

## Who can participate?

### ➔ Background Information

Project participants are:

- + the Lead Partner (LP): that is the project participant who takes the overall responsibility for the application and the implementation of the entire project. It corresponds to the term "lead beneficiary" used in the EU-regulations on structural funds.
- + the ERDF-Lead Partner (ERDF-LP): that is the project participant who takes the overall responsibility for the financial management of the ERDF-funds granted to the project, esp. financial monitoring, accounting and financial reporting in case the LP is coming from a Non-Member State.
- + the Project Partners (PP): that are all the other partners participating in the project and contributing to its implementation according to the project Application Form (AF). They correspond to the term "beneficiary" used in the EU-regulations on structural funds.

According to the structural funds regulations of the European Union any operator, body or firm whether public or private can act as project participant (and can take over the responsibility for initiating and implementing projects).

The following sections except section 4 "other actors" refer to these project participants only.

### 1 Geographical restriction

ERDF funds will generally be only granted to project participants located inside the cooperation area and in the territory of an EU Member State. Chapter 1 of the Operational Programme (OP) of the "Alpine Space" shows the regions that are part of the "Alpine Space" cooperation area.

Only in exceptional cases also expenditure incurred by partners coming from regions of EU-Member States located outside the cooperation area will be considered as eligible.

## 2 Restriction related to the type of organisation

Within chapter 3 of the OP of the "Alpine Space" the Member States defined a list of main beneficiaries for each of the programme priorities.

### Guidance

#### 1 Geographical restriction

In general, only project participants may ask for ERDF-co-funding that are located inside the cooperation area and in the territory of an EU Member State.

This does not apply to national public bodies of Member States of the programme, which are not located in the cooperation area but have a competence covering the whole country (e.g. ministries located in the capitals of Italy, France or Germany). That means that also these project participants can request ERDF-cofunding, even though they are not located in the cooperation area.

Concerning all other project participants that are not located in the cooperation area and that do not fall under the above-mentioned exceptional rule ERDF-co-funding is only possible if the benefit of the participation of these project participants is clearly demonstrated. Specific information is to be provided in the Expression of Interest (EoI) and Application Form (AF). More information on this rule can be found in factsheet 2.4 on *Geographical Flexibility*.

#### 2 Restriction related to the type of organisation

The list of "main beneficiaries" included in the OP is not exhaustive. Even bodies not listed as "main beneficiary" in the OP (e.g. private bodies) can apply for co-funding in the Alpine Space Programme as long as they are not explicitly excluded in the terms of reference of the respective call (see also factsheet 3.1 on the *Two step application procedure*).

### 3 Restriction related to the type of co-funding

As the programme follows the "public costs" principle, private project participants have to prove that the national funding will be provided by public bodies and that it is therefore ensured that the expenses co-funded by the ERDF are funded by public funds only. In the EoI as well as in the AF the project participants have to indicate their "legal status", i.e. set out if they are "private" or "public" partners.

In order to clearly define the status of a body in cases where it is not obvious the programme will follow the rules as set out in Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts.

According to this directive "public" means the state, regional or local authorities, bodies governed by public law, associations formed by one or several of such authorities or one or several of such bodies governed by public law.

A 'body governed by public law' means any body

- + that is established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character *and*
- + has legal personality *and*
- + is financed, for the most part, by the state, regional or local authorities, or other bodies governed by public law; *or* is subject to management supervision by those bodies *or* has 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.

### 4 Other actors

In the following other actors that are not to be considered as project participants according to the programme's understanding are described.

The projects may decide on inviting actors to take part in the project in an observant role respectively advisory capacity. These actors which do not contribute to the implementation of the project in terms of financial contributions are referred to as "project observers" in the programme. There are no specific rules defined as regards these. However the project is asked to lay down the involvement of observers in section 2.2 of the AF and have them sign an observer declaration.

Project-external providers of services, goods or works may be involved in the implementation of the project as contractors. In this case it has to be ensured that the applicable public procurement law is obeyed (see also factsheets 2.2 *What can be co-funded* and 6.3 *Public Procurement*).

Sub-partnerships as installed by some projects of the Interreg IIIB Alpine Space Programme are not allowed any more. Only those project participants listed in the AF can ask for a certification of expenditure (only considering invoices directly addressed to them) and therefore request ERDF co-funding.

## **Reference Documents**

- + Article 2 of Council Regulation (EC) No 1083/2006
- + Directive 2004/18/EC of the European Parliament and of the European Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts
- + Operational Programme "Alpine Space", Chapters 1 and 3.

## **Annex**

- + Model Application Form (AF) with guidance
- + Model Expression of Interest (EoI) with guidance
- + Eligibility rules of the Programme
- + Model Certification of Expenditure
- + Model Partnership Agreement