



**QUESTIONS AND ANSWERS
regarding the First Call for proposals
No. 2014TC16I5CB007-2015-1**

No	Question	Answer
1	Is a lead partner – NGO registered in public benefit, eligible, if its registration and management address is in Sofia, but the project activities are planned to be implemented on the territory of the eligible regions according to the Guidelines for applicants?	<p>According to p. 2.5.2. “Lead partner Principle” in the Guidelines for applicants under the Interreg – IPA Cross-border cooperation Bulgaria – Serbia Programme, in order the eligibility of the Lead partner to be ensured it should be registered on the territory of Bulgaria or Serbia at least 12 months prior to the deadline for submission of project proposals. Additionally, the Lead partner and the other project partners should fulfil the requirements concerning the eligibility of applicants, described in p. 2.5.1 of the Guidelines for applicants.</p> <p>A legally established entity (acting as Lead partner or Project partner), located outside the eligible cross-border area, but still on the territory of Bulgaria or Serbia, may participate under the Call for Proposals provided that the envisaged operations in the proposed project are for the benefit of the programme area.</p>
2	We are interested if a NGO registered in public benefit, established in 2013, but with headquarters and management address re-registered in the end of 2015 in the eligible cross-border area of Bulgaria – Serbia, is eligible under the current call for project proposals, in case all others requirements are fulfilled?	<p>According to p. 2.5.2. “Lead partner Principle” in the Guidelines for applicants, one of the requirements for eligibility of the Lead partner is to be registered within the territory of Bulgaria or Serbia at least 12 months to the deadline for submission of project proposals. There is no restriction related to date of registration of other partner/s in the project.</p> <p>Additionally, the Lead partner and the other project partners should</p>



		fulfil the requirements concerning the eligibility of applicants, described in p. 2.5.1 of the Guidelines for applicants.
3	Is it acceptable, if a project under Priority Axis 3. Environment covers “common natural resource”, envisages interventions / investments to be carried out in two different rivers (one in Bulgaria and other in Serbia), provided that the project contributes to the natural protection of the region as a whole?	An eligible project under the First Call for proposals is any project, which consists of eligible activities (activities compliant to the eligibility criteria, under the respective Priority axes/Specific objective, mentioned in the Guidelines for Applicants). There is no explicit requirement, specified in the Guidelines for Applicants, the object of intervention to be related to a “common natural resource”. In all cases, the project activities have to show clear cross-border impact.
4	Is it eligible if project under Priority Axis 2. Youth, where cultural activities are envisaged to be implemented by one project partner and sport activities by other project partner, or it has to envisage mirror-activities (only cultural activities, only sport activities)?	There is no requirement, specified in the Guidelines for Applicants that mirror-activities should be implemented in both sides of the border, but in all cases the project activities have to show clear cross-border impact.
5	Is it necessary to publish officially a service contract notice or other relevant document, if the project preparation is assigned with a single tender procedure, according to PRAG?	The project preparation expenditures have to be assigned according to the procurement rules mentioned in p. 2.3 of the Guidelines for Applicants, observing all requirements of the respective type of tender procedure. PRAG annexes and procedures should be followed in the process of preparation of tender dossier and implementation of tender procedure. According to the current PRAG rules, the single tender procedure does not require publication of service contract notice.
6	Is it envisaged, that the Guidelines for Applicants under the First Call for proposals to be published in Bulgarian?	The Guidelines for applicants are available only in English, because the official language of the Programme is English.



7	<p>According to the Guidelines (page 49): "... all supporting documents must be presented either in original (when it is possible) or in the form of copies, certified "True copy" by the legal representative or an authorized person from the Lead partner and/or the respective project partner. No notary certifications are needed at the stage of application". At the same time some of the documents required from the Bulgarian partners (as Ownership act, Positive Environmental Impact Assessment, detailed works design) must to be presented in notary certified copy. So, please give to the beneficiaries some final explanation about the form of the documents that must to be presented as a copy from the Bulgarian partners – in certified "True copy" form, or notary certified?</p>	<p>The full sentence in section "Important" on page 49 of the Guidelines for applicants says that: "<u>Unless stated differently</u>, all supporting documents must be presented either in original (when it is possible) or in the form of copies, certified "True copy" by the legal representative or an authorized person from the Lead partner and/or the respective project partner".</p> <p>You should follow the instructions for submission of each supporting document as described in the Guidelines for applicants.</p>
8	<p>It the Guidelines for Applicants is not clearly stated whether the branches of organizations (agencies) registered in the indicated districts (eligible area) can apply under the Programme or it refers only to organization, which main offices are located in the eligible area?</p>	<p>As an exception to the requirement the applicants to be legally established organizations according to the national legislation (p. 2.5.1 "General Criteria for Eligibility of Applicants" of the Guidelines for applicants) subsidiary structures of local/regional/national authorities are eligible applicants.</p> <p>Regional structures/branches of central organizations, other than local/regional/national authorities, are ineligible applicants under this Call for proposals. For Bulgarian applicants this means that even though a regional structure/branch may have its own registration code (as an extension to the registration code of its central body), it is still not a separate legal entity and therefore only the central structure could be a project partner.</p>
9	<p>How to determine the eligibility of "Southwest state enterprise" DP which is registered under the Forest law of Republic of Bulgaria:</p>	<p>The criteria for eligibility of applicants under the Programme are described in point 2.5.1 of the Guidelines for applicants. Please,</p>



Art. 163. (1) The management of forest areas - state property, which are not committed to the administrations or legal entities, is establishing state enterprises in compliance with Annex № 1.

2) The enterprises under paragraph 1 are legal entities with statute of state enterprise under art. 62, paragraph 3 of the Commercial law.

(3) The Minister of agriculture and foods defines with an ordinance the ranges of action of the state enterprises under paragraph 1.

Art. 164. The state enterprises under art. 163 have subsidiary structure:

1. Central structure;
2. Regional structures – state forestries and state reserves.

Article 165. (1) The main activity of the state enterprises under Art. is:

1. implementation of forest management plans for forest areas - state property;
2. implementation of the hunting plans in the state reserves and the state forestry;
3. implementation of maintenance and / or restoration activities in forest areas - state property included in protected areas management plans;
4. organizing and conducting of events for protection of forest areas - state property;
5. organizing and conducting of anti-erosion activities;
6. maintenance of the ecosystems diversity and biodiversity

note that these criteria are cumulative and must be fulfilled all together.

Particular attention should be paid to the following:

- Exception to the rule the applicants to be registered in the eligible cross-border region is made for national/regional public authorities whose area of competence, established by legal acts, extends to the eligible area of the programme. Further exception to this rule is the eligibility of applicants that are located outside the eligible cross-border regions, ensuring that the envisaged operations in the proposed project are for the benefit of the programme area.
- In order to be eligible, the applicants must be non-profit making organizations.



	<p>conservation;</p> <p>7. organization and assignment of design and construction activities in forests and lands in forest areas - state property;</p> <p>8. creating new forests on agricultural lands;</p> <p>9. protection of forest areas - state property;</p> <p>10. provision of public services.</p> <p>Article 166.</p> <p>(7) The state enterprises can apply for operational programs, as well as international, national and regional programs and can be equal participants in the procedures of the Public Procurement Act, except those for inventory, elaboration and implementation of forest management plans and programs.</p> <p>According to the Commercial Law</p> <p>ESTABLISHMENT</p> <p>Article 62.(3) State enterprises that are not trade companies can be established by law.</p> <p>According to the above laws can be considered that Southwest state enterprise Blagoevgrad is eligible under the program?</p>	
10	<p>I have a foundation established 10 years ago, but up to the current period the foundation was not operational. I would like to apply under the current Programme and therefore I intend to declare start of the operation of the foundation. In the documents concerning the eligibility of candidates is written the following:</p>	<p>To be eligible under the First Call for proposal the Lead partner and the other project partners should fulfil the requirements, described in p. 2.5.1 of the Guidelines for applicants.</p> <p>For explanation of "have suspended business activities" please refer to relevant EU Regulations and national legislation.</p>



	<p>"2) Potential applicants are not eligible to participate in calls for proposals if:</p> <p>(a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation, arising from a similar procedure provided for in the national legislation or EU regulations;"</p> <p>"In the cases referred to in points (a), (c), (d), (f), (h) and (i) above, the exclusion applies for a period of two years from the time when the infringement is established"</p> <p>Please provide me with explanation of "have suspended business activities", and its relation to "the exclusion applies for a period of two years from the time when the infringement is established".</p> <p>There is no any violation by myside for which the foundation to be inactive or suspended. I have declared that up to now and from the beginning the foundation is not operational. In my opinion now is the proper time to start its activity taking into consideration the project proposal I would like to apply for.</p>	
11	<p>There is no clear information stated in the Guidelines for Applicants if the "Non-government organizations", as a term, includes foundations. My question is prompted by the fact that in some text of the Guidelines is stated that the non-government organizations are eligible applicants, and in other texts the foundations are specified separately from the Non-government organizations. Is it the above discrepancy accidentally or the foundations are eligible applicants under some of</p>	<p>As specified in p. 2.5.1. of the Guidelines for applicants, the candidates should be non-profit making organizations, registered in the eligible cross-border region between Bulgaria and Serbia and directly responsible for the preparation and management of the action, not acting as an intermediary. Additionally the candidates should be legally established organizations (legal persons) according to the national legislation of the state on whose territory</p>



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	the Programme specific objectives (please see specific objectives 1.1, 1.2, 1.3 and 2.1 from the Guidelines for Applicants)?	they are located. Exceptions are also indicated there. The list of potential beneficiaries under each specific objective is indicative.
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