Appendix no. 1 to the OMC no 2803/31.03.2020

RO-CULTURE

APPLICANT GUIDE

CALL 2 *Cultural entrepreneurship enhanced & larger audience developed*

EEA GRANTS 2014 – 2021

Bucharest, 2020

Iceland Liechtenstein Norway grants

MINISTERUL CULTURII

unitatea de management a proiectului

EEA GRANTS 2014 – 2021

RO-CULTURE

APPLICANT GUIDE

CALL 2 *Cultural entrepreneurship enhanced & larger audience developed*

Submission of projects: 01.04.2020 – 01.07.2020, 16:00 Bucharest time (GMT+2)

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This document is a guideline for submitting a project for receiving a grant under the RO-CULTURE Programme, CALL-*Cultural entrepreneurship enhanced & larger audience developed, having the characteristics of an individual administrative act.*

1. General information on EAA GRANTS

The RO-CULTURE Programme is an integral part of the European Economic Area (EEA) Financial Mechanism 2014-2021.

The rules and principles governing the implementation of the EEA Grants are set out in the Regulation on the Implementation of the EEA Financial Mechanism 2014-2021 and its annexes.

More information on the legal framework of the EEA Financial Mechanism 2014-2021 can be found at www.eeagrants.org and www.eeagrants.ro.

2. General information on RO-CULTURE PROGRAMME

The RO-CULTURE Programme is implemented in Romania by the Ministry of Culture, as Programme Operator, in partnership with the Norwegian Directorate for Cultural Heritage and Arts Council Norway, as Programme Partners from the Donor states.

The Programme was approved through the Programme Agreement concluded between the EEA Financial Mechanism Committee and the Ministry of European Funds, as National Focal Point, on 05.06.2018.

The Programme will focus on the role that culture and cultural heritage plays in local and regional development, with emphasis on employment, cultural entrepreneurship and public development.

The budget of the Programme is 29,015,294 Euro, out of which 24,663,000 Euro is external non-reimbursable financing and 4,352,294 Euro comes from the state budget (national co-financing). In addition, an amount of 250,000 Euro are allocated to the Programme from the fund for bilateral relations.

3. Institutional framework and legal framework

3.1 Institutional framework

The institutional framework of the RO-CULTURE Programme is in line with the provisions of the Regulation on the Implementation of the EEA Financial Mechanism 2014-2021 and GEO no. 34/2017.

3.2 Legal framework

This call for proposals is governed, *inter alia*, by the following legal acts and regulations, as subsequently amended and supplemented:

- Protocol 38c to the EEA Agreement on the EEA Financial Mechanism 2014-2021 (hereinafter referred to as the “EEAFM”);
- Regulation on the Implementation of the EEA Financial Mechanism 2014-2021 (hereinafter referred to as the “Regulation”), approved by the EEA Financial Mechanism Committee in accordance with art. 10.5 of the Protocol 38c to EEA Agreement on 8 September 2016 and confirmed by the Permanent Committee of EFTA States on 22nd September 2016;
- The Memorandum of Understanding between Iceland, the Principality of Liechtenstein, the Kingdom of Norway (hereinafter referred to as the ”donor states”) and the Government of Romania regarding the implementation of the EEA Financial Mechanism 2014-2021, published in the Official Journal of Romania no. 838 of 21.10.2016 through the Order of the Minister of European Funds no. 2102 of 19.10.2016;

- Guidelines approved by the EEA Financial Mechanism Committee in accordance with the provisions of art. 1.5 paragraph (1) letter d) of the Regulation;
- The Programme Agreement, concluded on 05.06.2018 between the EEA Financial Mechanism Committee (hereinafter referred to as "CMF") and the National Focal Point (hereinafter referred to as the "NFP") for the implementation of the "RO-CULTURE" Programme;
- The Programme Implementation Agreement, concluded on 05.06.2018 between the NFP and the Ministry of Culture and National Identity (hereinafter MCIN), as Programme Operator;
- Government Emergency Ordinance (GEO) no. 34/2017 regarding the financial management of the non-reimbursable external funds related to the EEA Financial Mechanism 2014-2021 and the Norwegian Financial Mechanism 2014-2021, approved by Law no. 206/2017 and the Methodological Norms for the application of its provisions, approved through the Order of the Minister of Public Finance and of the Minister of Regional Development, Public Administration and European Funds no. 2840/31.10.2017;
- European Commission Regulation no. 1407/2013 on the application of Art. 107 and art. 108 of the Treaty on the Functioning of the European Union in the case of de minimis aid (Regulation 1407/2013);
- Government Emergency Ordinance no. 77 of 3 December 2014 regarding national proceedings on state aid, as well as for amending and completing the Competition Law no. 21/1996, as amended (hereafter GEO 77/2014);
- Order of the Minister of Culture and National Identity no. 2324/26.05.2017 on the designation of the PMU as Programme Operator for the PA14 "Cultural entrepreneurship, cultural heritage and cultural exchange" implemented through the EEA Financial Mechanism 2014-2021, hereinafter referred to as "RO-CULTURE Programme";
- Order of the Minister of Culture and National Identity no. 2238/2019 on the application of lump sums for travel and subsistence allowance financed under RO-CULTURE Programme;
- Order of the Minister of Culture and National Identity no 2231/2019 regarding the approval of the de minimis aid for cultural entrepreneurship enhanced & larger audience developed within RO-CULTURE Programme.

The above-mentioned legal framework is not exhaustive and will be supplemented with the provisions of European and national legislation, including, but not limited to environmental, public procurement and state aid rules.

4. Objectives

4.1 Objectives of the EEA Financial Mechanism 2014-2021

The objectives of EEA Financial Mechanism 2014-2021 are:

- reducing economic and social disparities in the European Economic Area;
- strengthening bilateral relations between donor states and Romania.

4.2 Objectives of the RO-CULTURE Programme

The overall objective of the RO-CULTURE Programme is to strengthen economic and social development through cultural cooperation, cultural entrepreneurship and cultural heritage management.

4.3 Specific information for this call for proposals

This call for projects aims at broadening people's access to culture, at promoting cultural diversity and at strengthening intercultural dialogue. Cultural cooperation is encouraged in order to reach a greater mutual understanding between people and social inclusion and also to involve individuals in culture and artistic events. For cultural activities to achieve a greater impact, transfer of knowledge and expertise between organizations from Romania and Donor States are encouraged, along with joint production of artistic events and performances.

Furthermore, the enhancement of entrepreneurial skills of cultural experts involved in the selected projects will contribute to audience development and access to culture increased.
This call for proposals will contribute **entirely** to the achievement of the following outcomes and outputs:

Number	Programme results	Indicator
Outcome 2	***Access to culture increased***	90 jobs created[1]
		19.000 people attending cultural activities
Output 2.1	***Cultural entrepreneurship enhanced***	10 SMEs supported[2]
		60 professional staff trained on the job[3]
Output 2.2	***Larger audience developed***	150 contemporary art activities supported
		10 cultural heritage innovative approaches to audience development supported
		5 productions related to social, ethnic and cultural minorities, other than Roma
Bilateral outcome	***Enhanced collaboration between Beneficiary and Donor States entities involved in the Programme***	
Bilateral output 2	***International cultural cooperation in the field of contemporary arts supported***	15 projects involving cooperation in contemporary arts with a donor project partner

At least 50% of the total non-reimbursement financial support related to selected projects within this call for proposals will be allocated to projects implemented in partnership with at least one entity from the Donor States.

In order to develop successful projects, it is recommended to consult the Programme Agreement available at: http://www.eeagrants.ro/acorduri-de-program/-/asset_publisher/Fi9hiYblo7aS/document/id/630170.

5. Definitions

The terms used within the present Applicant Guideline, annexes included, which do not bear a specific definition, will be interpreted according to the national and European legislation, if the case.

1 The jobs created relate to the positions newly created by the project (in the management and/ or the implementation team), remunerated from its approved budget, corresponding to a full working standard (8 hours/day) and a minimum duration of 12 months. In the case of a duration and/or partial rules, the number of jobs is calculated proportionally with reference to a full-time working time and a duration of 12 months (e.g. a full-time contract with a duration of 3 months will represent 25% of a job. In addition, for the comparability of civil/copyright contracts, the duration of the contracts (the number of paid months from the project budget compared to a duration of 12 months) will be taken into account in order to determine the number of jobs created, irrespective of the number of hours worked per day. The project may include persons already employed in the organization (project Promoter or Partner) at the start of the project. In the implementation phase of the projects, gender, age and Roma disaggregation will also be monitored.

[2]The indicator refers to SMEs receiving financial support as project promoters or project partners from Romania.

[3]Staff trained on the job refers to acquiring new competences/ abilities or improving existing ones of the project team members, through formal or non-formal education, such as job-shadowing, mentoring, etc. Beneficiaries must have at least Level 3 education according to the European Qualifications Framework (secondary education). The indicator does not include Roma professionals, since a separate call specifically targeting initiatives supporting Roma will be launched.

For the purposes of this call for proposals, the following terms are defined as follows:

- **partnership agreement** – a document signed between the project promoter (the beneficiary of the *de minimis aid*) and the project partner(s), containing clear provisions on the roles and responsibilities of the parties, including the fulfillment of the obligations stipulated in GEO no. 77/2014, the rights and obligations of the parties for the implementation of the project, a detailed budget and provisions on payments and how to manage the economic benefits achieved from the project;
- **activity** – the activity for which de *minimis aid* is granted;
- **economic activity** – supply of goods and services on a market;
- ***de minimis aid*** – limited aid according to European Union rules at a level which does not distort or threaten to distort competition and/or trade with member states, respectively 200,000 Euro to a single undertaking, over any period of three fiscal years, except for undertakings performing road freight transport for hire or reward for which the total amount of de minimis aid granted shall not exceed100,000 Euro;
- **misuse of *de minimis* aid** – aid used by the beneficiary without complying with the conditions for granting the *de minimis aid* detailed in the scheme;
- **cultural entrepreneurship** – means of enhancing the economic and social valences of cultural activities and their impact. Cultural entrepreneurship in a project can be ensured by increasing managerial, marketing and business development skills (e.g. through training or mentoring, job shadowing, etc.), the development or diversification of the audience, internationalization, digitization, etc. Development of innovative methods, models and strategies for the development of the organization as well as the potential value of transferring these different models to other areas of the cultural sector is encouraged under the Programme;
- **call for proposals** – a competitive way of submitting, evaluating and selecting projects that contribute to the objectives of the RO-CULTURE Programme and that comply with the provisions of the Applicant's Guide and of the *De Minimis Aid Scheme*;
- **contemporary art** - all original forms of artistic expression created by contemporary authors;
- **advance** - the first payment installment granted to the beneficiary by the Programme Operator, within the limit set in the project contract, in order to cover the estimated justifiable expenses of the project up to the first pre-financing payment;
- **advantage** – any economic benefit which the undertaking would not have been able to obtain under normal market conditions, in the absence of state intervention. Whenever an undertaking's financial situation is improved as a result of state intervention under conditions that are different from normal market conditions, represents an advantage.
- ***de minimis aid* beneficiary** - project promoter, undertaking[4] which receives non-reimbursable financial support under the *de minimis aid scheme*.
- **eligible expenditure** - expenditure incurred by the de minimis aid beneficiary and their partners, as appropriate, for projects approved under the *de minimis aid scheme*, which may be financed by non-reimbursable financial support according to the rules on eligibility of expenditure set out in the EEA Regulation, the *de minimis aid Scheme,* the Applicant's Guideline and the project contract;
- **co-financing/own contribution** - the total amount provided by the de minimis aid beneficiary (project promotors) and/or project partners, by case, for the implementation of the project, representing amounts corresponding to the eligible expenditures, according to the project contract;
- **component "hard measure"** - execution of intervention works for existing constructions for which it is compulsory to obtain a building permit under the law / complex construction works;
- **conflict of interest** - a conflict of interest is when the objective and impartial exercise of the functions of any person in the grant agreement (a civil servant or not, a member

[4] See the definition of "undertaking" below

of the board of directors, a beneficiary, as well as its representatives or founders) is compromised for reasons involving family, sentimental life, political or national affinities, economic interests or any other common interest with another legal person or not involved in the contract. It shall be also taken into consideration the incident national legal provisions regulating the conflict of interests;

- **project contract**: the agreement concluded between the Programme Operator and *the de minimis aid* beneficiary regulating the implementation of a particular project, through which de minimis aid is granted in the form of non-reimbursable financial support;
- **date of granting the *de minimis aid*** – the moment the legal right to receive the aid is granted to the beneficiary, respectively the date of signing the project contract between the beneficiary and the Programme Operator, as administrator/supplier of the *de minimis* aid;
- **project application** – all documents relating to a project submitted under this call for proposals, containing the application form, mandatory documents and other supporting documents;
- **double funding** – financing of costs that have already been covered / reimbursed through the EEA Financial Mechanism or other financing sources or funding the same activity from multiple sources[5]**;**
- **evaluation**: a systematic, objective and independent assessment of the design, implementation and/or results achieved in Programmes and projects with the aim of determining the relevance, coherence and consistency effectiveness, efficiency, impacts and sustainability of the financial contribution.
- **applicant guide** - the document containing the information necessary for the applicant to prepare, develop and implement the project;
- **innovation** - implementing a new or significantly improved product (goods or services) or a process, a new marketing method or a new organizational method in business practices, in the organization of the workplace or in an external relationship. Innovation can be at the enterprise level, at the sector level, at national or international level. Innovation also involves the use of already developed/available solutions/technologies / products on the market and their adjustment to one's needs;
- **public institution** - a generic name including the Parliament, the Presidential Administration, the ministries, the other specialized bodies of the public administration, other public authorities, the autonomous public institutions and the institutions subordinated to them, regardless of the way they are financed as defined in art. 2 par. (1) point 30 of the Law no. 500/2002 on public finances, as subsequently amended and supplemented, and art. 2 par. (1) point 39 of the Law no. 273/2006 on local public finances, as subsequently amended and supplemented;
- **undertaking** – any entity engaged in an economic activity, regardless of its legal status and the way in which it is financed;
- **single undertaking**– in accordance with Art. 2 par. (2) of Regulation (EU) No. 1407/2013, includes all undertakings having at least one of the following relationships with each other:
  - i. one undertaking has a majority of the shareholders' or members' voting rights in another undertaking;
  - ii. one undertaking has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another undertaking;
  - iii. one undertaking has the right to exercise a dominant influence over another undertaking pursuant to a contract entered into with that undertaking or to a provision in its memorandum or articles of association;
  - iv. one undertaking, which is a shareholder in or member of another undertaking, controls alone, pursuant to an agreement with other shareholders in or

[5] Complementary financing of project activities using public/ external non-reimbursable funds, other than the non-reimbursable funding granted within the present Applicant Guideline and de minimis scheme is NOT accepted.

members of that undertaking, a majority of shareholders' or members' voting rights in that undertaking.

Undertakings having any of the relationships referred to in paragraphs i - iv of the first subparagraph through one or more other undertakings shall also be considered to be a single undertaking. The concept of " undertaking", respectively "single undertaking" can also apply to individuals and entities hold by the same individuals. Nevertheless, just holding shares does not necessary means economic activity development. The evaluation shall be particularized from case to case;

Where the beneficiary of the de minimis aid is a single undertaking, the maximum intensity of the de minimis aid and the cumulation rule shall be calculated by aggregating the values for undertakings having at least one of the relationships referred to in paragraphs i - iv.

- **monitoring** – follow-up of the implementation of projects and programs to ensure that established procedures are followed, to verify progress toward the established results and achievements and to identify potential problems in time for corrective action;
- **non-governmental organization** – (hereinafter referred to as NGO): a non-profit voluntary organization established as a legal entity, according to the provisions of GO no. 26/2000 (in the case of entities registered in Romania) or the legislation applicable in the country of its origin, as subsequently amended and supplemented, having a non-commercial purpose, independent of local, regional and central government[6], public entities, political parties and commercial organizations[7]. Religious institutions and political parties are not considered eligible NGOs for the purposes of RO-CULTURE Programme;
- **project partner -** a natural or legal person actively involved in, and effectively contributing to the implementation of a project, without obtaining an economic advantage for himself. It shares with the Project Promoter a common cultural, economic or social goal which is to be realized through the implementation of that project;
- **pre-financing** - payment installment granted to the promoter by the (de minimis aid provider) Programme Operator on the basis of the financial estimates of the eligible expenses for the interim reporting periods, within the limits established by the *De minimis aid* Scheme;
- **project:** an economically indivisible series of works fulfilling a precise technical function and with clearly identifiable aims related to the Programme under which it falls.
- **project in partnership with donor states** - project implemented in close cooperation with a project partner whose main location is in one of the Donor states;
- **project promoter** a legal entity having the responsibility for initiating, preparing and implementing a project, which has signed the project contract granting *de minimis aid* in the form of non-reimbursable financial support;
- **cultural and creative sectors** - all sectors whose activities are based on cultural values and / or artistic expressions and other creative expressions, whether or not these activities are oriented towards the market and regardless of the type of structure they carry out and how they are financed of that structure. These activities include the development, creation, production, dissemination and preservation of goods and

[6] This condition shall not be met by organizations which: - have more than half the members local, regional and/or national public authorities and/or institutions, Have more than half of the voting members of the Board/General Assembly local, regional and/or national public authorities or their individual representatives; they have structures of organization and operation established so that decisions are influenced by local, regional and/or national institutions and/or public authorities. The assessment of the fulfillment of the condition of independence will be made on the basis of a concrete analysis of the situation of the organization concerned.

[7] This condition is not met by organizations which: - have more than half of the members of entities for profit; - have more than half of the voting members of the Board of Directors/General Assembly for profit entities or their individual representatives; have organizational and operating structures set up in such a way that decisions are influenced by profit-making entities. The assessment of the fulfillment of the condition of independence will be made on the basis of a concrete analysis of the situation of the organization concerned.

services that constitute / incorporate cultural, artistic or other creative expressions, as well as related functions such as education or management / management. The cultural and creative sectors include, inter alia, architecture, archives, libraries and museums, artistic arts, audiovisual (including cinema, television, video and multimedia games), tangible and intangible cultural heritage, design, festivals, editing, radio and visual arts;

- **applicant** – public or private legal person, registered in Romania which fulfills the eligibility conditions of the RO-CULTURE Program and submits an application form under a call for project proposals**;**
- **non-reimbursable financial support** – the amount awarded on the basis of the project contract, consisting of the amount financed by EEA Financial Mechanism and the corresponding national public co-financing.
- **Donor States –** Iceland, Liechtenstein, Norway.

6. Financial Allocation

6.1 Total financial allocation

The financing under the present call for projects is made from state funds, through the Ministry of Culture budget, representing 15% of the total amount of non-reimbursable financial support and funds from the EEA Financial Mechanism 2014-2021, representing 85% of the total amount of non-reimbursable financial support.

The total amount allocated to this call for projects is EUR **2.000.000**, consisting of:

- 1.700.000 Euro (85%) – contribution of the EEA Financial Mechanism 2014-2021;
- 300.000 Euro (15%) – national contribution.

6.2 Financial allocation on projects

This call for projects falls under the European and national rules on the granting of the de minimis aid.

De minimis aid is granted as a non-reimbursable financial support.

Minimum size of project grant	Maximum size of project grant	Maximum project grant rate
50,000 Euro	**200,000 Euro**	**100% of the total eligible costs of the project, for projects implemented by public cultural institutions, as beneficiaries of the *de minimis aid*.** **90% of the total eligible costs of the project, for projects implemented by non-governmental organizations (NGOs) or commercial enterprises / cooperative enterprises, as beneficiaries of the *de minimis aid*.**

In order to check compliance with the maximum grant amount, the applicant will consider the InforEuro exchange rate for the month of launch of the call for proposals.

The maximum amount of the non-reimbursable financial support will be determined before signing the grant contract, taking into account the maximum intensity and cumulation rules established by the *de minimis aid scheme* approved by Order of Minister of Culture and National Identity no. 2231/2019.

Co-financing / own contribution shall be provided only in cash using income from internal or external sources (e.g.: income of the project promotor and/ or partner/s from commercial activities, occasional activities, donations and/ or sponsorship, subscription fees or membership quotas, reimbursable funds), other than public or external non-reimbursable funds.

By exception, in case of projects where the Project Promoter is an NGO, co-financing can be provided by both the NGO promoter and NGO project partner, in the form of voluntary work (in-kind contribution). In this case, voluntary work (in-kind contribution) shall not exceed 50% of the total eligible co-financing for the project, provided by the promoter together with the project partners. *

* The calculation basis of the unit prices for voluntary work will take into consideration official data on the national minimum and average salary, established by the National Committee for Prognosis, in force at the moment of the launch of the call for proposals.

Depending on the type of work, two different price levels will be used:

- For administrative/unskilled work, the gross minimum wage per economy will be considered, plus related social contributions provided by the national legislation. For example, according to G.D. no. 935/2019 establishing the minimum guaranteed gross salary payment, as of 1 January 2020, the minimum guaranteed gross salary payment is set at 2.350 Lei per month for a full working schedule -167,333 working hours on average per month, representing 14,044 Lei/hour.
- For complex/qualified work, the gross average wage per economy will be considered, plus related social contributions provided by the national legislation. Eg.:,under Law no. 6/2020 on the national social insurance budget for 2020, the average gross salary used to substantiate the national social insurance budget for 2020 is 5.429 Lei per month for a full-time working schedule of 167,333 hours per month, representing 32,444 Lei/ hour.

In order to justify the cost per hour of voluntary work, the contract for voluntary work will be accompanied by an appendix in which the cost per hour of voluntary work will be quantified related to the project budget. The contract for voluntary work will be submitted to the PO during the implementation phase of the project.

7. Eligibility

7.1 Eligible applicants

An **eligible applicant** for this call for proposals shall be an **entity** that meets **cumulatively** the following **criteria**:

a. is a legal person registered in Romania[8];
b. it falls into one of the following categories:

- public cultural institution (museum, theater, opera, operetta, philharmonic, library, archive, cultural center, etc.);
- Non-Governmental Organization, established under the Law no. 21/1924 for legal persons (associations and foundations) or Government Ordinance no. 26/2000 regarding associations and foundations, entered in force by law no. 246/2005, as amended and supplemented, which cumulatively fulfills the following:

    - is an NGO as defined in Section 5 of this Guide;
    - was established at least 2 years ago (compared to the launching date of the call for proposals);
    - its activity, according to their legal documents, is inter alia, in the cultural and creative sectors, as defined in the EU Regulation no. 1295/2013;
    - can carry out the activities proposed by the project according to its statutory documents;

- a commercial enterprise established under Law no. 31/1990 on enterprises, republished, as amended and supplemented, **OR** cooperative enterprise established under

[8] It has legal status

Law no. 1/2005 on the organization and functioning of the cooperative enterprise (republished), which cumulatively fulfills the following conditions:

- falls under the SME category (micro-enterprise, small enterprise or medium-sized enterprise, as defined in Recommendation 2003/361 / EC),
- was established at least 2 years ago (compared to the launching date of the call for proposals),
- its activity, according to statutory / articles of association documents, is inter alia, in the cultural and creative sectors as defined in the de minimis aid scheme,
- the activity field(s) (NACE codes) targeted by the project is (are) registered in the scope of business of the enterprise (according to the certificate from the National Trade Register), regardless of the nature of the activity (main or secondary),
- the activity field (s) (NACE codes) targeted by the project is / are authorized at the headquarter(s) representing the implementation location(s) of the project[9].

Each commercial or cooperative enterprise (SME) will fill in the "Statement regarding the category and type of an undertaking";

c. [*it applies when the project includes construction works on an existing building that are not subject to the procedure of authorizing*], has a real right (e.g. ownership, superficies, usufruct right, administration right specific to public ownership, concession right specific to public ownership etc.) **OR** a user right based on a lease or a free usage contract on the space covered by the project. Where he has a right *in rem* other than property or a right of use under a lease or a free usage contract, the right is valid upon submission of the project, throughout the project implementation period and for a minimum period of 5 years after the approval of the final project report by the Programme Operator and there is the consent of the owner to the construction and use of the space by the applicant according to the object of the project, from the time the project is submitted throughout the project implementation period and for a minimum period of 5 years after the approval of the final project report by the Programme Operator **OR** the right to carry out the works and use the space according to the object of the project during that period shall result from the documents on which it is based the right *in rem* or use of space has been acquired;

d. is not in any of the following situations:

1. the applicant is in bankruptcy, insolvency or liquidation, his activities are under judicial management, he is subject to preventive conciliation, ad hoc mandate or other agreement with creditors, has suspended business activity, is subject to procedures related to these issues and is in any other similar situation arising from a similar procedure under European or national law or regulations;
2. the applicant has not fulfilled his obligations regarding the payment of taxes and fees to the local budgets and to the state budget in accordance with the laws in force and does not benefit, according to the law, from installment planning and/or rescheduling or other facilities for their payment, including, where appropriate, any interest or penalties for late payment or fines. This condition does not apply when the amount of the net payment obligations is less than 1/12 of the total liabilities due to the state budget in the last 12 months, respectively the value of the payment obligations is less than 1/6 of the total liabilities due to the local budget in the last quarter;
3. the applicant or legal representative has been the subject of a final judgment (res judicata) for fraud, corruption, involvement in a criminal organization, money laundering or terrorist financing, terrorist offenses or offenses related to terrorist activities, children or other forms of trafficking in human beings or any other illegal activity affecting the financial interests of the European Union or international public

[9] The eligibility condition shall also be deemed to be fulfilled if the scope(s) of activity (CAEN class) concerned by the project is/are authorized outside the registered office and secondary establishments/third parties, when the activities of the project are implemented in places other than the registered office or secondary premises.

donors, including final convictions in cases related to obtaining and use of European and/or international donors funds and their national public funds;

4. the applicant or legal representative has been convicted by a final judgment (res judicata) for a criminal offense related to his professional conduct;

5. the applicant or legal representative has been the subject of a final judgment or administrative decision (res judicata) in respect of serious professional misconduct because they have violated laws, regulations or ethical standards of the profession to which the applicant belongs to or because they are guilty of any abusive conduct affecting their professional credibility when this behavior betrays a fraudulent intent or serious negligence;

6. the applicant or legal representative has attempted, either directly or through interference, to obtain confidential information or to influence the Programme Operator's evaluators during the process of evaluation of applications under this call for proposals or other calls for proposals launched under the RO-CULTURE Programme;

7. the applicant or legal representative has provided false information to the Programme Operator, has failed to provide or is unable to provide the requested information/ supporting documents for the selection of the project for funding;

8. the applicant or legal representative is in any situation of conflict of interest, defined in accordance with applicable national/ European provisions, which may arise in connection with this call for proposals (a conflict of interest may arise in particular as a result of economic interests, political or national affinities, family or emotional ties, or any other relevant connection or any other common interest);

9. the applicant or legal representative has informed with delay the Programme Operator of any situation that would constitute a conflict of interest or could give rise to a conflict of interest;

10. the applicant is subject of a decision to recover de minimis aid that has not yet been enforced and the debt has not been fully recovered.

e. is not a religious institution or political party, regardless the form of organization;

f. falls into the category of "undertaking" as defined in Section 5 of this Guide and in the *de minimis aid scheme*[10] ;

g. complies with current national and European legislation on state aid / de minimis aid, including cumulation rules as defined the *de minimis aid Scheme*;

h. is directly responsible for project initiation, preparation, implementation and sustainability, together with project partner(s) (if applicable);

i. has sufficient and stable financial resources and professional skills and qualifications required to implement the project and ensure its sustainability;

j. has the resources necessary to ensure its own co-financing/eligible contribution, if the case;

k. has the necessary resources to finance all ineligible costs (including related costs) related to the project and to cover any financial corrections resulting from the implementation of the project, if applicable;

l. has not received and does not receive financial support from public funds/non-reimbursable external funds for the implementation of the project submitted under this call for proposals (identity of objectives, results, activities, etc.) or for the implementation of some of the project activities;

m. undertakes to inform the Programme Operator immediately when the project / project activities is/are approved for financing from other public funds/non-reimbursable funds after its submission under this Call for Proposals.

In the evaluation and selection process, i.e. in the pre-contracting process, the project may be rejected if the applicant submits information which is not in line with the facts in relation to the underlying documents submitted, the public registers and/or, information obtained by The Programme Operator from the competent authorities, etc.,

[10] It is not necessary for the applicant to carry out economic activity on a regular basis. It is an eligibility criterion only for the activities of the submitted project.

except for errors or omissions with regard to the name, quality and affirmations of the applicant/project partner or calculation and any other material errors.

7.2 Eligible project partner(s)

The project can be implemented in partnership with one or more entities from Romania and/or Donor States.

An entity can participate as partner within an unlimited number of projects submitted under the present call, regardless of being an applicant within other projects, as long as it has the capacity to undergo relevant project activities. The applicant shall submit in the application for funding the added value of the involvement of each of the parties in the implementation of the project.

The partnership created shall not constitute a disguised award of a procurement contract, i.e. shall not restrict competition in the goods/services/works market by entering into partnership with a potential supplier/supplier and shall not affect the efficient use of public funds in terms of the costs involved.

Project partners cannot gain an advantage for themselves from the implementation of the project. Any advantage obtained by the partner as a result of the implementation of the project, such as fees from ticket sales at different events, fees charged for participating in different activities organized by the partner, etc., must be transferred to the beneficiary of the de minimis aid (project promoter).

7.2.1 Type of project partner(s)

The eligible **project partner** is the **entity** that meets **cumulatively** the following criteria:
a. has legal status[11] in the state of origin in accordance with the applicable law;
b. falls into one of the following categories:

A. Project partners from Romania:

- any public or private, commercial or non-commercial entity, including non-governmental organizations, with legal personality, established as a legal person in Romania and whose activity, according to statutory/ articles of associations/ establishment documents, is, inter alia, in the cultural and creative sectors, as defined in the EU Regulation no. 1295/2013;

B. Project partners from donor states:

- any public or private, commercial or non-commercial entity, as well as non-governmental organizations established as a legal person in one of the Donor States and whose main activity, according to statutory/ articles of associations/ establishment documents, is, inter alia, in the cultural and creative sectors, as defined in the EU Regulation no. 1295/2013.

c. is not in any of the following situations:

1. the partner is in bankruptcy, insolvency or liquidation, his activities are under judicial management, he is subject to preventive conciliation, ad hoc mandate or other agreement with creditors, has suspended business activity, is subject to procedures related to these issues and are is in any other similar situation arising from a similar procedure under European or national law or regulations;
2. the partner has not fulfilled his obligations regarding the payment of taxes and fees to the local budgets and to the state budget in accordance with the laws in force and does not benefit, according to the law, from installment planning and/or rescheduling or other facilities for their payment, including, where appropriate, any interest or penalties for late payment or fines. This condition

[11] It has legal status

does not apply when the amount of the net payment obligations is less than 1/12 of the total liabilities due to the state budget in the last 12 months, respectively the value of the payment obligations is less than 1/6 of the total liabilities due to the local budget in the last quarter;

3. the partner or his legal representative has been the subject of a final judgment (res judicata) for fraud, corruption, involvement in a criminal organization, money laundering or terrorist financing, terrorist offenses or offenses related to terrorist activities, children or other forms of trafficking in human beings or any other illegal activity affecting the financial interests of the European Union or international public donors, including final convictions in cases related to obtaining and use of European and/or international donors funds and their national public funds;
4. the partner or his legal representative the been convicted by a final judgment (res judicata) for a criminal offense related to his professional conduct;
5. the partner or his legal representative has been the subject of a final judgment or administrative decision (res judicata) in respect of serious professional misconduct because they have violated laws, regulations or ethical standards of the profession to which the applicant belongs to or because they are guilty of any abusive conduct affecting their professional credibility when this behavior betrays a fraudulent intent or serious negligence;
6. the partner or his legal representative has attempted, either directly or through interference, to obtain confidential information or to influence the Programme Operator's evaluators during the process of evaluation of applications under this call for proposals or other calls for proposals launched under the RO-CULTURE Programme;
7. the partner or his legal representative has provided false information to the Programme Operator, has failed to provide or is unable to provide the requested information/supporting documents for the selection of the project for funding;
8. the partner or his legal representative is in any situation of conflict of interest, defined in accordance with applicable national/European provisions, which may arise in connection with this call for proposals (a conflict of interest may arise in particular as a result of economic interests, political or national affinities, family or emotional ties, or any other relevant connection or any other common interest);
9. the partner or his legal representative has informed with delay the Programme Operator of any situation that would constitute a conflict of interest or could give rise to a conflict of interest;
10. the partner is the subject of a decision to recover de minimis aid that has not yet been enforced and the debt has not been fully recovered.

d. is not a religious institution or political party, regardless the form of organization;
e. is actively involved in and contributes to the project implementation;
f. has sufficient and stable financial resources, as well as the professional skills and qualifications required to carry out its responsibilities under the project (including in the sustainability period, if applicable);
g. has the necessary resources to ensure its own co-financing/eligible contribution, if the case;
h. has the necessary resources to finance all ineligible costs (including related costs) related to the project and to cover any financial corrections resulting from the implementation of the project, if the case;
i. has not received and does not receive financial support from public funds/non-reimbursable external funds for the implementation of the project submitted under this call for proposals (identity of objectives, results, activities, etc.) or for the implementation of some of the project activities;
j. undertakes to inform the Programme Operator immediately when the project/project activities is/are approved for funding from other public funds/non-reimbursable external funds after its submission under this Call for Proposals.

7.2.2 Partner(s) Selection

In the selection process of the partner type private entity from Romania and/or the donor States, the applicant of the type public cultural institution will comply with the provisions of the GEO no. 34/2017 and of the order of the Minister of Public Finance no. 2840/31.10.2017, respectively:

- Romania's private law project partners:
  - Will make public the intention to establish a partnership with private entities in order to implement a project financed by the RO-CULTURE Program, national media channels or via the internet;
  - The project will include a description of the main activities of the project and the minimum conditions to be met by the partners in the information notice;
  - Will demonstrate that it has chosen partners from among the private entities that responded to the public announcement (by selection report or equivalent document);
- For private law project partners in Donor States:
  - It will prove that partners have been selected from organizations that have fields of activity in line with the specific objectives of the project.

Partnerships with entities from the Donor States are encouraged.

7.2.3 Partnership Agreement

If a project is implemented in partnership with one or more entities, it is mandatory to conclude a **Partnership Agreement between the project promoter (applicant) and the partner entity (-ies)** respecting the template provided by the Programme Operator.

The Partnership Agreement must contain the following:

a) the roles and responsibilities of the parties, including the obligations stipulated in GEO no. 77/2014, as subsequently amended;
b) provisions on the financial agreements between parties, including, but not limited to, provisions related to the expenditure allocated to the project partner in the project budget;
c) the obligation of the partner to not gain an advantage for himself within the meaning of this Scheme and to transfer to the beneficiary any advantage obtained as a result of the implementation of the project (eg taxes obtained from the sale of tickets at different events, fees charged for participation in different activities organized by the partner, etc.);
d) rules on the exchange rate taken into account for expenditures and its reimbursement;
e) provisions on audits on the project partners related to the implementation of the project;
f) a detailed budget;
g) provisions on dispute resolution.

A letter of intent on the partnership will be sent at the time of the submission of the financing file in accordance with the model attached to this Guide.
The Partnership Agreement will be submitted to The Program Operator at the contracting stage.
If there is a partner in the Donor States, the Partnership letter of intent and the Partnership Agreement will be drawn up bilingually (ro-en) and will prevail in the English version.

7.3 Eligibility of the project/activities

7.3.1 Types of eligible projects

The projects financed under this call should contribute in a relevant and consistent manner to the achievement of the objectives of the MFEEA 2014-2021, the objective of the Program and the indicators of the direct results 2.1 and 2.2 of the Programme.
The relevance of the project will be assessed at the technical and financial evaluation stage.

To be eligible, the project must lead, through the proposed activities, to the following minimum target values for Program indicators:

Number	Programme Results	Indicator
Outcome 2	***Access to culture increased***	**550** people attending cultural activities
		1 job created
Output *2.1*	***Cultural entrepreneurship enhanced***	***2*** professional staff trained on the job
Output *2.2*	***Larger audience developed***	**3** contemporary arts activities supported

*** Caution! See explanations in the footnotes at section 4.3.**
The initial value of the indicators associated with the results referred to in the grant application must be '0'.

The fulfillment of the requirement for minimum target values for indicators shall be verified at the technical and financial evaluation stage of the project.

7.3.2 Location of projects/activities

All activities of a project must be carried out in Romania or in the Donor States. However, if there is an adequate justification convergent to the Programme objectives, exceptions are allowed for activities involving know-how exchange, training, study visits, attendance at seminars/ conferences/ exhibitions or other similar events that may take place in other beneficiary countries (referred to as in Article 6 of Protocol 38c).

7.3.3 Types of eligible activities

The following categories of activities are considered eligible:

- contemporary art initiatives (plastic art, drama, music, etc.) performed at local, regional, national or international level;
- artistic productions as a result of researching the cultural history of minorities and social groups, ethnic and cultural groups[12];
- innovative approaches of cultural heritage aimed to larger audience developed;
- exchange of experience, know-how and good practices in the cultural and creative sectors with entities from Donor States;
- initiatives regarding the mobility of artists/ professionals in the cultural and creative sectors and/or their work;
- developing/ increasing employability in the cultural and creative sectors;
- developing or updating skills and abilities of artists and active professionals in the cultural and creative sectors, adapted to an ever-changing environment;
- professional development of project team members through formal and non-formal training, mentoring, job shadowing, etc.
- developing new products and cultural services and placing them on the market;
- increasing inclusion and public awareness of cultural diversity;

[12] Artistic productions related to Roma cultural heritage will be supported through a dedicated call for projects.

- implementing innovative business plans in the cultural and creative sectors to contribute to local community development;
- supporting local development through interdisciplinary approaches.

The list of the above types of activities is illustrative. Other activities - than the above may be considered eligible if the applicant justifies the need for their performance in order to implement the project in an optimal manner while respecting the objectives and results of the Programme.

In the case of projects involving construction work (without building permit), the building (space) on which the works are carried out and the corresponding land shall fulfill the following conditions:

- are free from any duties, obligations, arrangements, services or prohibitions affecting the implementation of the project;
- shall not be the subject of any dispute concerning the ownership or rights invoked by the applicant for the execution of the project, pending a decision by the courts;
- they are not the subject of claims under special laws in this field or under ordinary law.

If the land book extract shows the entry "provisional entry", the eligibility criterion is not fulfilled.

In the context of the *de minimis aid scheme*, only the Project Promoter may benefit from the de minimis aid regulation.

With the exception of management activity, each activity shall consist of one or more sub-activities, for which at least one deliverable is required.

Management work, project monitoring and control is pre-defined in the grant application form and takes into account project management and implementation measures, including internal monitoring and evaluation measures. The procurement and implementation of the communication plan are not distinct activities, but are part of the management activity.

The maximum number of activities is 5.

Do not confuse the activities of the project with the sense of actions to be taken to produce results with the output indicator called "contemporary art activities"!

7.3.4 Ineligible projects/activities

Under this call for proposals, are NOT ELIGIBLE the projects/activities that:

- aim to obtain an advantage within the meaning of the *de minimis scheme* by the project partner(s);
- aim, exclusively or essentially, at academic research, conferences and other singular events, infrastructure, individual sponsorship for workshops, seminars, conferences and congresses, other similar events;
- aim at obtaining individual scholarships or training;
- envisage/include refinancing operations (e.g. use of non-reimbursable financial support award grants or loans to other organizations or individuals/legal entities);
- focus on equipment purchase;
- envisage the implementation of an annual program of current activities (the application must be drawn up for a specific project as a set of well-defined and correlated activities leading to concrete results within a well-defined timeframe);
- have as objective the improvement of Roma people situation or provide exclusively activities dedicated to the Roma minority[13];

[13] A special call dedicated to the improvement of Roma situation will be launched under the Programme.

- are the subject of double funding;
- have an infrastructure component as defined in this Guideline/include complex construction works (which need to be subject to a building authorizing procedure);
- do not comply with the minimum target values for the Programme indicators, detailed in the Applicant's Guide (art. 7.3.1);
- aim to insure co-financing for another project.

Submission of an application under this call shall not be aimed at ensuring co-financing for another project.

7.3.5 Duration of the projects

The duration of the projects is between **6 months and 24 months**, starting with the date of signing the project contract.
The period of eligibility of expenditure cannot exceed the date of 30.04.2024[14].
The period of eligibility of expenditure covers the entire implementation period of the activities.

7.4 Eligibility of expenditure

7.4.1 General principles on eligibility of expenditure

Eligible expenditures of projects are those actually incurred within the project, which meet the following criteria:

a) they are incurred between the first and final dates of eligibility of a project as specified in the project contract;
b) they are connected with the object of the project contract and they are indicated in the detailed budget of the project;
c) they are proportionate and necessary for the implementation of the project;
d) they must be used for the sole purpose of achieving the objective(s) of the project and its expected outcome(s), in a manner consistent with the principles of economy, efficiency and effectiveness;
e) they are identifiable and verifiable, in particular through being recorded in the accounting records of the Project Promoter and/or project partner and determined according to the applicable accounting standards of the country where the Project Promoter and/or project partner is established and according to generally accepted accounting principles;
f) they comply with the requirements of applicable tax and social legislation.

Expenditures are considered to have been incurred when the cost has been invoiced, paid and the subject matter delivered (in case of goods) or performed (in case of services and works). Exceptionally, costs in respect of which an invoice has been issued in the final month of eligibility are also deemed to be incurred within the dates of eligibility if the costs are paid within 30 days of the final date for eligibility.
Overheads and depreciation of equipment are considered to have been incurred when they are recorded on the accounts of the Project Promoter.

Eligibility of costs incurred by partners respects the same rules that apply to the costs incurred by the applicant/project promoter.

7.4.2 Procurement

National and European Union legislation on public procurement will be respected at all levels of implementation of projects funded under the RO-CULTURE Programme.
The national legislation applicable to project promoters and partners in Romania is represented, *inter alia*, by: Law No 98/2016 on public procurement and order of the Minister of European Funds No. 1284/2016 approving the competitive Procedure applicable to private

[14] Compliance with the condition is achieved by explicitly mentioning the cut-off date in the financing contract.

applicants/beneficiaries for the award of supply contracts, services or works financed by European funds.
The procurement by foreign partners will be carried out in accordance with the legislation in force on public procurement in the home country and in accordance with the provisions of 8.15 of the EEA Regulation.

The determination of the estimated value and, consequently, the choice of method of acquisition (direct acquisition or award procedure) is made by reference to **THE PURPOSE** of the procurement being prohibited to split the acquisition/procurement serving the same purpose into smaller value acquisitions, in order to circumvent the application of a competitive procedure.
The estimate of the value by purpose of the acquisition only influences the choice of type of procedure to be applied and the number of procedures to be initiated and thus the number of contracts to be concluded. In other words, in order to carry out purchases that serve the same purpose, the method of procurement (direct procurement or award procedure) will be chosen on the basis of the cumulative value of all purchases, whether one or more procedures are organized, or whether one or more contracts are awarded.

A minimum of 2 – a maximum of 4 technical specifications for each element of the procurement shall be entered in the procurement plan. The technical specifications are the required characteristics for the products/services/works to be purchased. These will be taken into the procurement documentation and/or will be updated when the procurement is launched.

7.4.3 Categories of eligible expenditure

Under this call for projects, the following categories of expenditure are eligible:

a) project management costs including:

- expenditure related to personnel employed in project management, representing the related wages and social security contributions and other legal costs, provided that they are consistent with the project promoter's usual remuneration policy and project partner;
- expenditure related to the costs of travel of staff employed in project management;
- expenditure for consultancy and expertise related to project management;
- fees for experts on project management;
- costs with depreciation of tangible and intangible assets related to project management;
- costs of translation and interpreting services;
- costs of audit services;
- costs of consumables and inventory items related to project management.

Project management expenses will not exceed 30% of the total amount of direct eligible expenditure.

b) **Costs of cultural projects and activities** representing **specific costs,** including, but not limited to:

- costs related to personnel employed in project management, representing the related wages and social security contributions and other legal costs, provided that they are consistent with the project promoter's usual remuneration policy and project partner;
- costs on staff movements necessary for the implementation of the project;
- fees for experts which are required for the implementation of the projects (including copyrights contracts;
- travel costs for participants to events, other types of activities associated with specific expenses (e.g. target group);
- costs necessary to implement the project;
- costs related to the procurement of supplies and inventory items necessary for the implementation of the project;

- costs on works that don't require building permits[15]
- costs related to the purchase of tangible and intangible assets necessary for project results achievement;
- costs with depreciation of tangible and intangible assets related to project results achievement;
- costs on equipment insurance services;
- other costs.

c) **Costs of advertising for information and publicity** resulting from compliance with the requirements of visual identity, including, but not limited to:

- costs of design, processing and printing of visibility materials;
- costs of website development and maintenance, according to communication plan;
- costs for organizing promotion events;
- costs for purchasing billboards/ permanent plaques;
- other information and publicity costs arising from visual identity requirements.

d) **Staff costs related to volunteer contracts (in-kind contribution),** including:

- costs related to volunteer contracts (in-kind contribution) for project management;
- costs on volunteer contracts (in-kind contribution) for project implementation.

e) **Costs related to formal and non-formal training activities**, including, but not limited to:
- costs of formal and non-formal training;
- travel costs related to formal and non-formal training;
- fees for experts involved in formal and non-formal training.

f) **Costs of organizational cooperation representing expenditure of donor States partners,** including the costs of activities carried out by entities in the Donor States in accordance with the Partnership Agreement, respecting the types of expenditure applicable to project partners;

g) Administrative costs representing indirect costs, which relate to the payment of utilities: heat, electricity, water, sewerage, sanitation, natural gas; telephone, fax, postal services, express delivery and communications networks; payment of salaries for administrative staff (woman on duty, guardian) or administrative services if a contract is concluded (security, cleaning); rent of premises**.**

Indirect expenditure is those eligible costs which cannot be identified by the promoter as being directly attributed to the project, but which can be identified and justified by the accounting system as incurred directly in relation to the eligible direct costs attributed to the project. They may not include direct eligible costs.

Indirect costs shall represent a flat rate of up to 15 % of the direct eligible costs for project Promoter staff involved in the project.

h) **Unforeseen expenditures** are related to costs which could not be identified at the time the project was written (e.g. change in legislation, natural calamities etc.)

[15] Expenditure on works not requiring construction permits are related to works the fitting out or refurbishment of premises necessary for carrying out the specific activities, eligible under the provisions of the Applicant's Guide, which do not require a building permit

The eligible costs under this budget chapter will form part of the direct eligible expenditure mentioned under the other budget chapters (except chapter *Administrative Costs of indirect expenditure*).
Unforeseen expenditure shall be a flat rate of not more than 5 % of the total amount of eligible direct expenditure.

As for **travel expenses, the financing will be made on the basis of the provisions of the order of the Minister of Culture and National Identity No. 2238/08.04.2019.**

Where tangible/intangible assets are acquired, only the depreciation part corresponding to the duration of the project and the actual rate of use for the purposes of the project may be considered as eligible expenditure**. By way of exception**, where the asset is an integral component and necessary to achieve the project results, its entire purchase price may be eligible[16]. In this case, the Project Promoter shall have the following obligations:

- ✓ keep the equipment in its ownership for a period of at least 5 years after the completion of the project and continue to use it for the benefit of the overall objectives of the project for the same period;
- ✓ keep the equipment properly insured against losses such as fire, theft or other normally insurable incidents, both during project implementation and for at least 5 years following the completion of the project;
- ✓ set aside adequate resources for the maintenance of the equipment for at least 5 years following the completion of the project.

Only the costs of purchasing and depreciation for new equipment are eligible.

Where **construction works are provided** (for which no building permit is required), the Project Promoter shall have the following obligations:

- ✓ the space/building cannot be sold, rented or mortgaged within five years of the completion of the project;
- ✓ the space is operational and will be used exclusively in accordance with the project objectives throughout the project's sustainability period as outlined in this Applicant's Guide.

PROVISIONS FOR THE PROJECT PARTNERS

For the project partners, only the following types of expenditure will be eligible, regardless of the category of expenditure:

- ➢ **costs of staff assigned to the project, comprising actual salaries plus social security charges and other statutory costs included in the remuneration, provided that this corresponds to the project partner's usual policy on remuneration – both for project partners from Romania and the Donor States;**
- ➢ **expenditures related to the volunteering contracts – only for the project partners from Romania;**
- ➢ **travel and subsistence allowances for staff – both for project partners from Romania and the Donor States;**
- ➢ **fees for experts -– both for project partners from Romania and the Donor States;**
- ➢ **costs for supplies and low value assets necessary for project management activity -– both for project partners from Romania and the Donor States;**
- ➢ **rental costs (for space or equipment) necessary for organizing events/ exhibitions/ etc. – only for Donor States partners;**
- ➢ **costs of audit services* - only for Donor States partners.**

[16] "Full purchase price" refers to the price paid from non-repayable financial support and/or co-financing, excluding that part of the total price of the asset supported from other sources of financing.

*** The audit report must be drawn up according to art 8.12.4 from the EEA Regulation, as follows:**
- a report by an independent auditor qualified to carry out statutory audits of accounting documents, certifying that the claimed costs are incurred in accordance with the Regulation, the national law and relevant national accounting practices;
OR
- a report issued by a competent and independent public officer recognized by the relevant national authorities as having a budget and financial control capacity over the entity incurring the costs and who has not been involved in the preparation of the financial statements, certifying that the claimed costs are incurred in accordance with the Regulation, the relevant law and national accounting practices.

The partners will not include in the budget other types of expenditure, under the sanction of declaring them as ineligible!

The estimated costs will be realistic. The costs must be reasonable and in line with market prices.
For all types of costs included in the budget (excluding overheads), it should be taken into account that the substantiating of expenditure must be based on supporting documents (evidence of market prospecting, offers, similar contracts or any other supporting documents considered useful). These documents will be required by the Programme Operator throughout the technical and financial evaluation and/ or the pre-contracting stage.
The necessity of the estimated costs must be justified in relation to activities and their complexity (correlation between costs and activities), and the proposed costs must be necessary for the implementation of the project.

When elaborating the budget, the thresholds mentioned in the *Budget Completion Guidelines* shall not be exceeded.

The value added tax is eligible only if it cannot be recovered.
Under the budget, the value added tax will be reflected distinctly, as follows:

- In case the project promoter/ partner is not a VAT payer (does not recover VAT), the non-recoverable VAT expense is eligible under the project (the eligible VAT column is filled in the budget);
- If the project promoter/ partner can recover VAT, it is considered as ineligible expenditure within the project (the non-eligible VAT column is filled in the budget);
- If VAT can be only partially be recovered, only the part that cannot be recovered is eligible (The eligible/non-eligible VAT column shall be filled in, as appropriate).

In case of change of the state of non-VAT payer during the implementation of the project, the *Statements regarding the non-deductibility of VAT related to the expenses incurred during the project* will be attached to the financial reports and the new calculation method will be used.

7.4.4 Ineligible expenditure

The following costs are **not eligible**:

- any expenditure incurred prior to the entry into force of the project contract for the activities envisaged in the project;
- the cost of purchasing real estate and land not built on;
- the cost of purchasing cultural objects;
- interest on debt, debt service charges and late payment charges;
- charges for financial transactions and other purely financial costs, except costs of financial services imposed by the project contract;
- provisions for losses or potential future liabilities;

- exchange losses;
- recoverable VAT;
- costs that are covered by other sources;
- fines, penalties and costs of litigation;
- excessive or reckless expenditure;
- costs of works for which a building permit is required.

Ineligible costs will be fully covered by the Project promoter or project partners (if any).

7.5 Project budget

The project budget is drafted in Lei, according to the informative template attached to this Guide. In order to check if the allowed maximum size of project grant is complied with, the applicant shall take into account the Infor Euro exchange rate from the month when the call for proposals was launched.

The budget must cover the total eligible costs of the project, not just the project grant. All costs will be detailed on budget lines/ in-lines, **following the instructions included in the template**. When drawing up the budget, the percentage thresholds shall not be exceeded. *When filling in the budget in the electronic system, the applicant will take into consideration all the information provided in the budget template attached to this Guideline, including the predefined information (unit rate, quantities, percentages etc.).*

In a project implemented in partnership, no more than 40% of the total eligible project budget shall be allocated to the project partner/-s.

8. Use of the euro exchange rate

The total value of the project contracts concluded between the Programme Operator (PO) and the project promoters (PPs), subject to the non-reimbursable financial aid, is expressed in Lei and Euro, calculated at the Infor Euro exchange rate when the contract is signed.

9. State/*de minimis aid*

Under this call for proposals the financed projects or activities fall under the provisions of the *de minimis aid* Scheme approved by Order of Minister of Culture no. 2231 from 2019, published in the Romanian Official Journal no. 286/15.04.2019, respectively in the Romanian Official Journal no. 286bis/15.04.2019.

In accordance with art. 107 par. (1) of the Treaty on the Functioning of the European Union (TFEU), as interpreted by the Court of Justice of the European Union (CJEU), for a measure to be considered State aid, it must **cumulatively** fulfill the following conditions:

- the beneficiary is an undertaking (carries out economic activity);
- the measure is financed by state budget or managed by the state in any form;
- the measure confers an advantage to the beneficiary;
- the measure is selective;
- the measure affects trade and competition between Member States - within the European Union.

De minimis aid represents a measure of support granted to an undertaking, regardless of its size, which shall not exceed 200,000 Euro over any period of three fiscal years (100,000 Euro if an undertaking performs road freight transport).

Further information on the law applicable to state aid/ de minimis aid can be obtained by accessing the following links:

- **http://ec.europa.eu/competition/state_aid/legislation/legislation.html**
- **http://www.ajutordestat.ro/.**

9.1 General conditions for granting state/de minimis aid

Non-reimbursable financial support shall be granted to a single undertaking or undertakings, as appropriate, within the limit of the de minimis threshold, as follows:

- ✓ the total amount of *de minimis aid* granted to a single undertaking shall not exceed 200,000 Euro[17] over any period of three consecutive fiscal years (the previous two fiscal years and the current fiscal year) regardless of whether the aid was granted from national or European sources;
- ✓ The total amount of *de minimis aid* granted to a single undertaking performing road freight transport for hire or reward shall not exceed the equivalent in Lei for 100,000 Euro over any period of three consecutive fiscal years (the current fiscal year and the previous two fiscal years) regardless of whether the aid was granted from national or European sources;
- ✓ If an undertaking performs road freight transport for hire or reward and also carries out other activities to which the ceiling of 200,000 applies Euro, the ceiling of 200,000 Euro shall apply to the undertaking, provided that the benefit to the road freight transport activity does not exceed 100,000 Euro and that no de minimis aid is used for the acquisition of road freight transport vehicles.

This threshold refers to the gross value, before deducting any taxes or other charges.

In the case of mergers or acquisitions, all prior de minimis aid granted to any of the merging undertakings shall be taken into account in determining whether any new de minimis aid to the new or the acquiring undertaking exceeds the relevant threshold.
De minimis aid lawfully granted before the merge or acquisition shall remain lawful.

If one undertaking splits into two or more separate undertakings, de minimis aid granted prior to the split shall be allocated to the undertaking that benefited from it, which is in principle the undertaking taking over the activities for which the de minimis aid was used. If such an allocation is not possible, the de minimis aid shall be allocated proportionately on the basis of the book value of the equity capital of the new undertakings at the effective date of the split.

The verification of all the de minimis aid criteria, including the criteria regarding the classification of an enterprise as an SME, is performed by the Program Operator during the pre-contracting process, before the financing contract is concluded.

9.2 Rules on cumulation of *de minimis aid*

In order to receive non-reimbursable financial support, the applicant will provide a statement (attached to this Guideline) regarding the de minimis aid received during the current year (when submitting the project and updated at the date of signing the grant contract) and during the previous two fiscal years.

The total amount of *de minimis aid* granted shall not exceed 200,000 Euro, based on the Infor Euro exchange rate in the month of signing the grant contract.

During the contracting phase, the Programme Operator shall grant the de minimis aid in the form of non-reimbursable financial support after verifying, through filling in the information provided in the applicant's own statement in the RegAs system, if the total amount of de minimis aid received over a period of three fiscal years (the current fiscal year and the previous two fiscal years) does not exceed 200,000 Euro (100,000 Euros if

[17] At the date of concluding the grant contract

an undertaking performs road freight transport on behalf of third parties or for a fee), equivalent in Lei.

If the total amount of de minimis aid granted to a single undertaking over a period of three consecutive fiscal years (the current fiscal year and the two previous fiscal years), **cumulated** with the amount of the financial allocation granted in accordance with the provisions of this Guideline, exceeds the *de minimis* threshold, the undertaking **cannot** benefit from a grant, **not even for that fraction of aid** that does not exceed the threshold, **even if the grant contract has been concluded**.

De minimis aid shall not be cumulated with other State aid awarded to the same eligible costs or with State aid awarded for the same financing measure for venture capital, if such cumulation would exceed the intensity or the highest relevant aid amount established for the specific circumstances of each case by a block exemption regulation or a decision adopted by the Commission.

De minimis aid which is not granted for specific eligible costs or is not related to such costs may be cumulated with other State aid granted under a block exemption regulation or a decision adopted by the Commission.

De minimis aid granted in accordance with Regulation 1407/2013 may be cumulated with de minimis aid granted in accordance with Regulation 360/2012 without exceeding the 500,000 Euro threshold.

De minimis aid granted under *the de minimis aid scheme* may be cumulated with de minimis aid granted under other de minimis regulations without exceeding the 200,000 Euro threshold over three fiscal years (the current fiscal year and the two previous fiscal years), or 100,000 Euro if an undertaking performs road freight transport on behalf of third parties or for a fee.

- ***De minimis aid* is considered to be granted at the date of signing the grant contract.**
- **Compliance with the de minimis threshold refers to a single undertaking. Thus, if at least one of the relationships mentioned in the definition of the single undertaking in section 5 of this Guide exists between the companies benefiting from the financial support, these undertakings will be treated as a single undertaking and the amount of *de minimis aid* granted to all constituent structures, cumulative over a period of 3 fiscal years (the current fiscal year and the two previous fiscal years), together with the requested amount, shall not exceed the 200,000 Euro threshold (100,000 Euro for the companies that carry freight on behalf of third parties or for a fee).**
- **Non-reimbursable financial support granted in the form of *de minimis aid* is not transferable and cannot be transferred from one project to another.**

10. Processing and submission of projects

In order to evaluate the project submitted for funding under this call for proposals, the applicant must prepare and submit the application in accordance with the requirements set out in this Guideline.

An applicant may submit in the electronic management system maximum two distinct applications under this call, regardless of the number of user accounts created using the same tax registration code / unique registration code.

Project partners do not have to register within the electronic management system of the Programme in order to participate in a project.

Applicants who do not comply with the rule regarding the maximum number of validated and submitted projects, calculated at the call deadline, will be rejected with all applications submitted within the present call.

By the deadline of project submission, if an applicant wishes to modify a submitted and validated project, he will cancel this project and resume the process of filling in the application and uploading the supporting documents. The canceled project will not be taken into consideration while quantifying the maximum number of submitted projects.

- **The applications will be submitted exclusively in electronic format, through the Programme electronic management system (EMSC), by accessing the following link: https://emsc.ro-cultura.ro.**
- **The application form and statements/templates will be filled in online, directly in the Programme electronic management system and downloaded afterwards. The last downloaded version will be electronically signed and uploaded in the system afterwards.**
- **During the evaluation process, only the information/ documents validated and uploaded in the Programme electronic management system at the time of project submission will be taken into consideration. Uploading another document or a document without content is equivalent to a missing document.**
- **Applications written by hand or sent by post, courier service, email or fax will not be accepted.**

10.1 Procedure for submitting the project application

In order to submit the application in the Programme electronic management system, it is necessary to have an extended digital signature, based on a qualified certificate that is not suspended or revoked at the time of electronic signature of the documents.

The user account is created in the name of the applicant organization.
An applicant may create one single account, based on the tax registration code / the unique registration code of the legal entity.

Attention! The project budget is an integral part of the application form, to be filled in directly in the electronic management system, and cannot be uploaded separately. The budget template along with its guidelines, attached to this Guide, have only an informative role.
It is mandatory to fill in all sections/ fields included in the template application form / statements/ predefined documents. If the information requested in a section/ field of the application form is not applicable to the project, the applicant will mention "Not applicable" or use equivalent words.
Sections/ fields of the application form and pre-defined mandatory documents, if the case, may be edited, filled in and saved ongoing. During the evaluation and selection stage, only validated information and documents will be taken into consideration.
It is recommended that the applicant verifies all uploaded information and documents before validating the application. The applicant is fully responsible for the content of the application at the time of its submission.

The applicant cannot make any changes to the project application after project submissions or after the deadline as set out in this Guidelines expires, except for those sections of the application form or pre-defined binding documents whose content has been modified by the Programme Operator due to some corrigenda related to the Applicant's Guidelines.

10.2 Specific requirements for electronic signature of documents

The extended electronic signature must belong to the legal representative or the person specially empowered by the legal representative / management body (of the applicant

or partner, as the case may be) to conclude documents on behalf of the legal person in the context of the project submission within the present call for projects.

- The application form and the mandatory pre-defined statements/ documents of the **applicant** must be filled in and electronically signed by the legal representative of the applicant/ its assignee.
- The mandatory pre-defined statements/ documents of the **partner**, if any, must be filled in and electronically signed by the legal representative of the partner/ its assignee. **By exception**, in the case of the **Donor States partners**, the documents may be hand-signed and afterwards uploaded (scanned version) in the Programme electronic management system, if the legal representative of that partner doesn't have a qualified electronic signature, the conformity with the original being certified by the qualified electronic signature of the applicant's legal representative/ assignee.
- **Joint** mandatory pre-defined statements/ documents (concluded between the applicant and the partner/-s), as well as the Letter of intent regarding the partnership must be electronically signed by the legal representative of the applicant / assignee and by the legal representative of each partner / assignee, **after filling in the documents in the electronic management system of the Program and downloading them**. **By way of exception**, in the case of projects implemented in partnership with **entities from the Donor States**, the documents will be signed by hand by all parties and uploaded (scanned) into the electronic management system of the Program, if at least one of the representatives of the partners from the Donor States does not have an electronic signature, the conformity with the original being attested by applying the electronic signature of the legal representative of the applicant / authorized person
- must be filled in and electronically signed by the legal representative of the applicant/ its assignee and each partner/ its assignee. **By exception**, in the case of the Donor States partners, the documents may be hand-signed by all the parties and afterwards uploaded (scanned version) in the Programme electronic management system, if at least one of the legal representatives of the Donor States partners doesn't have a qualified electronic signature, the conformity with the original being certified by the qualified electronic signature of the applicant's legal representative/ assignee.
- Documents **uploaded in copy (scanned version)** into the Programme electronic management system, other than the application form and mandatory pre-defined statements / documents, must be electronically signed by the legal representative of the applicant/ assignee and/or partner/ assignee (if those documents belong to that partner[18]), except for the Donor State partners' documents on which the applicant's qualified electronic signature may be applied, if the legal representative of that partner doesn't have a qualified electronic signature. The qualified electronic signature applied on a copy of a document certifies its compliance with the original.
  NOTE: Applying the electronic signature only once on a .pdf document containing multiple pages / documents is equivalent to certifying compliance with the original of all scanned pages / documents included in the .pdf document.

In order to submit the application in the electronic management system of the Program, it is necessary to apply the extended digital signature of the legal representative of the applicant / assignee on all the documents that constitute the application file, including those documents that must be digitally signed by the project partner/s.

[18] If documents belonging to both the applicant and the partner (s) are included in the same .pdf document, they will be electronically signed by both the legal representative of the applicant / assignee, as well as by the legal representative of each partner/ assignee.

10.3 Content of the project application

The application shall include all the forms, predefined mandatory statements and the supporting documents submitted by an applicant in order to obtain non-reimbursable financial support, namely:

a) **Application form**, including the project budget, filled in and uploaded by the applicant in the Programme electronic management system, as instructed in section 10.2 of this Guide;

b) General documents related to the applicant, uploaded into the Programme electronic management system after being digitally signed (as instructed in Section 10.2 of this Guide):

- **The document of appointment / designation[19] of the legal representative of the applicant,** copy;
- If applicable, **the power of attorney** for a person other than the legal representative (representative mandate) to carry out all the formalities necessary for project submission, evaluation and selection within the present call for projects, in copy, even if the document has already been uploaded at time of creating the account in the EMSC.
- **Applicant's statement,** original document - a pre-defined mandatory document in the Programme electronic management system - filled in with the data of the legal representative of the applicant/ assignee depending on who is signing the document;
- **Statement of the single undertaking regarding the cumulation of state aid / de minimis aid** – in original, mandatory pre-defined document in the Programme's electronic management system - filled in with the data of legal representative of the applicant / assignee, depending on who is signing the document;
- **Statement regarding the category and type of the SME** (in the case of applicants commercial companies or cooperative companies), original document – mandatory[20] predefined document in the Programme electronic management system - filled in with the data of legal representative of the applicant / assignee, depending on who is signing the document.
- **The statutory / constitutive / establishment documents** of the applicant, accompanied by all subsequent amendments, or the **updated statutory / constitutive / establishment documents** where appropriate, in copy;
- **Document certifying the tax registration** of the applicant (tax registration certificate), in copy;
- **Documents certifying the registration of the private legal entity[21]** (registration or any other form of registration provided by law made for the purpose of obtaining legal personality or recording of legally established legal persons, as the case may be), in copy, as follows:
  - In the case of the **NGO** - the supporting document is represented by the **certificate of registration / registration in the special register of associations and foundations** or the **final (and irrevocable, where appropriate) judicial decision by which the granting of legal personality was ordered**;
  - In the case of **commercial or cooperative companies** - the supporting document is the certificate issued by the Trade Register Office, with all amendments until the validation date of the application.

The certifying document must reflect the activity field (s) (NACE codes) targeted by the project is / are authorized at the headquarter(s) or secondary headquarters representing the implementation project location (s).

[19] A separate document will be uploaded only if the legal representative is not appointed through the statutory / establishment documents.

[20] Only in the case of applicants commercial company or cooperative company.

[21] Requirement applicable only to applicants under private law.

- *[In the case of projects implemented by a public cultural institution in partnership with one or more private entities]*: documents providing compliance with the selection procedure of private partners, in copy, respectively:

- for partners registered in Romania:
  - **prior information notice** regarding the partner selection, containing the main project activities and the minimum conditions to be met by the partners; and
  - **proof of the publication** of the notice in national media channels or Internet **and**
  - **the selection report / equivalent document** drawn up by the applicant (demonstrating that he / she has chosen the partners from the private entities that responded to the public notice);
- for partners registered in the donor states:
  - **written proof** that partners have been selected from organizations that have areas of work consistent with the specific objectives of the project.

c) *General documents for each partner (if any) uploaded into the Programme's electronic management system after being electronically signed (as instructed in Section 10.2 of this Guide):*

- **The document of appointment / designation of the legal representative of the partner**[22], in copy;
- If applicable, **the power of attorney** for a person other than the legal representative (representative mandate) to carry out all the formalities necessary for project submission, evaluation and selection within the present call for projects, in copy;

- **Partner's statement,** original document (or in copy, in the case of the Donor States partners who do not have an electronic signature) - mandatory[23] document predefined in the Programme electronic management system - filled in with the data of the legal representative of the partner/ assignee depending on who is signing the document;
- **Statutory/ constitutive/ establishment documents**, according to the applicable law in the country of origin (Romania or one of the Donor States), accompanied by any subsequent amendments, where appropriate, or the **updated statutory/ constitutive/ establishment documents** in copy;
- **Documents certifying the registration of the private legal entity** (registration or, any other form of registration provided by law made for the purpose of obtaining legal personality or recording of legally established legal persons, as the case may be), according to the applicable law in the country of origin, in copy

  Particularly:
  - In the case of the **NGO** - the supporting document is represented by the **certificate of registration / registration in the special register of associations and foundations** or the **final (and irrevocable, where appropriate) judicial decision by which the granting of legal personality was ordered**;
  - In the case of **commercial or cooperative companies** - the supporting document is the certificate issued by the Trade Register Office, with all amendments until the validation date of the application.

- **The document certifying the tax registration** according to the legislation of the country of origin, in copy.

d) *Joint documents (signed by the applicant and project partner(s)), if the case, uploaded into the Programme's electronic management system after electronically signing the documents (as mentioned in Section 10.2 of this Guide):*

[22] A distinct document will be uploaded only if the legal representative is not appointed by the statutory/ constitutive documents.

[23] Mandatory document for the projects implemented in partnership. Attention! A Partner statement will be filled in, electronically signed and uploaded for EACH project partner, separately, including for project partners from the Donor States.

- **Partnership Letter of Intent** – original document (or copy if at least one project partner is from the Donor States and has not an electronic signature) - predefined mandatory[24] document in the Programme's electronic management system - filled in with the data of the applicant's and each partner;

e) Specific documents for the project activities uploaded into the Programme's electronic management system after electronically signing them by the legal representative of the applicant / assignee (according to section 10.2 from the Applicant's Guide):

- [For projects involving construction works for which no building permit is required]

➲ **Information planning certificate** related to the construction works carried out within the project and/ or address of the local public administration authority attesting that the interventions foreseen in the project are not subject to the procedure of authorizing the execution of works, valid on the date of project validation, in copy;

➲ **Certification/s from the Land Registry** of the building on which the works are carried out and the related land, issued no more than 30 days before the date of project validation, in copy. The certification must show the following:

- ➲ right to property / other right in rem / right of use (originated from a rental or commodity contract) of the applicant on the building in which the works are carried out;
- ➲ the applicant's right is not provisionally registered in the Land Registry;
- ➲ The fact that the building and the related land:

✓ are free of all encumbrances and easements that could affect project implementation,

✓ are not subject of any litigation regarding the ownership or any other right invoked by the applicant to implement the project, pending trial in court,

✓ are not subject of claims under special or common laws.

➲ **Architectural project theme** signed by the applicant and an architect (with signature right)[25], in copy. The theme will provide information about the space details, estimated number of visitors, if applicable, estimated costs for the space arrangements and so on.

➲ **project outline/ the plan of the exhibition space that needs** arrangements including information regarding the construction works, equipment and endowments signed by an architect[26] (with right of signature), in copy. The project outline could also be developed by a scenographer or designer (for theatres).

➲ **list of quantities for construction works** signed by an architect[27] (with right of signature), in copy.

Documents issued in a language other than Romanian or English will be accompanied by simple translation into Romanian or English. By applying the advanced electronic signature to the simple translation of the document, the applicant/ partner certifies that the translation is correct and the translation did not change the content of the original text and/ or changed the meaning of certain words or phrases.

If the documents submitted do not contain sufficient information or the provided information is unclear or contradictory, additional documents may be required during the evaluation, selection and/ or pre-contracting phases.

[24] Mandatory document for the projects implemented in partnership. Attention!! The document will be filled in, electronically signed according to the instructions in section 10.2 of this Guide (by the applicant and each partner separately) and uploaded - a single document with all partners.
[25] Architect with acknowledged competencies by the Chamber of Architects in Romania.
[26] Architect with acknowledged competencies by the Chamber of Architects in Romania.
[27] Architect with acknowledged competencies by the Chamber of Architects in Romania.

10.4 Deadline for submission of projects

Projects may be submitted until **July 1st 2020, 16:00 hours** Bucharest time (GMT+2).
In case of identifying / reporting system errors when validating the applications, the Program Operator can decide to extend, while informing all the applicants, the deadline for projects submission.

The project is considered to be submitted only after its validation in the Programme's electronic management system.

In order **to avoid overloading the Programme's electronic management system**, it is recommended to avoid filling in the application, uploading the supporting documents and validating the project on the last day of submission. **The Programme Operator is not responsible for any registration/ validation errors generated by overloading the Programme's electronic management system.**

The projects submitted in the Programme electronic management system after the deadline will be rejected.

11 Evaluation and selection

All projects submitted (validated) in the Programme electronic management system will be subject to an evaluation process.

The project evaluation and selection process will be implemented in three stages:

1. Administrative compliance and eligibility check

2. Technical and financial evaluation

3. Selection Procedure by the Selection Committee.

All persons involved in the evaluation process will strictly comply with the principles of confidentiality, objectivity, transparency and fair competition.

Communication related to the evaluation and selection process will be made **in writing**. Applicants will be informed of the outcome of each stage of the evaluation and selection process through the Programme electronic management system by receiving information on the e-mail address registered at the time the account was created. The Project promoter shall inform the partners on the development of the evaluation and selection process.

The evaluation and selection process is confidential. Individuals involved in project evaluation and selection (e.g. Programme Operator staff, evaluators, Selection Committee members, observers, etc.) do not have the right to disclose information regarding project evaluation/ selection during the process.

Any attempt by an applicant or partner to influence the evaluation and selection process (e.g. contacting an evaluator, a member of the Selection Committee, etc.) leads to project rejection and exclusion from funding.

Identifying a double funding situation (e.g. following consultations with other non-reimbursable or reimbursable fund management authorities) at any stage of the evaluation and selection process leads to the exclusion of the project from funding under this call for proposals, the applicant being notified accordingly.

11.1 Administrative compliance and eligibility check

All projects submitted by the deadline provided in the section 10.4 of this Guide will be subject to administrative compliance and eligibility check.

The Programme Operator shall verify at this stage the compliance with the conditions and requirements set in this Guide, in accordance with the **Administrative compliance and eligibility check grid** attached to this Guide.
It is recommended that prior to validating the application, the applicant performs an administrative compliance and eligibility check using the grid attached to this Guide. In this situation, the grid filled in by the applicant will not be uploaded into the system.

If the documents submitted by the applicant contain unclear, incomplete or contradictory information, **clarifications or additional information** may be requested.

No clarifications will be requested, the project being automatically rejected, if any of the following documents is missing:

- **the application form;**
- **applicant's statement;**
- **partner's statement (for all partners);**
- **Statement regarding the category and type of the undertaking (for partners that are commercial or cooperative companies);**
- **Statement of the single undertaking regarding the cumulation of state aid / de minimis aid;**
- **partnership letter of intent;**

Uploading documents that lack relevant content in the system is equivalent to the lack of the document.
The deadline for responding to clarification requests is 5 working days. The applicant's response will be sent through the Programme electronic management system.

In duly justified cases, the Program Operator may approve the extension of the period for submitting clarifications. The Program Operator has the exclusive prerogative to assess the merit of the reason invoked, its decision not being subject to appeal.
If the response to the clarification request is incomplete or is not submitted within the deadline specified in the clarification request or the extended deadline, if the case, the verification of administrative compliance and eligibility will be continued on the basis of existing documents and information.

The applicant bears the whole responsibility for ensuring the technical conditions necessary for receiving and submitting the answers to the clarification requests. In order to meet the deadlines, the applicant will provide correct and functional contact data in the dedicated section of the grant application and will periodically check the e-mail box (including the "Junk" / "Spam" folder). Any change of the contact details will be communicated to the Programme Operator in a timely manner.

In order to be admitted, after the clarification stage (if any), the project must receive a positive ("Yes") answer to all questions in the Administrative compliance and eligibility check grid, except for those questions that are not applicable ("Not applicable"). Otherwise, the project is rejected.

Following the administrative and eligibility evaluation, a Notification will be sent within EMSC, mentioning the argument/s for rejection, which can be appealed in accordance with section 13 of this Guide.

11.2 Technical and financial evaluation of the project

After the administrative compliance and eligibility phase, the qualified projects (that fulfil the **administrative compliance and eligibility grid**) will be technically and financially assessed

by independent experts contracted by the Programme Operator, according to the Technical and financial evaluation grid attached to this Guide.
Each project will be assessed by two evaluators.
The main evaluation criteria are:

- **cultural – artistic quality;**
- **relevance of the project;**
- **implementation capacity and experience of the applicant and partners (if any);**
- **the feasibility of the project;**
- **impact and sustainability of the project.**

The criteria "cultural – artistic quality", "relevance of the project", "implementation capacity and experience of the applicant and partners (if any)" and "feasibility of the project" are eliminatory and imply that the minimum score to be achieved for each criterion is:

- **cultural – artistic quality – 5 pts;**
- **relevance of the project - 12 pts;**
- **implementation capacity and experience of the applicant and partners (if any) - 8 pts;**
- **feasibility of the project - 15 pts.**

If the project obtains 0 ("zero") points for impact and sustainability, it will be rejected.

Projects which do not obtain the minimum score for any of the mandatory criteria will be rejected (excluded from funding).

In order to determine the final score of each project, the algorithm presented in the technical – financial evaluation grid will be used.
In case of differences between the scores of the two evaluators larger than 30% from the highest score, the project will be assessed by a third evaluator. The final score will be rated as the average between the closest scores.

Applications will be evaluated solely on the basis of the information provided by the applicant in the application form and the attached documents and any clarifications provided.
Evaluators may request **clarifications** on the content of the application form (including the project budget) or attached documents, if the documents do not contain sufficient information or the information available is unclear or contradictory. At this stage the application will not be reopened in the electronic system in order to be modified, but a constructive response to the request for clarifications will be formulated.
The deadline for responding to clarification requests is maximum 5 working days. The applicant's response will be sent through the Programme's electronic management system.\
In duly justified cases, the Program Operator may approve the extension of the period for submitting clarifications. The Program Operator has the exclusive prerogative to assess the merit of the reason invoked, its decision not being subject to appeal.
If the response to the clarification request is incomplete or is not submitted within the deadline specified in the clarification request or the extended deadline, if the case, the evaluation will be continued on the basis of existing documents and information.

Clarifications provided cannot have the effect of achieving a higher score by improving the content of the application during the evaluation process. Any additional information provided by the applicant, that improves the content of the application, will not be taken into account by the evaluators when determining the score.

For projects that obtain the minimum score both on the eliminatory criteria and the overall score:

- Depending on the content of the application and / or the clarifications provided by the applicant during the technical and financial evaluation phase, the evaluator may propose changes to the application form, which only have the role to correct form or substance deficiencies of the project, that hinder its implementation in good conditions (e.g. unclear description of specific objectives, setting unrealistic targets for indicators related to project activities and budget, detection of ineligible expenditure into the project budget, correction of clerical errors, etc.). Deficiencies identified will be considered when awarding the score and could diminish the project budget.

If, following the appraisal of the application (including clarification analysis, if applicable), the evaluator finds that:

- In relation to the project's activities and budget, there are no favourable premises for compliance with the minimum outputs set in this guide to achieve the required indicators (see Section 7.3.1 of this Guide), regardless of the numbers declared by the applicant in the application form, will propose rejecting the project as ineligible;
- the proposed activities are not realistic and / or necessary to obtain the results of the project, will propose either their exclusion from financing, with the corresponding reduction of the related costs, or declare the project as ineligible, if the exclusion of the proposed activities affects the nature of the project and makes the achievement of mandatory results impossible;
- some proposed activities are not eligible, will either exclude these activities from funding or declare the whole project as ineligible, if the exclusion of the proposed ineligible activities affects the nature of the project and makes it impossible to achieve the objectives;
- some budget costs are not eligible, reasonable, necessary to achieve the project objectives and achieve the expected results, directly related to the implementation of project activities or fail to meet the requirements of financial management based on the principles of economy, efficiency and effectiveness, will propose either to reduce them or remove them from the project budget;
- the project budget contains errors of calculation or clerical errors (for example, inappropriate filling in the VAT column, wrong inclusion of expenditures in the ineligible expenditure section or in the eligible expenditure categories, etc.), will propose the correction of errors.

If during the technical and financial evaluation are identified elements that lead to the ineligibility of the applicant or the partner, which were not identified in the previous evaluation phase, the application will receive 0 for each verification criteria and will be rejected.

Projects that score at least 70 points will be included in a provisional ranking list that will be the basis of the Selection Committee's decision.

Projects with the same score will be graded according to the score obtained on the following criteria in the Grid, in the following order:

1. cultural – artistic quality;
2. the relevance of the project;
3. the feasibility of the project;
4. Implementation capacity and experience of the applicant and partners;
5. Impact and sustainability of the project.

The Programme Operator may carry out on-the-spot visits prior to analyse the situation on the ground.

After completion of the evaluation, a Notification regarding the result of the evaluation will be transmitted through EMSC - the stage of the technical and financial evaluation, that can be appealed within 5 days after receiving the Notification, according to section 13 of this Guide. The score obtained can only be appealed at this stage.

Following the communication of the Notification regarding the result of the technical and financial evaluation, the General evaluation grid[28] will be available within the EMSC.
The provisional ranking list will be published on the Program website.

11.3 Selection procedure of the projects by Selection Committee

The Selection Committee is set up at the Programme Operator level by an odd number of people with relevant expertise for this call for proposals.

The Selection Committee may decide to approve a project under condition. The conditionalities may refer to project budget reduction, providing clarifications on certain elements of the application form, consistency between project objectives, results and indicators, etc. The conditionalities must be fulfilled either by the time the project contract is signed or at a determined time established by the Selection Committee.

The Selection Committee may change the ranking, in justified cases (for example, but not limited to, the need to ensure an equitable geographical distribution of grants, the impossibility of achieving Programme indicators, the identification of a case of double funding, the existence of identical projects submitted by different applicants).

Based on the decision of the Selection Committee, the final ranking list and the reserve list are established.

Grants will be awarded to the projects on the basis of the final ranking list (including the reserve list), within the available budget for this call for proposals.

Projects that will be included in the reserve list will be eligible for funding, in case of additional funds or within the limit of disbursed funds, or in case applicants who were previously selected for funding fail to meet the criteria/ conditions/ recommendations for funding or are excluded from funding in the pre-contracting process.

Inclusion of a project on the reserve list does not constitute a guarantee for signing the project contract at a later date.

After the selection is completed, the final ranking list will be published on the Program website. Applicants who have been excluded from funding following the modification of the ranking list can appeal the decision of the Selection Committee according to section 13 of this Guide. The score received cannot be appealed during this last stage of project evaluation and selection.

11.4 Estimated duration of evaluation and selection process

Stage	Estimated duration
Submission of applications	2 months
Verification of administrative compliance and eligibility, including appeals	2 months
Technical and financial evaluation, including appeals	3 months
The projects selection, by the Selection Committee, including appeals	1 month
Pre-contracting process (including on-the-spot visits and appeals)	2 months
Concluding project contracts	1 month

[28] The General evaluation grid includes the scores and comments from the individual technical and financial evaluation grids.

12 Pre-contracting

All applicants whose grant applications have been selected will be notified of the following:

- provisional selection of the application,
- recommendations or conditionalities formulated by the evaluators / Selection Committee and / or the Programme Operator's requests for the modification of the application (including the project budget),
- submission of the amended application form, if applicable,
- submission of the following documents to check whether the eligibility criteria are met at the time of signing the project contract:
  - **the nomination/appointing documents of the applicant's legal representative**, in copy, in the case of a person different from the one at the time of submitting the application;
  - If applicable, the **power of attorney** for a person other than the legal representative of the applicant (representation mandate) to complete all the formalities necessary for signing the financing contract and its effective signing,
  - [In case the legal representative of the applicant does not have the power conferred by the law or by the statutory document to conclude legal acts on behalf of the legal person]: **Decision of the applicant's management body** (for example, the Board of Directors, etc.) regarding the approval of the conclusion of the financing contract by the legal representative / assignee;
  - **updated Applicant's Statement,** in original.
  - **Updated Statement regarding the category and type of the undertaking (for partners that are commercial or cooperative companies)** for the applicant, original document;**;**
  - **Updated Statement of the single undertaking regarding the cumulation of state aid / de minimis aid,** for the applicant, original document;
  - **The nomination/appointment document** of the partner's legal representative, in copy, in case of a person different from the one at the time of submitting the application;
  - If applicable, the **power of attorney** for a person other than the legal representative of the project partner (representation mandate) to complete all the formalities necessary for signing the financing contract and its effective signing,
  - [In case the legal representative of the partner does not have the power conferred by the law or by the statutory document to conclude legal acts on behalf of the legal person]: **Decision of the partner's management body** (for example, the Board of Directors, etc.) regarding the approval of the conclusion of the Partnership Agreement by the legal representative / assignee,
  - **Updated Partner's statement,** in original. **By exception**, in the case of Donor States partners, the document will be signed by hand, if the representative of the respective partner does not have an electronic signature, and uploaded in copy (scanned) in the electronic management system of the Program, the compliance with the original being attested by applying the electronic signature of the legal representative of the applicant /assignee.
  - **Certificate attesting the lack of outstanding debts to the state budget** issued by the competent body and, if applicable, the rescheduling of debts to the consolidated budget **for the applicant and each partner**, in copy;
  - **Certificate attesting the lack of outstanding debts to the local budget**, issued by the competent body (i.e. town hall/s where the organization has its headquarters and subsidiaries), and if case, the debt rescheduling chart to the local budget, for both **applicant and each partner**, in copy;
  - **VAT registration certificate** (if applicable) **for the applicant and each partner**, in copy;
  - **Financial statements** (e.g. balance sheet, profit and loss account, etc.) **of the applicant commercial company**, containing information on the number of employees, turnover or incomes for the last three fiscal years concluded, in copy;

- **Decision for approving the project and related expenses** issued by the competent entity, in copy;
- **Justification of costs included in the project budget**;

[For projects involving construction works for which no building permit is required (according to the urban planning certificate / other City Hall address]

- **Up-to-date urban planning certificate**, in copy, if the original document is no longer valid;
- **Notice from the Minister of Culture or the County Directorate for Culture**, as the case may be, for works executed in buildings listed as historical monuments;
- **Documents attesting the property right / another right *in reml* a right of use** stemming from a contract of lease or commodity on the building on which the works are carried out, in copy;
- **Valid certification from the land register** regarding the building on which the work is carried out and the land it stands on, in copy. The certification shall comply with the requirements of section 10.3.e of the present Guide;
- *If the applicant holds another right in rem than the property right or holds a right of use (resultant of a rental or commodity agreement) on the building where the construction works are carried out, and the proof of the applicant's holding the right to perform intervention / construction works is not explicitly stipulated in the legal acts on the basis of which the right of use was transferred:*
  - ✓ *In case the owner of the building is a private entity*: **authenticated statement** of the owner regarding his agreement for the applicant to carry out the works and use of the space for the stated purpose throughout the project implementation period and at least 5 years after the approval of the final project report by the Programme Operator, in copy;
  - ✓ *in case the building is privately or publicly owned by the state or the local administrative units*: **relevant document** (local council decision, county council decision, government decision, etc.) regarding the applicant's permission to execute works and use the space in compliance with the stated purpose of the project throughout the entire project implementation period and at least 5 years after the approval of the final project report by the Programme Operator in copy.

If appropriate, the Programme Operator may request other documents to prove that the eligibility conditions are met at the time of signing the project contract.

The Programme Operator reserves the right to consult the public registers / databases in order to verify the reality of the information provided by the applicant / partner in the applicant / partner's declaration.

If in the pre-contracting process, the Programme Operator:

- identifies **breaches of the general conditions for de minimis aid and de minimis cumulation rules** Þ the project will not be contracted
- identifies elements that lead to the **ineligibility of the applicant or partner** which have not been identified during the evaluation of the application Þ the project will not be contracted;
- identifies **ineligible activities** Þ **either** these activities will be excluded from funding **or** the entire project will become ineligible if the exclusion of the proposed ineligible activities affects the nature of the project and makes it impossible to achieve its objectives;
- identifies, within the project budget costs that are not eligible, **reasonable and necessary** in order to achieve both the project objectives and the expected outcomes, are not **directly related** to the implementation of project activities or that **do not meet the requirements of sound financial management** based on the principles of economy, efficiency and effectiveness, the respective expenses will be reduced or eliminated from the project budget, as the case may be.

- identifies **project deficiencies** of form or substance that impede its implementation in good conditions Þ **either** the revision of the application is requested if the necessary modifications do not lead to a substantial change of the project objectives **or** the project will not be financed if the necessary modifications lead to the substantive change of the project objectives/results
- finds, following the on-site visit (if applicable), that the situation on the ground does not correspond to the description of the situation in the application or the documents attached to it Þ the PO may decide to reject the project from funding or may impose conditions to be met before signing the contract.

The deadline for submitting the requested documents in the pre-contracting phase is **10 working days**. The applicant's response will be sent through the electronic management system of the Programme. In duly justified cases, the Programme Operator may approve the extension of the response time. The Program Operator has the exclusive prerogative to assess the merit of the reason invoked, its decision not being appealed.

If the applicant does not respond within the deadline communicated by the Programme Operator or refuses the requested changes to the grant application, including the project budget, the Programme Operator will exclude the project from funding.

Any decision by the Programme Operator to exclude a project from funding which is taken after approving the ranking list and the reserve list by the Selection Committee will be communicated to the applicant and may be appealed according to section 13 of this Guide.

13 Procedure for lodging an appeal

The applicant not satisfied by the results of the evaluation and selection process and / or by the decision of the PO to exclude him from the financing, adopted during the pre-contracting process, can lodge an appeal in writing, as follows:

a) During the evaluation and selection process, applicants may lodge only one appeal per stage, as follows:

1. Administrative compliance and eligibility check
2. Technical and financial evaluation
3. Selection Procedure by the Selection Committee.

Applicants whose applications were not included in the list of projects selected for funding following the approval of the SC can submit appeals, only if the decision of the SC has the consequence of excluding the project from the financing.

b) During the pre-contracting process, applicants may lodge only one appeal.

In the situations provided in letter a) and b) the appeals are lodged in the dedicated section of the electronic management system of the Program within 5 calendar days from the date:

- of the communication of results - for the stages of the verification of administrative compliance and eligibility check, respectively the technical and financial evaluation;

- of the publication of the final ranking list on the site - for the selection stage of the Projects by the Selection Committee.

- of PO communication regarding the exclusion from financing during the pre-contracting stage.

Appeals submitted after the deadline will be rejected.

The term is calculated on days, the first and last days not being taken into account. The deadline will expire at 24:00 hours on the last day. If the last day of the deadline falls on a non-working day, the deadline is extended until the next working day.

The appeal shall be lodged in writing and shall include:

a) identification data of the applicant (contestant),
b) unique application number and project title,
c) object of the complaint,
d) legal and factual grounds of the complaint,
e) special mandate for the assignee, if any.

In order to be validated, the appeal must be digitally signed with qualified electronic signature by the legal representative of the applicant/ assignee.

Appeals submitted by other persons than the legal representative and/ or the assignee shall not be considered. Appeals submitted by other natural persons or legal entities, including project partners, will not be reviewed and will be rejected.

If the contestant does not present the factual and legal grounds of the complaint, the evidence on which the appeal is based, the appeal has no object and will therefore be rejected as ungrounded.

The contestant cannot submit new documents in support of the case and cannot change the content of the application.

The Program Operator will verify the aforementioned form conditions. If they are not fulfilled, the ground analysis is not continued, the appeal being rejected.

The Program Operator shall rule by a reasoned decision regarding the admission, in whole or in part, of the appeal or its rejection, within **30 days** from the date of registration of the appeal. The decision of the Program Operator regarding the resolution of the appeal is final in the system of administrative remedies. The decisions given in the resolution of the appeals can be appealed by the contestant to the competent administrative court, according to the provisions of Law no. 554/2004, as subsequently amended and supplemented.

The appeal may be withdrawn by the contestant before its resolution, by written request, with the loss of the right to file a new appeal, unless the withdrawal of the appeal occurs due to errors of the EMSC system.

The ranking list of projects will be updated considering applications for which a favorable decision was reached.

The decision regarding the resolution of the appeals is final, and the contestant can no longer submit a new appeal regarding the same stage.

14 Contracting

If, following the pre-contracting process, the project meets all the requirements for receiving a grant, the Programme Operator will request the documents for the conclusion of the project contract.

The project contract sets out the terms and conditions for funding, as well as the roles and responsibilities of the parties.
In the contracting process, the applicant will submit the following documents:

- **Project contract**, 2 original documents;
- **Partnership Agreement** concluded between the applicant and all project partners, signed by hand by all parties, original document or a copy certified for compliance with the original by the applicant's legal representative / assignee;
- If the project contract is signed by a person other than the legal representative of the applicant: the **power of attorney** (representation mandate) issued by the legal representative/ management board, through which the person is mandated to conclude the project contract in the name of and on behalf of the legal entity, either original

document or copy, digitally signed with qualified electronic signature by the legal representative of the applicant/assignee;

- **Financial identification sheet /** Bank's address / Statement of account / Equivalent document from which the accounts dedicated to the project result, in certified copy for compliance with the original by the legal representative / assignee;
- **Other documents** specified in the notification sent to the applicant to prove that the conditions for signing the project contract are met.

The project contract sent by the Programe Operator to the project promoter for signing is mandatory, the project promoter not being allowed to propose modifications, except the identification data of the project promoter or clerical errors.

The Program Operator recommends carefully reading the financing contract before signing it, as it contains all the conditions under which the financial support is granted and its signing represents the commitment to implement the project on its own behalf by the applicant and to achieve the objectives and the results established in the application.
After uploading the signed contracts into RegAs system, if the PO notices that the cumulative state aid / de minimis condition has not been fulfilled, the contract is discontinued in full, the project promoter being notified to this effect.

15 Cross-cutting issues

The applicants will describe in the application form how the project contributes to and addresses the cross-cutting issues:
Democracy and human rights (human dignity, freedom, democracy, equality, the rule of law and the respect for human rights, including the rights of minorities);
Good governance and anti-corruption;
Sustainable development, long-term economic growth, social cohesion and environmental protection.

16 Project sustainability

The sustainability of the project results is fundamental to ensuring long-term benefits. Thus, it is necessary to ensure the sustainability of project results, which may include follow-up activities, long-term partnerships, holding the exhibitions, etc.

The application should include information on the concrete measures for capitalizing on project outputs during the sustainability period and how the project results will be subsequently taken over / replicated either by the applicant / partners or by other entities (transferability and replicability).

The minimum sustainability period of the projects is:

- 1 year after the Programme Operator approves the final project report, if the project does not include the purchase of tangible and intangible assets whose entire purchase costs are covered within the project or construction/renovation works;
- 5 years from the Programme Operator's approval of the final project report, if the project includes construction/renovation works or the purchase of tangible and intangible assets for which the entire purchase costs are covered within the project. The Project Promoter has the obligation to use tangible and intangible assets and the space/building subject to construction works for the sole purpose of the project. The space/building needs to be operational throughout the sustainability period.

17 Payments provisions

For projects **up to 12 months (inclusive**), the funding is granted as follows:

a) advance payment up to 70% when signing the project contract;
b) pre-financing, at the request of the project promoter and submission of the progress report accompanied by supporting documents;

c) final payment amount of 10% for private entities after approval of the final report accompanied by supporting documents.

For projects **with a duration of 12 to 18 months**, the funding is granted as follows:

a) advance payment up to 50% at the signing of the project contract;
b) pre-financing, at the request of the promoter and submission of the progress report accompanied by supporting documents;
c) final payment amount of 10% for private entities after approval of the final report accompanied by supporting documents.

For projects with a duration of **18 months or more**, the funding is granted as follows:

a) advance payment up to 30% at the signing of the project contract
b) pre-financing, at the request of the promoter and submission of the progress report accompanied by supporting documents;
c) final payment amount of 10% for private entities after approval of the final report accompanied by supporting documents.

The amount of the advance payment will be determined according to the recommendations of the evaluators/ Selection Committee.
Pre-financing may be granted in one or more installments. Advance and pre-financing may not exceed more than 90% of the total non-reimbursable financial support, in case of private entities, and 100% of the total non-reimbursable financial support, in case of public cultural institutions.

Payments may be suspended if there are suspicions that the project is not implemented in compliance with the provisions of the project contract.

In order to manage the grant and its own contribution (if any), the project promoter and partners from Romania have the obligation to open dedicated bank accounts for the project either at the State Treasury or commercial banks, according to the provisions of GEO no. 34/2017 and its detailed rules.

Pre-financing installments will be paid on the basis of an interim financial report submitted by the project promoter and approved by the Programme Operator and it will depend on spending at least 60% of the payments previously received from the PO.

Payments related to interim progress reports depend on the following verification stages:

- verification of incurred expenditure declared by the project promoters to ensure that these comply with the applicable legislation and procedures;
- verification on progress towards achieving outputs and outcomes and compliance with expenditures related to project activities;
- verification of eligibility, correctness and regularity of expenditure.

The project promoter ensures that when setting the reporting periods within the project contract, this is done considering appropriate forecasts. The pre-financing amounts within the financial report should be based on the cash flow related to the expenses which are to be incurred in the following reporting periods.

18 Project implementation

The project promoter will ensure, along with the partners, the implementation of the project under the conditions set out in the project contract, the application form, as well as the partnership agreement and other instructions/ communications issued by the Programme Operator.

The project promoter and partners are required to comply with the legal framework of the EEA Financial Mechanism 2014-2021, as well as with the European and national legislation in all stages of the project implementation, including but not limited to environment, public procurement and state aid legislation.

Project implementation monitoring and control are carried out by the Programme Operator, as well as by other structures with control/ verification/ audit responsibilities.

19 Reporting

Project promoters will submit interim progress reports and a final report.

Progress interim reports will include at least the following:

- **physical progress regarding project implementation**, namely: implementation of activities, degree of achieving indicators, information on procurement procedures, implementation of the communication plan, meeting the requirements regarding the horizontal principles of the Programme, changes in the project implementation (if any), supporting documents related to the progress of the project, etc;
- **financial implementation of the project**, including: the list of expenditures incurred during the previous reporting period, the request for pre-financing of the expected expenses for the next reporting period, supporting financial documents, evaluation reports and/or financial audit, if applicable.

The final report will include the same information as interim progress reports. In addition, this report will include information on the achievement of project objectives and results, the approach of cross-cutting issues relevant to the project, the fulfillment of project requirements and project sustainability.
Interim progress reports and the final report must be accompanied by **documents/ proofs** that justify the reality, legality and regularity of expenditure (e.g. invoices and payment documents, reception records or other similar accounting documents, etc.), as well as the legality and reality of reported activities and indicators/ objectives achievement level (e.g. photos, video materials, studies, presence list, studies etc.).
Project promoters can contract independent audit services in order to justify the incurred expenditures. The audit report will be submitted at project completion, along with the last interim progress report and will justify both the project promoter's and Romanian partners expenditures.
Expenditures incurred by Donor States project partners will be justified through an audit report drafted in compliance with provisions of art. 8.12.4 of the EEA Regulation. **The template of the audit report is attached to this Guide**.
Failure to comply with the drafting and submission requirements of project reports may lead to their rejection.
Reporting periods are set within each project contract and cannot cover, usually, less than 4 months. The reports will be submitted within the deadline established in the project contract, regardless of the technical or financial progress registered, in compliance with the provisions of the guidelines/ instructions issued by the Programme Operator.

If an interim financial report has not been received within 12 months from the end of the reporting period in which those expenditures have been incurred by the project promoter/ partner/-s, the expenditure for that period shall be declared ineligible.

20 Project monitoring

During the entire implementation period, the Programme Operator performs an administrative and technical monitoring of the financed projects, *inter alia*, by analyzing progress reports

accompanied by supporting documents and on-site visits. During on-site visits, the persons nominated by the Programme Operator will check if project implementation complies with the provisions of the EEA Regulation, Programme Agreement, project contract and specific procedures.

Also, the Programme Operator will monitor the procurement procedures, the efficiency and effectiveness of the expenditure incurred, the level of achievement of project objectives, results and impact.

During the implementation of the project, the monitoring and authorization of the expenditures will be carried out by reference to the values approved in the centralized budget of the project.

Project promoters and their partners (where applicable) must allow immediate and full access to any information, documents, relevant persons and locations related to project activities to the representatives of the Programme Operator, National Focal Point, Audit Authority, Irregularities Authority, Certifying Authority, CMF, EFTA Board of Auditors or any entity designated by these for the purpose of monitoring, auditing or evaluating the project, without prejudice to any limitations resulting from applicable national law.

In exceptional cases, if unclear issues occur in project implementation, the project promoter may be subject to further verification.

21 Reporting and monitoring of de *minimis aid*

The use of a grant is under the control of the Programme Operator and public authorities in charge of audit and control related to grants.
Reporting and monitoring of *de minimis aid* granted under this Guide are made in accordance with European Union law and the provisions of the Regulation on state aid monitoring procedures implemented by the Competition Council's Order no. 175, published in the Official Journal of Romania, Part I, no. 436 dated 28.06.2007.

The Programme Operator shall keep detailed records of the aid granted under this Guide for a period of 10 years from the date on which the last specific allocation was granted under the Scheme. This record must contain all the information necessary to prove the compliance with requirements imposed by the European State aid legislation.
The Project Promoter keeps the detailed records of the aid granted under this Guide for a period of 10 years from the date on which the last specific allocation was granted under the scheme. This record must contain all the information necessary to demonstrate compliance with the conditions imposed by European law in the field of state aid

- **The Programme Operator has the obligation to permanently supervise *de minimis aids* in progress and to take the necessary measures in case of violation of the conditions imposed by this Guide.**
- **The Programme Operator has the obligation to submit to the Competition Council all the data and information necessary for the monitoring of the de minimis aid at national level in the format and within the deadline stipulated by the State Aid Monitoring Procedures Regulation.**

In case of serious doubts regarding the data submitted by the Programe Operator, the Competition Council may request additional data and information and, if necessary, make on-the-spot visits.

22 *R*ecovering of the *minimis aid*

The Programme Operator may cease and recover the aid granted in accordance with the provisions of Government Emergency Ordinance no. 77/2014, approved by Law no. 20/2015,

as subsequently amended and completed, and the Government Emergency Ordinance no. 66/2011, approved by Law no. 142/2012, as subsequently amended and completed, in accordance with the Detailed Rules issued by the Program Operator.
De minimis aid shall be fully recovered if:

- the conditions specific to the de minimis legislation provided by the Regulation no. 1407/2013 are violated;
- following the conclusion of the project contract, there are inconsistencies between the state of facts and those declared by the beneficiary in the application, including, but not limited to, the non-fulfillment of the eligibility conditions of the promoter, partners and project / activities;
- the ban on the transfer of the financing contract is violated;
- in any other situation where this measure is required.

If the other conditions set out in the Scheme are breached, de minimis aid shall be recovered up to the misused amount.

- **The Program Operator may issue decisions on suspending or recovering the de minimis aid granted**
- **These decisions are enforceable.**
- **De minimis aid to be recovered also includes the related interest due from the payment date of the aid up to the date of its recovery.**

The applicable interest rate is the one established by Regulation (EU) no. 1589 of 13 July 2015 regarding the detailed rules for the application of art. 108 of the Treaty on the Functioning of the European Union, published in the Official Journal of the European Union, L series, no. 248 of September 24, 2015.

The applicable interest rate is the one in force at the date when the abusive use of state aid/ *de minimis aid* was made available to the Project Promoter (date of advance payment and/or pre-financing).

This interest will be calculated from the date of payment of the advance or pre-financing, as the case may be, until the date of full recovery of the amount/ total misused amount. If the interest cannot be recovered in the previous year, it will bear interest, applying the principle of capitalization.

23 Irregularities

Any person who holds information on the existence of irregularities in project implementation may report irregularities by written notice in one of the following forms:

- through the Programme's electronic management system;
- by postal/ courier services;
- by personal submission at the Progamme Operator;
- by fax, 021-2228479 or 021-2244512;
- by e-mail, at the address indicated on the Programme's website;
- by filling in the online form available at www.ro-cultura.ro.

The alerts on irregularities will contain the mandatory minimum information provided by GEO no. 66/2011, amended and supplemented, to identify the project and/or location of the project promoter, otherwise they will not be analyzed and verified. Alerts on irregularities may be transmitted anonymously or signed, without them leading to unfair or discriminatory treatment of the sender.
Confidentiality regarding the identity of the person who reported a potential case of irregularity will be strictly ensured.

24 Information and communication

Project promoters should disseminate project information to a wider audience at national, regional and/or local level, including relevant stakeholders.

The obligations regarding the information and communication activities within the project are set out in chap. 2.3 of Annex 3 - Information and communication requirements to the Regulation on the implementation of the EEA Financial Mechanism 2014-2021.

In this context, the Project Communication Plan (part of the application) will be developed and implemented.

- **The purpose of the plan is to highlight the role of the EEA Grants and to ensure the transparency and visibility of the EEA Financial Mechanism.**
- **The implementation of the Communication Plan aims to raise awareness of the existence, objectives and impact of EEA Grants as well as cooperation with donor entities (in the case of partnership projects).**

The Communication Plan shall include at least the following:

1. its objectives (3 maximum, SMART) and target groups, at national, regional and local level;
2. the proposed activities, the means of communication and the planned period for implementation, taking into account the added value and impact of the EEA Grants;
3. at least 2 (two) information activities on project progress, achievement and impact, such as a seminar or a conference with stakeholders, a press conference or press event, including a launch activity and/or a closing activity;
4. Online information measures through a website dedicated to the project or a page dedicated to the project on an existing website of the applicant, with a link between the pages. Updated information on the project, in Romanian and / or English, will be published periodically.

- Each project that receives a financial support of at least 150,000 euros and / or is developed in partnership with an entity from the donor states will have a dedicated website with bilingual information (RO / EN).
Online information shall include information about the project, its progress, achievements and results, cooperation with Donor States entities, photos, contact information and a clear reference to the Programme and the EEA Grants.

5. information on the administrative departments responsible for implementation of the information and communication measures, including a contact person;
6. indicating the ways in which the information and publicity measures will be evaluated in terms of transparency, visibility of the project and the EEA Grants, their objectives and impact and the role of the Donor States.

All information and communication measures must comply with the communication plan, the requirements of the Communication and Design Manual, available at www.ro-cultura.ro.

Organizers of information events (conferences, seminars, fairs, exhibitions, etc.) in connection with the implementation of projects financed through the EEA Grants must explicitly promote the financial support granted by Iceland, Liechtenstein and Norway through the EEA Grants.
The Project Promoter shall, during the implementation of the project, put up a billboard at the site of each operation in line with requirements of the Communication and Design Manual and which fulfils the following conditions:
(a) the total public contribution to the operation exceeds € 50,000;
(b) the operation consists in the financing of a physical object, infrastructure or of construction operations.

The Project Promoter shall replace the billboard with a permanent commemorative plaque that is visible, of significant size and in line with the Communication and Design Manual no later than six months after completion of the project.

25 Personal data processing

The processing of personal data will be carried out in line with the provisions of EU Regulation no. 679 of 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

The project promoter/ partner(s) will ensure that they have the explicit consent of the members of the target groups/ end beneficiaries regarding the processing of their personal data, including those belonging to the Roma community, if applicable.

Processing of personal data by the Programme Operator has the purpose of fulfilling the obligation to monitor and control the implementation of the project and project contract and the data can be passed by Programme Operator to other structures with control/ verification/ audit competencies within the EAA Financial Mechanism.

The Programme Operator will keep personal data as follows:

1. **three years** after the approval of the final report of the RO-CULTURE Programme by the Financial Mechanism Committee, if the project has not been funded;
2. **three years** after approval of the final report of the RO-CULTURE Programme by the Financial Mechanism Committee or **ten** years since the date of the last project payment, if the project has been funded, whatever happens last.

For those documents or documentary evidences of carrying out activities involving the processing of personal data within the meaning of EU Regulation no. 679 of 2016, the project promoter will prove the express agreement of each affected person for data processing.

26 Additional information

Further information on this Call for Proposals can be found on the Programme's website: www.ro-cultura.ro.

Applicants can submit, during the work program of the Program Operator (Monday-Thursday 08.30-17.00, Friday 08.30-14.30), questions / requests related to the present call for projects questions about this call for proposals using the following contact details:

- **e-mail, at:** office@ro-cultura.ro;
- **phone: (004)**21-223.03.46;
- **fax: (004)21-222.84.79.**

The Programme Operator will answer questions / requests within the aforementioned time interval.

The Programme Operator recommends that applicants periodically consult the Programme's web page for up-to-date information on this call.

Questions and answers of general interest will be published on the Programme website: www.ro-cultura.ro.

Programme Operator Contact Details: Project Management Unit-Ministry of Culture and National Identity Address: 22, Unirii Blvd., Bucharest, Romania E-mail: office@ro-cultura.ro Phone / Fax: 021-2228479, 021-2244512 Website: www.ro-cultura.ro Facebook: RO-Cultura Program
Donor Programe Partner Contact Details: Arts Council Norway Email: EOS-kultursamarbeid@kulturradet.no Phone: +47 2104 5800 Website: www.kulturradet.no/eos-midlene
Donor Programe Partner Contact Details: Norwegian Directorate for Cultural Heritage E-mail: eeagrants@ra.no Website: www.ra.no/en/eeagrants
Contact details for Iceland Ragnhildur Zoega Senior Adviser National Cultural funding, Creative Europe, EEA grants Rannís Borgartúni 30, 105 Reykjavík Phone: +354 515 5838 E-mail: Ragnhildur.Zoega@rannis.is
Contact details for Liechtenstein Arno Oehri EEA Grants coordinator in the area of culture E-mail: arnooehri@eeagrants.li

27 Annexes

No. annex	Name of the attachment
1.	Application
2.	Project Budget (part of the application)
3.	Applicant statement
4.	Partner statement_RO
5.	Partner statement_EN
6.	Letter of intent regarding partnership
7.	Administrative compliance and eligibility check list
8.	Technical and financial checking list
9.	Checking list in pre-contracting process
10.	Audit report – partners from Donor States_EN
11.	Design theme – indicative model