Partnership Changes during implementation

In the first stage, the Lead Beneficiary will request the change in partnershipinitiating a Modification Request in e-MS as described in chapter 16 of PIM and proceeding with the following actions as soon as the JS accepts the Modification Request and opens the Project Application for editing:

* + - 1. Modifying in accordance with the newly proposed partnership at least the following parts of the Project Application:
         1. Section “Project partners” – the information on the withdrawing partner will be retained with the indication of its “withdrawn” or “inactive” status, and in case a new partner is proposed, the required information will be provided, including VAT recoverability, type of partner (local/public authority), legal status, relevance of the beneficiary for the field addressed by the project and relevant previous financing history of the newly proposed partner;
         2. Section “Workplan per work packages - the division of activities and tasks within the new partnership will be made without altering the initially approved activities, their main outputs and deliverables, except for specific dully justified cases;
         3. Part D. Project Budget – the budget reallocations will be operated in e-MS according to the format and requirements of the Project Application and Applicant’s Guide applicable for the respective project;

Any other part of the Project Application, if affected by the partnership change, will be revised.

* + - 1. Uploading in section “Attachments” of the new Project Application at least the following documents along with their English translation, if issued in language other than English:

1. Note containing information supporting the reasons for requesting the change in partnership and describing in detail all the modifications in the project that the partnership change entails; in case a new partner enters the partnership, its relevance for the project should be explained and, if the case, supported by relevant evidence;
2. Decision of the Project Steering Committee for:
   * change of the partnership and termination of the Partnership Agreement, in case a partner is withdrawing “in full”. The decision can take the form of a document, signed/issued by each Partner, including the withdrawing one, stating their request/agreement with the termination of the original partnership and the set-up of a new one, or
   * change of the partnership and amendment of the Partnership Agreement, in case a partner is withdrawing “in part”, i.e. remaining part of the partnership with “inactive” status. The decision can take the form of a document, signed/issued by each Partner, including the withdrawing one, stating their request/agreement with the change of the original partnership and the conditions (division of tasks and budget within the new partnership) under which the change will occur;
3. Legal documents proving the establishing of the newly proposed partner, if the case (law, decree, government decision, statute, registration act, article of association etc.); if the legal document is a law, government decision or any similar very large document, only the relevant sections of the document will be translated;
4. Partnership Declarationin accordance with the newly proposed partnership, issued by each partner, including the partner that is withdrawing “in part”, if the case[[1]](#footnote-1);
5. Declaration of Eligibility issued by the newly proposed partner, if the case1;
6. Declaration of Commitment1 , issued by the newly proposed partner or by the partner with proposed increase of the budget in case (part of) the activities/budget of the withdrawing partner are taken over by the already existing partners; In case the newly proposed partner or the one taking over (part of) the activities and budget of the withdrawing one is a Bulgarian second degree depositor (District administrations for example), the letter of support to the project from the respective first degree depositor is required together with the Declaration of Commitment (Council of Ministers for the given example).

NB: **The new/amended Partnership Agreement or draft addendum to the subsidy and co-financing contract (for RO partners) will not be submitted in the first stage!**

Clarifications and additional documents, if necessary, may be requested by the management structures of the Programme during the verification process as each partnership change will be analyzed on a case-by-case basis. After the verification process, the proposal for modification of the partnership will be subject to approval by the Monitoring Committee of the Interreg Ro-Bg Programme.

In case of Monitoring Committee approval, the Lead Beneficiary will be invited to proceed to the second stage by uploading in section “Attachments” of the new Project Application in e-MS the necessary documents for the Addendum:

1. Draft addendum to the subsidy contract, and for existing Romanian partners, the draft Addendum to the Co-financing contract/Monitoring Agreement in editable (word) version[[2]](#footnote-2);
2. New Partnership Agreement[[3]](#footnote-3), in case the previous one was terminated, or Addendum for modification of the Partnership Agreement, reflecting the newly proposed partnership;
3. Revised “Overview of equipment, services and works to be purchased by each beneficiary”4;
4. Decision of the empowered body (County Council, Board of directors, etc.) regarding the availability of own resources and ensuring the temporary availability of funds until they are reimbursed by the programme 4 of the newly proposed partner or/and the partner(s) with budget increase, depending on the case and appointing the project management team for the newly proposed partner, if the case[[4]](#footnote-4);
5. Criminal record of the legal representative of the newly proposed partner, along with an English translation certified by an authorized translator;

and, in the case of a new Romanian partner, the LB will be also invited to upload in e-MS and submit to the JS in original the documents necessary for preparing a co-financing contract with the new partner(s), namely:

1. The certificate from the district court attesting that the organizations is not in dissolution process (for Romanian NGOs only), a translation certified by an authorized translator is required;
2. Fiscal certificate regarding the fulfillment of the obligations related to the payment of debts to the consolidated state budget, a translation certified by an authorized translator is required;
3. Fiscal certificate regarding local taxes, a translation certified by an authorized translator is required;
4. The document regarding the appointment of the legal representative of the new partner (shall be submitted in a notary certified copy) along with English translation;
5. Declaration on own responsibility during pre-contracting phase regarding double financing, issued by the legal representative of the new partner4;
6. Financial identification form regarding the bank account in RON4;
7. Declaration regarding State Aid4, issued by the legal representative of the new partner;
8. Declaration on own responsibility regarding the type of beneficiary4 issued by the legal representative of the new partner;
9. Foundation sheet, annex to Order no. 5687/1799/2017 amending and supplementing the Methodological Norms for the application of the Government Ordinance no. 29/2015 on the management and use of non-reimbursable external funding and national public co-financing for the "European Territorial Cooperation" objective, 2014-2020;
10. The document regarding the right of property where the project will be implemented (rental contract, free use contract) in order to certify that the partner has a proper office to implement the activities (shall be submitted in notary certified copy)

The abovementioned list of documents is only indicative, other documents may be requested by the Programme Management Bodies in order to prepare the co-financing contract. All documents must be valid at the date of submission.

Given the time necessary for the termination of the co-financing contract of the withdrawing partner(s) and the preparation of a new one for the new partner, the new partnership will be offered the possibility to have the project suspended by the Managing Authority until the signing of the Addendum and the new co-financing contract.

If the project implementation cannot be suspended (due to, for instance, ongoing procurement procedures or activities), the Managing Authority will proceed with the signature of the Addendum to the Subsidy Contract, thus allowing the project continuation within the new partnership.

In case the new partner is Bulgarian organization, the Co-financing contract will be concluded with the National Authority and therefore the new partner shall submit to the NA the documents indicated in the List of documents required by Bulgarian partners included in annex Co-financing package – for Bulgarian beneficiaries, attached to PIM.

1. Will be drafted in accordiance with standard form, available in the Applicant’s Pack for the applicable call for proposals, adapted where necessary to the case in concern [↑](#footnote-ref-1)
2. Will be drafted in accordance with the dedicated template, available in section „Templates” on the Programme website, <http://www.interregrobg.eu/en/rules-of-implementation/templates.html> [↑](#footnote-ref-2)
3. Will be drafted in accordance with the dedicated template, available in section „Templates” on the Programme website, <http://www.interregrobg.eu/en/rules-of-implementation/templates.html> [↑](#footnote-ref-3)
4. Will be drafted in accordance with the dedicated template, available in section „Templates ->Precontracting documents”on the Programme website (<http://www.interregrobg.eu/images/fisiere/rules-of-implementation/tipizate/pre-contractare.zip>) [↑](#footnote-ref-4)