

## Partner Declaration

### ITALY-CROATIA PROGRAMME

*Before filling in the declaration with due care and attention, the Partner Organisation is requested to read the section D of the Programme Factsheet n. 4 "Project Application" carefully. This form shall not be altered or amended in any way.*

Title of the project proposal: \_\_\_\_\_  
[insert title]

acronym of the project proposal: \_\_\_\_\_  
[insert acronym]

I, the undersigned, \_\_\_\_\_  
[name, surname]

born in \_\_\_\_\_ on \_\_\_\_\_  
[city, country] [date of birth]

representative of \_\_\_\_\_  
[name of the Partner Organisation in original language and name of the Partner Organisation in English including Department, if applicable]

acting as partner N. \_\_\_\_\_ of the above mentioned project proposal  
[insert PP number]

#### DECLARE THAT:

1) I am legally authorised to sign this statement on behalf of my organisation<sup>1</sup>;

2) the organisation I represent is

a) a public body

b) a body governed by public law, as defined by Article 2(4) of Directive 2014/24/EU

c) an international organisation acting under the national law of \_\_\_\_\_  
[insert Italy or Croatia]

operational from at least 2 fiscal years \_\_\_\_\_  
[starting date of operations]

<sup>1</sup>In case the signatory is different from the legal representative, an official proxy or delegation act will have to be provided at the time of submission of the proposal

d) a private no-profit body according to the law of the State where it is established, operational from at least 2 fiscal years at the moment of the submission of the proposal \_\_\_\_\_  
[starting date of operations]

e) a private SME according to the Commission Recommendation 2003/361/EC, operational from at least 2 fiscal years at the moment of the submission of the proposal \_\_\_\_\_  
[starting date of operations]

f) a private enterprise other than SME, operational from at least 2 fiscal years at the moment of the submission of the proposal \_\_\_\_\_  
[starting date of operations]

3) I am aware of the Programme rules on reimbursement of ERDF funds

4) the organisation I represent commits itself to the project proposal, and intends to provide EUR \_\_\_\_\_ as national co-financing to the total eligible partner's budget (15%) as follows:  
[insert amount]

#### STATEMENT ON PARTNER CONTRIBUTION

National co-financing	EUR	From
Own public contribution	_____ [insert amount]	_____ [insert name of the Project Partner Institution]
Automatic public contribution <sup>2</sup>	_____ [insert amount]	_____ [insert name of the contributing Institution]
Other public contribution	_____ [insert amount]	_____ [insert name of the contributing Institution]
Private contribution	_____ [insert amount]	_____ [insert name of the contributing Organisation or specify own funds]

5) no expenditure related to the above mentioned project proposal has been, is or will be funded by any other EU or national funding instrument;

6) activities included in the above mentioned project proposal have not started before the submission of the application;

7) the organisation I represent bears full legal capacity and is financially reliable;

8) the organisation I represent has the administrative, technical and financial capacity to implement the project proposal;

9) the organisation I represent is not in any of the situations referred to in art. 106(1) and 107 of Regulation (EU, Euratom) No 966/2012, applicable by analogy;

<sup>2</sup> To be filled in only in case the Member State provides national public contribution at the state level for the project selected by the Monitoring Committee.

- 10) the organisation I represent is not in difficulty within the meaning of point 24 (in conjunction with point 20) of the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.07.2014, p. 1);

*ONLY for private Organisations (points d),e) or f) of art. 2 above):*

- 11) confirm that in case the Project as a whole is requiring an advance payment, I will provide a financial guarantee covering the ERDF amount of the share of the advance attributed to the organisation I represent;

IN ADDITION I DECLARE THAT:

#### VAT STATEMENT

- 12) the status of VAT for my organisation is the following (only one option possible):

- VAT is non-recoverable;**
- VAT is partially recoverable:** as a consequence **only non-recoverable VAT** borne by the partner is **included** in the partner budget and I am aware that only this will be eligible for reimbursement;
- VAT is recoverable:** as a consequence **recoverable VAT** borne by the partner is **not included** in the partner budget and I am aware that this will not be eligible for reimbursement;

- 13) the organisation I represent commits itself in the relevant public procurement rules and principles (EC, national and programme) and in making the results available to the public according to the requirements of the Partnership Agreement, which will be signed between the Lead Partner of the Project and the organisation I represent after the approval of the project proposal;

- 14) I accept the obligations as partner and to respect the engagements deriving from the Partnership Agreement, which will be signed between the Lead Partner of the Project and the Organisation I represent after the approval of the project proposal;

#### SMALL SCALE INFRASTRUCTURES STATEMENT

- 15) in case the Organisation I represent is in charge of small scale infrastructures and construction works in a "Standard" project proposal, I confirm that these are compliant with applicable European, National and internal procurement rules and due authorisations, including e.g. feasibility studies, environmental impact assessments, building permissions, etc. The above mentioned authorisations are possessed at the moment of the application and in case these are not, these will nevertheless be provided within three months from the receipt of the official communication on the funding decision by the Monitoring Committee;

- 16) in case the Organisation I represent is in charge of small scale infrastructures and construction works in a "Standard+" project proposal, I confirm that these are compliant with applicable European, National and internal procurement rules and due authorisations, including e.g. feasibility studies, environmental impact assessments, building permissions, etc. The above mentioned authorisations are possessed at the moment of the application;

### STATE AID<sup>3</sup> RELEVANCE

17) in the context of the project proposal, the organisation I represent shall be considered as:

undertaking  not undertaking  <sup>4</sup>

18) in the context of the project proposal, the organisation I represent carries out economic activities<sup>5</sup> that are potentially State Aid relevant:

Yes  No

*only in case the answer is YES,*

- a)  it performs activities or provides/develops/offers good/services for which a market exists; and/or
- b)  it implements activities or provides/develops/offers good/services that can be carried out by an operator in order to make profit; and/or
- c)  it plans to carry out any activities involving construction of infrastructure that will be exploited commercially and/or that will be not available for public use for free within the project;

*In case you have marked any of the above point a), b) and c):*

the activities carried out, as above identified in the section 17), shall bring a selective advantage to the organisation I represent as follow:<sup>6</sup>

- a)  it will gain benefits from the economic activities which otherwise it would have not receive in the normal course of business (i.e. in the absence of funding granted by the project); and/or
- b)  it will be relieved of some costs which otherwise it would have not happened in the normal course of business (i.e. in the absence of funding granted by the project);

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<sup>3</sup>According to Article 107 (ex Article 87) of the Treaty on the Functioning of the European Union, State aid is defined as any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods

<sup>4</sup>State aid occurs when the recipient of the aid is an “undertaking”. Undertaking is an entity engaged in an “economic activity” in the context of the project. Any project partner offering goods or services on a market in the context of the project is an undertaking, regardless of its legal status (public or private) and whether its aim to make profit or not. An undertaking can be a SME, a large company, an NGO, an association, a university, etc.

<sup>5</sup>An “economy activity” is broadly defined as offering goods or services on a given market. If the project partner carries out non-economic activities in the project, there is no State aid even if this organisation normally carries out activities of economic nature. The contrary (i.e. economic activities are performed in the project by an organisation that normally does not carry out economic activities) can also occur, thus resulting in State aid relevance.

<sup>6</sup>In order to qualify as State aid relevant the project activities which are identified as economic carried out within the project shall bring an advantage to your organisation which you would not have obtained under normal market conditions. This might also consist of relieved costs that your Institution normally bear. If there isn't this selective advantage or benefit there is no State aid.

19) Only in case you have marked “undertaking” within section 17) and and “Yes” with any of the declarations within section 18):

- the organisation I represent carries out the following activities that are potentially State Aid relevant (kindly fill-in the table below, with detailed information):

Work package	Description of activities, outputs, deliverables (max 1000 characters per cell)	Description of the selective advantage/benefit gained and/or the relieved costs (max 1000 characters per cell)
<b>WP1 Project Management and coordination of activities</b>	<hr/> <p>[Act.1.1, Act.1.2, etc]</p>	<hr/> <p>[Description]</p>
<b>WP2 Communication activities</b>	<hr/> <p>[Act.2.1, Act 2.2, etc]</p>	<hr/> <p>[Description]</p>
<b>WP3 Project implementation</b>	<hr/> <p>[Act.3.1, Act 3.2, etc]</p>	<hr/> <p>[Description]</p>
<b>WP4 Project implementation</b>	<hr/> <p>[Act.4.1, Act 4.2, etc]</p>	<hr/> <p>[Description]</p>
<b>WP5 Project implementation</b>	<hr/> <p>[Act.5.1, Act 5.2, etc]</p>	<hr/> <p>[Description]</p>

- the organisation I represent applies for ERDF within the Italy-Croatia Programme under the *de minimis* Regulation (Commission Regulation (EU) No 1407/2013);
- the organisation I represent has benefitted from the following public aid under the *de minimis* regime in the current and in the previous three fiscal years<sup>7</sup>:

Member State in which <i>de minimis</i> aid was granted	Organisation providing the <i>de minimis</i> aid	Amount of <i>de minimis</i> granted by Italy or Croatia	Legal name of the Beneficiary Institution (aid receiver)	Amount of the aid in EUR	Date of granting (dd/mm/yy)
_____ [Member State]	_____ [Organisation]	_____ [amount de minimis]	_____ [legal name]	_____ [amount]	_____ [date]
_____ [Member State]	_____ [Organisation]	_____ [amount de minimis]	_____ [legal name]	_____ [amount]	_____ [date]
<b>Total</b>					

- for the organization I represent the fiscal year covers the following yearly period:

from \_\_\_\_\_ to \_\_\_\_\_  
[dd.mm] [dd.mm]

20) In case of approval of the project proposal, I commit myself to:

- inform, through the Lead Partner, the Managing Authority and the Joint Secretariat of the Italy-Croatia Programme if any other conditions underlying this declaration have changed;
- inform the Managing Authority and the Joint Secretariat of the Italy-Croatia Programme of any EU or other public funding source, be international, national, regional or local, received after the signature of this declaration for the implementation of the activities that are planned in the above mentioned project proposal;
- update the *de minimis* declaration if necessary<sup>8</sup>.

<sup>7</sup> Public support given to undertakings in the framework of the Interreg V A Italy – Croatia Programme is granted under the *de minimis* rule. This means that undertakings can receive grants from the Programme only if they have not received public aid under the *de minimis* rule totalling more than 200.000 within three fiscal years from the date of granting the aid. The *de minimis* threshold counts per “single undertaking” as provided for in Article 2(2) of Regulation (EU) N. 1407/2013 on *de minimis* aid. Amount of aid indicated in the above table shall be expressed as cash grant and shall be gross (i.e. before any deduction of tax or other charge). Where aid is granted in a form other than a grant (e.g. guarantees and loans), the aid amount shall be expressed as gross grant equivalent, calculated in compliance with Art. 4 of Regulation (EU) N. 1407/2013 on *de minimis* aid.

I, the undersigned \_\_\_\_\_,  
[name, surname]

acknowledge that untruthful/false declarations, in addition to the administrative sanctions and the request for refunding unduly received contribution charged with the interests, can also be prosecuted by the penal code in compliance with the Italian Law.

I declare that the information provided on this document is true and complete and am aware that, in case of approval of the project proposal, it shall be treated as invalid from the outset in case of intentional false declaration.

\_\_\_\_\_  
*Signature<sup>9</sup>*

\_\_\_\_\_  
*Place and date*

\_\_\_\_\_  
*Name of the Signatory*

\_\_\_\_\_  
*Position of the Signatory*

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<sup>8</sup> In case the project proposal is selected for funding, and prior to signing the Subsidy Contract, the beneficiary receiving funds under the *de minimis* rule can be asked to provide a more detailed and updated self-declaration on *de minimis* in order to provide additional relevant information (e.g. any other amount provided by the Member State where it is located in order to enable the national system of Italy and Croatia to monitor the accumulation of the *de minimis* aid received per beneficiary, if the beneficiary is an undertaking in difficulty as defined the Communication from the Commission N. 2014/C249/01 of 31.07.2014, if the beneficiary is subject to an outstanding recovery order following a previous Commission decision, the exception as established in Art. 1 of Regulation (EU) N. 1407/2013 on *de minimis* aid, etc.)

<sup>9</sup> In case of digital signature see Factsheet n. 4 „Project Application”. In case of handwritten signature, be sure that a ID copy is attached.