**Annex A/LP**

**Lead Partner (LP) Declaration**

|  |  |
| --- | --- |
| Organization official name | National language |
| Organization official name | English language |
| Abbreviation |  |
| Organization type | * Public Body * Bodies governed by public law * No-profit organisations |
| Legal Status/form |  |
| VAT number |  |
| Address of head office |  |
| Postcode |  |
| P.O. box |  |
| City |  |
| Country |  |
| Phone |  |
| Email |  |
| PEC email *(compulsory only for italian Partners)* |  |

1. **Lead Partner Declaration on responsibilities**

I, the undersigned*, [name, surname],* as the legal representative of *<name of the Project Partner´s organisation in original language*> acting as *Lead Partner* in the project < *project acronym*>,

declare that

* I am authorised by my organisation to sign the Subsidy Contract;
* I accept the obligations as Lead Partner deriving from the Subsidy Contract, which will be signed with the Managing Authority 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;
* all information contained in this Application is correct and true;
* I agree that the project proposal is submitted to the Monitoring committee for approval, only if compliant with the content and technical requirements of the programme, which shall be confirmed by the analysis of the Joint Secretariat/Managing Authority and final approval by the Monitoring committee;
* the information provided in this document is true and complete and I am aware that, in case of approval of the Operation by the Monitoring committee, any intentional false declaration may lead to cancelation of the Subsidy Contract and repayment of the already received IPA funds;
* I assume responsibilities for the 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;
* The organization I represent has the administrative, technical and financial capacity to implement the project proposal and has the necessary financial resources and mechanism to cover the operation and maintenance costs for infrastructures and investments if implemented within the project, so as to ensure their financial sustainability;
* The organization I represent will act according to the provisions of the EU law, the specific provisions of the Programme and national rules, especially regarding structural funds, state aid, equal opportunities and non-discrimination and sustainable development;
* The organization I represent will act according to EU Taxonomy criteria established in EU Reg. 2020/852 and the financed actions not have harmful impact on the environment;
* The organization I represent commits itself in complying with the relevant public procurement rules and procedures (European, National, Programme and Internal rules);
* The project proposal is in line with the relevant EU and national/regional legislation and policies of the Regions and Countries involved;
* The organization I represent gives its consent to the collection, recording, storage, processing and transfer of personal data in the database of the Programme Authorities and management bodies, as well as data transfer to third parties identified in Interreg IPA SOUTH ADRIATIC Programme’s privacy policy (i.e. European Commission) in compliance with the provisions of EU Reg. 2016/679 (GDPR regulation), and, in case of project proposal approved for funding, acknowledges that the Programme Authorities shall publish its name and address, the main contents of the project proposal, the amount awarded and the rate of funding according to article 49(3) of EU Reg. 2021/1060 and other relevant applicable rules;
* 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;
* 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;
* its legal representative and involved staff of the organization are not subject to a conflict of interests;
* its legal representative is 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;
* its legal representative 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.

I am aware that JEMS allows different users and I have authorized the access to JEMS accordingly; I confirm that the responsibility of any activities performed in JEMS by any users remains exclusively within my organization.

I am aware that the project proposal may be subject to a full eligibility and quality assessment, only if it fulfils the relevance filter requirements, and I confirm that all project partners comply with the eligibility and admissibility rules, as specified in the call.

1. **Lead Partner power of signature**

I, undersigned, [name of the legal representative], born in [city, country ] on [date of birth ], declare that:

I am entitled to represent the [lead partner], according to [legal document which entitles/appoints the person to be a legal representative].

***OR***

I have received the delegation of the power of signature by the legal representative Mr/Ms xxxxxxxx according to [legal document which entitles/appoints the person to be a delegated representative].

For that reason, I am entitled to represent the [project title] on behalf of the [lead Partner], and to sign the necessary declarations for the submission of the project proposal.

Furthermore, I declare that (please tick, if relevant):

🞎 The organisation, I represent, has participated already in calls of the 2014-2020 Interreg IPA CBC Italy-Albania-Montenegro and succeeded in the eligibility check. The respective legal Statute or articles of associations have not substantially changed, compared to the version submitted to the programme in previous calls.

***OR***

🞎 I herewith submit a copy of a valid legal Statute and/or articles of associations of the organisation, I represent, as it participates for the first time or as substantial changes occurred.

1. **Lead Partner declaration about the legal status and sources of contribution**

**2a) Legal status**

*Please tick, where applicable*

The organisation I represent has

public legal status (included bodies governed by public law[[1]](#footnote-1))

private legal status

**2b) Sources of contribution for co-financing (check the table below)**

|  |  |  |
| --- | --- | --- |
| **Source of contribution\*** | **Private** | **Public** |
| Own contribution \* |  |  |
| Other funding: |  |  |
| 1. *1. <name of the co-financing organisation*> |  |  |
| 1. *2. <name of the co-financing organisation*> |  |  |
| 1. *3. <name of the co-financing organisation*> |  |  |

*\** Each Lead has to ensure at least **20%** (for Italian beneficiaries) and **15%** (for Albanian and Montenegrin beneficiaries) of total costs from other sources than IPA necessary for the implementation of the Operation. The sources can be own contribution and other funding. The amount of the own contribution is binding.

For Italian partners: Public bodies, bodies governed by public law and no profit organizations receive automatic public co-financing according to the CIPESS Resolution n.78/2021. For Albanian and Montenegrin partners: Please specify source of co-financing.

1. **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 governed by me is:

1. **not applying for other funds** in the form of grant for the same activities, that are described within the current Application submitted under this Call for Proposals for Interreg IPA SOUTH ADRIATIC;
2. **not receiving other funds** in the form of grant for the same activities, that are described within the current Application submitted under this Call for Proposals for Interreg IPA SOUTH ADRIATIC;
3. **not generating revenue from the same activities,** that are described within the current Application submitted under this Call for Proposals for Interreg IPA SOUTH ADRIATIC. In case during the implementation phase the Operation generates revenues, detailed, timely, adequate and traceable information concerning the generated revenues shall be kept.
4. **State Aid Self-Declaration**

I declare that:

1.Within the State Aid\*rules and in regard with the planned activities in the project proposal under the Interreg IPA SOUTH ADRIATIC Programme the organisation I represent shall be considered as

undertaking[[2]](#footnote-2)

not undertaking;

2. The activities described in the project proposal are

economic/market-oriented

are not economic/market-oriented

**Provide motivations** (compulsory):

…..

(*please provide here clear motivations why project activities may be considered or NOT as performed by an undertaking and as economic/marked oriented activities or NOT and why they might or might not negatively affect trade between Participating Countries in the given privatised market).*

**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**

**according to the relevant penal law.**

*Name of the Signatory Place and date*

*Position of the Signatory Signature*

*Official stamp of the Signatory Structure (if existing)*

Please attach to this declaration the following documents:

* a copy of a valid identity document (e.g. identity card, passport)
* accompanying act attesting that the signatory holds the power of signature and representation (e.g. appointment act)

1. Directive 2014/24/EU Article 2 (4) ‘bodies governed by public law’ means bodies that have all of the following characteristics: (a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character; (b) they have legal personality; and (c) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law [↑](#footnote-ref-1)
2. For the purpose of EU competition law, any entity engaged in an economic activity, that is an activity consisting in offering goods or services on a given market, regardless of its legal status and the way in which it is financed, is considered an undertaking. [↑](#footnote-ref-2)