

GUIDELINES

of the Managing Authority of Interreg-IPA CBC Programmes Republic of Bulgaria - the Republic of Serbia, the Republic of Bulgaria - the Republic of Turkey, the Republic of Bulgaria and the Republic of North Macedonia

Revised on 23.04.2020

In relation to the emergency measures introduced on the territory of the Republic of Bulgaria as of 13.03.2020 as well as the emergency measures on the territories of the partner countries, the Managing Authority of the Interreg-IPA Cross-border Cooperation Programmes 2014-2020 Republic of Bulgaria - the Republic of Serbia, the Republic of Bulgaria - the Republic of Turkey, the Republic of Bulgaria and the Republic of North Macedonia, provides the following guidelines for the period until the end of the emergency situation:

I. CONTRACTING

The Managing Authority will ensure a continuous process of pre-contracting and conclusion of contracts in order to prevent any delays in the contracting of the Interreg-IPA Cross-border Cooperation programmes 2014-2020.

The pre-contracting procedures will be carried out in written form or via video-conference with the Lead Partner, where deemed necessary. On-the-spot checks shall be planned and carried out in accordance with the specificities and requirements of the emergency measures in the respective partner countries.

The preparation of subsidy contracts follows the established procedure. Subsidy contracts will be sent by courier services to be signed and sealed by the Lead Partner.

II. PROJECT IMPLEMENTATION

1. Analysis of the project activities

Where the emergency measures announced affect the implementation of the project, the partners should analyze the planned activities, including the information and publicity measures, in order to assess which activities may be postponed at a later date and which may be continued as planned. **If a necessity arises** that an event should be cancelled/ postponed, including due to inability of the partners / stakeholders to be present, due to restrictions imposed

by the above-mentioned emergency measures or for other objective reasons **and in order to minimize the negative impact on the work plan implementation**, partners should consider alternatives, such as online conferences/ video conferences, etc., while as concerns information and publicity measures - online broadcasts on social media, television, radio and more. In all cases, beneficiaries should submit analysis of the remaining project activities/events, detailing their implementation or plans for modification/re-organization. The above analysis is to be submitted with the Project progress report following the date of the announcement of the emergency measures.

The reporting of these activities shall include the **corresponding supporting materials** - invoices, payment orders, bank statements, accounting records, service acceptance protocols, attendance lists, program of the event, copy of the publication, "screenshots" from online / video link, materials used / produced, media certificate, event protocols, contractor report, etc., relevant contracts and tender procedures (if applicable), as well as any other means of proof described in the Project Implementation Manual.

In case the partners choose to carry out any of the activities alternatively, the Lead Partner must submit the relevant **Request for modification through the Beneficiary Portal according to the procedure** described in the section on modification of the grant contracts in the Project Implementation Manual of the respective programme.

NB! The Lead Partner shall maintain constant contact with the Joint Secretariat on any changes to the subsidy contract that may be triggered by the emergency measures introduced.

2. Suspension

In relation to the declared state of emergency in the Republic of Bulgaria and emergency measures in the partner countries, based on a justified request by the Lead partner on the grounds of Art. 11, para. 8, sentence 2, in connection with Art. 21, para. 1, sentence 2 of the subsidy contract, supported by the relevant evidence of actual inability to carry out the project activities, the MA will allow a temporary suspension of the deadline for implementation of the subsidy contract. The request for suspension must be signed by the legal representative of the Lead Partner and sent in the form of a scanned document to the e-mail address: ectm@mrrb.government.bg The Lead Partner should specify the period of the suspension with start and end date, which cannot be longer than the declared emergency period or the respective emergency measures. The MA will notify the Lead partner by a formal letter for the suspension

period for each individual subsidy contract. The Suspension period may be extended if the state of emergency/the emergency measures on the territory of the country concerned continues and / or in case other necessity justified by the Lead Partner. For that purpose, the Lead Partner shall notify the MA following the steps described above. The duration of the subsidy contract is extended by a period equal to the suspension period.

Project partners should bear in mind that **no project activities should be carried out during the contract suspension period**. Expenditure on activities performed during the period of suspension of the contract is not eligible for reimbursement and remains at the expense of the beneficiary. **Reporting requirements related to content, forms and deadlines remain unchanged. Beneficiaries should ensure timely reporting to all programmer authorities.**

NB!!!Service / Supply / Works contracts suspension

Beneficiaries of subsidy contracts under suspension, who have concluded Service / Supply / Works contracts for the implementation of the project activities under the PRAG rules **should adhere to the relevant suspension clauses from the Special and General Conditions to the contracts, and the applicable legislation.**

The notice of suspension by the contracting authority should be made in writing, by sending a **notification letter or administrative order** to the contractor, subject to the specific applicable national legal rules and rules relevant to the type of activity subject to the performance of the contract. The notification letter/administrative order should include reference to the relevant suspension clauses of the Special and General conditions of the Service / Supply / Works contract, defined timeframe of the suspension of the contract and the relevant identification of the programme, project, and contract. Beneficiaries should bear in mind that the above-described clauses of the General Conditions to the Service / Supply / Works Contract do not imply an extension of the deadlines for implementation of the activities under the concluded contracts with the contractors, but rather their temporary suspension, and should not lead to the conclusion of additional agreements for extension of those contracts.

In case of contracts concluded after single tender procedure or below the threshold of 2500 euro, where, as per the applicable draft contracts the only possibility for suspension is "Contracting Authority not fulfilling payment and other obligations", beneficiaries must consider Art. 11, para 9 of the Subsidy contract according to which no project activities should be carried out during the suspension period; expenditure on activities carried out

during the period of suspension of the Subsidy contract is not eligible for verification and recovery from the subsidy. Hence, **beneficiaries are advised to inform their contractors that they will not be able to fulfill the payments under the respectful contract, as well as other obligations due to the suspension of the Subsidy contract and force majeure.**

The notice of suspension by the contracting authority should be made in writing, by sending a notification letter to the contractor, subject to the specific applicable national legal rules and rules relevant to the type of activity subject to the performance of the contract. The notification letter should include reference to the relevant suspension clauses of the Service / Supply / Works contract, defined timeframe of the suspension of the contract and the relevant identification of the programme, project, and contract. The beneficiaries shall also include request for written confirmation from the contractors for the suspension, in accordance with the provisions of the Service / Supply / Works contract.

Following the termination of the emergency situation/ emergency measures, justifying the suspension, the Lead Partner shall not send a request for renewal of the project implementation, as the MA will notify the Lead partner of the new final date for the completion of the subsidy contract activities. The Lead partner may also request renewal of the implementation from a date preceding the end of the emergency, and the MA again will notify the Lead partner of the deadline for completion of the project.

Within **15 calendar days** following the renewal of the implementation period, the Lead partner shall present to the JS **analysis of the planned activities** taking into consideration any impediments as a consequence of the measures related to COVID-19, as well as the possibilities to implement soft measure activities by alternative means, including digital ones. Within this deadline and where necessary the Lead Partner shall present to the JS notification for small content change with updated Duration and action plan or the relevant request for contract modification to the MA. Where the project implementation is close to its end a shorter deadline might be specified in the MA letter regarding the suspension.

3. Contracts for the implementation of the project activities

In case of **subsequent impossibility to execute the contract with the contractor under the conditions under which it was signed, especially with regard to the deadline for execution, the beneficiaries, which are contracting authorities under PRAG rules may allow changes in the terms of the contract only if the non-fulfillment is due to "force majeure" / "exceptional circumstances"**, respectively defined in the contract with a specific

contractor and / or in strict compliance with the provisions of Art. 21 of the subsidy contract. In such cases, the beneficiaries should refer to the contingency clauses of the contract with the contractor, in compliance with the relevant provisions of national law, including construction standard rules (such as The Construction Act for the Bulgarian beneficiaries), where applicable.

4. Period of implementation of the subsidy contracts

According to the Project Implementation Manual, the duration of the implementation of the subsidy contracts cannot be extended beyond the maximum allowed for the relevant Specific Objective, set out in the Application Guidelines.

III. REPORTING, DOCUMENTARY AND ON-THE-SPOT CHECKS

1. The reporting to the Joint Secretariat and the submission of requests for First level control are maintained in the established format - by electronic exchange of documents through the Beneficiary Portal.

2. Documentary checks carried out by the Joint Secretariat and the Controllers of the First Level of Control shall continue on a regular basis.

3. The on-the-spot checks carried out by the Joint Secretariat and the Controllers of the First Level of Control will be tailored to the specificities and requirements of the emergency measures in the partner countries. At the discretion of the Joint Secretariat / FLC controllers and after approval by the Managing Authority, "**virtual on-the-spot checks**" may be carried out for the preparation of which the beneficiaries will be duly instructed. Checks on elaborated intellectual products, events already held, software, websites and promotional materials will only be carried out electronically, which may require the submission of copies by mail, which will be considered in compliance with anti-epidemic measures. On-the-spot checks shall be planned and carried out in accordance with the specificities and requirements of the emergency measures in the partner countries.

4. In case of failure to comply with deadline for the implementation of recommendations made during on-the-spot checks, in connection with a request for a First level control or a quarterly/final progress report, due to the state of emergency/the emergency measures in the country concerned, the Lead Partner should notify the Joint Secretariat / First Level of Control via a letter signed by the Lead Partner's legal representative and sent via the Beneficiary Portal or email: e-tcm@mrrb.government.bg, with a reasoned request and an indication for a specific new deadline.

IV. REQUESTS FOR PAYMENTS, DECISIONS FOR IMPOSING FINANCIAL CORRECTIONS, RECOVERIES TO MA

1. The MA will continue to process requests for advance, interim and final payments. Upon request by the MA for additional information and / or corrections on received payment requests, the deadline for sending these starts/ continues to run from the date of cancellation of the state of emergency declared in the Republic of Bulgaria by Decision of the National Assembly of 13.3.2020. We recommend if it is possible, the beneficiaries to submit the necessary documents in due time.

2. The MA will continue to process irregularities signals with respect to the partners on the territory of the Republic of Bulgaria and will issue decisions for imposing financial corrections. The term for written objections within the meaning of Art. 73, para. 2 of the Bulgarian Law for the Management of the European Structural and Investment Funds, shall start/continue to run from the date of cancellation of the state of emergency declared in the Republic of Bulgaria by a decision of the National Assembly of 13.3.2020.

1. The MA will continue to prepare letters for financial corrections recovery amounts and unsolicited advance payments. The time limits for recovery indicated in the letters shall start/ continue to run from the date of cancellation of the state of emergency declared in the Republic of Bulgaria by a decision of the National Assembly of 13.3.2020.

V. OTHERS

All other guidelines and requirements related to the application and implementation of projects under the programmes remain unchanged.

Follow up-to-date information on programmes' websites:

<http://www.ipa-cbc-007.eu/>

<http://www.ipacbc-bgrs.eu/>

<http://www.ipacbc-bgtr.eu/>

as well as the on the website of the Ministry of Health: www.mh.government.bg, regarding the emergency measures valid for the Republic of Bulgaria.

Please send us any specific questions regarding the implementation of the contracts during the period of the introduced emergency measures in Bulgaria and the partner countries to the following e-mail: e-tcm@mrrb.government.bg