

Requests for clarification/amendment of the Guide for Applicants (GfA) for Flagship projects (FSP) - Organizations / entities established in Romania

No.	Author of proposal/request for clarification	Section of the GfA	Proposal/request for clarification/amendment	Programme' Reply
1	Research Institute for Social Development and Innovation Timisoara, Loreni Baciu, loreni@iced.ro	1.2.1. Priority Axes and Investment Priorities, and their Specific Objectives Priority Axis 4, Investment Priority: 9/a Investing in health and social infrastructure which contributes to national, regional and local development, reducing inequalities in terms of health status, promoting social inclusion through improved access to social, cultural and recreational services and transition from institutional to community-based services Specific Objective: Improved preventive and curative health-care services across the eligible area	In the current form of the conditions stipulated by the guide, social services as the object of intervention seem to be excluded from funding. In case increasing access of vulnerable categories to social services network can still be subject for funding, we suggest you to mention specifically this category of services besides the health-care services.	Please see the specifics of the 9/a Investment Priority, especially the focus of the intervention. According to the approved Cooperation Programme, the output indicators for this Ip are as follows: -Population having access to improved health services -Number of health-care departments affected by modernized equipment (programme specific indicator) Therefore, depending on their estimated costs, all supported actions must contribute proportionally to fulfilling the above mentioned indicators.
2	Vasile Goldis Western University of Arad, Anca Hermenean, anca.hermenean@gmail.com	Fact-sheet 4_9a: Public medical and IT higher education institutions, research institutes	Fact-sheet 4_9a: <i>Public and private medical and IT higher education institutions, research institutes or medical and IT higher education institutions</i> . Justification: granting equal opportunities for all accredited universities in the Interreg V-A Romania-Hungary programme' area	The present call will only support flagship projects. These are projects of strategic value, with great impact on the programme area, both in terms of population targeted and institutional dimension. Therefore, the programme's approach is to ensure that the eligible applicants are public bodies with relevant legal competences in the area of intervention, having the attributions and the resources to implement such a large-scale project. In addition, please be advised that private education institutions operate on a competitive basis, and thus, the financing of private education units would fall under the state aid incidence. Nevertheless, in order to encourage the participation of the civil society in the framework of the call, NGOs and EGTCS shall also be eligible. Please follow and see the amended Guide for Applicants, section 2.2.1.1 Eligibility of applicants.
3		Fact-sheet 3_8b: Public higher education institutions	Fact-sheet 3_8b: <i>Public and private higher education institutions or higher education institutions</i> . Please consider these proposals to comply with the principle of equal opportunities for participation in the competition of all accredited universities from the programme' eligible area.	
4	Iuliana Velnicuic, iuliana.velnicuic@gmail.com	Eligibility of applicants.	May be eligible a national institute for research and development, whose main activity has unique character and whose board of directors includes representatives of State? The institute has not legal seat or regional/local branch office with a legal entity in the eligible programme area. We suggest you to accept institutions that are relevant at the national level to be eligible regardless of where have their headquarters, due to the contribution that they can have in the development of the eligible area.	Please follow-up and see the clarified Guide for Applicants, section 2.2.1.1 Eligibility of applicants: "Exceptions are also possible - in the case of public entities not having their legal seat in the eligible area, but having legal competencies for implementing operations in the programme area. (...) <i>In case the public entity's headquarter is registered outside the eligible programme area without a branch office in the eligible area, the respective public entity may apply.</i> "
5	The Chamber of Commerce and Industry of Romania - CCIR Business Center, George Cotiga, george.cotiga@ccir.ro	2.2.1.1. Eligibility of applicants: Exceptions are also possible - in the case of public entities not having their legal seat in the eligible area, but having legal competencies for implementing operations in the programme area. Thus, in case the public entity's headquarter is registered outside the eligible programme area and its branch office is not a legal entity, the respective public entity may apply and, in case of contracting, it shall be the beneficiary. In this special case, the public entity shall also meet the following criteria: -The regional/local branch office needs to be registered at least one year before the launch of the present Call for proposals, which shall be proved by at least one of the following documents: Copy of the Register and/or Deed of Foundation/ Law/Decree and/or Statutes and/Articles of Association; -The legal representative of the main entity shall nominate the person responsible for acting in the scope of the project implementation.	Please replace with: Exceptions are also possible - in the case of public entities not having their legal seat in the eligible area, but having legal competencies, established by legal acts, extends to the eligible programme area. Thus, in case the public entity's headquarter is registered outside the eligible programme area and its branch office is not a legal entity, the respective public entity may apply and, in case of contracting, it shall be the beneficiary. The applicants, located in Romania and Hungary, whose headquarters are not situated in the eligible area and cannot legally open a local/regional branch office with legal personality in the eligible area and whose area of competence does not extend to the eligible area may participate in projects provided that their budget is limited to 20% of the project's total budget. In this case the applicant should be the mother organization.	In compliance with the approved Cooperation Programme, the exception is applicable to public entities not having their legal seat in the eligible area, but having legal competencies for implementing operations in the programme area. However, please follow and see the modifications of the Guide for Applicants, section 2.2.1.1 Eligibility of applicants. Moreover, please be informed that eligibility outside the eligible area is set by the Programme at a maximum of 10%.
6	Vasile Goldis Western University of Arad, Olimpia Neagu, olimpia.neagu@uvvg.ro	Eligibility of applicants	We ask you to introduce the private universities, included in the national education system, in the category of eligible beneficiaries and partners.	Please see our reply no. 2 & 3, above.

Requests for clarification/amendment of the Guide for Applicants (GfA) for Flagship projects (FSP) - Organizations / entities established in Romania

No.	Author of proposal/request for clarification	Section of the GfA	Proposal/request for clarification/amendment	Programme' Reply
7	Nagy Gabor, nagy.gabor@rove.ro	Fact-sheet 3_8b Types of actions: Preparation of integrated development strategy and action plans of specific territories ... Target groups: Groups of ATUs (RO) or people living in micro-regions (HU) and ATUs or in the <u>proximity</u> of the state border.	The final version of the Fact-sheet should specify if the strategy shall be developed in Concept Note or in Full Application submission step or in the project' implementation phase. What means "proximity" in this context? Residents of neighboring counties are eligible?	Preparation of a strategy or an action plan cannot be supported as a separate standalone project. Please be aware that in Full Application phase, you have to submit "Other relevant studies/surveys (evaluations, strategies, design plans, opportunity studies, impact assessment, location studies, etc)" as mentioned in the Guide for Applicants. For target groups - the corrected version reads: "people living in micro-regions (HU) and ATUs or groups of ATUs (RO) in the proximity of the state border", as stated in the approved Cooperation Programme document. The eligible expenditures shall be incurred in the eligible programme area, respectively on the territory of the following 8 counties: Satu Mare, Bihor, Arad and Timis from Romania; Szabolcs-Szatmar-Bereg, Hajdu-Bihar, Bekes and Csongrad from Hungary. The specific objective for this Investment priority is SO8/b - Increased employment within the eligible area, and the interventions should be targeted to the people living in settlements closer to the border, but there is no precise delimitation based on the distance from the place of residence to the state border.
8		General question	<i>Intercommunity development associations</i> can be eligible applicants under call?	The present call will only support flagship projects. Such projects are of strategical value, with great impact on the programme area. The programme's approach is to ensure that the eligible applicants are public (equivalent) bodies with relevant legal competences in the area of intervention, having the attributions (legal competencies) and the resources to implement such a large-scale project. Nevertheless, in order to encourage the participation of the civil society in the framework of the call, NGOs and EGTCs shall also be eligible.
9		As the consultancy services are not eligible in the "concept note" [CN] phase, please consider simplify the list of mandatory documents to be submitted with the application, so that the staff of the health-care institutions could deliver it themselves.		Clarification: <i>consultancy/external expertise for elaboration of the CN</i> itself are ineligible costs under the CN preparation costs, but other consultancy / external expertise expenses are eligible for the CN preparation.
		Most of the documents are requested in both CN and FA phases, which leads to double administrative proceedings at the level of the applicants, and the managing authority and BRECO Timisoara level. Therefore, please consider eliminating the followings:		In order to simplify as much as possible the administrative process itself, as set out in the approved programme document, applications shall be submitted on-line and correspondence will run through the corresponding module of the eMS, but the programme cannot waive the submission of certain documents, relevant for the evaluation and selection criteria approved by the Monitoring Committee of the programme, especially since the situation may change from the time of submission of application for CN to the time of submission of application for FA. Please kindly see the answers below.
10	Spitalul Clinic Judetean de Urgenta "Pius Brnzeu" Timisoara	<ul style="list-style-type: none"> Relevant valid original documents stating the availability of the own contribution are enclosed 	Considering that the first subsidy contract (...) will be implemented in 2017, we suggest that a council decision issued at the end of 2016, stating the availability of the necessary own contribution would be more relevant;	Please follow and see the new up-dated version of the Guide for Applicants. This particular request was indeed eliminated, as the availability of the own contribution is stated within the Lead Applicant/Applicant Declaration. Please note, however, that each such Declaration shall refer to the phase in which the application is submitted: Phase I - CN, Phase II - FA. Decisions of the council you mentioned, stating the exact amount of their contribution brought to the project, for the duration of each phase of implementation, will be required during the related contracting procedures.
11		<ul style="list-style-type: none"> Original specimen of signature, containing the method of representation, of the legally authorized representative(s) of the organizations certified by a public notary in original language is included 	We consider that a document being certified in the first part of 2016 will not be useful whereas only at the end of the year it might be concluded;	Please be advised that there are several supporting documents to be attached to the application form, binding the applicant institution from financial point of view. In this regard, it is important to be sure that the person who signs these papers is the rightfull authorized representative. Also, please bear in mind that these are submitted at different times (CN - 2016; FA - 2017), and the documents shall be renewed upon contracting, if the case.

Requests for clarification/amendment of the Guide for Applicants (GfA) for Flagship projects (FSP) - Organizations / entities established in Romania

No.	Author of proposal/request for clarification	Section of the GfA	Proposal/request for clarification/amendment	Programme' Reply
12	Spitalul Clinic Judetean de Urgenta "Pius Branzeu" Timisoara	<ul style="list-style-type: none"> Supporting justifying documents for the estimated budgeted costs involving procurements higher than 2500 euro net are included 	Attaching financial offers for justifying the prices is premature, as only after finalising the feasibility study the technical specifications of the medical equipment are to be known. The technical specifications may significantly influence the offers, equipment prices being possible to vary from simple to double depending on options, tools and / or software required. In addition, the construction cost can vary depending on the type of equipment to be subject to financing contract;	The proper justification of the estimated costs is a mandatory condition for a project to be financed by any EU Programme. The requirement is not related to the public procurement, but to the quality and the maturity of the project proposal. However, please be advised that the documents submitted by the applicants shall not imply full public procurement tender dossiers, but the evidence of the market research. In addition, please note that there is already stated in GfA the flexibility of +/- 10% variation between the budget estimate presented at the CN and the total one resulted after completing the FA form.
13		<ul style="list-style-type: none"> Title deed (<i>tulajdoni lap masolat / extras de carte funciara</i>) issued by the Land Registry, not older than 30 days, of each real estate/land affected by the investment 	The title deed is mandatory also for the full application [FA] phase, therefore, submitting such document is irrelevant now, for a project to be implemented in 2018.	The selection of the best Concept Notes and the actual support for the development of the FA requires the compliance with all necessary requirements of a subsidy contract. Therefore, if the project idea relates to any investment costs, the property rights are a preliminary eligibility condition in all cases. In addition, the situation may change until the time for FA submission. However, please be advised that full projects are expected to start running in 2017.
14		<ul style="list-style-type: none"> Declaration from the land and/or building/ item of infrastructure owner that the land and/or building/ item of infrastructure is: free of any encumbrances, not the object of a pending litigation, not the object of a claim according to the relevant national legislation 	The declaration is mandatory also for the full application phase, therefore, submitting such document is irrelevant now, for a project to be implemented in 2018.	Please see above.
15	Costinel Corlan	Investment priority 6/c	Regarding the fact that the construction of roads to ease access to natural and/or cultural sites, please clarify the eligibility of costs for modernisation of a street separating a historical site from a national road leading to the Hungarian border.	Any costs, including investment works related, need to be properly justified in terms of necessity and context. Additionally, please consider the percentage of the project budget limitation regarding possible investment in construction/modernisation of any roads, under Ip 6/c. Furthermore, please consider the output indicator for this particular Ip and make sure any investment you plan is part of a well design, coherent project.
16			Being that the cultural/historic sites also include administrative spaces, which are not the objects of tourists' direct access or interest, please inform us if those are eligible both in terms of arrangement/fitting activities and expenses.	Yes, if those are part of that particular site, while proven to be necessary in terms of rehabilitation and related costs. Also, the technical documentation should, obviously, include them as well. However, please keep in mind the output indicator for this particular Ip and make sure any investment you plan fits in a well design, coherent project.
17			Please indicate if activities for extension of the monument (like support, consolidations or restorations), in order to consolidate it, are eligible.	Yes, if proven to be necessary. Nonetheless, please see our replies above.
18			Please specify if a cost-benefit analysis is necessary in this particular type of project, considering that a historical monument is rehabilitated (a DALIW will be elaborated) which has never been included in a touristic circuit and the partner contributes with a protected area. The CBA will address the whole project or just the monument? If the monument is subject to a DALI will the cost-benefit analysis still be further developed?	Thank you for the questions. The proposed new version of the GfA: CBA is mandatory for all project and will be developed at the project level, whether or not infrastructure works are included.
19			Please reconsider the situation in which projects are defined as profit-generating projects, for cases where the taxes required for visits cover only some of the operational costs, and profit is not obtained from exploitation of the objectives proposed in the project .	<u>Revenue</u> generating projects may be financed under the present Call for proposals. However, if the required taxes are lower than the operational costs, there is no net-revenue. Only net-revenues are not eligible.
20	Andreea Ursuleasa	Eligibility of applicants.	Is the Ministry of Culture eligible to apply or can be an eligible applicant through the 4 County Departments of Culture, in their quality of decentralized public services of the Ministry, having legal status?	Whereas the County Departments of Culture have legal status, those is eligible to apply under this Call for proposal.

Requests for clarification/amendment of the Guide for Applicants (GfA) for Flagship projects (FSP) - Organizations / entities established in Hungary

No.	Author of proposal / request for clarification	Section of the GfA	Proposal/request for clarification/amendment	Programme' Reply
1	<p>Morahalom Banat Triplex Confinium EGTC Koszo Miklos miklos.btc.egtc@gmail.com</p>	Factsheet 4	Type of activities: There is not transparently that the action plans and the preparation of unified development strategy is a obligatory element of the strategic project.	The questions are not very clear. However, we strongly encourage you to consider all the data included in the Guide for Applicants, in terms of eligibility of activities.
2			The indicative actions: There is not transparently that is the obligatory focal point on the handicapped populace in the development of education and in occupation programs.	Projects should be correlated with the strategies relevant to the field that they apply for. Regarding target groups, there are no restrictions, but general guidelines are also available within factsheets.
3			List of potential beneficiaries: please put the religious institutions and the Euro region's management organizations	Please see the Guide for Applicants, section 2.2.1.1 Eligibility of applicants.
4		Guide for Applicants	About list of mandatory We disapproval the approving justifying documents for the supposed budget costs involving procurements taller than net 2500 Euro, we don't consent to have these written documents to the CN. Merely to the AF.	The proper justification of the estimated costs is a mandatory condition for a project to be financed by any EU Programme. The requirement is not related to the public procurement, but to the quality and the maturity of the project proposal. However, please be advised that the documents submitted by the applicants shall not imply full public procurement tender dossiers, but the evidence of the market research.
5			Incomprehensible to us why external experts are needed in the Romanian national legislation CB program. We would approval one Romanian and one Hungarian expert as was in the last program period.	Project proposals need to be assessed from the quality perspective by relevant independent assessors, having the necessary expertise in the relevant fields addressed by the programme. The MA, responsible for conducting the procurement, shall apply public procurement procedures in force in Romania. Whilst each project proposal will be assessed by two relevant assessors, please be advised that imposing nationality criteria is strictly forbidden in any public procurement regulatory framework.
6			According to the text "the Lead and Project Applicants must be public bodies or public equivalent bodies, governed by public law". In Hungary are several non-profit organizations which organizations are permanent applicant in CBC programs under type of governed by private law. We would ask that it be included in this classification-Bodies governed by private law.	Please follow-up and see the new version of the GfA: c. Non-profit private bodies: any non-profit legal body established under the private law, acting in the general public interest. Please note that, accordingly, only non-governmental organizations and Chambers of Commerce can apply! d. European Groupings for Territorial Cooperation (EGTCs) introduced by Regulation (EC) 1082/2006, as further amended and complemented by EC Regulation 1302/2013, and established according to the national legislation of Romania and Hungary are considered eligible in case they satisfy the eligibility criteria applicable for each applicant, excluding the necessity to have a cross border partner.
7			About the state aid the follow text "either direct or indirect state aid is not permitted at the level of potential beneficiaries" we convey advice to erase this sentence because there is lot of foresaw project actions under the follow PA 6/C, 8/B and 9/A can be considered state aid. So these are the parts of the Mayor Programme. According to our belief better is that call needs select the GBE classification.	Allowing state aid would result in: a) different co-financing rates as against those allowed by the programme; b) difficulties in implementing and reporting the projects; c) different treatment between activities of the same project, even for the same beneficiary; d) unclear aspects in GBER for ETC programmes, which may result in the eligible expenditures subject to state aid and those that are not, with impact on the financial management of the project; e) difficulties in relation to the state aid scheme budget, as this cannot be accurately drafted and its re-amendment would take time; f) unequal treatment for those counties that are covered by the other ETC programmes where stae aid is not allowed (i.e., Timis); g) increased responsibilities for indirect state aid - the Lead Beneficiary need to draft the scheme and monitor it.
8			We can't found in the text the possibility of the advanced payment. It will be same like in the last period?	Please see pages 16-17 (sole addition is the bolded text): <i>For the Romanian Beneficiaries:</i> <i>Please note that an advance payment of maximum 60% of the Romanian national co-financing may be granted to Romanian beneficiaries for their part of Concept Note budget, while the reimbursement of the rest of the funds will be conditioned by the approval and contracting of the Full Application. The same percentage for the advance payment will be applied for the implementation of the Full Application.</i> <i>For the Hungarian Beneficiaries:</i> <i>Please note that an advance payment of maximum 100% of the Hungarian national co-financing may be granted to Hungarian beneficiaries for their part of Concept Note budget, while the reimbursement of the rest of the funds will be conditioned by the approval and contracting of the Full Application. The same percentage for the advance payment will be applied for the implementation of the Full Application.</i>
9			We would like to recommend that the necessary clarifications to the JS applicants can submit after ten working days instead five working days.	The decision on programme level is 5 days, based on previous experience and taking into consideration common practice. Otherwise, it will delay the overall process of assessment by extending the timeframe affected to administrative and eligibility check.

Requests for clarification/amendment of the Guide for Applicants (GfA) for Flagship projects (FSP) - Organizations / entities established in Hungary

No.	Author of proposal / request for clarification	Section of the GfA	Proposal/request for clarification/amendment	Programme' Reply
10	<p>Morahalom Banat Triplex Confinium EGTC Koszo Miklos miklos.btc.egtc@gmail.com</p>	<p>Guide for Applicants</p>	<p>About the greatness of budget we would like to growth the project budget on 24 million euro. In several cases when the projects is going in to some problem of the CB territory than is necessary a more partners and the taller budget.</p>	<p>Regarding the size of the budgets, there is a limited possible total allocation on programme level, and the obligation to ensure fulfilment of milestones set in the Performance Framework, as well as a ballanced allocation among the eight eligible counties, as stated in the CP.</p>
11			<p>Currently maximum number of involved partners is six but in several cases is not enough. We request merges of this number to increase to twelve.</p>	<p>Partnerships not involving strong commitment and contributions (observing all four criteria: joint development, joint implementation, joint staffing and joint financing) from all applicants shall be rejected. The new proposed version of the GfA: It is expected that when a partnership is designed, only partners who can make an important contribution in achieving the proposed indicators will be invited in the partnership. The quality of a partnership will be assessed and, according to the new proposed version of the GfA: the Programme reserves the right to revert to assessors the respective project proposal, in order to eliminate all those costs/activities that are not leading to the envisaged results and contributing to the programme's output indicators, including project partners, in cases where the size of the proposed partnership is not proportional against the complexity of the project. Moreover, please be informed that this aspect was agreed by the two Member states and shall remain unchanged.</p>
12			<p>According to the text the Concept Notes shall be accompanied by letters of endorsement from relevant authorities /bodies at least one from national level. As it is a CB program according to the principle of subsidiarity we appeal to delete it. The approved letter may be from local or regional level. Secondly we would like to note that there are several project ideas which can't be coupled to more national level ministries or authorities. This declaration is also valid for the list of mandatory annexes to the Concept Note/Full application.</p>	<p>The new version of GfA: The Concept Notes shall be accompanied by <i>compliance letters</i> from relevant authorities / bodies at national / regional / county level (ministries and other units, acting under their subordination, coordination or under their authority, public authorities on regional/county level). The letters will confirm the project's compliance with a relevant national/regional/county strategy. It is mandatory to provide at least one letter from Romanian authorities and one from Hungarian authorities. Please see the compliance letter template attached to the CN package.</p>