



**Corrigendum to Guidelines for grant applicants**  
of the Cross-border Co-operation Programme Poland-Belarus-Ukraine 2007-2013  
(European Neighbourhood and Partnership Instrument)  
EC Decision no C(2008)6411 of 6 November 2008, JMA REFERENCE: PBU2  
EuropeAid Reference: EuropeAid/131508/M/ACT/MULTI)

Corrigendum provides for changes in the three following issues:

- 1) change of contents of footnote number 2, which concerns persons without legal personality in Poland (point 2.1.1, page 8 of the Guidelines),
- 2) change of definition of non-profit making institution (point 2.1.1, page 8 and point 2.3 table “eligibility verification”, page 29),
- 3) change of list of ineligible costs, where the limitation concerning subcontracting was added according to point 7.1.1 of Special Conditions of the grant contract (point 2.1.3 – last paragraph, page 17).

1. On the pages 8-9, in point (1) of the paragraph 2.1.1. the following amendment is made:

<u>Previous version:</u>	<u>Updated version:</u>
<p>‘(1) In order to be eligible for a grant, applicants <b>must</b>:</p> <ul style="list-style-type: none"> <li>• be legal persons or an entity <b>without legal personality<sup>2</sup> and</b></li> <li>• be <b>non-profit making<sup>3</sup> and</b></li> <li>• be specific types of organisations such as: non-governmental organisations, public sector operators, local authorities, bodies governed by public law, international (inter-governmental) organisations as defined by Article 43 of the Implementing Rules to the EC Financial Regulation<sup>4</sup> <b>and</b></li> <li>• be nationals<sup>5</sup> of Poland, Belarus or Ukraine. This obligation does not apply to international organisations <b>and</b></li> <li>• be directly responsible for the preparation and management of the action with their partners, not acting as an intermediary<sup>5</sup> <b>and</b></li> <li>• be registered and located in the eligible area of the</li> </ul>	<p>‘(1) In order to be eligible for a grant, applicants <b>must</b>:</p> <ul style="list-style-type: none"> <li>• be legal persons or an entity <b>without legal personality<sup>2</sup> and</b></li> <li>• be <b>non-profit making<sup>3</sup> and</b></li> <li>• be specific types of organisations such as: non-governmental organisations, public sector operators, local authorities, bodies governed by public law, international (inter-governmental) organisations as defined by Article 43 of the Implementing Rules to the EC Financial Regulation<sup>4</sup> <b>and</b></li> <li>• be nationals<sup>4</sup> of Poland, Belarus or Ukraine. This obligation does not apply to international organisations <b>and</b></li> <li>• be directly responsible for the preparation and management of the action with their partners, not acting as an intermediary<sup>5</sup> <b>and</b></li> <li>• be registered and located in the eligible area of the</li> </ul>



<p>programme.’</p> <hr/> <p>2. Applicable only for Polish partners (e.g. schools, museums etc). <b>Subject to the prior approval of the relevant services of the JMA,</b> grant applications may be eligible if submitted by entities which do not have legal personality under the applicable national law, provided that their representatives have the capacity to undertake legal obligations on their behalf, and assume financial liability.</p> <p>3. According to Directive 2004/18/EC, Art. 1 means any body:(a) established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;(b) having legal personality; and (c) - financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law; - or subject to management supervision by those bodies; - or having 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.</p> <p>4. International organisations are international public-sector organisations set up by intergovernmental agreements as well as specialised agencies set up by them; the International Committee of the Red Cross (ICRC) and the International Federation of National Red Cross and Red Crescent Societies, European Investment Bank (EIB) and European Investment Fund (EIF) are also recognized as international organisations.</p> <p>5. Such nationality being determined on the basis of the organisation's statutes which should demonstrate that it has been established by an instrument governed by the national law of the country concerned. In this respect, any legal entity whose statutes have been established in another country cannot be considered an eligible local organisation, even if the statutes are registered locally or a “Memorandum of Understanding” has been concluded.</p>	<p>programme.’</p> <hr/> <p>2. Applicable only for Polish partners (e.g. schools, museums etc), grant applications may be eligible if submitted by entities which do not have legal personality under the applicable national law, provided that their representatives have the capacity to undertake legal obligations on their behalf, and assume financial liability. <b>The decision on eligibility of such entity will be made by the Evaluation Committee and accepted by the Joint Monitoring Committee.</b></p> <p><b>3. Established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character and in case of institutions other than NGO:</b> financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law; or subject to management supervision by those bodies; or having 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 (in line with the Directive 2004/18/EC).</p> <p>4. International organisations are international public-sector organisations set up by intergovernmental agreements as well as specialised agencies set up by them; the International Committee of the Red Cross (ICRC) and the International Federation of National Red Cross and Red Crescent Societies, European Investment Bank (EIB) and European Investment Fund (EIF) are also recognized as international organisations.</p> <p>5. Such nationality being determined on the basis of the organisation's statutes which should demonstrate that it has been established by an instrument governed by the national law of the country concerned. In this respect, any legal entity whose statutes have been established in another country cannot be considered an eligible local organisation, even if the statutes are registered locally or a “Memorandum of Understanding” has been concluded.</p>
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2. On the page 17, point 2.1.3 “Eligible actions: actions for which an application may be made”, the last paragraph, i.e. the part relating to the ineligible actions, the following amendment is made:

<u>Previous version:</u>	<u>Updated version:</u>
<p>Within all the above priorities and measures, the following types of action are ineligible:</p> <ul style="list-style-type: none"> <li>• actions concerned only or mainly with individual sponsorships for participation in workshops, seminars, conferences, congresses;</li> <li>• actions concerned only or mainly with individual scholarships for studies or training courses;</li> <li>• actions that have already been approved for financing from other sources, including other EC programmes. If full or part of the action has been proposed for financing from other sources, the Joint Managing Authority should be informed by the Beneficiary of the application;</li> <li>• actions that have the purpose or effect of producing a profit for the beneficiary or partners;</li> <li>• actions concerned only or mainly on charitable events;</li> <li>• actions in which the Applicant and partners re-grant the funding;</li> <li>• regular events. Please note that as a rule regular events can be supported only during its start-up phase. Regular editions of events are eligible only if innovative elements are included in the project’s schedule. Such activities must be duly described and justified in the application form.</li> </ul>	<p>Within all the above priorities and measures, the following types of action are ineligible:</p> <ul style="list-style-type: none"> <li>• actions concerned only or mainly with individual sponsorships for participation in workshops, seminars, conferences, congresses;</li> <li>• actions concerned only or mainly with individual scholarships for studies or training courses;</li> <li>• actions that have already been approved for financing from other sources, including other EC programmes. If full or part of the action has been proposed for financing from other sources, the Joint Managing Authority should be informed by the Beneficiary of the application;</li> <li>• actions that have the purpose or effect of producing a profit for the beneficiary or partners;</li> <li>• actions concerned only or mainly on charitable events;</li> <li>• actions in which the Applicant and partners re-grant the funding;</li> <li>• regular events. Please note that as a rule regular events can be supported only during its start-up phase. Regular editions of events are eligible only if innovative elements are included in the project’s schedule. Such activities must be duly described and justified in the application form.</li> <li>• in which the bulk of the action is not carried out by the beneficiary and its partner(s). The contracting limit does not apply to Actions focused on infrastructure and investment activities.</li> </ul>



3. On the page 29, the table “Eligibility verification”, row 4, column 2 the following amendment is made:

<b><u>Previous version:</u></b>	<b><u>Updated version:</u></b>
<p>are non profit making (according to Directive 2004/18/EC, Art. 1):</p> <ul style="list-style-type: none"> <li>a) the institution has been established for the purposes of public interest or for the specific purpose of meeting needs in the general interest,</li> <li>b) not having an industrial or commercial character,</li> <li>c) financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law;</li> <li>d) subject to management supervision by those bodies or having 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</li> </ul>	<p>are non profit making:</p> <p>are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character</p> <p>and in case of institutions other than NGO:</p> <p>financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law; or subject to management supervision by those bodies; or having 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 (in line with the Directive 2004/18/EC).</p>