*(to be printed on the official letterhead of the applicant organisation)*

**Annex 1**

**Project (Lead) Applicant Declaration under the Interreg VI-A Romania-Hungary**

**(Name/Surname) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_- identified with the ID, nr.\_\_\_\_\_\_ issued by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as legal representative of *(beneficiary name)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*, acting as (quality: Lead beneficiary/beneficiary) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the project (project title) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ knowing that false in declaration represents a crime under the Criminal Code, I declare that:**

1. **Declaration for submission**

* I certify that the information contained in the application form and its annexes is accurate and true and that the financial support from the Programme is necessary for the project to be implemented;
* I certify that the project is in line with the relevant EU and national/regional legislation and policies of the regions and countries involved;
* I confirm that the project respects the principles of transparency, national integrity,equal opportunities and non-discrimination, sustainable development, equality between men and women and has no harmful impact on the environment;
* I confirm that my organization is committed to take part in the project’s activities and financing;
* I certify that I have no knowledge of any reason for which the project could not be implemented or its implementation could be delayed;
* I understand that if there are any missing, inexact or incomplete data in this Application Form or its annexes, my application could be rejected.

1. **Declaration of eligibility**
2. The body/institution I represent is not bankrupt, subject to insolvency or winding-up procedures, its assets are not being administered by a liquidator or by a court, it is not in an arrangement with creditors, its business activities are not suspended, or it is not in any analogous situation arising from a similar procedure provided for under Union or national law;
3. The body/institution I represent is not under a bankruptcy proceeding, bears full legal capacity and is financially reliable, and its foundation and activities are in line with the relevant national legislation;
4. The body/institution I represent is not in one of the following situations[[1]](#footnote-1):
   1. It has been established by a final judgment or a final administrative decision that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
   2. it has been established by a final judgment or a final administrative decision that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
      * fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the implementation of the legal commitment;
      * entering into agreement with other persons or entities with the aim of distorting competition;
      * violating intellectual property rights;
      * attempting to influence the decision-making of the authorising officer responsible during the award procedure;
      * attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
   3. it has been established by a final judgment that the person or entity is guilty of any of the following:
      * fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council (44) and Article 1 of the Convention on the protection of the European Communities’ financial interests, drawn up by the Council Act of 26 July 1995 (45);
      * corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997 (46), or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA (47), or corruption as defined in other applicable laws;
      * conduct related to a criminal organisation as referred to in Article 2 of Council Framework Decision 2008/841/JHA (48);
      * money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council (49);
      * terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA (50), respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
      * child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;
   4. the person or entity has shown significant deficiencies in complying with main obligations in the implementation of a legal commitment financed by the budget which has:
      * led to the early termination of a legal commitment;
      * led to the application of liquidated damages or other contractual penalties; or
      * been discovered by an authorising officer, OLAF or the Court of Auditors following checks, audits or investigations;
   5. it has been established by a final judgment or final administrative decision that the person or entity has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;
   6. it has been established by a final judgment or final administrative decision that the person or entity has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business;
   7. it has been established by a final judgment or final administrative decision that an entity has been created with the intent referred to in point (f);

* Neither the body/institution I represent, nor its legal representatives have 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 grant award procedure financed by the Community or national budget;
* The body/institution I represent has not benefited of financing support from public funds in the past 5 years before submitting the applications under this call for proposals for the same operation in terms of objectives, activities and results achieved (for infrastructure projects this provision refers to the same type of infrastructure/segment of infrastructure);
* Neither the body/institution I represent, nor its legal representatives are subject to a conflict of interests, as defined by the national legislation; the conflict of interests represents any circumstances that may affect the evaluation or implementation process, in an objective and impartial manner. Such circumstances may result from economic interests, political or national preferences or family connections;
* Neither the body/institution I represent, nor its legal representatives are guilty of misrepresentation in supplying the information required by the Managing Authority /Joint Secretariat as a condition of participation in the call for proposals;
* Neither I nor any of the body/institution I represent, nor its legal representatives have attempted or will attempt to obtain confidential information or influence the evaluation bodies during the evaluation process of current or previous calls for proposals;
* The body/institution I represent is entitled to take action in the field/fields addressed by the project,
* The operation has not been physically completed or fully implemented before the application for funding under the programme is submitted by the beneficiary to the managing authority, irrespective of whether all related payments have been made by the beneficiary. For activities implemented before the submission of an application for funding, for which the expenses will be reimbursed if they have been incurred and paid after January 1st, 2021 and if applicable legislation has been complied with;
* No activities that are foreseen to be externalised will be also performed by own staff (for projects externalising parts or hole of the project management, including external expertise related to the organisation of the public procurements for the project, services related to the financial and technical reporting for the project or other activities).

1. **Declaration for commitment**

* The body/institution I represent will participate in the project acting as Lead applicant/applicant and will sign the Partnership Agreement with all project beneficiaries before the signature of the subsidy contract;
* The body/institution I represent declares to accept all obligations as a project beneficiary deriving from the subsidy contract, which will be signed by the lead beneficiary of the project after the approval, as well as the project partnership agreement which will be concluded between all beneficiaries participating in the project;
* The body/institution I represent will provide its own contribution to the eligible expenditure and ensure the temporary availability of funds necessary to run the project before and between the reimbursements from the Programme;
* The body/institution I represent will ensure the availability of all other resources planned to be used for implementing the project, as they were described within the Application Form;
* The body/institution I represent will cover all non-eligible expenditures corresponding to its activities incurred during project implementation;
* The body/institution I represent will ensure that the representatives in the project management team are available throughout the entire project implementation period;
* The body/institution I represent commits itself in complying with the relevant public procurement rules (internal, national, European and programme specific rules if existing) and in making the results available to the public, free of charge, under equal conditions, even during the period of sustainability;
* The body/institution I represent commits itself in complying with the obligation on ensuring project sustainability and its operation for at least 5 years after the financial closure of the project;
* The body/institution I represent confirms that any project expenditure related to the above-mentioned project has not, is, neither will be funded by any other EU programme;

D.Statement about VAT

Based on Article 64 of Regulation (EU) 2021/1060, value added tax is eligible:

(1) for operations the total cost of which is below EUR 5 000 000 (including VAT), if included in the project budget;

(2) for operations the total cost of which is at least EUR 5 000 000 (including VAT) where it is non-recoverable under national VAT legislation, if included in the project budget;

If the total budget of the operation is above 5 000 000 euro (including VAT), I state that the body/institution I represent is entitled to recover VAT based on national legislation, for the activities implemented in the project:

YES  Partially  NO

If **YES**, be aware that **recoverable VAT shall not be included** in the Applicant budget since it is not eligible for reimbursement;

If **Partially**, be aware that **only** **non-recoverable VAT might be included** in the Applicant budget and the **non-recoverable VAT** is borne by the Applicant as final beneficiary;

If NO, be aware that VAT can be included in the Applicant budget as it is eligible for reimbursement.

**E. Statement on Applicant’s contribution**

1. commits itself to the project and the activities laid down in the application form and intends to provide own contribution to the project’s budget.
2. states that has  public /  private legal status;

**Project Applicant signature**

* Place and date
* Name of signing person
* Position of signing person
* Signature of Applicant

1. Article 136(1) of the [Regulation (EU) 1046/2018](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02018R1046-20221214) [↑](#footnote-ref-1)