



**EUROPEAN UNION**

DELEGATION TO BOSNIA AND HERZEGOVINA

Sarajevo, 11<sup>th</sup> January, 2019

## **Clarification no. 1 to Guidelines for grant applicants**

Call for Proposal Title:

### **2nd Call for Proposals; Cross-border programme Bosnia and Herzegovina – Montenegro under the Instrument for Pre-accession Assistance (IPA II)**

Publication reference: **EuropeAid/161465/DD/ACT/BA**

Tender number: **EC/BIH/CfP/18/002**

#### **Question 1:**

Our association is interested to apply with a project under recently announced 2nd Call for Proposals, Cross-border programme Bosnia and Herzegovina - Montenegro 2014-2020.

I kindly ask you to provide clarification about eligibility of NGOs to apply for Lot 2, in a role of Lead applicant: The quality and diversification of the tourism offer building on natural and cultural heritage is improved.

#### **Answer 1:**

As per section 2.2.4 of the Guidelines to ensure equal treatment of applicants, the Contracting Authority cannot give a prior opinion on the eligibility of applicants, co-applicants, affiliated entity(ies), an action or specific activities. Deliberations of the Evaluation Committee concerning the eligibility criteria will be based on supporting documents as specified in sections 2.3 (STEP 3) and 2.4 of the Guidelines.

We draw your attention to section 2.1.1 of the Guidelines which details that:

#### **Lead applicant**

(1) In order to be eligible for a grant, the lead applicant must:

- be a legal person, **and**
- be non-profit-making, **and**
- be established in<sup>1</sup> either Bosnia and Herzegovina or Montenegro, **and**
- be directly responsible for the preparation and management of the action with the co-applicant(s) and affiliated entity(ies), not acting as an intermediary, **and**
- be a specific type of institution or organisation such as:

For Lot 2:

- o organisations responsible for maintenance and development of natural and cultural heritage;
- o tourism development organisations;
- o local, regional and central governments.

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<sup>1</sup> To be determined on the basis of the organisation's statutes, which should demonstrate that it has been established by an instrument governed by the national law of the country concerned and that its head office is located in an eligible country. In this respect, any legal entity whose statutes have been established in another country cannot be considered an eligible local organisation, even if the statutes are registered locally or a 'Memorandum of Understanding' has been concluded.

**Co-applicant(s)** must satisfy the eligibility criteria as applicable to the lead applicant<sup>2</sup>.

In addition to the categories referred to under Section 2.1.1 above, the following are, however, also eligible **for Lot 2 as co-applicants**:

- organisations, including NGOs, active in maintenance and development of natural and cultural heritage.

**Question 2:**

I have a question regarding "2nd Call for Proposals, Cross-border Programme Bosnia and Herzegovina - Montenegro 2014-2020."

Is there a possibility of receiving an advance payment and in which percentage?

**Answer 2:**

Yes, an advance payment if foreseen for the EU-financed grant contracts under external actions.

Call for Proposals, Annex G Standard Grant Contract includes the General conditions applicable to European Union-financed grant contracts for external actions (Annex II to the grant contract). Therein, Article 15 defines payment procedures, specifically for the advance payment:

15.1. The contracting authority must pay the grant to the coordinator following one of the payment procedures below, as set out in Article 4 of the special conditions.

Option 1: Actions with an implementation period of 12 months or less or grant of EUR 100 000 or less

(i) an initial pre-financing payment of 80 % of the maximum amount referred to in Article 3.2 of the special conditions (excluding contingencies);

Option 2: Actions with an implementation period of more than 12 months and grant of more than EUR 100 000

(i) an initial pre-financing payment of 100 % of the part of the estimated budget financed by the contracting authority for the first reporting period (excluding contingencies). The part of the budget financed by the contracting authority is calculated by applying the percentage set out in Article 3.2 of the special conditions;

For other payment instalments, please refer to the Article 15 of the said Annex.

**Question 3:**

Could you please provide the answer to the following question, related to the Call for Proposals published within the CBC Programme Bosnia and Herzegovina – Montenegro, Reference: EuropeAid/161465/DD/ACT/BA:

Can an activity take place outside the programme area, such as a study visit to an EU Member State, as long as the beneficiaries are from the programme area and it is for the benefit of the programme area?

We found that such cases are mentioned in Article 44 of the Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II).

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<sup>2</sup> In line with the cross-border nature of the programme, please note that the nationality of the lead applicant (either country A or B) automatically determines the nationality of at least one co-applicant (country B if the lead applicant is effectively established in country A or country A if the lead applicant is effectively established in country B).

**Answer 3:**

Please refer to the Section 2.1.4 of the Guidelines for Applicants for this Call for Proposals, for the eligibility of action with regard to its definition, location, duration, sectors or themes, types of action, types of activity. An action is composed of a set of activities. In the event an activity taking place outside of the programme is proposed, it will be assessed as a part of the action against the criteria and evaluation grid stated in the Guidelines.

Regarding your reference to the Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014, in the TITLE VI CROSS-BORDER COOPERATION, CHAPTER II Cross-border cooperation between Member States and IPA II beneficiaries, Article 44 defines the eligibility depending on location for these programmes.

Please note that this programme falls under CHAPTER III Cross-border cooperation between IPA II beneficiaries or between IPA II beneficiaries and countries under the European Neighbourhood Instrument. Therein, Article 53, Selection of operations defines:

" 1. Operations selected under a cross-border cooperation programme shall deliver clear cross-border impacts and benefits.

2. Operations under cross-border cooperation programmes shall be selected by the contracting authority through calls for proposals covering the whole eligible area.

3. Participating countries may also identify operations outside call for proposals. In that event, the operations shall be specifically mentioned in the cross-border cooperation programme referred to in Article 49. 3.5.2014 L 132/50 Official Journal of the European Union EN

4. Operations selected for cross-border cooperation shall involve beneficiaries from at least two participating countries. Beneficiaries shall cooperate in the development and implementation of operations. In addition, they shall cooperate in either the staffing or the financing of operations or both.

5. An operation may be implemented in a single participating country, provided that cross-border impacts and benefits are identified."

**Question 4:**

Within the Guidelines for grant applicants, point 2.1.1. Eligibility of applicants (i.e. lead applicant and co-applicant(s)), for Lot 2 reads:

“Lead applicant

(1) In order to be eligible for a grant, the lead applicant must:

- be a legal person, and
- be non-profit-making, and
- be established in either Bosnia and Herzegovina or Montenegro, and
- be directly responsible for the preparation and management of the action with the co-applicant(s) and affiliated entity(ies), not acting as an intermediary, and
- be a specific type of institution or organisation such as:
  - o organisations responsible for maintenance and development of natural and cultural heritage;
  - o tourism development organisations;
  - o local, regional and central governments.”

Question 1: Are NGOs absolutely ineligible for a grant as lead applicant, under the Lot 2?

Question 2: What are criteria for organization to comply with the “organisations responsible for maintenance and development of natural and cultural heritage” requirement?

Question 3: What are criteria for organization to comply with the “tourism development organisations” requirement?

We are aware that the contracting authority, in order to ensure equal treatment of applicants, cannot give a prior opinion on the eligibility of specific lead applicants but general eligibility criteria should be clarified within the call for proposals.

**Answer 4:**

As per section 2.2.4 of the Guidelines to ensure equal treatment of applicants, the Contracting Authority cannot give a prior opinion on the eligibility of applicants, co-applicants, affiliated entity(ies), an action or specific activities.

Whether an organisation falls under a specific type of institution and other eligibility criteria stated in the Guidelines for Applicants, is a part of deliberations of the Evaluation Committee based on supporting documents as specified in sections 2.3 (STEP 3) and 2.4 of the Guidelines.

Please refer also to the Answer 1 above.

**Question 5:**

With reference to your 2nd call for proposals, I would like to kindly ask you if our foundation, with registered representative office in Bosnia and Herzegovina since 2014, is also eligible to apply?

Kindly note, that our representative office is considering applying for this programme with our partner organisations, but we would be mostly grateful if you could confirm to us that the representative office in Bosnia is considered as a suitable legal entity that can apply according to your organisation’s guidelines?

**Answer 5:**

As per section 2.2.4 of the Guidelines to ensure equal treatment of applicants, the Contracting Authority cannot give a prior opinion on the eligibility of applicants, co-applicants, affiliated entity(ies), an action or specific activities.

Please refer to Section 2.1.1 of the Guidelines for grant applicants, which details the eligibility criteria.