

Contracting

Interreg Programme Management for Beginners

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 @InteractEU

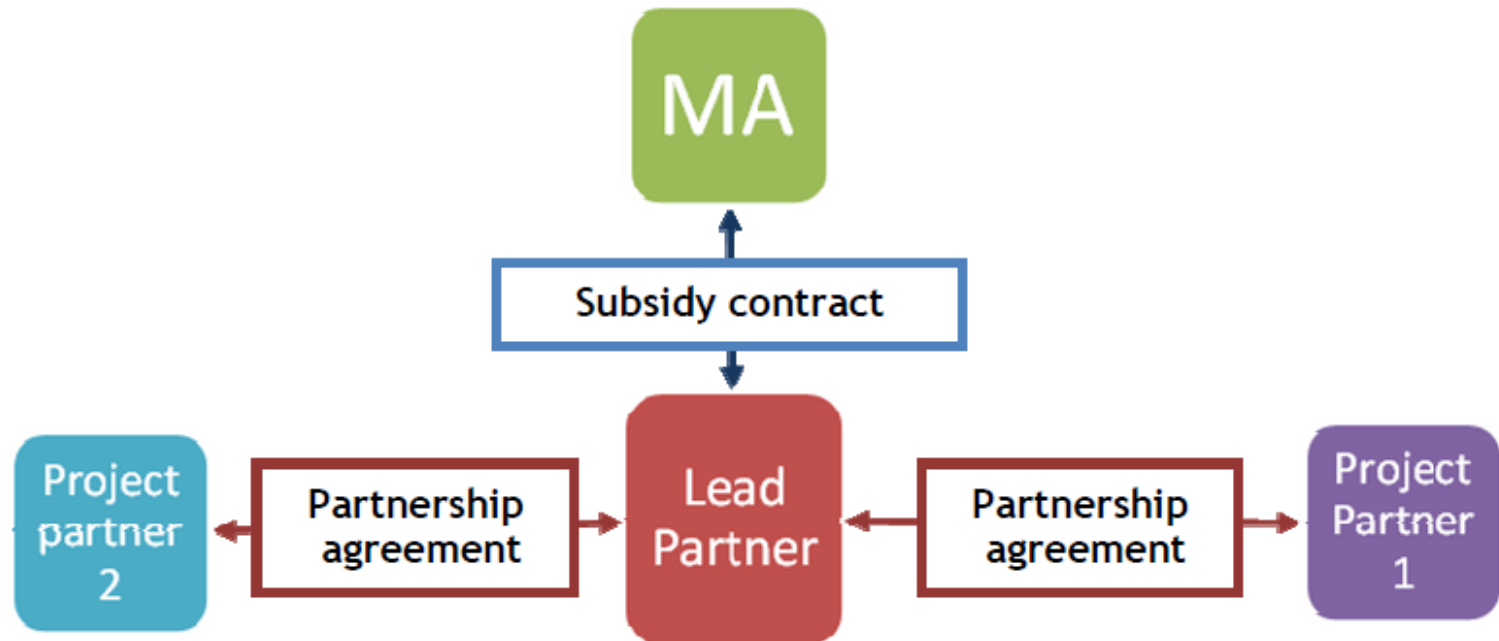
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Legal agreements

Subsidy contract → with the Programme

Project partnership agreement → within the partnership



Contracting

Subsidy contract

Legal basis of the Subsidy Contract:

Article 125.3.c CPR; Article 12.5. ETC Reg.
OP or other relevant programme documents

Background info:

Subsidy Contract is offered by MA to LP in form of
Bilateral contract
Unilateral notification (or subsidy order)

Aim of a Subsidy Contract?

To guarantee the project's compliance with the OP
To describe the rights and duties of the LP + the authorities
involved in the implementation of the programme

Preliminary structure of a Subsidy Contract

- Introduction (what is it and who prepared it)
- Title
- Legal basis (all applicable EU documents, programme documents, national provisions)
- Signing parts (MA and LP, JS when authorised, person in charge and function, EGTC – sole beneficiary)
- Allocation of funds (total eligible project budget, maximum ERDF/ENI/IPA II contribution, co-financing rate, etc.)
- Obligations of both sides (in case of LP also relations with project partners)
- Conditions applicable to the contract (modification, litigation, applicable law & court, language, validity)
- Annexes (application form, partnership agreements, templates, eligibility rules, State Aid de-minimis declaration, etc.)

What are the most common challenges related to Subsidy Contract?

- Timing → Most common challenge related to contracting;
- What to include? Legal requirement vs. practicalities;
- Which national rules are to be followed?
- Timing for reporting and first level control obligations and timing;
- What financial provisions, procedures in the case of irregularities, to include?
- Audit trail obligations and possibility of future audits;
- Language translations of the document and assuring the binding version.

Project Partnership agreements

Legal basis of the Project Partnership Agreement:

- Article 13 ETC Reg.
- OP or other relevant programme documents

Background info:

- The project partnership agreement is signed between the LP and all project partners (PP), either in the form of a bilateral or multi-lateral contract, or as a unilateral notification.

Aim of a Project Partnership Agreement:

- To guarantee the project's compliance with the Operational Programme
- To stipulate rights and obligations of each PP and of the LP

Preliminary structure of a Project Partnership Agreement

- Introduction (what is it and who prepared it)
- Title
- Legal basis (all applicable EU documents, programme documents, national provisions, subsidy contract)
- Signing parts (LP and PPs, persons in charge and functions)
- Allocation of funds (total project budget, ERDF/ENI/IPA II contribution, co-financing, PP shares, etc.)
- Obligations and rights of all sides (especially how requirements of the regulations and programme are to be complied with)
- Conditions applying to the contract (modification, litigation, applicable law & court, language, validity)
- Annexes (application form, subsidy contract, reporting templates, eligibility rules, State Aid de-minimis declaration, signed letter of commitment, etc.)

Cooperation works

All materials will be available on:

www.interact-eu.net
