**Lead Partner Statement**

Before filling in the statement with due care and attention, the Lead Partner is requested to read the Guidelines for Applicants carefully. This form shall not be altered or amended in any way.

I, the undersigned, *[name, surname],* as the legal representative of *<name of the Lead Partner´s organisation in original language*> acting as Lead Partner in the project[[1]](#footnote-1) < *project acronym*>, declare that:

* I am legally authorised by my organisation to sign this statement;
* I accept the obligations as Lead Partner deriving from the Subsidy Contract, which will be signed with the Managing Authority after the approval of the project proposal, and I will respect the engagements deriving from the Partnership Agreement;
* I acknowledge that untruthful/false declarations, in addition to the administrative consequences and the request for refunding of unduly received contributions charged with the interests, can also be prosecuted by the penal code;
* the information provided in this document is true and complete and I am aware that, in case of approval of the project proposal, any intentional false declaration may lead to cancelation of the Subsidy Contract and repayment of the already received EU funds;
* I assume responsibilities for entire Operation. As Lead Partner, I am responsible for the overall coordination, management and implementation of the Operation and I will manage the received funds for this Operation in accordance with the details of the Partnership Agreement.
* I agree with and accept all the conditions, stated in the Application Package;
* all information contained in the submitted Application is correct and true to the best of my knowledge;
* the project proposal is in line with the relevant EU and national legislation and policies of the country involved;
* I agree with the method of assessment and selection and data processing used;
* I am aware of the Programme rules on reimbursement of EU funds and confirm the availability of own resources for co-financing[[2]](#footnote-2) the activities.

**The organisation I represent:**

* is not bankrupt or wound up, has not its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or EU regulations;
* has not been convicted of an offence concerning professional conduct by a judgment which has the force of res judicata (i.e., against which no appeal is possible);
* is not guilty of serious professional misconduct proven by any means;
* has fulfilled all obligations relating to the payment of debts to the consolidated state budget[[3]](#footnote-3);
* has not been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities or national financial interests;
* has not been declared to be in serious breach of contract for failure to comply with their contractual obligations in connection with a procurement procedure or other award procedure financed by the Community or national budget;
* has not benefited of the financing support from public funds for the same Application and do not apply for other funding programmes with this Application;
* or its legal representatives are not subject to a conflict of interests;
* or its legal representatives are not guilty of misrepresentation in supplying the information required by the Managing Authority /Joint Secretariat as a condition of participation in the Call for Proposals;
* or its legal representatives has not attempted or will not attempt to obtain confidential information or influence the management bodies during the assessment and selection process of current or previous Calls for Proposals;
* has the administrative, financial and human capacities to implement the Operation;
* will act according to the provisions of the relevant EU regulations, the Programme and national rules, especially regarding sustainable development, equal opportunities and non-discrimination and gender equality;
* will act according to EU Taxonomy criteria and financed actions/activities will not have harmful impact on the environment (they are compliant with DNSH principle);
* will ensure that, for investments in infrastructure with an expected lifespan of at least five years, an assessment of expected impacts of climate change is carried out;
* commits itself in complying with the relevant public procurement rules.

**I agree:**

* that the information and data contained in the Operation can be processed and stored by authorised bodies and used for the statistical purposes and controls according to regulations concerning data security;
* on provision of additional data or documents related to the project proposal or project partnership if so required by the Programme authorities in the project assessment and selection process;
* that in the event of this project proposal being approved, the Programme authorities have the right to publish the name and address of the organization and its partners and the amount awarded and the rate of funding.

**Lead Partner's declaration about double funding**

*Double funding occurs where the same expenditures are funded twice through the use of public funds.*

I, hereby declare that the organization I represent is:

1. **not applying for other funds** in the form of grant for the same activities, that is described within the current Application submitted under 2nd Call for Proposals for Interreg VI-A IPA Programme Croatia-Serbia 2021-2027;
2. **not receiving other funds** in the form of grant for the same activities, that is described within the current Application submitted under 2nd Call for Proposals for Interreg VI-A IPA Programme Croatia-Serbia 2021-2027.

**Lead Partner's De-minimis self-declaration**

*Please complete this declaration of previous State aid received under the De Minimis rule*.

I declare that,

* the institution I represent and all other entities belonging to the same company group as my

institution**have not received** any contribution falling under the ***de minimis Regulation***during the

previous three fiscal years (this being the current fiscal year and the previous two fiscal years);

* the institution I represent and all other entities belonging to the same company group as my

institution **have received** the following contribution(s) falling under the ***de minimis Regulation***

during the previous three fiscal years (this being the current fiscal year and the previous two fiscal years):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Fiscal Year** | **Institution providing the**  **de minimis aid** | **Beneficiary**  **(as defined in**  **De-Minimis Regulation)** | **Amount of the contribution in EUR** | **Date of granting** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

In case that after signing of the Subsidy Contract and during the implementation of the Operation under ***the Programme***, the institution I represent receives a de minimis aid in accordance with ***de minimis Regulation***, irrespective of the form and source, I shall notify the Managing Authority and Joint Secretariat in written within 5 working days.

**Lead Partner's State aid self-declaration**

In accordance to Article 107(1) of TFEU, State aid 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 insofar as it affects trade between Member States.

In that respect, State aid is usually understood to be aid given to an economic undertaking that is seen as distorting or threatening to distort competition in the internal market. Subsidies granted to individuals or general measures open to all enterprises do not constitute State aid.

It is very important to be aware of the definitions of a number of key terms:

* Undertaking: An undertaking is an entity carrying out an economic activity, regardless of the legal status of the entity and whether it aims to make a profit. Participating in an economic activity is enough to determine whether an entity is an undertaking or not. If an entity is not profit-oriented, State aid rules will apply as long as it competes with companies that are profit-oriented. Therefore, not only private companies are subject to State aid rules but also public authorities if they carry out an economic activity on the market.
* An economic activity is defined as any activity involving the offer of goods or services on a given market.
* Non-economic activities are understood as activities that can only be carried out by the State, such as issuing passports and the provision of similar public goods for which there is no market. This is a fluid term, and understanding is subject to frequent modification. Many Operation activities could be considered economic activities but are not considered State aid because they do not confer a competitive advantage.
* Competitive advantage is defined as any economic benefit the undertaking would not normally gain under normal market conditions.

Consider these questions from the perspective of any organization which could benefit directly (e.g. beneficiaries) or indirectly (e.g. target groups) from the Operation. **Please select YES or NO for all four (4) questions. Please note that first two criteria are automatically fulfilled for Interreg IPA Programmes and therefore you must select YES.**

|  |
| --- |
| 1. **Is the support provided/granted by the State or through State resources?**   The definition of state resources is aid that is granted by the State; this includes all public and private bodies controlled by the State to distribute public funds. State resources include Funds not permanently belonging to the State, but which the State may award, such as European funds like IPA, ERDF, etc.  **This criterion is automatically fulfilled for Interreg IPA Programmes.**    **Yes No**  **If no, please provide an explanation.** |
| 1. **Does the support confer a selective advantage to an undertaking?**   The intervention gives an advantage on a selective basis, for example to specific companies or industry sectors, or to companies located in specific regions.  *or*  A benefit which is granted for free or on favourable (non-commercial) terms to some selected undertakings (but not others), could be State aid.  **As grants within Interreg IPA Programmes are awarded only to certain entities, the selective criterion is always present.**  **Yes No**  **If no, please provide an explanation.** |
| 1. **Does the support distort or have the potential to distort competition?**   If the support has the potential to strengthen the position of the beneficiary in relation to other competitors, then this criterion is likely to be met. The potential to distort competition does not need to be substantial or significant, and this criterion can apply to relatively small amounts of financial support and firms with little market share.  If all the above conditions under this point (3) are fulfilled, this criterion is automatically met (except for the case when the beneficiary has a legal monopoly).  **Yes No**  **If no, please provide an explanation.** |
| 1. **Does the support affect trade between Member States?**   It is sufficient that a product or service is tradeable between Member States, even if the recipient of support does not itself export to other EU markets. This test is not met only in very limited circumstances, e.g. where a single, small business is involved in much localized activity, e.g. hairdressers.  **Yes No**  **If no, please provide an explanation.** |

**If all of four criteria above are marked as “yes” please consider the following questions:**

|  |
| --- |
| **Please provide a summary of your initial assessment of whether the part or entire Operation is State aid:** |
| **Please also provide details of any particular areas of uncertainty or questions which you would like the Steering Committee to consider:** |

**I 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 Criminal Law.**

*Name of the Signatory Date*

*Position of the Signatory Signature*

1. Project = Application = Project proposal = Operation. [↑](#footnote-ref-1)
2. Each Project Partner has to ensure at least 15 % of total partner budget from other sources than IPA III/ERDF necessary for the implementation of the Operation. Amount of the own contribution is binding. [↑](#footnote-ref-2)
3. Applicants are eligible if an agreement has been reached on the rescheduling / postponement of debt payment. [↑](#footnote-ref-3)