x0.80	Eliminated following technical evaluation	99,22 x 0.80 = <b>79.38</b>	100.00x0.80 = <b>80.00</b>
<b>Financial score</b> x0.20		100.00x0.20= <b>20.00</b>	89.71x0.20= <b>17.94</b>
<b>Overall score</b>		79.38 + 20.00= <b>99.38</b>	80.00 + 17.94= <b>97.94</b>
<b>Final ranking</b>		<b>1</b>	<b>2</b>

The resulting, weighted technical and financial scores are then added together to find the tender with the highest score, i.e. the best value for money. It is essential to make the calculations strictly according to the above instructions. The Evaluation Committee's recommendation shall be to award the contract to the tender achieving the highest overall score on the condition that the documentary evidence submitted by the tenderer for the exclusion and selection criteria are verified and accepted.

**In case of Simplified procedure for supply and works contracts:**

***Part 1: Administrative compliance***

Before conducting a detailed evaluation of the tenders, the Evaluation Committee checks that they comply with the essential requirements of the tender dossier (i.e. the **Administrative compliance grid**). A tender is deemed to comply if it satisfies all the conditions, procedures and specifications in the tender dossier without substantially departing from or attaching restrictions to them. Substantial departures or restrictions are those which affect the scope, quality or performance of the contract, differ widely from the terms of the tender dossier, limit the rights of the Contracting Authority or the tenderer's obligations under the contract or distort competition for tenderers whose tenders do comply.

The administrative compliance of each of the tenders must be recorded in the **Evaluation Report**.

***Part 2: Technical compliance of tenders***

The detailed technical evaluation of the tenders takes place after the administrative compliance check and should be formalized with the **Evaluation grid**. The criteria to be applied are those published in the tender dossier and, accordingly, the evaluation grid included in the tender dossier must be used. **Under no circumstances may the Evaluation Committee or its members change the evaluation grid communicated to the tenderers in the tender dossier.**

The purpose of this evaluation is to assess whether or not the competing tenders meet the selection criteria and the minimum technical requirements. Tenders which do not meet the selection criteria and the minimum technical requirements must be rejected.

**Rule of origin:** All tenders must satisfy the rule that **the goods to be supplied and the materials to be used for the construction** fulfil the requirements, set in section 2.3.5 of the PRAG. In case of any doubt as to the origin of goods, additional information must be requested. The tenderer will be required to provide, if possible prior to the signature of the contract, proof of origin in the form of a Certificate of Origin or other official documentation. To establish origin, one must determine where the product in question has been obtained or produced. Tenders which clearly fail to satisfy the rule of origin **must be rejected**. The rule of origin does not apply to the contractor's equipment which will be used during the construction.

**Nationality of sub-contractors:** The Evaluation Committee must check at this stage that the nationalities

of any sub-contractors identified in the technical offers satisfy the nationality rule, also described in section 2.3.1 of the PRAG.

The Evaluation Committee rules on the technical compliance of each tender, classifying it as technically compliant or not technically compliant.

**Part 3: Evaluation of financial offers**

Once the technical evaluation has been completed, the Evaluation Committee checks that the financial offers contain no arithmetical errors. Any arithmetical errors are corrected without penalty to the tenderer.

If the tender is in one lot, the contract is awarded to the cheapest technically compliant offer.

If the tender procedure contains several lots, financial offers are compared for each lot. The financial evaluation will have to identify the best financial offer for each lot, taking into consideration any eventual discounts granted by the tenderers.

Specimen of application of discounts: Company A offers a discount of 20% if awarded Lots 1 and 3, Company B offers a discount of 10% if awarded all three Lots, Company C offers NO discount.

	Company A	Company B	Company C	Ranking without discount
<b>LOT 1</b>	90	80	70	Company C
<b>LOT 2</b>	Not bidding	40	50	Company B
<b>LOT 3</b>	60	70	55	Company C

After applying the discount:

	Company A (20% discount)	Company B (10% discount)	Company C (no discount)
<b>LOT 1</b>	72	72	70
<b>LOT 2</b>	Not bidding	36	50
<b>LOT 3</b>	48	63	55

The 3 combinations possible:

*Combination 1:*  $72 + 40 + 48 = 160$

*Combination 2:*  $72 + 36 + 63 = 171$

*Combination 3:*  $70 + 50 + 55$ , but since for Lot 2 there is a cheaper price offered, the sum becomes:  $70 + 40 + 55 = 165$

The Contracting Authority must choose combination 1, awarding contracts for Lots 1 and 3 to company A and Lot 2 to company B for the initial price offered.

**Part 4: Choice of contractor**

The successful tenderer is the one submitting the cheapest tender classified as "technically compliant" during the technical evaluation. It must be declared the successful tender if it is equal to or lower than the maximum budget available for the contract. For the Turkish project partners: exchange rate for conversion of financial offers to euro should be specified in Instructions to tenderers. Otherwise, InforEuro exchange rate from month of launching the tender procedure must be applied.

In the case of abnormally low tenders, the Evaluation Committee must request any relevant information concerning the composition of the tender. If, for a given contract, tenders appear to be abnormally low, the Contracting Authority must, before rejecting such tenders on that ground alone, request in writing details of the constituent elements of the tender which it considers relevant and verify those constituent elements, after due hearing of the parties, taking account of the explanations received.

The justification for accepting or rejecting an abnormally low offer must be recorded in the Evaluation Report.

#### V. Conclusions of the Evaluation Committee

As a result of its deliberations, the Evaluation Committee may make any of the following recommendations:

Tender procedure for:	Award the contract to the tenderer which has submitted a tender	Cancel <sup>2</sup> the tender procedure in exceptional circumstances, such as:
Service contract	<ul style="list-style-type: none"> <li>- which complies with the formal requirements and the eligibility rules;</li> <li>- whose total budget is within the maximum budget available for the project;</li> <li>- which meets the minimum technical requirements specified in the tender dossier; and</li> <li>- which is the best value for money (satisfying all of the above conditions).</li> </ul>	<ul style="list-style-type: none"> <li>- none of the tenders satisfies the selection/award criteria of the tender procedure;</li> <li>- no tenders achieved the minimum threshold during the technical evaluation;</li> <li>- total price (comprising both the fees, the incidental expenditure and the provision for expenditure verification) of all tenders received exceed the maximum amount available for the contract.</li> </ul>
Supply and Works contract	<ul style="list-style-type: none"> <li>- which complies with the formal requirements and the eligibility rules;</li> <li>- whose total budget is within the maximum budget available for the project;</li> <li>- which meets the minimum technical requirements specified in the tender dossier; and</li> <li>- which is the least expensive tender (satisfying all of the above conditions).</li> </ul>	<ul style="list-style-type: none"> <li>- none of the tenders satisfies the selection/award criteria of the tender procedure;</li> <li>- all tenders received exceed the maximum budget available for the contract.</li> </ul>

The entire procedure (technical and financial evaluation) is recorded in the **Evaluation Report**. The report has to be signed by the Chairperson, the Secretary and all voting members of the Evaluation Committee.

#### VI. Notifications and signature of the contract

The successful and unsuccessful tenderers are informed on the results of the evaluation (format letters available at the web-page of PRAG). The successful tenderer is invited to the signature of the **Contract**. Format of the contract is provided in the tender documents.

<sup>2</sup> For more information please refer to p. 2.6.13 "Cancellation of procurement procedures" of the PRAG.



## RESTRICTED PROCEDURES

Calls for tender are restricted where all economic operators may ask to take part but only candidates satisfying the selection criteria may submit a tender. Under the restricted procedure, the Contracting Authority invites a limited number of candidates to tender.

Restricted procedure applies only in case of **service contracts** and in exceptional cases restricted tender procedure may be used in works contracts. The procedure follows two-step process: In the first step a public invitation for submission of expression of interest is issued. In the second step the initial offers are reviewed and a short-list of candidates is formed. The short-listed candidates are invited to submit full proposals.

For more information, please refer to points 3.4 (in case of service contracts) and 5.4 (in case of works contracts) of the PRAG.

## OPEN PROCEDURES

Calls for tender are open where all interested economic operators may submit a tender. The procedure follows one step process where open invitation for submission of tenders is issued either on national and international level. The contract is given maximum publicity through the publication of a notice. Depending on whether it is a local or international open procedure the procurement notice is to be published in all appropriate media. **The open procedure is applicable to supply and works contract.**

For more information, please refer to points 4.3.1 and 4.4 (in case of supply contracts) and 5.3 and 5.5 (in case of works contracts) of the PRAG.

## PROCUREMENT PUBLICATIONS

Beneficiaries are obliged to ensure widest possible participation in competitive tendering and the requisite transparency.

Depending on the type of tender procedure, the following documents should be published:

- For **Simplified procedures**: Completed tender dossier and Contract notice should be published on the Programme's web site and the grant Beneficiary's website (in its role of Contracting authority).
- For **Local open tender procedures for supply / works**: Complete tender dossier, *Contract notice* (annexes C2 or D2 of the PRAG), *Summary Contract notice* (annexes C3 or D3 of the PRAG) and *Contract award notice* (annexes C9b or D9b of the PRAG) should be published in all appropriate media, in particular on the Programme's web site and the grant Beneficiary's website (in its role of Contracting authority). Additionally, *Summary Contract notice* should be published in official journal of the partner country or any equivalent media of the country in which the action is being carried out.
  - For **International open tender for supply / works or International restricted tender procedure for service**: Complete Tender dossier; *Prior information notice* (annexes B1, C1 and D1 of the PRAG); *Contract notice* (annexes B2a, C2 or D2 of the PRAG); *Shortlist notice*<sup>3</sup> (Annex B6 of the PRAG); *Contract award notice* for international calls (annexes B14a, C9a or D9a of PRAG) should be published in all appropriate media, in particular on the Programme's web site

<sup>3</sup> Related to International restricted tender procedures.



and on the grant Beneficiary's website (in its role of Contracting authority).

- To ensure the maximum compliance with the article 160, para.1 of the Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, the beneficiary should use several instruments, observing of the principles of transparency:
- All relevant notices should be published in official journal of the partner country or any equivalent media and on the Programme's web site and the grant Beneficiary's website (in its role of Contracting authority).
- *FAQ/Clarifications; Cancellation notice* (Annex A5a of the PRAG) and *Corrigendum* (Annex A5b of the PRAG), if any, should be published in all appropriate media, in particular on the Programme's web site and on the grant Beneficiary's website (in its role of Contracting authority). Additionally, for International open tenders the forms of documents required by the administration of the web site of the OJEU should be used.

The requirements for procurement publications can be summarized as follows:

Type of procedure	Document	Published on/in:		
		Beneficiary's website	Official journal of the partner country or any equivalent media	Programme's web site
Simplified procedure	Contract notice (Annex B2a / C2 / D2 of the PRAG)	✓		✓
Local open tender for supply	Contract notice (Annex C2 of the PRAG)	✓		✓
	Summary Contract notice (Annex C3 of the PRAG)	✓	✓	✓
	Contract award notice (Annex C9b of the PRAG)	✓		✓
Local open tender for works	Contract notice (Annex D2 of the PRAG)	✓		✓
	Summary Contract notice (Annex D3 of the PRAG)	✓	✓	✓
	Contract award notice (Annex D9b of the PRAG)	✓		✓
Information	Prior information notice (Annex C1 of the PRAG)	✓	✓	✓



	Contract notice (Annex C2 of the PRAG)	✓	✓	✓
	Contract award notice (Annex C9b of the PRAG)	✓	✓	✓
International open tender for works	Prior information notice (Annex D1 of the PRAG)	✓	✓	✓
	Contract notice (Annex D2 of the PRAG)	✓	✓	✓
	Contract award notice (Annex D9b of the PRAG)	✓	✓	✓
International restricted tender for service	Prior information notice (Annex B1 of the PRAG)	✓	✓	✓
	Contract notice (Annex B2a of the PRAG)	✓	✓	✓
	Shortlist notice (Annex B6 of the PRAG)	✓	✓	✓
	Contract award notice (Annex B14a of the PRAG)	✓	✓	✓
For all procedures	Tender dossier	✓	✓	✓
	FAQ/Clarifications – if applicable	✓		
	Corrigendum – if applicable (Annex A5b of the PRAG)	✓	✓	✓
	Cancellation notice – if applicable (Annex A5a of the PRAG)	✓	✓	✓

For more information regarding the deadlines for publications, refer to Annex A11e “Guidelines publication” of the PRAG.

All documents for publication, depending on the type of the respective procurement procedure, should be accompanied by scanned official cover letter and sent to the JS, via the Beneficiary portal. The electronic documents and the cover letter should be sent by an official representative of the Contracting authority (Lead partner or Project partner) under each procurement procedure. The documents should reach the JS at least 5 days before the date of publication needed. In order to ensure the simultaneous publication to the Programme’s web site and other media, Beneficiaries should note in the cover letter the date of publication needed, e-mail for contacts and any other specific information. Beneficiaries will receive confirmation for the date of publication to the Programme’s web site on the contact e-mail, mentioned in the cover letter.

The JS will not issue publication reference numbers, but will apply the reference numbers proposed by the Beneficiaries (in free format). Since for international tenders the reference numbers issued by the OJEU are provided after publication, the JS recommends the use of both numbers (issued by the Beneficiaries and by the OJEU) in the process of evaluation, contracting and reporting.

The publication to the Programme’s web site is carried out by the JS. All publications will be available in the “Public tenders” section of the site.

**NB!**

The Beneficiaries bear sole responsibility for the content and the quality of tender documents, published on the Programme's website, as well as for the simultaneous publication to all other media (web site of the OJEU, Beneficiary's website and/or official journal of the partner country or equivalent national media).

The Beneficiaries should respect all other requirements for publication, stipulated in the PRAG and the present Manual, particularly related to templates of documents and deadlines for publications.

#### 4.4. Modifying sub-contracts

The contracts, concluded in result of procurement procedure, may need to be modified during their execution period. The procedure for modification has to be launched in exceptional cases. **Contract modifications must be formalized through:**

- an administrative order to the contract; or
- an addendum to the contract.

Substantial modifications to the contract must be made by means of an addendum. Such an addendum must be signed by the contracting parties. The purpose of the addendum or administrative order must be closely connected with the nature of the project covered by the initial contract.

Type of changes		
Changes with addendum	Changes with administrative order	Inadmissible changes
Changes of the contract duration	Changes of address	Changes post factum
Amendment in project team (experts in service contracts)	Changes of bank account	Changes (extending) in the implementation period of the contract over the maximum period for completion of the project.

**NB!**

Modifications, which will lead to substantial changes of the scope of works (for works contracts), delivered supply/equipment (for supply contracts) and project scope and objectives (for service contracts) **are not allowed. Addenda with retroactive effect are not allowed.**

A request for contract modifications should not automatically be accepted by the Contracting Authority (Beneficiary). There must be justified reasons for modifying a contract. The Contracting Authority (Beneficiary) must examine the reasons given and reject requests which have little or no substantiation. Contracts can only be modified within the execution period of the project. For more details see point 2.11 of the PRAG.

#### 4.5. Derogation to the rule of origin

All goods (supplies and materials) purchased under a procurement contract, must originate from the EU or from an eligible country according to Annex A2b to the PRAG. For more information regarding the rules

of nationality and origin, please refer to p. 4.1 Basic rules of the PIM.

In accordance with point 2.3.9 “Derogations to the rules of nationality and origin” of the PRAG, exceptions to the rule of origin may be made in some cases.

**NB!**

**The award of derogation to the rule of origin is decided on a case-by-case basis by the Managing authority (MA) before the procurement procedure is launched.** If the award of contract is preceded by a tender procedure, the derogation must be mentioned in the Contract notice (if published). In such cases, except where justified, the derogation would concern not only one country but would be open to any origin.

Prior the submission of a Request for derogation to the rule of origin, the Beneficiaries should perform a large-scale inquiry of suppliers. As “supplier” is considered a trader-producer or official representative of the producer, or middleman of the relevant equipment. “Large-scale inquiry” should be considered an analysis, which is not focused only on local/regional suppliers. As a result of the inquiry, the Beneficiaries should submit the correspondence, containing official answers from at least three suppliers, one of which, operating at national level, together with the Request for derogation to the rule of origin. The formal inquiry and the lack of the relevant answer do not fulfill the above conditions for submission of the Request for derogation to the rule of origin.

#### **Reasons for applying derogation:**

##### ***I. Unavailability of Goods***

Proof must be provided in case of purchase of specific professional equipment, which is supposedly not available with EU or other eligible countries’ origin. Beneficiaries should contact wide range of potential suppliers and collect written confirmation of non-availability of goods in respect to the rule of origin. In order to obtain the derogation to the rule of origin for the reason of unavailability of goods, the Lead partner has to submit Request for derogation to the rule of origin (Annex 13 of the PIM), accompanied with:

- Reasons for applying the derogation rule;
- Explanation by the concerned party;
- Documents and other relevant information;
- Market study proving that the goods in question are not produced inside the eligible countries;
- Official inquiry to the Suppliers asking for the defined goods produced in the eligible countries;
- At least three official answers from the Suppliers describing that requested goods produced in the eligible countries are not available on the market;
- Proof for incompatibility with similar to EU or other eligible countries origin equipment;

##### ***II. Reasons of Extreme Urgency***

“Extreme urgency” and “unforeseen events” refer to external factors only. These external factors need to be truly unforeseen such as natural disasters. For instance, archaeological discoveries during construction work cannot be considered unforeseen in old cities where excavation work frequently leads to archaeological discoveries. Internal factors generally do not constitute unforeseen extreme urgency. This includes cases in which a Contracting authority started a procurement procedure too late as well as cases in which a project is running out of time. In general, reasons of extreme urgency are rear situations for derogation to the rule of origin. In order to obtain the derogation to the rule of origin for the reason of

extreme urgency the Lead partner has to submit Request for derogation to the rule of origin (Annex 13 of the PIM), accompanied with:

- Reasons for applying the derogation rule;
- Explanation by the concerned party;
- Documents and other relevant proves;
- Reasons of extreme urgency are sufficient and well justified, etc.

### ***III. Realization of a project Impossible or Exceedingly Difficult***

As a general principle, the application of the rule of origin should not make the implementation of the project impossible or exceedingly difficult. Examples:

- Sometimes a purchase of specific professional equipment is necessary for project's implementation, e.g. hydrological, geological measurements equipment, etc. is usually not available with the required origin;
- Exceedingly difficult realization of the project occurs e.g. when the service or equipment is available in the concerned countries, but its excessive price (compared to the non EU country) directly endanger the possibility to achieve the project objectives. This means that the general principles of value for money, effectiveness and proportionality should be considered also. Sufficient written proof or expert advice should be submitted by the Beneficiary to prove unforeseeable circumstances at the time of the application, concerning budget planning.

In order to obtain the derogation to the rule of origin for the reason of realization of a project impossible or exceedingly difficult the Lead partner has to submit Request for derogation to the rule of origin (Annex 13 of the PIM), accompanied with:

- Reasons for applying derogation rule;
- Explanation by the concerned party;
- Documents and other relevant proofs;
- Market study is conducted and it is clear that the goods in question are not produced inside the eligible countries;
- Official inquiry to the Suppliers asking for the defined goods produced in the eligible countries;
- At least three official answers from the Suppliers describing that requested goods produced in the eligible countries are not available on the market;
- Web research have been conducted (in case of smaller contracts);
- Incompatibility with similar to EU or other eligible countries origin of equipment;
- Written proof for unforeseeable circumstances planned in the budget at the time of application, etc.

### **Procedure for approval of the Request for derogation to the rule of origin**

The derogation procedure starts with submission of Request for derogation to the rule of origin (Annex 13 of the PIM), supported with required documents. In all cases, the request should be signed by the Lead Partner (if the derogation is asked by the Project partner the request should be submitted through the

Lead partner) to the Joint Secretariat (JS), through the Beneficiary portal. Within 5 working days, the JS should perform a check of the submitted request in terms of availability of all supporting documents proving the necessity of derogation. In case of missing documents, the JS should send a notification to the Lead Partner to send the documents within 5 calendar days of receipt of the notification. After completion of the check, the JS has to submit the whole documentation, supported with the check list to the MA. Within 5 working days the experts has to examine the documentation for derogation and propose a justified decision. Based on the performed check-up, decision for approval or rejection of the Request for derogation to the rule of origin should be drafted and submitted to the Head of MA for approval. The award of the derogation is decided on a case-by-case basis by the MA and is valid only for the specific case and for limited period of time.

The procedure for derogation could be executed only in case of supply of specific professional equipment and if the above listed conditions are respected.

**NB!**

**The unavailability of daily used office equipment**, such as printer, PC, fax, telephone, GPS device etc., **cannot be considered a substantial obstacle for the project implementation.**

Additionally, **the excessive unit price should not be considered as a reason for request of derogation**, having in mind that the Beneficiaries should be familiar with the rules of the PRAG, regarding the supply of equipment.

## 5. STATE AID AND DE MINIMIS PROVISIONS

### 5.1. Basic rules

State aid is any aid granted by a Member State or through state resources in any form which distorts competition or threatens to distort competition by favouring certain undertakings or the production of certain goods, therefore affecting trade between Member States. Within the Interreg –IPA CBC Programme Bulgaria-Turkey no state aid is granted. Public support given by the Programme to undertakings for activities of economic character is granted under the de minimis rule. This implies that undertakings will receive grants only if they have not received public aid under the de minimis rule totaling more than 200 000 EUR within three fiscal years from the date of granting the aid.

The Programme Provisions regarding the state aid are laid down in the Attachment 2 to the Guidelines for Applicants and in Article 6 of the Subsidy contract.

During the life-cycle of the project the project partners located in Bulgaria have to ensure that all activities are implemented in compliance with the respective national legislation related to competition and state aid. To this end, the Lead partner and the project partners shall ensure publicity and transparency of the activities and project outputs and results, which can create an economic advantage to an economic operator.

**NB!**

In view of the project activities, all beneficiaries are reminded that recipient of state aid can be any undertaking (individual or legal person) receiving an advantage through the project that it would not have received under normal market conditions. This means that the rules for state aid apply to all undertakings – either participating as project partners, or third parties (indirect aid) receiving benefits from the project (such as participants in project



activities like trainings, seminars, workshops etc.).

In case a situation of distorting competition by favouring certain undertakings arises during the implementation period of the operation, the Lead partner shall immediately notify the MA.

The observance of the above mentioned conditions is closely verified / monitored by the Programme bodies at all levels (first level controllers, JS and MA) not only during the pre-contracting phase, but also during the whole implementation period of the projects. The aim of the control during the implementation period of the projects is to identify any potential situation of state aid at the current stage of the project development. The checks are to be made by the first level controllers and JS and if such situation is identified it should be reflected in the respective checklists issued by them and immediately reported to the MA.

In case the Programme bodies find that the Lead partner or any project partner made false declarations regarding state aid, the MA is entitled to terminate the subsidy contract, in whole or in part, and to demand repayment of the amounts already paid.

The partners located on the territory of Republic of Turkey shall follow the applicable national regulations regarding state aid.

## 5.2. De minimis aid for third parties

Under some projects a certain amount has been granted in the form of de minimis aid for implementation of particular activity/activities, which gives economic advantage (a benefit) to undertakings.

Where a part of the subsidy is awarded in the form of de minimis aid for implementation of specific activity, but the partner is not final user of the aid, i.e. implementation of this activity will give advantage to third parties (the project target groups and/or participants in the project activities), the respective partner should formalize in an appropriate manner the use of the corresponding funds by each particular undertaking (e.g. through signature of declaration, agreement signed between the beneficiary and the final user, etc.).

The document should contain at least the name and national identification number of the undertaking (individual or legal person), sector, division, group and range according to the National classification of the economic activities – 2008 of the National Statistical Institute, the exact amount of the aid and the date the aid was conferred.

**NB!**

Undertakings which represent third parties can receive de minimis aid under the projects only if they have not received public aid under the de minimis rule totaling more than 200 000 EUR within three fiscal years from the date of granting the aid. Check for compliance with this requirement can be performed by a declaration and in the De minimis register: <http://minimis.minfin.bg/>.

The Lead Partners are obliged to officially notify the Managing Authority about any undertaking, which is a final user of the aid, immediately but not later than the day following the date, when the formal document for receiving the aid by the respective undertaking is signed. The notification shall include as a minimum the name and national identification number of the undertaking (individual or legal person), the exact amount of the aid, the date the aid was granted, and a copy of the document governing the receipt of aid.





## 6. REPORTING

The Lead partner shall report electronically the progress of the project implementation on quarterly basis (three-month) with the exception of the last reporting period, which may be shorter/ longer than 3 months depending on the time schedule of the project.

The first reporting period starts with the start date of the project implementation period, defined in Article 2 of the Subsidy Contract. The last reporting period always ends by the end date of the project.

**Example:** If the Subsidy Contract was signed on 22.07.2019, and the first day of project implementation period of a 10 months project is 23.07.2019, the first quarter of project implementation should be: 23.07.2019 - 22.10.2019, and the last reporting period (which in this case is less than 3 months) should be: 23.04.2020 - 22.05.2020.

The **Project Progress Report (PPR)** (Annex 3) shall provide information about the progress of the project activities as they are implemented by all PPs within the respective reporting period and the level of achievement of the activities' outputs. Additionally, brief description of the procurement procedures, visibility measures and project modifications shall be also highlighted in the PPR.

The electronic format of the PPR in the Beneficiary portal is to be filled in **online** by the LP (using the information provided by all PPs). The report has to be exported, printed, signed, scanned, attached to the system and submitted to JS for approval. The progress of the activities covers **only the respective reporting period**. For each previous reporting period, the information (reported by the LP and approved by the JS) will be included automatically.

**NB!**

JS considers and approves only a **printed and signed version** of the progress report created in the BP. A filled-in excel version of Annex 3 to PIM is not accepted for approval, regardless of whether the information matches the version created in the portal.

At the beginning of the project implementation, the Lead partner shall fill in and submit an Initial Compatibility Check Sheet of the project with the Strategic Environmental Assessment of the Programme. The information provided in the Compatibility Check Sheet shall indicate for the presence/ absence of environmental consequences of the envisaged project activities in regard to the six environmental issues (Air and climate; Biodiversity, fauna and flora; Water; Soil; Population and Human Health; Cultural/ Natural Heritage and Landscape). Compatibility Check Sheet shall be re-submitted by the LP annually, for every calendar year of the project implementation. Final Compatibility Check Sheet is to be provided together with the Final PPR, aiming to assess the overall impact of the implementation of the project on the environment. The Compatibility Check Sheet template will be sent to the LP by JS.

The documents related to procurement procedures and contracts under the project should be uploaded in the respective sections in BP. Documental proves for the implementation of activities (see sources for verification in section 6.2) should be attached to the PPR.

**NB!**

**The reporting of the outputs resulted from the implementation of the project activities in the PPR (Annex 3, section 2.1) differs from the achievement of Output Indicator/s (OIs).**

**The Lead partner has to submit the PPR to the Joint Secretariat through the Beneficiary portal of the Programme website. The deadline for submission of the interim quarterly PPRs is no later than 10 (ten) working days after the end date of the**

**respective reporting period. The Lead partners are reminded that the failure to submit the required reports may result in termination of the Contract by the MA.**

The corresponding checks and approval procedures on an interim PPR shall be done within 30 working days after submission of the PPR by the LP to JS. In case of mistake/s the JS returns for corrections the PPR to the LP. The deadline for response/ submission of the necessary documents or clarifications related to the PPR by the LP to the JS is 10 working days. The LP shall be duly notified for the approval of the interim PPR within 5 working days after it is approved.

**NB!**

**The Final Project Progress Report (FPPR) has to be submitted within 20 (twenty) working days after the end of the project implementation. The information about the project's contribution the cross-border character, the horizontal issues, etc. shall be reported by the LP only in the FPPR.**

The corresponding checks and approval procedures on final PPR shall be done within 15 working days after completion of the internal parts of the checklists from the final site visit/s. In case of mistake/s the JS returns for corrections the PPR to the LP. The deadline for response/ submission of the necessary documents or clarifications related to the final PPR by the LP to the JS is 10 working days. The LP shall be duly notified for the approval of the final PPR within 3 working days after the approval.

Together with the FPPR, the LP is required to submit brief overview of the objectives reached, activities implemented and results achieved by the project in the document Final Project Summary (Annex 3.1) supported by good quality pictures (in jpeg format) from the project implementation.. The information shall be used by the MA/ NA/ JS for promotion of the project.

**NB!**

**The language of reporting is English. The PPR (FPPR) and the Final Project Summary have to be prepared in English.**

## 6.1. Content of the PPR

- **Main data**

This section contains administrative information about the project: reference number, title, reporting period, name of LP, contact details, etc. The PPR contains as well a statement of the LP, declaring that the information in the respective progress report and its attachments give a correct description of the implementation and the present status of the project.

- **Activity report**

LP is requested to provide an overview of the activities carried out **during the respective reporting period** and the activities which are still ongoing, of the degree of achievement of the project's objectives and outputs, to report on the level of involvement of all partners and to explain the main problems faced during the period. In addition to its importance as a tool for presenting the project achievements, the activity report allows also the verification of the progress of the project in implementing the work plan/ time table as described in the approved Application Form and consists of the following sections:

- **Summary of the project activities** - LPs are requested to provide an overview of the completed and ongoing activities **during the respective reporting period** and the delivered outputs (information for



previous reporting periods will be included automatically). At the same time, LP has to compare the summarized data concerning the implemented activities with the original information from the Application form. In case of deviations from the project time table and/ or differences, justification for the reasons has to be provided. Event activities must be described in dates and periods of implementation, venues and with the exact number of the participants. Please, note that the information in this section has to be detailed in order the assessment of the PPR to be maximum comprehensive and prompt;

- **Public procurement procedures** and expenses that are not procured:
  - The information in this section is automatically generated in the Beneficiary portal from the data previously filled in in the related sub-menus of menu “Payments” in the BP. Information concerning the type of procedure, amount of the contract, date of contracting and of completion of the contract and name of the contractor should be entered. Please, note that the data in this section should be complemented cumulatively (not only for the reporting period).
- **Project implementation timeframe** - LP should provide information about the period of implementation of the activities in comparison with the planned in the action plan. All deviations and/ or differences from the time schedule set in the Application form (delayed activities or those started earlier than planned) should be reported, as well as their impact on the implementation of other project activities. (**Example** of a delayed activity - if a procedure for supply of promotional materials is not successfully finalized, explain if and how this could affect the related project activities such as the planned public events and suggest possible ways of remediation. **Example** of an activity that started earlier than planned: planned exhibition is carried out in a culture centre (aiming to promote the centre) before its renovation (also envisaged within the project) to have started. **Please note that in this part information should be provided only for the respective reporting period (without accumulation from previous quarters)**). The information must comply with the deviations described in column „Differences between realized activities and the work plan“ in section “Activity report”;
- **Information and publicity activities** that have been carried out during the respective reporting period. The reported information should include (depending on the activities planned in the specific project budget): lists of publications in the media, specifying the details such as name of the media, date/ issue of publishing/ airing, type of publication (advertisement, paid press release, TV/ radio clip, etc.) and relevant hyperlinks (whenever possible); in case of radio/ TV publications also specify the duration of the publication/ advertisement and the number of airings; promotional materials (in quantities with accumulation from previous reports) etc.; developed information tools under the project – web sites, platforms (with relevant hyperlinks); in case of publicity events (press-conferences, etc.) – information about date, duration, venue of the event, exact number of participants should be provided. The information in this section must comply with the information and publicity activities described in section “Activity report”;
  - **Project modifications** – the information in this section is generated automatically from the data previously filled in in section “Project versions” in the BP. The procedure of contract modifications is described in chapter 8 “Modification of Subsidy contract” and in part IX “Contract modifications” of Annex 15 “User manual BP”.
- **Other issues** - suggestions, comments, difficulties or problems encountered during the project implementation, solutions, partnership relations, etc., if any should be provided here. This section is

very important for Managing Authority's feedback for suggestions and improvements.

- **Monitoring and Coherence**

This section provides information about achievement of the project's Output Indicators (OIs) from the start till the end of the project.

- **OIs allow measuring the achievement of the quantitative planned targets presented in the Application Form, by the provision of values of achievement (reached value) of the indicators in aggregated form - since the beginning of the project. Please note that the actual values of achievement of the indicators from the initial PPR should be complemented in each following PPR. The reported values of achievement have to be duly justified in compliance with the justification set out in the Application form.**
- **Parts as Cross-border character, Project coherence with applicable national/ regional/ EU programmes, Project partnership cooperation, Horizontal themes, Cross-border impact and Sustainability are obligatory only for the final report. Nevertheless, LP may express its opinion during the project implementation, which will be useful practice in preparing for the final PPR.**

## 6.2. Assessment of the PPR

JS is responsible for checking and approval of the project progress reports. The main objectives of assessment of the PPR include verification of the progress of the project, timely implementation of the activities and extent of the achievement of project's outputs and their correspondence to the Application form.

The JS performs check of the electronically submitted PPRs and the attached supporting documentation. If some information related to the PPR is not correctly/ clearly described or the (initial, annual or final) Compatibility Check Sheet is missing, the JS will return the report for correction/ clarification.

In case of investments activities performed during the reported period, the JS officers may proceed with on-the-spot visit.

<b>NB!</b>	<p><b>The Lead partner should take into account, that the MA will reimburse the requested funds only in case the respective PPR is accepted and approved by the JS.</b></p> <p><b>Costs for project implementation are eligible, if the project partner submits together with PPR supporting documents, giving evidence for implementation of the activities. Required documentation depends on the nature of the activities relevant during the respective trimester, for example: pictures of the progress of implementation of investment activities (outdoor and indoor, when applicable), pictures of equipment/ supplies delivered (installed assets, when applicable), copies of studies/ analyses/ strategies, etc. intellectual deliverables (in electronic version), etc.</b></p>
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Generally, the required documents for specified activities are presented below (the list is not exhaustive):

TYPE OF ACTIVITIES	SOURCES OF VERIFICATION
<b>ORGANISATION OF PROJECT EVENTS (seminars,</b>	- Concluded service contract with the TOR and General and Special conditions;



TYPE OF ACTIVITIES	SOURCES OF VERIFICATION
<p><b>conferences, trainings, workshops, working meetings, etc.</b></p>	<ul style="list-style-type: none"> <li>- Public announcement or invitations for participation;</li> <li>- Agenda/ training programme for each separate day of the event, on which to be visible the date, venue, duration of the modules, name of lectures/ trainers/ moderators and that coffee breaks/ catering/ interpretation are provided from the project, when applicable;</li> <li>- List of participants for each separate day of the event, signed by the participants, containing full names, residence address, contact (phone, e-mail) of the participants and name of the organization/ institution they represent;</li> <li>- Good quality photos in jpeg format with good quality <b>for each separate day of the event</b>: of the rented hall and equipment and provided coffee breaks/ catering, when applicable; lecturers/ trainers/ moderators/ interpreters (the presentation screen, etc.); Programme/ project visualization; participants (their total number to be visible on the pictures), of the dissemination of materials to the participants, etc. Photos should possess date, printed on them preferably automatically by the camera;</li> <li>- Presentations/ training materials (with the name, title and signature of the lecturers/ trainers, etc.) and translated materials, when applicable;</li> <li>- Copies of materials given to participants according to the planned in the application form;</li> <li>- Feed-back for response with recommendations and assessment from participants;</li> <li>- Report from the event and summary of the feedback;</li> <li>- Press releases with Programme/ project visualization, when applicable;</li> <li>- Financial documentation, related to the above.</li> <li>- Uploaded information for the event on project's/ beneficiaries' web site/s;</li> <li>- Certificates/ gifts/ awards for participation, if applicable;</li> <li>- Service acceptance documents (if execution of tender procedure is required).</li> </ul>
<p><b>PARTICIPATION IN PROJECT EVENTS (seminars, conferences, trainings, workshops, work meetings, exhibitions, etc.</b></p>	<ul style="list-style-type: none"> <li>- Invitations for participation;</li> <li>- Copy of the lists of participants;</li> <li>- Report from the PP's representative about the participation;</li> <li>- Good quality photos in jpeg format of the PP's representatives (in front of the agenda or other space of the seminar which gives sufficient information on the participation, Programme/ project visualization) <b>for each separate day of the event</b>. Photos should possess date, printed on them preferably automatically by the camera;</li> <li>- Uploaded information for the event on project's/ beneficiaries web site/s;</li> <li>- Certificates for participation, if applicable;</li> </ul>



TYPE OF ACTIVITIES	SOURCES OF VERIFICATION
	<ul style="list-style-type: none"> <li>- Financial documentation, related to the above.</li> </ul> <p>In case of participation in exhibition following to be presented in addition to the documentation listed above:</p> <ul style="list-style-type: none"> <li>- Plan of the hall;</li> <li>- Plan of the stand;</li> <li>- Good quality photos in jpeg format of the stand (on which the visibility plaque to be visible) and of the participants from the project for each separate day of the event. Photos should possess date, printed on them preferably automatically by the camera;</li> <li>- Service contract, including ToR and Organization and methodology (if execution of tender procedure is required);</li> </ul> <p>Service acceptance documents (if execution of tender procedure is required).</p>
<p><b>Organisation or participation in on-line events (seminars, conferences, trainings, workshops, working meetings, etc.)</b></p>	<p>In case an event or part of it is organised online without the physical presence of the participants at a certain place, except for the sources for verification described above for the regular events, the following sources of verification should apply as well:</p> <ul style="list-style-type: none"> <li>- e-mail invitations and received confirmations;</li> <li>- data for access to the virtual event (meeting ID, access link, etc.);</li> <li>- software log of the event;</li> <li>- screenshots taken during the event;</li> <li>- audio/video recording (if possible);</li> <li>- any other suitable for the purpose evidences.</li> </ul>
<p><b>Application for trade mark or patent</b></p>	<ul style="list-style-type: none"> <li>- Copy of the registration form;</li> <li>- Certificate;</li> <li>- Financial documentation, related to the above.</li> </ul>
<p><b>Tests</b></p>	<ul style="list-style-type: none"> <li>- Report on tests results;</li> <li>- Contract for the tests with explicitly stated expected tests procedures;</li> <li>- Certificate;</li> <li>- Financial documentation, related to the above.</li> </ul>
<p><b>PUBLICITY MEASURES</b> <b>(publications, advertisement, project website, etc.)</b></p>	<ul style="list-style-type: none"> <li>- Contracting documentation;</li> </ul> <p><b>Publications/ advertisement:</b></p> <ul style="list-style-type: none"> <li>- Copy (sample), screenshots of the publication with Programme/ project visualization, including the first page of the newspaper/ magazine/ website and the header of the page and the page itself, where the publication is located;</li> <li>- Financial documentation, related to the above.</li> </ul>



TYPE OF ACTIVITIES	SOURCES OF VERIFICATION
	<p>In case of advertisement which is non-publication, in addition to the contracting and financial documentation to be presented:</p> <ul style="list-style-type: none"> <li>- Photos of the advertisement;</li> <li>- Video/ audio materials with Programme/ project visualization;</li> <li>- Uploaded information on project's/ beneficiaries' web site/s;</li> </ul> <p><b>Website:</b></p> <ul style="list-style-type: none"> <li>- Screenshots;</li> <li>- Web site counter results, including launch of the site;</li> <li>- Service contract, including ToR and Organization and methodology and service acceptance documents (if execution of tender procedure is required);</li> <li>- Financial documentation, related to the above.</li> </ul>
<p><b>INTERNAL CARRIED TASKS</b></p>	<ul style="list-style-type: none"> <li>- Reports on progress and related physical outputs;</li> <li>- Drafts;</li> <li>- Elaborated strategies, plans, researches, analyses, etc.;</li> <li>- Technical documentations (test results, photos from tests, etc.);</li> <li>- Uploaded results on project's/ beneficiaries web site/s;</li> </ul>
<p><b>EXTERNAL EXPERTS</b></p>	<ul style="list-style-type: none"> <li>- Document for tasks assignment (tender dossier, when applicable, contract, etc.);</li> <li>- Report for tasks completed;</li> <li>- Copies of elaborated materials;</li> <li>- Protocol for put-in-work;</li> <li>- Financial documentation, related to the above.</li> </ul>
<p><b>SUPPLIES</b> (equipment, furniture, promotion materials, etc.)</p>	<ul style="list-style-type: none"> <li>- Documents from tender procedure, technical specification (when applicable), signed contracts;</li> <li>- Document for procurement, including Final Acceptance Certificate incl. type, number, quantities of the items, etc., signed by the contracting parties;</li> <li>- Declaration/ Certificate of origin for equipment/ supplies;</li> <li>- Available equipment with Programme visualization and copies from the elaborated promotional materials (with printed necessary Programme visual elements);</li> <li>- Warranty cards, instruction manuals, licenses, passports, other documents depending on the type of the equipment;</li> <li>- Documents proving training of the staff to work with the supplied equipment, if applicable;</li> <li>- Documents for conducted tests and sample stars of the supplied equipment – protocols for tests, certificates for commissioning, etc., if</li> </ul>

TYPE OF ACTIVITIES	SOURCES OF VERIFICATION
	<p>applicable;</p> <ul style="list-style-type: none"> <li>- Good quality photos in jpeg format of the equipment with visible serial/ inventory numbers, producer, country of origin and visualization according to the Programme rules and photos of the promotional materials made during their acceptance, on which to be clearly visible the numbers and quantity of the items, etc.;</li> <li>- Financial documentation, related to the above.</li> </ul>
<p>CONSTRUCTION AND REPAIR WORKS</p>	<ul style="list-style-type: none"> <li>- Works contract incl. all annexes (bill of quantities, price offer, work schedule, analysis of unit prices, technical specifications, etc.). Addenda to the works contract, if applicable;</li> <li>- Correspondence between involved parties;</li> <li>- Construction permit/ Permit for placement, Environmental Impact Assessment, if applicable or statement from the relevant authority that permits are not necessary;</li> <li>- Acceptance protocols for implemented works, substitute tables, if applicable, signed by dully authorized representatives of the contracting parties;</li> <li>- Documents supporting the execution of construction/ repair activities – Acts and Protocols in accordance with Ordinance 3/2003 for issuing acts and protocols during construction and according to the relevant Turkish national legislation, certificates and declarations for conformity of incorporated materials, construction work dairies, detailed payrolls for the quantities of implemented construction/ repair works, etc.;</li> <li>- Documents for payment of construction works – copies of invoices, payment orders, bank transfer excerpts, etc.;</li> <li>- Final report from the supervisor, if applicable according to Article 168 from Bulgarian Spatial Planning Act and according to the relevant Turkish national legislation, if applicable in accordance with the construction site category;</li> <li>- Technical passport of the construction site, if applicable;</li> <li>- Other statements or reports, if specially contracted or required by the national legislation depending on the type of construction/ repair;</li> <li>- Certificate for commissioning of the construction site/ Use permit/ other relevant documents, certifying the acceptability of the construction site/ repair works according to the relevant national legislation;</li> <li>- Publicity and visibility measures;</li> <li>- Photos of the objects of intervention with good quality – showing the state before, during and after the execution of construction/ repair activities, indoor and outdoor, when applicable.</li> </ul>
<p>CONSTRUCTION</p>	<ul style="list-style-type: none"> <li>- Supervision contract incl. all annexes (price offer, work schedule, analysis</li> </ul>



TYPE OF ACTIVITIES	SOURCES OF VERIFICATION
<b>SUPERVISION</b>	of offer prices, etc.). Addenda to the supervision contract, if applicable; - Final report from the supervisor according to Article 168 from Bulgarian Spatial Planning Act and according to the relevant Turkish National legislation; - Technical passport of the construction site, if applicable; - Other statements or reports from the supervisor if such are specially included in the supervision contract; - Documents for payment of supervision service – copies of invoices, payment orders, bank transfer excerpts, etc.;
<b>AUTHORS' SUPERVISION</b>	- Documents for assigning the authors' supervision; - Authors' supervision contract incl. all annexes (price offer, work schedule, analysis of offer prices, etc.). Addenda to the authors' supervision contract, if applicable; - Documents certifying the implementation and the reporting of authors' supervision – time sheets, reports, protocols for put-in-work, forms for site visits, copies of orders/ instructions/ details/ other documents elaborated by the author during the construction; - Documents for payment of authors' supervision – copies of invoices, payment orders, bank transfer excerpts, cash receipts, etc.

The Lead partner should take into account that the requested funds will be reimbursed under the Programme only in case the respective PPR is accepted and approved by the JS.

## 7. FINANCIAL MANAGEMENT OF THE PROJECT

This section provides information and guidelines for the Beneficiaries about the requirements for financial management and control of project expenditures. The financial management of the project is based on the Lead partner principle.

### **The “Lead partner” principle**

The Lead partner (LP) is responsible for sharing out the tasks among partners and it is entirely their responsibility to ensure that these tasks are completed as stated in subsidy contract and the partnership agreement. Therefore, the financial control responsibility of the LP is restricted to:

- control that the implementation of the project and the expenditures made are in accordance with the activities in the Subsidy Contract and the Partnership Agreement;
- control that the expenditures made by the PPs are verified by a FLC.

Project partners must be aware that in case of an appeal procedure, the reimbursement of funds for the total project is to stop for further clarifications and taking a final decision by the MA.

### **Cash flow plan (CFP):**

Within 20 working days from the starting day of project implementation the LP has to submit to the JS a detailed cash flow plan for spending of the budget of each project partner on trimester bases. As the cash flow plan is based on the unique budget of every project, the form for preparation of the plan will be send to the LP by the JS in 5 working days from the start of project implementation.

### Procedure for preparation and submission of Cash flow plan

The LP collects information from all PPs and prepares a general cash flow plan. The project partners should help the LP in the preparation of the Cash flow plan by filling in and forwarding their own plans to the LP (in electronic format) well on time. The LP has to summarize the received information from all partners and to prepare an aggregated Cash flow plan in the format given by the JS (one plan for the entire project). The Lead partner has to submit to JS the Cash flow Plan via email (only Excel file) and on a hard copy signed and stamped.

Within 5 working days after the receival of the CFP the JS shall review and comment or approve the submitted plan. In case of comments/recommendations by the JS, the Beneficiary has to submit the revised CFP up to 3 working days after receiving the comments. The deadline for approval of the respective CFP by JS starts running again on the date the required information is received.

The cash flow plan is requested for statistical and analytical reasons only. It's a base for monitoring of the project financial implementation. Its violation will not lead to financial penalties for the beneficiaries. The plan shall be approved by the JS, but use of project budget is not bound by this approval.

## 7.1. Organization of Bank Account and Bank Statement

The Lead partner must open a **separate EUR bank account**, which shall be used only for the payments related to the project.

The details of the bank account and the obligatory requirements towards the bank accounts under the Programme are the following:

- Holder of the project account is the LP, who signed the respective Subsidy Contract;
- The account must be denominated in the currency, required by the MA in the Guidelines for Applicants, namely in EUR;
- The respective Bank Office should be mentioned;
- The IBAN;
- The Bank Identification Code (BIC/SWIFT).

The interest accrued under the bank account(s) of the project should be reported in the financial report with the Request for final payment. A Certificate or Reference from the bank regarding the interest accrued under the account for the contract implementation period has to be attached to the Request for final payment.

In case that under a project more than one bank account has been used, the LP must report all the interest accumulated under all the accounts by submitting the respective documents.

In case of change of the bank account under the project, the LP must inform immediately the MA with a copy to JS and justify the need of this change as well as submit all the necessary account details for the new account (*Annex 1*).

The Programme does not require that the Lead partners perform all payments from the project's account in Euro (they can perform payments from a different account, denominated in BGN for example). **The Programme requires that there is traceability of the performed operations and organizing of analytical accounting for the purposes of the project.**

## **7.2. Validation of expenditure by first level controllers**

The reimbursement of the expenditures for the execution of the contract is based on verifications by First Level Controllers (FLC Controllers).

The reported expenditures by the PPs will be checked and validated by the controllers designated by the MA or NA.

**The First Level Controller will be not assigned for the project partners, which expenditures for the reporting period are below 2500 euro.** The respective expenditures will be declared in a subsequent Request for FLC, which complies with this requirement for minimum spending requested for verification as well as provisions of the Subsidy contract, including the fixed term of 10 days for submitting the IR after each reporting period. The IR will also be rejected if attached documentation is not properly sorted by type and relevance in the corresponding BP sections and submitted according to the "Annex 15 User manual-BP". Different documents have to be scanned separately and organised in thematic folders, e.g., in the procurement section - tender dossier, offers, evaluation, contract, exc. In the invoice section - invoice, accounting, payment, proofs.

The controllers will carry out the first level control (FLC). The FLC reviews 100% of all declared project expenses. The FLC entails the following checks:

- verification of the delivery of the products and services;
- verification of the soundness of the expenditure declared;
- verification of the compliance of such expenditure with the Programme, EC and national rules.

Expenditure will be validated by Bulgarian/Turkish Controllers within a period of 45 days from the date of submission of the Request for First Level Control (Annex 4).

However, the LPs are accountable to the JS, the MA and the CA for all the project costs. Therefore, the LPs are responsible for the project financial management and the operation of the control systems. The LP must check all the documents of the requests for payment, ensure that the expenditure of each partner is directly linked to activities as agreed in the Application Form/Subsidy Contract and verify that the expenditure of each partner has been validated by the controller.

**The process of First Level Control is as follows:**

### **Step 1**

Each Bulgarian/Turkish Project Partner (including the Lead Partners) should fill in information concerning the expenditures during the reporting period in the Beneficiary portal on the Programme web site. All relevant documents as: invoices, other accounting documents, technical documentation for delivery of the products, services and works, sub-tender procedures dossiers, in case there are expenditures related to sub-contracting, i.e. tender dossier, information for all the participants in the conducted sub-tendering procedures as well as the chosen sub-contractors, should be uploaded in Beneficiary portal by respective PP. After the end of the reporting period LP submits Request for First Level Control (Annex 4), to the MA



within the deadline specified in the Subsidy contract. The request could be sent by the respective Project Partner, if such rights are delegated by the LP.

The LP/PP may request verification of expenditures on a six months basis after the starting date of the project implementation period. As an exception the LP/PP may request verification of expenditures on a quarterly basis after the starting date of the project implementation period, provided that at least one of the following conditions is satisfied: the total amount of the expenditures made during the quarter is at least 15 % of the total amount of the operation, or the total amount of the expenditures made during the quarter by some of the project partners is at least 15 % of the total amount of the budget of the respective project partner/s.

Submission of the Request for FLC and the related documents should be done through the Beneficiary portal on the Programme web site or on a hard copy. When reporting through the BP, the day of submission is considered the day of properly submitting the invoice report (status "locked") with the request for FLC attached in the system. In case of hard copy the LP should submit Invoice Report with the attached financial report, list of contracts (originals, signed by the legal representative of the PP/LP) and all supporting documents (hardcopy) to the MA/NA. In this case all the supporting documents must be stamped with "true copy of the original" on every page. The hard copy receives date upon receiving of the dully signed request for FLC, which is considered the date of submission.

All annexes and supporting documents (invoices, technical documentation for delivery of the products, services and works, tender procedures dossier, pictures etc.) should be the original documents scanned in pdf format. The scanned documents have to be structured in folders according to the corresponding expenses per budget lines. The tender dossiers should also be structured in separate folder for each procedure and sub-folders - tender dossier, offers, evaluation, contract, etc.

In case there is no expenditures incurred within the specified period the respective PP prepares and submits to the LP a **declaration for lack of expenditures**. The declarations are part of the documents submitted by the LP to MA via BP or on a hard copy. The preparation and submission of the declaration concerns the LP as well if applicable.

## Step 2

The Bulgarian/Turkish FLC Controller performs a complete check of the expenditures reported by the Bulgarian/ Turkish PP/LP on the basis of the invoices and/or accounting documents of equivalent probative value. The FLC Controller verifies the delivery of the products and services co-financed, the soundness of the expenditure declared, and the compliance of such expenditure with Community rules, Programme rules and relevant national rules. The check is performed "on desk" and/or "on-the spot" (if applicable). When performing "on-the spot" a control check - list is completed and signed by respective first level controller and a legal representative of the beneficiary, or a project team member. Scanned original of the completed control check list is sent to the beneficiary via BP and attached at the "on-the-spot" section of MIS, along with pictures / proofs for "on-the-spot" findings.

If in the process of validation a lack of documents, shortage in the documents submitted or necessity of presenting additional documents concerning the relevant request for first level control is found by the controller, he/she sends a request to the beneficiary to present the necessary documents within a period of 5 days. The requests for additional information and the relevant answers are submitted via the beneficiary portal or on a hard copy and are noted in the CVE.

## Step 3



After verification, the Controller issues the “**Certificate for Validation of Expenditures**” (CVE) to the project partner (via BP or on a hard copy). In addition the controller completes the respective FLC section in the “Invoice Report” with the attached “Financial report” and the “List of contracts” (Annex 5) which is issued by the project partner.

The “Invoice report”, including the “Financial report” and the “List of contracts” must be verified, signed and dated by the FLC.

#### Step 4

In due time after the verification of the First Level Controller, each project partner has to inform the LP that verification procedure is finished and the CVE, the Copy of the First Level Control Designation Certificate(s) – only for Turkish partners, the Invoice report, financial report, list of contracts and signed declarations for VAT status (only for Bulgarian partners) and lack of double financing and revenue (“Verification package”) are present at the Beneficiary portal. In case of hard copy the respective PP has to submit the “Verification package” to the LP.

The LP is responsible for checking whether the expenditures, presented by the partners, are verified by the controllers and whether the verification, received from them, gives the necessary confidence for it to verify before the MA that the expenditures, declared for reimbursement, are eligible and lawful.

#### Step 5

After receiving the information and documents by other PPs for executed FLC the Lead partner has to summarise the information from all partners and to prepare an aggregated Request for Payment (*Annex 6*) for the respective reporting period (one request for the entire project). The aggregated Request for payment must include the expenditures for all project partners for the respective reporting period. If some of the project partners have not made any expenditure during the respective reporting period he/she should declare that to the LP in writing. The LP submits this declaration to the MA together with the Request for payment. The request for payment is filling in on-line in the electronic fields available on the Beneficiary portal and is to be sent by the LP to the MA through the portal. The procedure is described in p. 7.3.

#### Step 6

During the verification process the controller may identify some problems, which could be classified as irregularity or infringement of the applicable law and to provide the partner with recommendations for correction. The project partner has to consider the findings and recommendations by the FLC controller and to undertake measures to correct the gaps identified. “Corrective measures” do not concern already verified documents or results which have to be done on the previous stage, but it concerns the future implementation of the project. Where the recommendations are not clear or abstractive, the project partner should contact the MA for consultation.

In case of disagreement with the findings of the FLC controller during the verification process, the LP/PP may send to the MA an “Appeal Declaration” (*Annex 7*) together with the Request for Payment (RP - *Annex 6*).

Each “Appeal Declaration” must be accompanied by detailed justification and additional supporting documents (if needed).

During the verification process the MA may request additional documents and clarifications by LP and may initiate on the spot check, if necessary.

### 7.3. Submission of Request for payment

Specific types and schedule of payments to LP are determined in the terms of the Subsidy Contract. Three types of payments are foreseen:

- Advance payment the LP must send a request for advance payment to the MA no later than 45 days after the Contract enters into force.
- Interim payments - the LP may request interim payments on six months basis after the respective expenditures are verified by First Level Controller/s.
- Final (balance) payment- At the end of the project implementation period and after the respective expenditures are verified by controller/s.

**The amount of advance payment, which is provided by the MA to Lead Partner is up to 20% of the EU, the Bulgarian national co-financing and the co-financing of the partnering country, as part of the Subsidy Contract.**

**For soft projects, the MA transfers it in one instalment** after receiving request for advance payment.

**For investment projects, MA transfers advance payment in two instalments**, i.e. 10% of the total amount of the Subsidy Contract after it enters into force and receiving a request for advance payment, and the rest 10% of the total amount of the Subsidy Contract after one of the project partners awards a sub-contract for investment activity and receiving a request for advance payment and a copy of the notification letter to the successful tenderer or a copy of contract for investment activity.

**In all cases, the LP must send a request for advance payment to the MA no later than 45 days after the Contract enters into force.**

MA transfers the amount of advance payment to the LP within 20 (twenty) calendar days after receiving request for advance payment. Interim/final payments are to be executed by the MA within 45 (forty-five) calendar days after receiving request for interim/final payment.

As a general rule the advance payment is deducted from the verified expenditures reported in the Request for final payment. Interim and final payments are based on costs actually incurred by the beneficiaries. In case the balance between the verified eligible costs and the amount of advance payment is positive, MA will initiate final payment. In case the advance payment exceeds the verified total eligible costs, the MA will send to the Lead partner "Request for recovery of funds" in accordance with the terms and conditions of the Subsidy Contract.

**The total amount of the advance and interim payments of an operation cannot exceed 80% of the total value of the subsidy. Nevertheless the total amount of the advance payment and interim payments per project partner cannot exceed 100 % of the project partner`s total budget amount stipulated in the Application form. After the payments reached the 80 % of the subsidy, starts the covering of the advance payment with the verified expenditures (partially or entirely) and the MA informs the LP that the verified expenditures are paid with the advance payment. When the advance payment is fully covered with the verified expenditures the MA continues with the payment of the verified expenditures.**

Unlike the advance payment, where validation of expenditure is not applicable, interim and final payments are based on costs actually incurred by the beneficiaries. The Request for payment should be submitted to the MA not later than 5 (five) working days from the date of receipt of the documents proving verification of expenditures by the First level Controller/s for all project partners with performed FLC check for the reporting period.

Before submitting the Request for Payment, in compliance with the Article 72 of the Regulation (EC) No. 1303/2013 and in accordance with Guidelines regarding the certifying of expenditures issued by the Bulgarian Minister of Finance, **the LP shall verify the following:**

- the project activities are implemented in accordance with the principles of sound financial management;
- the payment request includes only expenditure, which is verified by the controllers, which is eligible and which is actually incurred by the partners for the implementation of the operation approved, in accordance with the contract, signed with the Managing Authority;
- the progress of the operation (financial and physical) complies with the provisions of the contract with the Managing Authority;
- the activities under the operation are duly documented. All accompanying documents, referring to the expenditure and the checks of the operation, shall be and will remain at the disposal of the European and the respective national controlling authorities, including the Audit and the Certifying Authority under the Programme for a period of five years after the date of the notification by the MA for verified amounts under the request for final payment;
- the FLC, audits and/or inspections performed do not establish any weaknesses or omissions in the management of the operation approved, or, if such are established, there is a commitment for their rectification, including an approved timeline of corrective measures;
- the expenditure declared in the present Request for payment is not subject to double funding from other funding sources and has not been included in any other previous requests;
- the total amount, accumulating the expenditure, declared for reimbursement, does not exceed the respective operation budget lines;
- all certificates on validation of expenditures presenting the expenditure of the Project Partners in this Request for payment are attached in original paper/electronic version officially signed by the designated controllers;
- the information included in the Project Progress Report, Request for payment and its Annexes are true and correct.

All partners are obliged to submit to the Lead partner information for the validated expenditures for each reporting period. In 5 (five) working days period of receiving the documents from the partners the LP fills in on-line the electronic fields of the Request for advance/interim/final payment in the Beneficiary portal and sends it to the MA. **Only the Lead partner has the right to prepare requests for payment and to submit them to the MA.**

For an **Advance payment** a verification of expenditure, Invoice Reports with the attached financial report and list of contracts are not applicable. Only Financial Identification Form (FIF) for the LP (Annex 1) has to be attached to the request for advance payment. FIF should be in original (if there is a change in the

Bank account) or copy signed and certified with "True copy". The Request for advance payment has to be submitted to the MA through the BP or on a hard copy.

**Together with the Request for interim/final payment, LP has to submit the whole Verification package via BP to the MA.** The verification package includes following annexes: (related to the expenditures for each project partner included in the Request for payment):

- Certificate(s) for Validation of the Expenditure by the FLCs;
- Copy of the First Level Control Designation Certificate(s) – only for Turkish partners;
- Project partners' Invoice Reports with the attached financial report and list of contracts (Annex 5);
- Financial Identification Form for the LP (bank account details) (Annex 1);
- Declaration VAT status (Annex 11) and related documents (if applicable). The additional documents are described in section "Value added tax (VAT)" – only for Bulgarian partners;
- Declarations for lack of double funding and revenue of the project (Annex 12) by each of the partners who reports expenditures. The Declaration has to be included in the respective request for payment;
- Appeal Declaration (against the FLC validation certificate, if applicable (Annex 7)).
- Declaration of staff employment (Annex 16) by each of the partners who reports staff costs as a flat rate.

Before submission of the request for payment to the MA the LP can request consultation from JS on correctness and completeness of the documents.

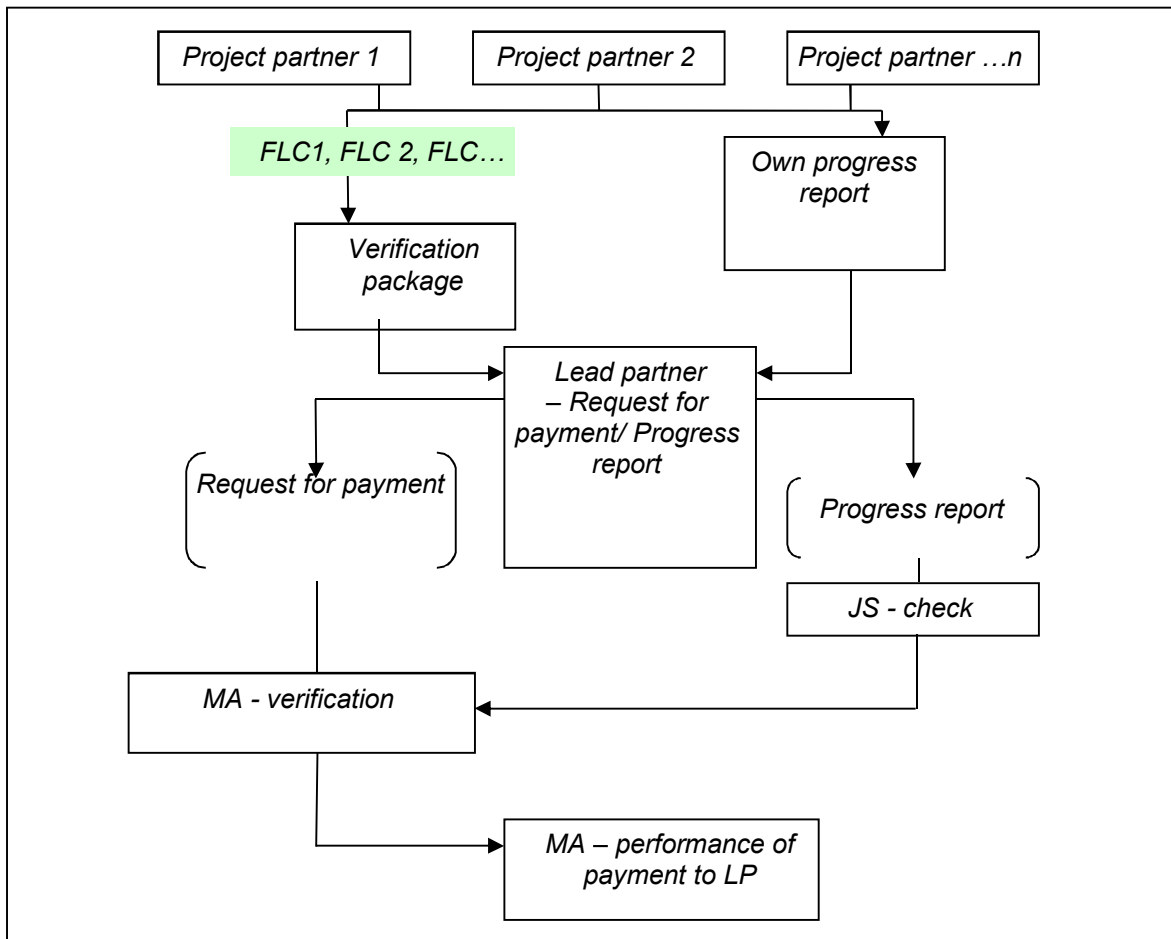
**Additional requirements** concerning the preparation and completion of the Request for payment:

1. The beneficiaries have to use the latest version of each Annex, accompanying the Request for payment and attached to the Project implementation Manual. The website of the Programme should be checked for updates before preparing any document.
2. The Request for payment should be dated, signed and stamped by the legal representative of the LP.
3. The amounts for each partner of the Request for payment (Validated eligible expenditures per project partner) must comply with the verified costs by the First level Controllers. Accordingly, the total amount requested on page 1 of the Request for payment must include the sum of all verified costs of the partners. The amounts in each field of this document should be carefully calculated and indicated;
4. The Reporting period inspected by the Controllers as well as the Project duration period should comply with the dates specified in all relevant documents. Project duration and reporting period should be filled in correctly;
5. Aggregate amounts of each budget line written in the Invoice report and Financial report must be comparable and correctly calculated;
6. Office and administrative costs (BL2) must be included in the invoice report and financial report of each project partner as a global sum on the basis of the flat rate percentage, indicated in the respective budget. This also applies to the Staff cost (BL1) when they are reimbursed as a flat rate;
7. When reporting the costs associated with currency exchange and completing cost amounts in the electronic fields of the Invoice report, the official exchange rate of the currencies of the European Commission must be used (see point 7.7 "Exchange rate").



LP submits to the FLC/MA all documents listed in the flowchart through the Beneficiary portal.

**Flowchart - process of requesting payment**



**NB!**

In order to receive funds from MA the LP, before preparation of the Request for payment, should send a Progress report to JS, as described in section 6 “Reporting”. The reimbursement of funds under the respective Request for payment shall be carried out only after approval of the respective Project progress report by the JS.

The LP should take into account that the Programme will reimburse requested funds only if its corresponding PPR is accepted and approved by the JS.

**7.4. Reimbursement of Funds to the Lead Partners**

When submitting the Request for Payment, the LP has to be aware of the steps and the estimated timeframe of the reimbursement of Funds. The following procedure applies for the reimbursement of funds to the LP:

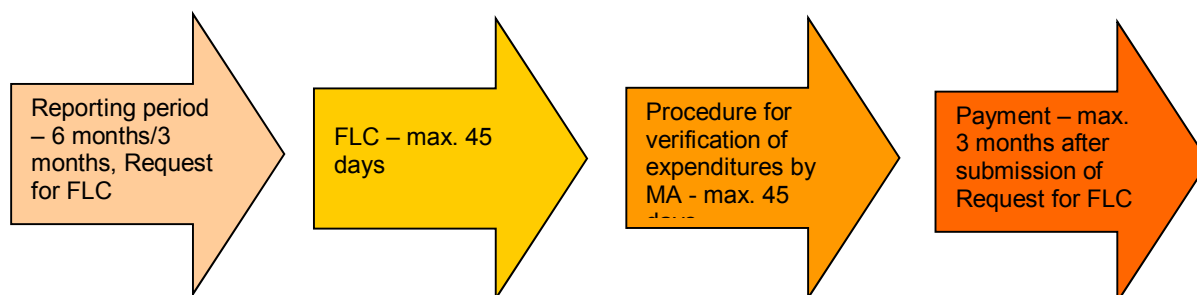
- The LP submits the Request for Payment to the MA within the deadlines given in the Subsidy Contract;
- The reimbursement of funds to the LP will be initiated by the MA within the deadlines given in the

Subsidy Contract;

- The LP may be requested to clarify/revise Request for Payment during the verification process. If the Request for Payment is rejected by MA the expenditures can be included in the Request for payment for the next reporting period;
- The reimbursement of funds will be performed by the MA after the verification process. In case the EU balance of the programme single bank account handled by the Certifying Authority does not cover the amount to be reimbursed, the reimbursement process will be suspended till the transfer of the EU contribution from the EC is credited to the Programme single bank account. In this case, the MA notifies the LPs for the amount of the verified expenditures. The MA transfer the amounts subject of payments after the necessary funds are ensured in the programme bank account;
- The verified expenditures subject of payment will be transferred by MA in bank account of the LP opened exclusively for the project. The LP is responsible to transfer the respective funds to each project partner according to the approved request for payment and within the deadline given in the Partnership Agreement.

## 7.5. Timeframe of reimbursement of Funds to LP

LP and the PPs have to consider the timeframe of the reimbursement of Funds when preparing the time plan of their project activities. The following flowchart presents the procedures described in the following section with the indicative timeframe:



**Balance payment shall be made after the approval of final PPR.**

## 7.6. Eligibility of expenditure

### ➤ Value added tax (VAT) for Bulgarian Beneficiaries

The expenditures cover VAT, being eligible or non-eligible/ineligible. It is regulated in Art. 43 of the Regulation 447/2014 and Guidance Letter № NF-5/28.07.2014/ DNF № 3/23.12.2016 of the Minister of Finance of the Republic of Bulgaria.

In the Guidance Letter there are instructions regarding the terms “eligible VAT” and “ineligible VAT” in relation to the implementation of the projects/contracts under EU-funded programmes. The basic principles are as follows: if a Beneficiary has the right to reimburse the VAT by the state budget, then the amount of the VAT is ineligible expenditure for the Programme. If the Beneficiary has no right to reimburse the VAT from the state budget then the amount of the VAT is eligible expenditure for the Programme, provided that it is included in the project budget. Each Beneficiary is responsible for the correct classification of the VAT expenditures as either eligible or ineligible expenditure based on the Instructions

of the Letter No NF-5/28.07.2014/ DNF No 3/23.12.2016 of the Minister of Finance of the Republic of Bulgaria.

**NB!**

**When beneficiaries are VAT registered, the Declaration on VAT status must be accompanied by Annex 1 to the Instructions of the Minister of Finance of the Republic of Bulgaria (Guidance Letter № NF-5/28.07.2014/ DNF No 3/23.12.2016 ) on the treatment of VAT as eligible expenditure. A scanned copy of the Certificate of registration under VAT law should also be enclosed (if the organization is VAT registered). When VAT is irrecoverable according to the VAT law and it is recoverable under the project, the documentation should be accompanied by the scanned copies of VAT Register of purchases.**

➤ **Value added tax (VAT) for Turkish Beneficiaries**

If a Beneficiary has the right to reimburse the VAT by the state budget, then the amount of the VAT is ineligible expenditure for the Programme. If the Beneficiary has no right to reimburse the VAT from the state budget then the amount of the VAT is eligible expenditure for the Programme, provided that it is included in the project budget. The VAT issue is regulated in the Financing Agreement between the Government of the Republic of Turkey and the European Commission concerning the "Interreg IPA Bulgaria-Turkey Cross-Border Cooperation Programme" under the Instrument for Pre-Accession Assistance.<sup>4</sup> Besides, the Law No.3065 on Value Added Tax Law is the general legislation on VAT issue in Turkey. The application process of VAT Exemption Certificate is regulated by the Communiqué of the Revenue Administration of the Ministry of Finance.<sup>5</sup>

([http://www.gib.gov.tr/sites/default/files/uluslararası\\_mevzuat/1\\_SIRA\\_NOLU\\_IPAII\\_GENEL\\_TEBLIGI\\_TR.pdf](http://www.gib.gov.tr/sites/default/files/uluslararası_mevzuat/1_SIRA_NOLU_IPAII_GENEL_TEBLIGI_TR.pdf)).

➤ **No double funding in the declared expenditures is allowed**

With every Request for payment (Annex 6) it is necessary for all project partners that have declared expenditures to ensure that these expenditures have not been funded by other national or community source (Annex 12).

All the primary accounting documents should possess the obligatory requisites according to the respective legislation.

**NB!**

**Every invoice or similar accounting document subject to verification should contain obligatory text, identifying the specific project: the number and name of the project (for the expenditures related to the project preparation – the project name and/or the number of the call for proposals) and detailed information regarding the supplied products or services – quantity, type and unit prices.**

The primary accounting documents (especially invoices), issued to the PPs should include the text

<sup>4</sup> The Financing Agreement of the Program, Official Gazette of the Republic of Turkey No:29865/22.10.2016

<sup>5</sup> General Communiqué of IPA Framework Agreement, Official Gazette of Republic of Turkey 29623/13.02.2016

“Expenditure is under project № ...../ code of project/or project name/..... Interreg –IPA CBC Programme Bulgaria-Turkey”.

If a single invoice is used for claiming expenditures on more than one budget line as per the Subsidy Contract, then the invoice or its attachments should have the expenditures divided as per the division in the budget (for example: hall rent, equipment rent, coffee breaks, etc.).

If this information cannot be mentioned in the document, one of the following can be done:

- The document is glued to a white sheet of paper and the above attributes are written afterwards;
- A protocol can be prepared to accompany the invoice, which states the number, date and amount from the invoice while pointing out the event for which the expenditure is relevant and all the attributes described above.

➤ **Project revenue**

In case of projects generating revenues in the implementation stage, the revenues have to be declared and reduced by the net revenue of the operation directly generated during its implementation. Net revenue means cash in-flows directly paid by users for the goods or services provided by the operation, such as charges borne directly by users for the use of infrastructure, sale or rent of land or buildings, or payments for services, minus any operating costs and replacement costs of short-life equipment incurred during the corresponding period. For the purposes of the net revenue calculation, any payment received by the beneficiary arising from contractual penalties as a result of a breach of contract between the beneficiary and a third party or third parties or that has occurred as a result of the withdrawal of an offer by a third party chosen under public procurement rules (the 'deposit') shall not be considered as revenue and shall not be deducted from the eligible expenditure of the operation.

**During the project implementation phase, each beneficiary, generating revenue under a project, should keep detailed, timely, adequate and traceable information concerning the generated revenues.**

**Specific eligibility rules related to the expenditures are described in the guidelines for applicants. Furthermore, the eligibility rules set out in the subsidy contract should be followed strictly.**

## **7.7. Exchange rates (EU and local)**

The amount in the Invoice report shall be converted into Euro:

**All sums in the Invoice report should be converted into Euro using the monthly accounting exchange rate of the European Commission of the month, in which the expenditures are incurred by the partner.**

The approved EU exchange rate for EUR into local currency is determined on a monthly basis at the beginning of each month. During the course of the project, funds held in the project EUR account will be exchanged and transferred to the local currency account. When buying goods/services for the grant project, you should be aware that exchange rates differences will occur. This is because banks use a rate based on the daily exchange rates as set by the country's national bank for conversion of EUR in local currency.

However, the EU uses a different exchange rate than your bank is using. The EU exchange rate is determined on a monthly basis and is on average slightly higher than the local rate at the beginning and

slightly below the local at the end of the month. The currency exchange differences are not eligible project costs.

You can find the EUR currency exchange rate at:

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/infoeuro/index\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/infoeuro/index_en.cfm).

Information on the exchange rate is updated every first day in the month to come.

## 7.8. Audit trail and accounting system of the partners

**NB!**

**The Bulgarian partner follows all the rules and regulations in accordance with the EU regulations and the applicable legislation of the Republic of Bulgaria.**

**The partner from the partnering country follows all the rules and regulations in accordance with the EU regulations and the applicable legislation of the partnering country.**

### ➤ Audit Trail

Partners must ensure that all accounting documents linked to the project are available and that they are filed separately in order to be easily identified as relating to the project. It is the LP's responsibility to ensure an adequate audit trail which implies that the Lead partner has an overview of:

- Who was paid;
- What was paid;
- The date on which payment was made;
- The person who carried out the verifications;
- The location where the relevant documents are stored.

The LP must ensure that all project partners keep the documents linked to the project in an ordered and safe manner at least five years after the date of the notification by the MA for verified amounts under the request for final payment. The filed documents can be either the originals or the certified as original copies. For the purpose PPs may create a flow chart/short description of control system in their organization.

The following list gives an overview of the documents that should be available for financial control and audit purposes:

- *Approved Application Form;*
- *Subsidy Contract;*
- *Partnership Agreement;*
- *Relevant project correspondence (financial and contractual);*
- *Documents attesting the FLCs' validations on partners' expenditure;*
- *Invoice Report with the attached financial report and list of contracts;*
- *Bank account statements/proof of payment for each invoice;*
- *Declaration of each partner to keep up the necessary and qualified project staff for the successful*

*implementation of the project activities;*

- *Nomination of the project team members - administrative order or letter;*
- *Copies of all contracts with external experts and/or service providers;*
- *Documents relating to procurement, information and publicity (including photos);*
- *Proof for delivery of services and goods: studies, brochures, newsletters, minutes of meetings, translated letters, participants' lists, travel tickets, etc.*

➤ **Accounting System**

The LP and PP must maintain regular and exact analytical accounts for the project implementation using an appropriate accounting system with double-entry book-keeping. These systems can be either an integrated part of the ordinary accounting system of the Beneficiary or an addition to this system.

This system must function in accordance with the accounting policy and rules, in force in both countries, respectively. The accounts and the expenditures, related to the project must be easy to identify and check. This could be done either through the use of separate analytic accounts for the project or through guarantees that the expenditures for the project activities can be easily identified and traced to and inside the regular accounting systems of the Beneficiary. The accounts must show detailed information related to project expenditures as well as the interest rates, paid on the granted funds.

## 7.9. Financial and accounting documentation of the project

- **Budget** - the budget of each project is part of the signed Subsidy Contract. The MA defines in the Applicant's Guide and the Application Form the format and the structure of the budget. The Beneficiary shows the percentage of own contribution (if any) in the budget form. The own contribution is regulated in the Applicant's Guide. The controller should check the adherence to this percentage as well. The documentation of the own contributions respects the same requirements as described in this Manual.
- **Invoice report with the attached financial report and list of contracts** – invoice report is a list of all financial and accounting supporting documents which proves the declared expenditures for the reporting period. Each supporting document has to be written in the fields of the invoice report with its number, date, amount, date of payment etc., according the name of respective field. There is a part in the Invoice report which has to be filled by the First level Controller during the process of verification of expenditures. The financial report follows the structure of the project budget with the respective budget lines and sub lines. The financial report presents the financial progress of the project for the reporting period and cumulative. The "List of contracts" presents information about the concluded contracts with sub-contractors and the amount of all expenditures included in the respective request for payment. The information filled in this section by the project partners concerns the concrete reporting period.
- **Accounting documentation** - all expenditure is recorded at the accounting system of the beneficiary, in order to be recognizable either in a separate accounting system or there is sufficient accounting coding subject to national accounting rules. All the financial and accounting documentation must be prepared /issued in accordance with the stipulations of the respective state accounting and VAT regulations. The list below presents the basic documents for respective reporting costs:



**Financial and accounting documentation (non-exhaustive list) to be provided by the Beneficiaries to the controllers**

BL 1	STAFF COSTS
Accounting and Financial documents	Other documents/conditions for eligibility of expenditure
<p><b>Real cost option</b></p> <ul style="list-style-type: none"> <li>- Employment/work contract or an appointment decision/contract considered as an employment document.</li> <li>- Job description providing information on responsibilities related to the project.</li> <li>- Administrative order for nomination of project team.</li> <li>- Payslips or other documents of equivalent probative value.</li> <li>- Proof of payment of salaries and the employer's contribution.</li> <li>- Data from the working time registration system, e.g. time sheets which cover 100% of actual working time and providing information on the number of hours spent per month on the project (signed by the employee and the employer), in case of part-time work on the project based on flexible number of hours worked per month or hourly rates.</li> <li>- In case of part-time work on the project based on hourly rates calculated using 1,720 hours or pro-rata of 1,720 hours (if applicable): document showing the documented annual (or other applicable) gross employment cost based on the latest available data at the time of signature of the Subsidy Contract.</li> </ul>	<p>Staff costs are related to activities which the partner organization would not carry out if the project was not undertaken. The project staff members could be hired on full-time or part-time for the project. The staff costs include salary payments fixed in the employment/work contract, an appointment decision (in the case of natural persons working for the partner organization under a contract other than an employment/work contact), or by law. Any other costs directly linked to the salary such as employment taxes and social security including pensions as long as they are fixed in the employment document and they are in accordance with the legislation and standard practices in the country and/or organization.</p> <p>Expenditure for holidays and sick leave are eligible for full time employment. For part-time employment with fixed percentage of time worked per month, holidays and sick leave are also eligible and shall be declared proportionally. Holidays and sick leave are not eligible for part-time assignments with a flexible number of hours worked per month and assignment on an hourly basis.</p> <p>The appointment of the staff by the project partners has to be done in accordance with the European and national legislation. The proper appointment of the project team is the sole responsibility of the project partners themselves.</p> <p>In the beginning of the project implementation each project partner must present:</p> <ul style="list-style-type: none"> <li>- a declaration that in the project implementation period he will keep up the necessary and qualified project staff for successful implementation of the project activities;</li> <li>- a nomination of the project team members – internal order, a letter, etc.</li> <li>- In case staff costs are not eligible for financing for the given project partner according to national eligibility rules, staff costs shall not be declared on flat rate basis to the project (i.e. the eligibility of expenditure does not depend on the form of reimbursement).</li> </ul>

- other documents requested by FLC-ers proving the staff costs.

**Flat rate option**

Flat rate is eligible option only for project partners where all team members will be full time employed under the project. In any other cases the eligible option is the real cost.. The flat rate percentage remains the same for the entire project implementation. No check of the documentary evidences related to the staff costs will be performed by the First level controller. The amount of the staff costs to be reimbursed will depend on the amount of the direct costs spent and verified by the FLC. An administrative order/a letter for nomination of the project team members shall be provided to the Controller on request.

<b>BL 2</b>	<b>OFFICE AND ADMINISTRATIVE COSTS</b>
Accounting and Financial documents	Other documents/conditions for eligibility of expenditure
<p>The Office and administrative costs must be reported as a flat rate on the basis of the concrete percentage of the staff costs, envisaged in the budget of the respective project partner. This percentage remains the same for the entire project implementation. The amount of the office and administrative costs, which could be reported, depends on the amount of the staff costs spent during the reporting period. No check of the documentary evidences related to the office and administrative costs will be</p>	<p>The eligible expenditures under Budget line 2 include expenditures for rent of office (specifically for the purpose of the project), overheads (expenses covering electricity, heating, water, telephone, internet, other utilities), consumables (expenses covering paper, pens, CDs, folders, toners etc.), bank charges - expenses for opening and administrating the bank account where the implementation of the project requires a separate account to be opened (only for the Lead beneficiary) and charges for transnational financial transactions (for all beneficiaries), and maintenance costs (expenses for postal services, cleaning, security, insurances, business cards, coffee/biscuits for small project meetings). The proper spent of the office and administrative costs is the sole responsibility of the project partners themselves.</p>



<p>performed by the First level controller. The amount of the office and administrative costs to be reimbursed will depend on the amount of the direct costs spent and verified by FLC and MA.</p>	
<p><b>BL 3</b></p>	<p><b>TRAVEL AND ACCOMMODATION COSTS</b></p>
<p>Accounting and Financial documents</p>	<p>Other documents/conditions for eligibility of expenditure</p>
<p><b>1) Travel Costs, including train tickets; bus tickets; airplane tickets; parking fees; car/ mini-bus travels (expenditure for fuel / kilometer, insurances for cars, green cards, motor way taxes, vignettes, etc.); rent of vehicle for the operation; medical insurances, for project team members.</b></p> <p>1.1) Traveling by bus/train/airplane/public transport:</p> <ul style="list-style-type: none"> <li>- Business trip order, report and copy from the relevant page in the International passport;</li> <li>- Calculation of travel expenses;</li> <li>- Airplane boarding cards;</li> <li>- Tickets;</li> <li>- Invoice / protocol issued by the travel agency for the value of the Airplane ticket;</li> <li>- Invoice and Cash receipt for paid transport;</li> <li>- Bank statements;</li> <li>- Accounting records.</li> </ul> <p>1.2) Traveling by own or rented car</p> <ul style="list-style-type: none"> <li>- Business trip order and report;</li> </ul>	<p>The budget line covers the expenditures for the project staff members in events carried out within the project as follows: participation in project team meetings, project site visits, technical meetings, meetings of joint working groups, workshops, trainings &amp; seminars etc.</p> <p>A description of the activities performed and the results obtained from the business trips has to be reported by the project team member: Invitation letter, Agenda, List of participants, Minutes of meeting, pictures or other document as proof of the realization of the business trip;</p> <p>The business trip documentation must be prepared in accordance with the respective national legislation and with the limits pointed out in the Guidelines for Applicants.</p> <p>Personal vehicles or vehicles of the organization cannot be rented for the purposes of the project activities.</p>



<ul style="list-style-type: none"> <li>- Calculation table for travel expenses showing the route, fuel unit price and kilometers and total cost;</li> <li>- Route-sheets/driver's sheets containing the following information:</li> <li>- distance, fuel price, average fuel consumption, toll roads, vignette, health insurance, etc.;</li> <li>- Protocol determining the consumption rate of the used vehicle and the passed distance together with invoices certifying the exact amount of funds spent on fuel;</li> <li>- Invoice for fuel;</li> <li>- Invoices/ receipts for parking fees, insurances for car, green cards, motor way taxes, vignettes, medical insurances</li> <li>- Accounting records.</li> </ul>	
<p><b>2) Daily Allowance – only for project team members:</b></p> <ul style="list-style-type: none"> <li>- Business trip order and report;</li> <li>- Bank statements;</li> <li>- Accounting records.</li> </ul> <p><b>3) Accommodation Costs – only for project team members:</b></p> <ul style="list-style-type: none"> <li>- Business trip order /certified/ and reports;</li> <li>- Invoice and cash receipt/payment order for the accommodation;</li> <li>- Cash disbursement notes/reports on advance payments;</li> </ul>	<p>A description of the activities performed and the results obtained from the business trips has to be reported by the project team member</p> <p>Invitation letter, List of participants, Minutes of meeting, pictures or other document as proof of the realization of the business trip (if applicable);</p> <p>The daily allowances expenditures for in-country and out-of-country travels have to be calculated in accordance with the national rules of the respective country.</p> <p>The accommodation expenditures cannot exceed the limits pointed out in the Guidelines for Applicants.</p> <p>The business trip documentation must be prepared in accordance with the respective national legislation.</p>



<ul style="list-style-type: none"> <li>- Bank statements</li> <li>- Accounting records.</li> </ul>	
<p><b>4) Visa Costs – only for project team members:</b></p> <ul style="list-style-type: none"> <li>- Invoice and cash receipt;</li> <li>- Bank statements.</li> </ul>	<p>The visa cost documentation must be prepared in accordance with the respective national legislation.</p>
<p><b>BL 4</b></p>	<p><b>EXTERNAL EXPERTISE AND SERVICES COSTS</b></p>
<p>Accounting and Financial documents</p>	<p>Other documents/conditions for eligibility of expenditure</p>
<p><b>1) Rent of hall for events:</b></p> <ul style="list-style-type: none"> <li>- Tender documentation (if applicable);</li> <li>- Contract;</li> <li>- List of participants, agenda, pictures and other documents proving realization of activity – to be provided for each day of the event;</li> <li>- Invoices and cash receipt notes/payment order/bank statements</li> <li>- Accounting records.</li> </ul>	<p>Tender procedure has to be conducted according to the PRAG rules, if required.</p>
<p><b>2) Rent of audio/video equipment for events:</b></p> <ul style="list-style-type: none"> <li>- Tender documentation (if applicable);</li> <li>- Contract;</li> <li>- List of participants, agenda, pictures and other documents proving realization of activity;</li> <li>- Invoices and cash receipt notes/payment order/bank statements</li> <li>- Accounting records.</li> </ul>	<p>Tender procedure has to be conducted according to the PRAG rules, if required.</p>

<p><b>3) Catering for events (coffee breaks, refreshments, lunches and dinners for participants in the events):</b></p> <ul style="list-style-type: none"> <li>- Tender documentation (if applicable);</li> <li>- Contract;</li> <li>- Agenda where must be indicated that coffee breaks/refreshment/ lunches and dinners for participants in the event have been provided;</li> <li>- List of participants, pictures and other documents proving realization of activity - to be provided for each day of the event and for each expenditure (e.g. lunch, dinner) – separate pack of pictures &amp; proofs;</li> <li>- Acceptance protocol;</li> <li>- Invoice, payment documents, bank statements</li> <li>- Accounting records.</li> </ul>	<p>Tender procedure has to be conducted according to the PRAG rules, if required.</p> <p>Expenditure for alcoholic beverages and cigarettes cannot be paid under the project. In case such expenditure is made by the project partners, it will be considered ineligible and will not be reimbursed to the partner.</p>
<p><b>4) Consumables for events – paper, files, folders, cases, CDs, etc.:</b></p> <ul style="list-style-type: none"> <li>- Tender documentation (if applicable);</li> <li>- Contract;</li> <li>- Acceptance protocol;</li> </ul> <p>Invoices, cash receipt notes, payment orders, banks statements; Copy of delivered materials (pictures of the pack of materials taken during their acceptance suitable for clarification of their type and number); Accounting records.</p>	<p>Tender procedure has to be conducted according to the PRAG rules, if required.</p> <p>Elaborated materials should contain visibility elements, according the Programme rules.</p>

<p><b>5) Rent of vehicle for event</b></p> <p><b>5.1) Rent of vehicle (car, van, minibus, bus, etc.):</b></p> <ul style="list-style-type: none"> <li>- Tender documentation (if applicable);</li> <li>- Contract;</li> <li>- Protocol and other documents proving realization of activity;</li> <li>- Invoices and cash receipt notes/payment order/bank statements;</li> </ul> <p><b>5.2) Ticket costs (bus, train, airplane):</b></p> <ul style="list-style-type: none"> <li>- Airplane boarding cards;</li> <li>- Tickets;</li> <li>- List of participants, agenda, pictures copy from the relevant page in the International passport and other documents proving realization of activity;</li> <li>- Invoice / protocol issued by the travel agency for the value of the Airplane ticket;</li> <li>- Bank statements- Accounting records.</li> </ul>	<p>Tender procedure has to be conducted according to the PRAG rules, if required.</p>
<p><b>6) Accommodation for participants in the events:</b></p> <ul style="list-style-type: none"> <li>- Tender documentation (if applicable);</li> <li>- Contract;</li> <li>- Agenda; list of participants, pictures and other documents proving realization of activity;</li> <li>- Invoice, payment documents, bank statements</li> <li>- Accounting records.</li> </ul>	<p>Tender procedure has to be conducted according to the PRAG rules, if required.</p> <p>The accommodation expenditures cannot exceed the limits pointed out in the Guidelines for Applicants.</p>
<p><b>7) Elaboration, design, translation of advertising materials:</b></p>	<p>Tender procedure has to be conducted according to the PRAG rules, if required.</p>

<p><b>7.1) Information materials concerning project documents, project events, meetings, implementation provisions, etc.;</b></p> <p><b>7.2) Brochures, leaflets informing about the project implementation and results;</b></p> <p><b>7.3) Manuals and guidelines related to the project;</b></p> <p><b>7.4) Design and printing of advertising items</b> with logo of the project or with logo of the Programme (pens, key chains, CDs, USBs, hats, bags, note books, folders etc.). Tender documentation (if applicable); Contract; Acceptance protocol/ report by the Contractor; Pictures of the pack of materials taken during their acceptance suitable for clarification of their type and number; Invoices, cash receipt notes/payment order/bank statements Accounting records.</p> <p><b>7.5) Written translation:</b> Tender documentation (if applicable); Contract; Acceptance protocol/report by the Contractor; Invoices, cash receipt notes/payment order/bank statements Accounting records.</p>	<p>Copies of the elaborated/ designed/translated materials should be kept by the project partner.</p> <p>All advertising materials must comply with the Programme visibility rules in order the respective expenditures to be considered eligible.</p>
<p><b>8) Publications in mass media – press, radio, TV:</b></p>	<p>Tender procedure has to be conducted according to the PRAG rules, if required.</p>



<p>Tender documentation (if applicable); Contract; Acceptance protocol/ certificate/ report by the Contractor; Invoices, cash receipt notes/payment order/bank statements Accounting records.</p>	<p>Copies of the publications in print/electronic media and broadcasting in radio/TV should be kept by the project partner. All publications must comply with the Programme visibility rules in order the respective expenditures to be considered eligible</p>
<p><b>9) Consultancy, studies, designs, website development, etc.:</b> Tender documentation (if applicable); Contract; Acceptance protocol/ report by the Contractor; Invoices, cash receipt notes/payment order/bank statements Accounting records.</p>	<p>Tender procedure has to be conducted according to the PRAG rules, if required. Reports on methodology applied and on the results of the researches/studies conducted. Reports, research, analysis, studies and other written documents must be in accordance to the EU requirements for visualization and should have information for the author and year of issue. The web site developed under the project must also comply with the Programme visibility rules</p>
<p><b>10) Authorizations, certificates:</b> - Tender documentation (if applicable); - Contract; - Acceptance protocol/ report by the Contractor; - Invoices, cash receipt notes/payment order/bank statements - Accounting records.</p>	<p>The Authorizations, certificates documentation must be prepared in accordance with the respective national legislation and with the Guidelines for Applicants.</p>
<p><b>11) Interpreters, lecturers, trainers, moderators, etc. :</b> - Tender documentation (if applicable); - Contract; - List of participants, agenda, pictures and other documents proving realization of activity; - Acceptance protocol/ report by the Contractor;</p>	<p>Tender procedure has to be conducted according to the PRAG rules, if required.</p>

<ul style="list-style-type: none"> <li>- Invoices, cash receipt notes/payment order/bank statements</li> <li>Accounting records.</li> </ul>	
<p><b>12) Other, including organisation or participation in online events (seminars, conferences, trainings, workshops, working meetings, etc.):</b></p> <ul style="list-style-type: none"> <li>- Tender documentation (if applicable);</li> <li>- Contract;</li> <li>- Invoices, cash receipt notes/payment order/bank statements</li> <li>- Accounting records.</li> <li>- <b>Software subscription / license (if applicable for online events)</b></li> </ul>	<p>Tender procedures have to be conducted according to the PRAG rules, if required.</p> <p>For expenditures related to online events, additionally document and provide in the Invoice report:</p> <ul style="list-style-type: none"> <li>- e-mail invitations and received confirmations;</li> <li>- data for access to the virtual event (meeting ID, access link, etc.);</li> <li>- software log of the event;</li> <li>- screenshots taken during the event;</li> <li>- audio (if possible);</li> <li>- video recording (to be kept by the beneficiary and/or uploaded in cloud service with provided link in the beneficiary's report).</li> <li>- any other suitable for the purpose evidences.</li> </ul>
<b>BL 5</b>	<b>EQUIPMENT AND WORKS</b>
Accounting and Financial documents	Other documents/conditions for eligibility of expenditure
<p><b>1) Small scale construction:</b></p> <ul style="list-style-type: none"> <li>- Tender documentation (if applicable) Documents for selection of the works sub-contractor – tender procurement procedure documents</li> <li>- Contract, Bill of Quantity (BoQ); Works contract incl. all annexes (bill of quantity, price offer, work schedule, analysis of unit prices, technical specifications, etc.). Addendums to the works contract if applicable;</li> <li>- All guarantees provided for in the special conditions of the works contract;</li> <li>- Certificates/ protocols for the implemented works according to the national legislation;</li> </ul>	<ul style="list-style-type: none"> <li>- Tender procedure has to be conducted according to the PRAG rules. Detailed and exhaustive documentation of the implemented tender procedure should be kept by the project partner – invitation letter and/or other documents related to publication of the tender, tender dossier, evaluation report and other evaluation documents, offers submitted by the participants in the tender procedure, etc.</li> <li>- Construction permit/Permit for placement were applicable or statement from the relevant authority that permits are not necessary;</li> <li>- Documents supporting the execution of construction/repair activities – Acts and Protocols in accordance with Ordinance 3/2003 for issuing acts and protocols during construction or relevant Turkish National legislation, certificates and declarations for conformity of incorporated materials, construction work dairies, detailed payrolls for the quantities of implemented construction/repair works, etc.;</li> <li>- Technical passport of the construction site if applicable; Other statements or reports if specially contracted or</li> </ul>



<p>Acceptance protocols for implemented works, Substitute tables if applicable signed from duly authorized representatives of the contracting parties</p> <ul style="list-style-type: none"> <li>- Invoices, payment order, bank statements. Documents for payment of construction works – copies of invoices, payment orders, bank transfer excerpts, etc.;</li> <li>- Accounting records;</li> <li>- Document which certifies the posting of all assets purchased under the project, and their existence into in the organization's balance sheets, where they remain after the finalization of the project.</li> </ul>	<p>required by legislation depending on the type of construction/repair;</p> <ul style="list-style-type: none"> <li>- Local Act – permission for use of the construction according to the National legislation for construction works. Certificate for commissioning of the construction site/Use permit/ other relevant documents certifying the acceptability of the construction site/repair works according to National legislation;</li> <li>- Statement of the beneficiary confirming the existence of the performed construction works, their consistency with the provisions of the contract and the measures taken regarding the provisions of the contract and the measures taken regarding the requirements for publicity and transparency of all activities financially supported by the EU;</li> <li>- All guarantees provided for in the special conditions of the construction and supervision contracts;</li> <li>- Copy of the final report of the Construction supervisors according to the relevant national legislation (for BG LP/PP - according to art. 168, par.6 of the Bulgarian Territory Structure Act). Final report from the supervisor according to Article 168 from Bulgarian Spatial Planning Act or relevant Turkish National legislation if applicable according to the construction site category.</li> </ul>
<p><b>1.1) Construction supervision</b></p> <ul style="list-style-type: none"> <li>- Documents for selection of the supervisor – tender procurement procedure documents;</li> <li>- Supervision contract incl. all annexes (price offer, work schedule, analysis of offer prices, etc.). Addendums to the supervision contract if applicable;</li> <li>- Protocols for provided services/ transmission reports for elaborated documents/ other documents that certify the scope and the quality of implemented activities and their consistency with the provisions of the contract;</li> <li>- Documents for payment of supervision service – copies</li> </ul>	<ul style="list-style-type: none"> <li>- Tender procedure has to be conducted according to the PRAG rules if required.</li> <li>- Final report from the supervisor according to Article 168 from Bulgarian Spatial Planning Act or relevant technical documents Turkish National legislation;</li> <li>- Technical passport of the construction site if applicable;</li> <li>- Other statements or reports from the supervisor if specially included in the supervision contract.</li> </ul>



<p>of invoices, payment orders, bank transfer excerpts, etc.</p> <ul style="list-style-type: none"> <li>- Accounting records.</li> </ul>	
<p><b>1.2) Authors' supervision</b></p> <ul style="list-style-type: none"> <li>- Documents for assigning the authors' supervision;</li> <li>- Authors' supervision contract incl. all annexes (price offer, work schedule, analysis of offer prices, etc.). Addendums to the authors' supervision contract if applicable;</li> <li>- Documents certifying the implementation and the reporting of authors' supervision – time sheets, reports, protocols for put-in-work, forms for site visits, copies of orders/instructions/details/other documents elaborated by the author during construction;</li> <li>- Documents for payment of authors' supervision – copies of invoices, payment orders, bank transfer excerpts, cash receipts, etc.;</li> <li>- Accounting records.</li> </ul>	<ul style="list-style-type: none"> <li>- Tender procedure has to be conducted according to the PRAG rules if required.</li> <li>- Documents issued/elaborated by the author on the occasion of the author's supervision provided such as orders/instructions/details/other.</li> <li>- Other statements or reports from the author if specially included in the author's supervision contract.</li> </ul>
<p><b>2) Supply:</b></p> <ul style="list-style-type: none"> <li>- Tender documentation (if applicable)</li> <li>- Contract;</li> <li>- Acceptance protocol, containing the type of the supplied equipment, exact number of the delivered items, their trademarks, models and serial numbers;</li> <li>- Warranty card for the purchased equipment;</li> <li>- Declaration/ certificate of origin containing the type of the supplied equipment, exact</li> </ul>	<p>Tender procedure has to be conducted according to the PRAG rules. Detailed and exhaustive documentation of the implemented tender procedure should be kept by the project partner – invitation letter and/or other documents related to publication of the tender, tender dossier, evaluation report and other evaluation documents, offers submitted by the participants in the tender procedure, etc.</p> <p>Equipment that will not be used by the project partners or the project target group after the project completion and if the economic lifetime of the equipment (respectively the period of depreciation) is longer than the project duration, only the depreciation costs for the period of project duration are eligible. The depreciation rate has to be in line with national rules. Depreciation is calculated proportionally for each reporting period for which a periodical report is required and prepared. The full value of depreciated costs on equipment in relation to the total</p>



<p>number of the delivered items, their trademarks, models and serial numbers;</p> <ul style="list-style-type: none"> <li>- Invoices, cash receipt note, payment orders, bank statements;</li> <li>- Document which certifies the posting of all assets purchased under the project, and their existence into in the organization's balance sheets, where they remain after the finalization of the project.(Inventory book/register)</li> <li>- Documents for selection of the supply sub-contractor – tender procurement procedure documents;</li> <li>- Supply contract incl. all annexes (bill of quantity, price offer, technical specifications, analysis of unit prices, etc.). Addenda to the supply contract if applicable;</li> <li>- Acceptance protocols for delivery (incl. acceptance certificate) signed from dully authorized representatives of the contracting parties;</li> <li>- Accounting records.</li> </ul>	<p>project duration cannot be charged as total amount for one particular period.</p> <p>Only the proportionate sum of the depreciations costs according to the use of equipment for the project is eligible. The amount (percentage used and time duration) has to be properly clarified (auditable).The depreciation costs of equipment can never exceed the purchase price of the equipment.</p> <ul style="list-style-type: none"> <li>- Declarations/Certificates for origin;</li> <li>- Warranty cards, instruction manuals, licenses, passports, other documents dependent on the type of the equipment;</li> <li>- Documents proving training of the staff to work with the supplied equipment if applicable;</li> <li>- Documents for conducted tests and sample stars of the supplied equipment – protocols for tests, certificates for commissioning, etc. if applicable;</li> <li>- Documents for payment – copies of invoices, payment orders, bank transfer excerpts, etc.;</li> <li>- Photos of the equipment with visible serial/inventory numbers and showing visualization according to the Visual Identity Guidelines.</li> </ul>
<p><b>BL 6</b></p>	<p><b>PROJECT PREPARATION</b></p>
<p>Accounting and Financial documents</p>	<p>Other documents/conditions for eligibility of expenditure</p>
<p><b>Project preparation - meetings between partners, consultancy, elaboration of technical documentation (incl. feasibility studies, detailed design, technical drawings, etc.), elaboration of project proposal</b></p>	<p>The starting date for eligibility of project preparation expenditures for the Bulgarian beneficiaries is the starting date of the programme period (January 1, 2014), and for beneficiaries from Republic of Turkey the starting date for the eligibility of expenses for project preparation is the date after the date of the submission of the Programme (September 22, 2014) to the EC.</p>



<p><b>and application form, translation of documents, taxes and other charges:</b></p> <ul style="list-style-type: none"> <li>- Tender documentation (if applicable);</li> <li>- Contracts;</li> <li>- Acceptance protocols;</li> <li>- Invoice and cash receipt notes/payment order/bank statements;</li> <li>- Insurance policies (for insurance transactions involving members of the project team);</li> <li>- Accounting records.</li> </ul>	<p>The expenditures for project preparation should be carried out before or on the date of submission of the project proposal at the latest.</p> <p>The expenditures for project preparation should be requested for reimbursement and verified only in the first reporting period of the respective project partner. The invoices (or the other relevant documents as, acceptance protocols, lists, etc.) should be issued before or on the date of submission of the project proposal to the Managing authority at the latest.</p> <p>In case of sub-contracting project preparation activities, PRAG rules should be applied in order for the costs to be eligible for reimbursement under the Programme.</p>
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## 8. MODIFICATION OF SUBSIDY CONTACT

The Subsidy Contract determines the rights and obligations of the Lead Partner and the Managing Authority. The approved Application Form and the Partnership Agreement signed between the Project Partners are integral part of the Subsidy Contract. The Subsidy Contract explicitly provides information concerning project implementation period. During the project lifecycle, due to certain reasons, some modifications/changes might be necessary concerning the project implementation bases and the conditions, defined in the Subsidy Contract, as well as in the approved Application Form and other annexes that are integral part of the Subsidy Contract.

Modifications/changes can be related to changes in the partnership, modifications concerning the project's content, budget changes, extension of the implementation period, administrative changes.

According to their nature modifications/changes are a subject of:

- 1) Approval by the Joint Monitoring Committee - this type of modification requires signature of an addendum. The Addendum enters into force on the day of its registration in the Registry system of MA, following the signing by both parties, except the case the addendum confirms modifications in the national/European applicable legislation with impact on the implementation of the contract - when the modifications become effective from the date the respective legal acts become effective.
- 2) Approval by the Managing Authority;
- 3) Notification to the Joint Secretariat.

**NB!**

**Only the Lead Partner may initiate a contract modification by sending respective request for modification to the Managing Authority or notification to the Joint Secretariat. The Request for contract modification must be accompanied by the required supporting documents listed below according to the type of the modification.**

The LP fills in the electronic form of the Request for modification/ or prepares Notification letter and submits it via the Beneficiary portal. The Request for Contract Modification must clearly describe and justify the reasons for requested modification. If it is needed, the supporting documents may be attached to the Request according to the type of the modification.

**NB!**

**The Request for modification of the Subsidy Contract can be submitted to the MA at least 30 days before the Addendum is intended to enter into force. This will give the MA the sufficient time for launching the procedures for JMC approval of the Request for modification.**

**Additionally, the LP should strive to submit the Request for contract modification at least 60 days before expiration of the project implementation period. Otherwise the request may be rejected.**

## **8.1. Modifications concerning the project's content**

In case a modification of project's content is required, the partners have to assure that all the objectives and outputs defined in the Application form will be achieved and delivered by the project. The procedure to be followed in case of content change depends on the significance of the modification.

### ***8.1.1. Modifications requesting approval by JMC and signature of addendum***

Modifications in the project **altering the approved objectives or outputs of the project need the approval of the JMC, as well as signature of an Addendum to the Subsidy Contract.** Such modifications/changes are possible only in "force majeure" circumstances or in case of existence of objective circumstances, which make it impossible to achieve the project's objectives or outputs.

The LP should immediately contact the JS in case of problems, which would affect the project's objectives or outputs in order to clarify the situation and procedure to be followed. The LP is obliged to inform the MA in written form about planned significant changes with clear justifications of the reasons for such changes before their implementation.

The official procedure of request for modification includes the following documents to be submitted by the LP to the MA:

- *"Request for Contract Modification" (Annex 8)*, clearly describing and well justifying the reasons for such a modification - scanned document signed by the LP legal representative uploaded in BP;
- *"Revised Application Form"* - filled in on-line in the BP;
- *Other documents annexed to the Subsidy contract that should be revised in accordance with the*

*proposed modification (if applicable)* – scanned documents uploaded in BP.

The Managing Authority may request additional documents proving existence of “force majeure” circumstances or objective circumstances, which make it impossible to achieve the project’s objectives or outputs.

The submitted request will be evaluated by the MA and, if acceptable - will be put forward for decision to the JMC. In case of approval, an Addendum to the Subsidy Contract will be signed by the contracting parties. The Addendum enters into force on the day of its registration in the registry system of the MA, following the signing by the both parties. The expenditures related to the activities and outputs of the modified contract are eligible from the date of the JMC decision but those costs can be validated only after the Addendum of the Subsidy Contract enters into force.

In case the project cannot be fully implemented by carrying out the planned activities, the planned outputs and results the MA is entitled to withdraw from the Subsidy Contract and reclaim the contribution already transferred.

### **8.1.2. Modifications requesting notification to the JS**

In case of modifications of the approved project which will not affect the project’s objectives and outputs and will not jeopardize the successful completion of the project, a written notification to the JS is required to be sent through the beneficiary portal. The LP is obliged to clearly describe and justify each of such changes in the notification.

The official procedure of request for such modification includes the following documents to be submitted by the LP through the Beneficiary portal:

- “Notification letter” containing explanation of requested modification/s - scanned document stamped and signed by the LP legal representative uploaded in BP;
- “Revised Application Form” - filled in on-line in the BP if needed, including all requested changes;
- Other supporting documents (if applicable) – scanned documents uploaded in BP.

The LP will be informed by the JS via the beneficiary portal whether the respective change is acceptable.

**Examples:** Small changes of project activities (time, place or content); changes in technical specifications changes in the positions of the project team, etc.

## **8.2. Administrative changes**

Modifications concerning the administrative part of the project (change of bank account, contact details, address for communication, legal representative, changes in the persons part of the project team, etc.) require only notification to the MA/JS within 15 (fifteen) days following the change.

## **8.3. Modifications concerning the partnership**

Modifications concerning the partnership **need the approval of the JMC** and signature of an **Addendum to the Subsidy Contract**.

The LP has to assure that following the change(s) in the partnership the project still fulfils the requirement for partnership of the Programme and the general character (objectives and outputs) of the original project

is not altered. The partner, leaving the project will remain fully responsible and liable for all activities carried out and outputs delivered by them until the date of withdrawal/replacement.

In case a partner leaves the project without replacement by another, then the withdrawn partner's activities (including the remaining budget) shall be distributed between the rests of the partners.

In case of replacement of a partner, the new partner shall take all (or part of) the responsibilities of the withdrawn partner (including activities and remaining budget). When the new partner takes part of the responsibilities under the project, the rest of the activities and the respective budget shall be distributed between the rests of the partners.

**NB!**

**Amendment of partnership by replacing the partner with another partner / taking over of the partner's activities by the other partners within the investment projects, in which the investment object is ownership/lease of the withdrawn partner, is not allowed.**

Amendment of partnership may be requested while having in mind the following conditions:

- By changing the partners, the cross-border character of the project must not be altered;
- The new partner must be relevant for the partnership according to the objectives of the project;
- All partners have to consent on the proposed modification;
- All partners have to consent to continue the project implementation;
- The causes of partner/s replacement must be real and objective;
- The new proposed partner/s and the new partnership must meet the eligibility criteria stipulated in the Guidelines for Applicants;
- The newly proposed partner(s) must have financial, technical and administrative capacity, as well as human resources in order to fulfil the activities under the project;
- The new partnership must meet eligibility conditions set in the Guidelines for Applicants;
- Replacement of partner/s within the project must not alter or modify either the general objective or specific objectives of the project, or its outputs.

**The official procedure of request for modification includes the following documents to be submitted by the LP to the MA:**

- *"Request for Contract Modification"* (Annex 8), clearly describing and well justifying the reasons for such a modification - scanned document signed by the LP legal representative uploaded in BP;
- *"Declaration of Withdrawal"* of the partner/s leaving the project (Annex 8.1) - scanned document signed by the legal representative of the affected PP uploaded in the BP, **or** *"Written Decision of the Partnership"*, including the exact date of withdrawal (until which date the expenditures of the leaving partner/s will be eligible for co-financing) - scanned document signed by the legal representatives of all PPs uploaded in the BP;
- *Revised "Application Form"*, defining the new division of work by the modification of the work plan and the budget accordingly - filled in on-line in the BP;
- *New "Partnership Agreement"* - scanned document signed by the legal representatives of LP and all other project partners uploaded in the BP;
- *New "Co-financing Statement(s)"* of the affected partner/s - scanned document(s) per each affected

PP signed by the legal representative of the respective PP uploaded in the BP.

In case of request for replacement / **introduction** of partner/s, the documents proving eligibility and financial, technical and administrative capacity of the new partner/s as required in the Guidelines for Applicants have to be submitted.

The modification concerning the partnership is a subject of JMC decision.

In case of **approval** of the request **by the JMC**, an **Addendum to the Subsidy Contract** will be signed by the contracting parties. The Addendum enters into force on the day of its registration in the Registry system of the MA, following the signing by both parties. The expenditures related to the activities and outputs of the modified contract are eligible from the date of the JMC decision but those costs can be validated only after the Addendum of the Subsidy Contract enters into force.

Changing the Lead Partner, being a contracting party and main responsible for the whole project and partnership towards the Programme, is a serious and substantial change of the project. Consequently, changing of the Lead Partner has to be formalized with signing of new Subsidy contract. The replaced Lead Partner is fully responsible and liable for the project activities and deliverables until the date of withdrawal from which date the new Lead Partner takes over the full responsibility and liability for the project. Simultaneously, having in mind that through the implementation of whole of the activities, proposed in the Application form, the project should gain one common purpose, the achieving of the original proposed indicators is engagement of the new LP.

**In case the project will not fulfil the requirement for the partnership of the Programme due to change in the partnership the MA is entitled to withdraw from the Subsidy Contract and reclaim the contribution already transferred.**

#### 8.4. Extension of implementation period

Modifications concerning the extension of the implementation period **need the approval of the JMC and signature of an Addendum to the Subsidy Contract.**

**NB!**

**Extension of the project implementation period can be granted only once during the whole project implementation period. The new project implementation period cannot exceed the maximum project duration for the respective specific objective set in the Application package.**

The LP should request this modification in case the project implementation is in such delay that the main project activities **cannot** be accomplished during the project implementation period of the Subsidy Contract and the achievement of the project objectives could be precarious.

**To request a modification concerning extension of the implementation period the LP has to submit the following documents to the MA:**

- *“Request for Contract Modification” (Annex 8)*, clearly describing and well justifying the reasons for such a modification - scanned document signed by the LP legal representative uploaded in BP;
- *“Revised Application Form”* reflecting the changes in the project implementation period including the rearrangement of section 3.8 Duration and action plan - filled in on-line in the BP.

The submitted request will be evaluated by the MA and **submitted** for decision to the JMC. In case of approval of the Request for contract modification, an **Addendum to the Subsidy Contract** will be signed



by the contracting parties before the original end date of the project.

## 8.5. Budget changes

Modifications related to budget changes can be budget reallocation between project partners, reallocation between budget lines and reallocation inside a budget line.

### 8.5.1. Budget reallocation between project partners

Modifications concerning budget reallocation between project partners' budgets **need the approval of the JMC, and signature of an Addendum to the Subsidy Contract**. Changes between partner's budgets are allowed **within the limit of 20% of the partner's budget**. The changes have to be agreed upon by all partners. The maximum amount of funding awarded **cannot be changed** and the major issues of the operation should not be affected.

**NB!**

The 20% limits shall not be considered separately for each single budget change. The amount of each new requested reallocation between project partners' budgets is cumulated to the total amounts of previous reallocations until the cumulated amounts of such reallocations reach 20% of the changed partner's budget.

To request a modification concerning budget reallocation between project partners the LP has to submit the following documents to the MA:

- "Request for Contract Modification" (Annex 8), clearly describing and well justifying the reasons for such a modification – scanned document signed by the LP legal representative uploaded in the BP;
- "Budget modification table" (Annex 8.2) – uploaded in the BP;
- "Revised Application Form" with modified budget - filled in on-line in the BP;
- New "Co-financing Statement" of the affected partner/s - scanned document per each affected PP signed by the PP's legal representative uploaded in the BP.

In case of **approval** of the request by the JMC, an **Addendum to the Subsidy Contract** will be signed by the contracting parties. The Addendum enters into force on the day of its registration in the Registry system of the MA, following the signing by both parties. The expenditures related to the activities and outputs of the modified contract are eligible from the date of the JMC decision but those costs can be validated only after the Addendum of the Subsidy Contract enters into force.

### 8.5.2. Budget reallocation between budget lines

**NB!**

Budget reallocation between budget lines of more than 20% of the smaller budget line is not allowed.

The budget reallocation(s) between budget lines in a limit of 20% of the smaller budget line can be made after an approval of the Managing Authority before the referring expenditures are carried out. The budget of the respective partner cannot be changed and the major issues of the operation should not be affected.

**NB!**

The 20% limits shall not be considered separately for each single budget change of the respective budget line. The amount of each new requested reallocation between budget lines is cumulated to the total amounts of previous reallocations until the cumulated amounts of such reallocations reach 20% of the original amount of the respective budget line.

The reallocation between budget lines should comply with the rules for the minimum and the maximum thresholds of the amount of eligible expenditures for the specific budget lines as well as for the activities outside the eligible territory according to the Guidelines for Applicants.

**To request a modification concerning budget reallocation between budget lines the LP has to submit the following documents to the MA:**

- *“Request for Contract Modification”* (Annex 8), clearly describing and well justifying the reasons for such a modification – scanned document signed by the LP legal representative uploaded in BP;
- *“Budget modification table”* (Annex 8.2) - uploaded in the BP;
- *“Revised Application Form”* with modified budget - filled in on-line in the BP.

The request for modification will be evaluated by the MA. A notification letter for approving/rejection of the request for modification will be send by the MA to the beneficiary. The modification will become effective **only after the written approval of the MA.**

#### **8.5.3. Budget reallocation inside a budget line**

Changes inside a budget line, between budget sub-lines, can be made after approval of the MA prior the referring expenditures are carried out. The total amount of the budget line cannot be changed and the major issues of the operation should not be affected.

**To request a modification concerning budget reallocation inside a budget line the LP has to submit the following documents to the MA:**

- *“Request for Contract Modification”* (Annex 8), clearly describing and well justifying the reasons for such a modification – scanned document signed by the LP legal representative uploaded in the BP;
- *“Budget modification table”* (Annex 8.2) - uploaded in the BP;
- *“Revised Application Form”* with modified budget - filled in on-line in the BP.

The request for modification will be evaluated by the MA. A notification letter for approving/rejection of the request for modification will be send by the MA to the beneficiary. The modification will become effective **only after the written approval of the MA.**

#### **8.5.4. Inclusion of own co-financing**

Due to unforeseen circumstances, any project partner may include own co-financing for any of the envisaged activities in order to reach their successful implementation, as long as the maximum amount of funding awarded remains unchanged and the major issues of the operation are not affected.

The LP has to submit the following documents to the MA via BP:

- *“Request for Contract Modification”* (Annex 8), clearly describing and well justifying the

reasons for such a modification - scanned document signed by the LP legal representative uploaded in BP;

- "Budget modification table" (Annex 8.2) - uploaded in BP;
- "Revised Application Form" with modified budget - filled in on-line in BP;
- New "Co-financing Statement" of the affected partner/s - scanned document per each affected PP signed by the PP's legal representative uploaded in the BP.
- Other relevant documents - uploaded in BP;

In case of approval of the request, an Addendum to the Subsidy Contract will be signed by the contracting parties.

The modification requested can be implemented only after it is approved by the JMC. Although the expenditures related to the modified partners' budgets are eligible already from the date of the JMC decision, those costs can be validated only after the Addendum of the Subsidy Contract enters into force

**Summary table of types of project changes**

TYPE OF PROJECT CHANGE	PROCEDURE	
	MA Approval/Notification	JMC Approval
<b>Partnership changes</b>		
Partnership changes	- n.a.	<ul style="list-style-type: none"> <li>- Submission of Request for Contract Modification by LP to MA;</li> <li>- Evaluation of the Request by the MA;</li> <li>- Submission of the Request to the JMC for approval;</li> <li>- JMC decision;</li> <li>- Addendum to Subsidy Contract.</li> </ul>
<b>Extension of implementation period</b>		
Extension of the implementation period	- n.a.	<ul style="list-style-type: none"> <li>- Submission of Request for Contract Modification by LP to MA;</li> <li>- Evaluation of the Request by the MA;</li> <li>- Submission of the Request to the JMC for approval;</li> <li>- JMC decision;</li> <li>- Addendum to Subsidy Contract</li> </ul>
<b>Budget changes</b>		
Budget reallocation between project partners up to 20 % of the partner's budget to be changed	- n.a.	<ul style="list-style-type: none"> <li>- Submission of Request for Contract Modification by LP to MA;</li> <li>- Evaluation of the Request by the MA;</li> <li>- Submission of the Request to the JMC for approval;</li> <li>- JMC decision;</li> <li>- Addendum to Subsidy Contract.</li> </ul>

<b>Budget reallocation between budget lines</b>		
<b>Reallocation up to 20% limit between budget lines</b>	<ul style="list-style-type: none"> <li>- <i>Submission of Request for Contract Modification by LP to MA;</i></li> <li>- <i>Evaluation of the Request by the MA;</i></li> <li>- <i>Letter for approval or rejection of the Request by the MA.</i></li> </ul>	- n.a.
<b>Budget reallocation inside a budget line</b>		
<b>Budget reallocation inside a budget line</b>	<ul style="list-style-type: none"> <li>- <i>Submission of Request for Contract Modification by LP to MA;</i></li> <li>- <i>Evaluation of the Request by the MA;</i></li> <li>- <i>Letter for approval or rejection of the Request by the MA.</i></li> </ul>	- n.a.
<b>Inclusion of own co-financing</b>	- n.a.	<ul style="list-style-type: none"> <li>- <i>Submission of Request for Contract Modification by LP to MA;</i></li> <li>- <i>Evaluation of the Request by the MA;</i></li> <li>- <i>Submission of the Request to the JMC for approval;</i></li> <li>- <i>JMC decision;</i></li> <li>- <i>Addendum to Subsidy Contract.</i></li> </ul>
<b>Project content changes</b>		
<b>Modifications in the project altering the approved objectives or outputs</b>	- n.a.	<ul style="list-style-type: none"> <li>- <i>Submission of Request for Contract Modification by LP to MA;</i></li> <li>- <i>Evaluation of the Request by the MA;</i></li> <li>- <i>Submission of the Request to the JMC for approval;</i></li> <li>- <i>JMC decision;</i></li> <li>- <i>Addendum to Subsidy Contract</i></li> </ul>
<b>Modifications of the approved project which will not affect the project's objectives and outputs and will not jeopardize the successful completion of the project</b>	<ul style="list-style-type: none"> <li>- <i>Submission of Notification to the JS by LP;</i></li> <li>- <i>The JS does not object/objects to the modification.</i></li> </ul>	- n.a.
<b>Administrative changes</b>	- <i>Notification to the MA with copy to JS.</i>	- n.a.

## 9. MONITORING AND AUDIT OF THE PROJECT

### 9.1. Monitoring of the projects

The overall monitoring at project level will be carried out by the JS. The major source to monitor the implementation and progress of the contracted projects is the progress reports and on the spot visits.

### 9.2. On the spot visits

In order to assess progress in implementation of activities, their impact, quality and compliance with prescribed rules and procedures (including the expenditures) the JS will perform **at least an initial visit / meeting and final visits** to all contracted projects during their implementation period. In cases of serious problems occurred during the project implementation, or in case the subsidy contract envisage construction activities, **ad hoc visits** may also be performed by experts of the MA, NA and the JS.

Monitoring visits can take place either at the premises of the LP/PP, or at the places of construction works.

During the visits two main instruments of monitoring are always applied – documentation check and interviews with a focus on the progress of the activities, their timely implementation and the related spent and validated costs, achievement of project results as compared to the activities approved within the Subsidy contract, management and communication of the project, potential risks, problems, delays and their possible solutions. The minimum set of documentation for different types of activities to be checked includes:

Type of activities	Sources of verification
<b>Service activities</b>	<p><b>Tender documentation</b>, service contract, correspondence, reports/deliverables protocols regarding the completion of the activities performed, approved by the beneficiary; invoices;</p> <p><b>Events organization</b> - publications, invitations, agenda, list of participants, minutes of meeting, <b>photos from each separate event with indicated date</b>;</p> <p><b>Trainings</b> - invoices for venue, rent of equipment, food and accommodation, contracts with trainers (if applicable), training programme, <b>copies of presentations</b>, attendance lists, training materials, questionnaires to the participants, issued certificates (if applicable), <b>photos from each training session/day evincing the date, place and number of participants.</b></p>
<b>Supply activities</b>	<p>Tender documentation, <b>technical specification</b>, supply contract and its annexes, correspondence, invoices by the supplier, delivery and acceptance protocols <b>containing the serial numbers of the supplied items where applicable</b>, certificates of origin, guarantee cards, publicity measures, photos of the equipment delivered, inventory list (if</p>



	applicable).
<b>Works activities</b>	Tender documentation for selection of subcontractor, works contract <b>including all annexes</b> , correspondence, protocols for works completed, copy of the supervision report, copy of the required protocols in construction, permission/certification for right of use, other permits, Environmental Impact Assessment (if applicable), invoices, publicity measures, photos.

Note: Detailed list of documentation/evidence verifying implementation of activities is provided in section 6.2 of PIM.

Detailed list of financial and accounting documentation related to separate budget lines/type of expenditure is provided in section 7.9 of PIM.

<b>Important!</b>	<b>To all main project events (press conferences, seminars, exhibitions, concerts, official opening of constructed/renovated sites, technical acceptance of the object and etc.) the beneficiaries should invite JS to participate in the project implementation phases as observer - in writing 10 days before the events.</b>
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#### Ex-post on the spot visits after contract completion

**Related to the obligations for sustainability of results** set in Article 13 of the Subsidy contract ex-post on-the spot visit control could be carried out **in 5 (five) years for the investment activities and in two years for the soft activities** to verify the compliance and functionality of the gained assets.

Depending on the specific case the JS/MA may formally inform the Beneficiary, by letter in appropriate term, for the upcoming monitoring visit in order to ensure his presence and assistance. In some cases the monitoring visit may be carried out ad-hoc without prior notification.

**In case of investment activities** - The ex-post control includes on-the-spot visit, documentary and on-line check of project results based on the following issues:

- Check of the object/investment, scope of the constructed/reconstructed facilities, number of rooms/premises and surrounding places renovated, maintenance of the executed construction objects;
- Verification if the constructed/reconstructed facilities are being used for the purposes of the project as it has been described in the Application form of the contract;
- Description of the office and other equipment purchased under the project; check if the equipment is used for the purposes of the project as it has been described in the Application form of the contract;
- Description of the trade mark, model, registration number, serial number of the electronic equipment purchased;

Verification of all original documentation related to the project implementation; Verification of the availability and maintenance of information labels/boards/plaques/signs (if applicable), operational web site/s and

any other publicity and visibility products and facilities; **A list of the events and / or other forms of use of the investment object has to be presented to prove its regular use from the end of the project until the date of the ex-post check, together with all relevant evidence for their implementation (according to PIM).**

**In case of “soft” activities - The ex-post control includes documentary and on-line check of project results:**

- Assessment if the specific deliveries from the project are properly used and applied by the targeted Beneficiaries and/or wider audience (there should be clear evidences for applying of all project outputs);
- Verification of the content and the functionality of the project website (if existing) A check is made if it has been updated regularly after the end of the project, if the different language versions have been updated as well. The number of visits to the web-site after the end of the project is reported too.
- Verification of all original documentation related to the project implementation;
- **Requirements for both investment and soft projects:**
- All the assets, deliveries and outputs of the subsidy contract are used free of charge;
- There is an archive premises/storage, specifically for the project documentation and Beneficiary is aware of its obligations for keeping of audit trail;
- Project partnership cooperation continues after the project implementation for securing the project sustainability. Information (if applicable) about: realization of common initiatives, incl. preparation and implementation of common projects, joint participation in events.

JS/MA should inform the Lead partner for all findings/recommendations and if necessary, request additional information.

### **9.3. Audit of the project**

The audits performed by the Audit Authority or by external auditors on behalf of the Audit Authority are the so called “second level audits”. In general, these audits include sample checking of the CVEs already issued by the controllers against the supporting documents and other relevant information at the premises of the Lead Partner and/or Project Partners in order to verify the accuracy and validity of the CVEs, checking of the project documentation and audit trail, the accounting of project expenditure. In the interest of a successful auditing the LP has to make available all documents required, to provide necessary information and to give access to its business premises.

## **10. INFORMATION AND PUBLICITY**

### **10.1 Overall information**



This section has been developed with the purpose of clarifying and streamlining the new requirements in the field of information and publicity, to be fulfilled by the projects implementation during the 2014 – 2020 programming period.

The specific role of the project communication activities is raising awareness about the social importance of the project and dissemination of its results, while underlining the financial support from EU Funds. In other words, it is necessary that a project and its results are appropriately advertised to the public while underlining the fact that the project has been financially supported by the EU through the Programme. In order to achieve the best project visibility results the Beneficiaries are strongly advised to develop a project Communication Plan (detailed information in Annex 9).

Two general notions are reflected in this section's provisions:

- **Communication: a shared responsibility**

The responsibility for Programme information and publicity efforts is shared by the Programme management bodies (which ensures general communication about the Programme) and the Beneficiaries (Lead partners and other Partners), who are responsible for promoting the projects and their results. In other words, information and publicity at Programme level are delivered by the Managing Authority (MA), respectively the Joint Secretariat (JS), with the help of the National Authority and information and publicity at project level are delivered by the Lead partner and the project partners. "Communication" must be understood as a strategic project tool, which contributes to achieve the project's objective.

**All project partners must be involved in communicating the project results.**

- **Transparency**

Full transparency must be ensured with regard to the project activities and to how the EU funds have been used. The MA is responsible for the publication, electronically or otherwise, of the list of Beneficiaries, the names of the operations, the start and end dates of operations, operations' locations, operation summaries and the amount of public funding allocated to the operations, including the Union co-financing rate. Beneficiaries shall be informed that acceptance of funding is also an acceptance of their inclusion in the published list of Beneficiaries. The MA/JS shall also be authorized to publish other information about the project, if considered relevant.

As a result LP and PPs are required to dedicate sufficient time and resources to project communication, at all stages of the project development.

## 10.2 Legal framework

The section has been developed in accordance with the following documents:

- Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II): [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial\\_assistance/ipa/2014/231-2014\\_ipa-2-reg.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial_assistance/ipa/2014/231-2014_ipa-2-reg.pdf);
- Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II): [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial\\_assistance/ipa/2014/20140502-commission-implementing-reg-on-ipa2\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial_assistance/ipa/2014/20140502-commission-implementing-reg-on-ipa2_en.pdf);



- Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013, article 115 and specifically Annex XII: Information and Communication on Support from the European Union  
Funds: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1303&from=EN>.
- Commission Implementing Regulation (EU) No 821/2014, particularly lays out the rules for the EU flag, how to display the emblem and how to create permanent plaques or (temporary) billboards:  
[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2014.223.01.0007.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.223.01.0007.01.ENG).

**More detailed practical guidelines (including templates) concerning the basic information and publicity measures to be taken are provided by the European Commission in the COMMUNICATION AND VISIBILITY MANUAL FOR EU EXTERNAL ACTIONS, available here: <http://ec.europa.eu/europeaid/node/17974>.**

In relation to the harmonized branding of the European Territorial Cooperation and the Interreg logo, the **Full Integration** - <http://www.interact-eu.net/library#1279-manual-brand-design-full-integration-0>, related to full brand integration as adopted by the Programme, has been used for setting the rules regarding the use of the **Programme logo**: available at our website in section “Calls for proposals”, “Second call”, “Implementation stage”: <http://www.ipacbc-bgtr.eu/implementation-stage-0>.

In addition, the JS had developed the “Communication and Visibility Guidelines” which offers detailed advice on the project information and publicity rules and many practical advices based on the experience from the previous programming period. The “Communication and Visibility Guidelines” are available as Annex 10.

**During the implementation of a project, the PPs must take into consideration all provisions on information and communication measures mentioned in Annex 10.**

**NB!**

Please note that expenditures for information and communication activities that do not comply with the requirements set out in “Communication and Visibility Guidelines” (Annex10) for Interreg-IPA CBC Bulgaria - Turkey Programme will be considered as ineligible.

The present section will be amended for any changes in the applicable European and national legislations and graphic models/standards.

### **10.3 General requirements for the information and publicity activities**

The project communication activities are a strategic tool for the purpose of raising awareness about the social importance of the project and dissemination of its results. Furthermore, they also have to underline the financial support from EU Funds as per Implementing Regulation (EC) 447/2014.

**All information and publicity activities aiming at the general public must include all or at least a specific combination of the following elements, depending on the type of activity and the specific instructions described below:**

1. **The European Union flag**, printed in accordance with the graphic standards established in Annex I of Regulation (EC) 1828/2006 and a reference to the European Union;
2. **The Programme logo** of the Interreg - IPA CBC Bulgaria -Turkey Programme, CCI number



2014TC1615CB005 (which makes reference to the Instrument for Pre-Accession Assistance, the term “Interreg” as the joint brand of European Territorial Cooperation and the specific Programme);

3. **The co-financing statement:** *The project is co-funded by the European Union through the Interreg-IPA CBC Bulgaria – Turkey Programme;*
4. **The content disclaimer:** *This <publication> has been produced/ This <website/account> was created and maintained/ This <video/film/programme/recording> was produced with the assistance of the European Union through the Interreg-IPA CBC Bulgaria-Turkey Programme, CCI No 2014TC1615CB005. The contents of this <publication>/ <website/account>/ <video/ film/ programme/ recording> are the sole responsibility of <Name of the author / Beneficiary> and can in no way be taken to reflect the views of the European Union or the Managing Authority or the National Authority of the Programme.*

All project partners are equally responsible to make the general public aware of the social aim/impact of the project and to promote the fact that the European Union is co-financing the respective project. Specifically, the Beneficiary must clearly state that the respective project has been co-funded under the *Interreg-IPA CBC Bulgaria-Turkey*. **Failing to comply with the Programme Information and Publicity requirements by any project partner may impede FLC verification process, lead to financial corrections and endanger overall project implementation.**

In order to avoid the risks related to the Information and Publicity rules, the Beneficiaries are advised to consult with the JS, and specifically the JS Communication officer, regarding all project information and publicity measures/actions. The Communication Officer reserves the right to give comments and recommendations to the Beneficiaries regarding the project information and publicity measures/action. However, the ultimate responsibility to implement the project according to the official Programme rules, including the Information and Publicity rules is held by the project partners.

**NB!**

The Beneficiary should take note of the fact that the results of the project have to be made available to the public free of charge.

**The general reporting requirements included in the Subsidy contract are applicable to the information** and publicity activities. The LP should coordinate all information and publicity measures among the project partners. This will help the promotion of important results and outcomes, which will facilitate further the sharing of knowledge and experience and future collaboration.

## The EU flag

### Symbolic description

The EU flag, also referred to as “EU emblem” and “EU logo”, is the mandatory element for branding all EU financed activities and is the main element of the EU visual identity. The flag showing twelve golden stars



that form a circle (on an azure background) is a symbol of the union of the peoples of Europe. The number of stars is fixed, twelve being the symbol of perfection and unity.

For detailed information about the geometry, the colours and other reproduction rules of the EU flag please refer to *the Communication and Visibility Manual for EU External Actions*, published on the following EU website: <http://ec.europa.eu/europeaid/node/17974> and to the Annex 10 of this Manual.

### Utilization

When the EU flag is reproduced it should be presented in its integrity. If there are other flags, symbols or images, they must be presented separately (and should not be incorporated in the EU flag). **The EU flag must be at least as big as any other flag/logo** that is included in the document/item.

### The Programme's Name

"**Interreg-IPA CBC Bulgaria-Turkey Programme**" for the years 2014-2020 under the Instrument for Pre-accession Assistance (IPA II) CCI 2014TC16I5CB005 has been approved by the European Commission Decision C(2015) 5280/22.07.2015. The correct use of the Programme's name is essential in all official documents, projects' outputs and advertising materials, as it enforces the Programme's brand identity.

### The logo of the Interreg-IPA CBC Bulgaria-Turkey Programme

The Interreg-IPA CBC Bulgaria-Turkey Programme makes reference to the IPA fund and the joint brand of the European Territorial Cooperation Programmes – "Interreg". The term "Interreg" should not be confused with the specific INTERREG programmes from the previous programming periods. In the current programming period, 2014-2020, the term "Interreg" is used as the brand of the European Territorial Cooperation programmes which have joined the EU wide initiative for joint branding. Interreg-IPA CBC Bulgaria- Turkey Programme has adopted the initiative for harmonized branding of the European Territorial Cooperation programmes and the term "Interreg" is now inseparable part of the Programme name and the Programme logo.



The Programme logo also incorporates a small EU flag in the upper right corner. However, the fact that the Programme logo incorporates the EU flag in its design does not mean that using only the Programme logo is sufficient branding element in the project communication actions. **The Beneficiaries must use both the Programme logo and the EU flag as a separate and unique branding element whenever possible.** The Programme logo is not mandatory for small items used for promotional purposes (for example: pens, badges, key-holders, etc.), but, where possible, at least the Programme name (*Interreg-IPA CBC Bulgaria-Turkey Programme*) shall be included along with the EU flag.

When placed adjacent to each other or on the same row, the EU flag should have the same or larger height as compared to height of the Programme logo.

Due to the specific typographic design, the Programme logo should not be displayed with width smaller than 38,1 mm, as specified in the Interreg Brand Design Manual <http://www.interact-eu.net/library#1279-manual-brand-design-full-integration-0>.



Minimum width: 38,1 mm

*Exception: On very small items (e.g. promotional) exceptions can be made to the smallest logo size.*

The Programme logo must always be displayed in its entirety, without any changes to the original proportions and colours. It is highly recommended that the Programme logo is displayed **on a white background**. Using the logo on a coloured background is possible if there is no alternative, but it has to be a very light background and, in such cases the EU flag always needs to have a white border around the rectangle if placed on a coloured background. The width of the border must be 1/25th of the height of the rectangle. More details about the correct use of the Programme logo are available in the “Communication and Visibility Guidelines”, Annex 10.

**NB!**

In case of doubt, please contact the JS at e-mail: [JShaskovo@mrrb.government.bg](mailto:JShaskovo@mrrb.government.bg).

When a publication on a project, co-financed under the Interreg-IPA CBC Bulgaria-Turkey Programme, displays both the EU flag and the Programme logo, the clarifying text should dispense not only EU, but also the Managing Authority of the Programme. The exact wording of the disclaimer is described in section 10.3.4.

### **10.3.1 The co-financing statement**

The co-financing statement is one of the basic visibility elements, along with the Programme logo and the European flag. The statement should be displayed on all printed materials aimed at the general public such as (but not limited to): brochures, leaflets, flyers, booklets, catalogues, posters, banners, billboards, folders, notebooks, newspaper advertisements and publications as well as various kinds of online publications. In other words, the fact that the project is co-financed by the EU through the Programme should be highlighted whenever possible and appropriate. The co-financing statement should be clearly visible on the promotional materials but it should also be mentioned verbally during public interviews, on promotional audio recordings such as radio advertisements and during public project events.

#### **The correct form of the co-financing statement in the three languages:**

**In Bulgarian:** Проектът е съфинансиран от Европейския съюз чрез Програмата Интеррег-ИПП за трансгранично сътрудничество България - Турция.

**In Turkish:** Projeye, Interreg-IPA Bulgaristan-Türkiye SÖİ Programı aracılığıyla Avrupa Birliği tarafından eş-finansman sağlanmaktadır.

**In English:** The project is co-funded by the European Union through the Interreg-IPA CBC Bulgaria-Turkey Programme.

### **10.3.2 The content disclaimer**

The mandatory text that should be included in all publications/ websites/ accounts/ videos/ films/ programmes/ recordings containing the European flag and the Programme logo is known as “the content disclaimer”. The term “publications” refers to (but is not limited to): flyers, brochures, leaflets, catalogues, booklets, public reports, analyses, strategies, research papers, newspaper articles/advertisements/announcements, websites/ accounts/ videos/ films/ programmes/ recordings and various kinds of online publications. The content disclaimer does not have to be displayed on the front cover of the printed materials such as brochures and is most commonly displayed on the inside or the



back cover of such materials. The content disclaimer should also be featured on the project website, to be visible at all times, on every website page (in the website footer for example). When used on a project web site, the word “publication” can be replaced with the term “website” (“This website has been produced with the assistance...”).

**The correct form of the content disclaimer in the three languages:**

**In Bulgarian:** Тази публикация е направена/ този уебсайт е разработен и се поддържа/ този видеоматериал/ филм/ запис е направен с подкрепата на Европейския съюз, чрез Програма за трансгранично сътрудничество Интеррег-ИПП България-Турция 2014-2020, ССИ No 2014TC16I5CB005. Съдържанието на публикацията е отговорност единствено на <име на автора / бенефициента> и по никакъв начин не трябва да се възприема като израз на становището на Европейския съюз или на Управляващия орган и Националния орган на Програмата.

**In Turkish:** Bu yayın / Bu <internet sitesi / hesabı> Bu <video film / program / kayıt>, CCI Numarası 2014TC16I5CB005 olan Interreg-IPA Bulgaristan-Türkiye SÖİ Programı aracılığıyla Avrupa Birliği desteğiyle <yayımlanmaktadır / yapılmaktadır / sürdürülmektedir>. “Bu yayının içeriği tamamen <Yazar/Yararlanıcı> sorumluluğundadır ve hiçbir şekilde Avrupa Birliği'nin veya Programın Yönetim Makamının ve Ulusal Otoritenin görüşlerini yansıtmak için alıntılanamaz”

**In English:** This publication has been produced / This <website/account> was created and maintained / This <video/film/programme/recording> was produced with the assistance of the European Union through the Interreg-IPA CBC Bulgaria -Turkey Programme, CCI No 2014TC16I5CB005. The contents of this publication are the sole responsibility of <Name of the author / Beneficiary> and can in no way be taken to reflect the views of the European Union or the Managing Authority and the National Authority of the Programme.

## **10.4 Implementation of information and publicity activities**

Each Beneficiary plans the information and publicity activities according to the specific goals and target groups of the particular project, but it is advisable these activities to include at least the following elements:

- development of **the project website** or a social media page, which should be available to the public;
- publication of **at least one brochure/ booklet/ leaflet or media publication**, detailing the results of the project;
- organization of **one final public event**.

The final beneficiaries are asked to inform the JS /Managing Authority on public project events. If possible, the JS or the MA will participate to these events.

During the course of the project implementation, the Beneficiary must place information board/sign (with both EU flag and Programme logo) at the location where the operation activities are being executed.

**It is strongly advisable that the beneficiaries keep a comprehensive photo archive of all the project activities, especially public information and publicity activities.** The best quality photograph should be used for production of project promotional materials, and should be provided to the Joint Secretariat for promotional purposes as well, including a set of images with high quality – a minimum resolution of 3000 x 4500 pixels per 100 dpi and a recommended maximum resolution of 4700 x 7000 pixels per 100 dpi.

Audio and/or video recordings of all public project events can also be used as an effective tool for promoting and formal reporting purposes. It is advisable to use professional photographic and audio/video recording services for project promotion purposes, whenever possible and appropriate.

**The beneficiaries are advised to produce all promotional materials in an environmentally-friendly way.**

**Promotional materials that are badly done can harm a project's reputation. Projects are advised to think about how promotional materials will correspond to their overall reputation: Are they 'green' enough? Will they actually work and continue to work throughout the project lifetime?**

### **Communication Plan**

The Communication Plan should be an integral part of the projects' development and implementation from the very beginning, setting the provisions for promotion of the project by all project partners, in relation to all project activities.

Considering the basic principles of good governance of the CBC programmes and according to the EC recommendations, it is advisable a detailed communication plan to be prepared. The main purpose of this plan is to facilitate the Project management team in executing their function of general coordination of the overall project implementation activities. Therefore, the plan should be prepared by the Project management team at the beginning of the project implementation cycle. Since the plan is based on the information and communication elements already included in the Application form, a new approval of the MA/JS is not required. However, it is advisable that the Beneficiaries consult the Joint Secretariat Communication Officer regarding the content of the project Communication Plan.

The Communication Plan should highlight the general objectives of the project, the respective target groups, the specific activities and tools that will be used during the implementation of the project, the expected indicators of achievement aimed by the plan, as well as the human and financial resources envisaged for the implementation of the above mentioned plan.

For Beneficiary's convenience, the *Annex 9* shows the template to be used for the presentation of the Communication plan.

When developing the communication plan, the Beneficiaries should consider of the following:

- Methods of communication selected and messages given should be compatible with prevailing social or religious norms in the place where the communication activity is carried out;
- Activities should respect the local environment;
- In all communication activities, the local language(s) of the target groups should be used as much as possible.

In any event, the resources (human, financial, etc.) needed for implementation of specific information and publicity activities should be carefully assessed during the design of the Communication Plan. The activities should be timely planned and executed. For more information refer to *Annex 10*.

In the final PPR, the Beneficiaries should include detailed information on the execution of all activities and indicators set up in the Communication plan.

According to Annex XII of EU Regulation no. 1303/2013, all information and communication measures

provided by the beneficiary shall acknowledge support from the EU funds by displaying the EU emblem and a reference to the fund supporting the operations.

During the implementation stage of a project, the beneficiary shall inform the public about the support from EU funds, by placing, at a location readily visible to the public:

- **poster** with information about the project (minimum size A3), for any operation under EUR 500.000 public support;
- **temporary billboard**, for any operation (infrastructure or construction) that the total public support exceeds EUR 500 000.

After the completion stage of a project (no later than 3 months): the beneficiary shall put up a permanent plaque or billboard, at a location visible to the public, for each operation that fulfils the following criteria:

- the total public support to the operation exceeds EUR 500 000;
- the operation consists of the purchase of a physical object or of the financing of infrastructure or of construction operations.

## 10.5 Final Project Summary

Together with the FPPR, the LP is required to submit brief overview of the objectives reached, activities implemented and results achieved by the project in the document Final Project Summary (FPS) (Annex 3.1). The information shall be used by the MA/ NA/ JS for promotion of the project. The requirements for fulfilling the FPS are stated in the explanatory section of Annex 3.1.

The FPS has to be submitted for approval to the Communication Officer of the JS. Approval of the FPS is a constituent part of the approval of the final project progress report.

After completion of the project, if the operation co-financed by the Interreg-IPA CBC Bulgaria-Turkey Programme (CCI number 2014TC16I5CB005), continues to be managed by the same organization (Beneficiary of the Programme) the following two options are recommended:

- if the operation has no other phases, six months after the project has finished no EU/or Programme symbol can be used with any communication action, related to the respective project/operation (with exception of a commemorative plaque);
- if the operation has other phases, which are not co-financed by the Interreg-IPA CBC Bulgaria-Turkey Programme (CCI number 2014TC16I5CB005), in the information and communication materials the following sentence could be included:

*“The initial phase <dates> of this project/operation was supported by the Interreg-IPA CBC Bulgaria-Turkey Programme (CCI number 2014TC16I5CB005)”.*

The partners can contact the JS in case of need for any assistance for their communication activities.

## 11. PROJECT CLOSURE

The project closing process starts with submission of the Final PPR and the Final Request for Payment. The LP has to include all expenditures related to the last reporting period, and if relevant the expenditure of the project partners not submitted in the previous reporting periods.



**NB!**

In case of final payment, the expenditures are eligible if they are carried out during the respective reporting period and are paid not later than 45 calendar days after the end date of the implementation period of the operation. Expenditures which are not carried out during the respective reporting period could be included if the necessary justification is provided.

While project closing, the JS conducts Final visit to the project, approves the Final PPR and checks if all the activities are **implemented** according to the approved Application form, and all the requirements arising of the Subsidy Contract (e.g. the project has been fully implemented by carrying out the planned activities, planned outputs are achieved and the project is realized in due time, etc.)

In case the project is completed and the Final PPR is approved by the JS, the MA proceeds with the financial closing of the project in order to calculate the amount of the final IPA II and national co-financing contribution to be reimbursed to the LP. After approval of the final payment to the LP, the project is considered closed.

Project closing cannot be initiated in case other processes related to the project are not closed such as irregularity and recovery procedures. In those cases the final payment to the Project is suspended until the closing of other processes.

### 11.1. Retention of project documents

**NB!**

The LP and all partners are obliged to retain for audit purposes all files, documents and data about the project for a period of 5 (five) years after the date of the notification by the MA for verified amounts under the request for final payment.

The following documents have to be retained as the project's audit trail:

No.	Document	Lead Partner	Project Partner
1.	- <i>Approved Application Form</i>	- <i>original</i>	- <i>copy</i>
2.	- <i>Partnership Agreement (and its amendments)</i>	- <i>original</i>	- <i>original</i>
3.	- <i>Subsidy Contract</i>	- <i>original</i>	- <i>Not relevant</i>
4.	- <i>Amendments of the Subsidy Contract</i>	- <i>original</i>	- <i>only if relevant</i>
5.	- <i>Project Progress Reports</i>	- <i>original</i>	- <i>Not relevant</i>
6.	- <i>Request for Payment</i>	- <i>original</i>	- <i>Not relevant</i>



No.	Document	Lead Partner	Project Partner
7.	- Certificate on validation of expenditure	- original	- original
8.	- Each invoice and accounting document of probative value related to project expenditure (originals to be retained at the premises of the project partner concerned)	- only the LP's invoices in original	- only PP's invoices in original
9.	- All supporting documents related to project expenditure (e.g. bank statements, public procurement documents, etc.) to be retained at the premises of the project partner concerned	- only the supporting documents of the LP in original	- only the supporting documents of the PP in original
10.	- All project deliverables (materials produced during the project period)	- only the project deliverables of the LP in original	- only the project deliverables of the PP in original
11.	- If relevant, documentation related to on-the-spot checks of the controllers (to be retained at the premises of the project partner concerned)	- only LP's on the spot check documentation in original	- only PP's on the spot check documentation in original
12.	- If relevant, documentation of monitoring visits of the JS	- only LP's on-the-spot check documentation in original	- only PP's on-the-spot check documentation in original
13.	- If relevant, audit reports	- All audit reports, LP audit report in original and all other reports - as a copy.	- Not relevant
14.	- Other official correspondence	- original	- only if relevant

## 11.2. Sustainability of the project

The LP and project partners have an obligation to ensure the sustainability of the operation results in conditions and ownership as per the conditions in the Subsidy contract, but not less than 5 (five) years after completion of the implementation period of the project.

Supporting documents showing how the sustainability of the projects ensured (i.e. protocols between institutions or official letters of related institution stating commitments to ensure security, provide maintenance and repair, and to be actively operated, etc. ) should be provided by the project partners, if requested.

Without prejudicing the right of MA to act accordingly if lack of sustainability of results achieved and/or assets gained are detected by a competent authority, in a time following completion of the action, but not later than 5 (five) years of its ending, MA may request partially or fully recovery of the amount granted, based on the damages and omissions occurred.

### **11.3. Ownership of project results**

Title, industrial and intellectual property rights in the outputs of the project and the reports and other documents relating to it shall be ownership of the LP and PPs.

The LP should guarantee a widespread publicity of the results of the projects and make them available to the public.

The LP grants the MA **the right to use the outputs and results of the project for information and communication actions related to the programme** provided it does not breach the confidentiality obligations or intellectual and industrial property rights.

## **LIST OF ANNEXES:**

- Annex 1 Financial Identification Form
- Annex 2 Project Procurement Plan
- Annex 3 Project Progress Report
- Annex 3.1 Final Project Summary
- Annex 4 Request for First Level Control
- Annex 5 Invoice Report with the attached Financial Report
- Annex 6 Request for Payment
- Annex 7 Appeal Declaration
- Annex 8 Request for Contract Modification
- Annex 8.1 Declaration of Withdrawal of PP
- Annex 8.2 Budget modification table
- Annex 9 Communication Plan - template
- Annex 10 Communication and Visibility Guidelines
- Annex 11 Declaration on VAT status
- Annex 12 Declaration for lack of double funding and revenue of the project
- Annex 13 Request for derogation to the rule of origin
- Annex 14.1 Tender dossiers for Single tenders
- Annex 14.1.1 Tender dossiers for Single tenders for service
- Annex 14.1.2 Tender dossiers for Single tenders for supply
- Annex 14.1.3 Tender dossiers for Single tenders for works
- Annex 14.2 Practical advices in public procurement
- Annex 15 User manual for the beneficiary portal
- Annex 16 Declaration on staff employment
- Annex 17 Time sheet