

ELEK VÁROS ÖNKORMÁNYZATÁNAK KÉPVISELŐ-TESTÜLETE

5742 ELEK, GYULAI ÚT 2.

+36/66/240-411

1. napirend

ELŐTERJESZTÉS

Elek Város Önkormányzata Képviselő-testületének
2024. január 25-én tartandó rendkívüli, nyílt képviselő-testületi ülésére

Előkészítette: Seres-Baker Emanuella osztályvezető-helyettes

Tárgy: Az Interreg VI-A Románia-Magyarország Program I. Nyílt pályázati felhívás keretében HARD-projekttel kapcsolatban a szükséges döntés meghozatala

Tisztelt Képviselő-testület!

Az Interreg VI-A Románia-Magyarország Program Irányító Hatóságaként eljáró Fejlesztési, Közigazgatási és Közmunkálatokért felelős Minisztérium 2023. június 28-án meghirdette a Program I. Nyílt pályázati felhívását. Az Interreg VI-A Románia-Magyarország program (ROHU Program) két tagállam, Románia és Magyarország, közötti területi együttműködési program, amelyet az Európai Regionális Fejlesztési Alap (ERFA) finanszíroz és amelynek teljes költségvetési kerete 175.940.025,00 euró (ebből 80% ERFA támogatás 140.752.020,00 euró értékben).

A ROHU program 3 Európai Uniós prioritáshoz járul hozzá, egy zöldebb és szociálisabb Európa kialakításához, amely a kapacitásépítésen és az egyének közötti kezdeményezéseken keresztül jobb együttműködési kormányzásra törekszik.

Elek Város Önkormányzata Kürtös Város Önkormányzatával kíván pályázatot benyújtani az Interreg VI-A Románia-Magyarország Program első nyílt pályázati felhívás 1. prioritási tengelyén belül " a klímaváltozáshoz való alkalmazkodás elősegítése, valamint a kockázatmegelőzés és a katasztrófákkal szembeni ellenállóképesség javítása, ökoszisztéma-alapú megközelítések figyelembevételével; " című egyedi célkitűzésre, ROHU00529 – SafeHaven számú azonosító alatt. A pályázat teljes összege Elek Város Önkormányzatára vonatkozóan 286.118,46 euró, amelyből 14.305,93 euró önerő. Az Önkormányzat vállalja, hogy a pályázat támogatása esetén a pályázathoz szükséges **14.305,93** eurónak megfelelő forint összegű önerőt a 2024. évi költségvetésből biztosítja.

Fentiek alapján az alábbi határozati javaslatot terjesztjük a tisztelt képviselő-testület elé:

HATÁROZATI JAVASLAT

Elek Város Önkormányzata Kürtös Város Önkormányzatával kíván pályázatot benyújtani az Interreg VI-A Románia-Magyarország Program első nyílt pályázati felhívás 1. prioritási

tengelyén belül " a klímaváltozáshoz való alkalmazkodás elősegítése, valamint a kockázatmegelőzés és a katasztrófákkal szembeni ellenállóképesség javítása, ökoszisztéma-alapú megközelítések figyelembevételével; " című egyedi célkitűzésre, ROHU00529 – SafeHaven számú azonosító alatt. A pályázat teljes összege Elek Város Önkormányzatára vonatkozóan 286.118,46 euró, amelyből 14.305,93 euró önerő. Az Önkormányzat vállalja, hogy a pályázat támogatása esetén a pályázathoz szükséges **14.305,93** eurónak megfelelő forint összegű önrészt a 2024. évi költségvetésből biztosítja.

A képviselő-testület felhatalmazza a polgármestert a pályázat benyújtására és a szükséges további jognyilatkozatok megtételére.

Határidő: azonnal

Felelős: Szelezsán György polgármester

Elek, 2024. január 25.

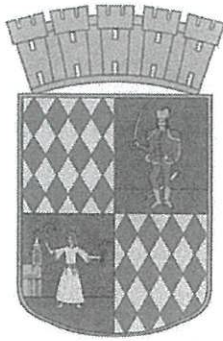
A kiadmány hitelül:

Dr. Szentgáli Zoltán

*Dr. Nagy Sándor jegyző nevében és megbízásából
Dr. Szentgáli Zoltán*



*Szelezsán György s.k.
polgármester*



ELEK VÁROS ÖNKORMÁNYZATA

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Annex 1

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

György SZELEZSÁN - identified with the ID, nr. 446 027 NE issued by Belügyminisztérium as legal representative of (*beneficiary name*) *Elek Város Önkormányzata*, acting as (quality: Lead beneficiary/beneficiary) *beneficiary* in the project (project title) "Improved preparedness, endowments and joint Cross Border solutions for emergency situations, between Curtici and Elek" (ROHU00529) knowing that false in declaration represents a crime under the Criminal Code, I declare that:

A. 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.

B. Declaration of eligibility

1. 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

is not in any analogous situation arising from a similar procedure provided for under Union or national law;

2. 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;
3. The body/institution I represent is not in one of the following situations¹:
 - a) 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;
 - b) 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;
 - c) 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;

¹ Article 136(1) of the [Regulation \(EU\) 1046/2018](#)

- 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;
- d) 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;
- e) 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;
- f) 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;
- g) 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).

C. 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

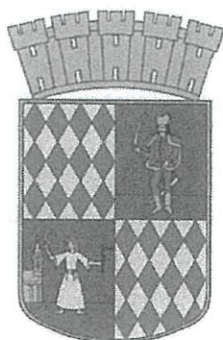
- Place and date
- Name of signing person
- Position of signing person
- Signature of Applicant

Gyula, 24 January 2024

Szelezsán György

Mayor





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Annex 2

State Aid Self-Assessment¹

This document has been developed to help you to make an initial assessment of whether State aid is involved in your project and your options for dealing with this. This will help us to ensure that we have the necessary information to deal with your enquiry and to do so more quickly.

What is State aid?

State aid is defined as an **advantage** in any form whatsoever conferred on a **selective basis to undertakings** by national public authorities. Therefore, subsidies granted to individuals or general measures open to all enterprises are not covered by this prohibition and do not constitute State aid (examples include general taxation measures or employment legislation).

To be State aid, a measure needs to have these features (cumulative):

- there has been an **intervention by the State or through State resources** which can take a variety of forms (e.g. grants, interest and tax reliefs, guarantees, government holdings of all or part of a company, or providing goods and services on preferential terms, etc.);
- the intervention gives **the recipient an advantage on a selective basis**, for example to specific companies or industry sectors, or to companies located in specific regions
- **competition has been or may be distorted**;
- the intervention is likely to **affect trade between Member States**.

Before the State aid tests can be applied it is necessary to determine whether the following two aspects are present:

¹ The State Aid Self-Assessment must be filled in and signed by every partner (lead beneficiary and each of the project partners)

1.	<p>Is the project partner of the final recipient of the aid an 'undertaking'? An undertaking is defined as any entity, regardless of its legal status, which is engaged in economic (commercial/competitive) activity and where there is a market in comparable goods or services.</p> <p>Please note that the legal status of the project partner has no relevance in assessing whether it qualifies as undertaking. Therefore partners with any legal status (including, for example, local municipalities, chambers, non-profit organisations etc.) may qualify as undertaking if they are engaged in any economic activity.</p> <p>Please see Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262/01) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016XC0719%2805%29 for definitions and more information</p>
2.	<p>Is an undertaking engaged in economic activity? This is defined as offering goods and/or services on a given market and which could, at least in principle, be carried out by a private operator for remuneration in order to make profits.</p> <p>Please note that the different activities concerned by the project might have different nature: in the very same project, some activities may qualify as economic activity, while others do not.</p>

Key questions that should be considered are:

Consider these questions from the perspective of any organisations which could benefit directly or indirectly from the measure.

<p>1. If the project partner is an 'undertaking' engaged in economic activity, does the support confer a selective advantage to the project partner?</p> <p>Explanation</p> <p>The intervention gives the recipient an advantage on a selective basis, for example to specific companies or industry sectors, or to companies located in specific regions. <i>or</i> A benefit which is granted for free or on favourable (non-commercial) terms to some selected undertakings (but not others), could be state aid.</p> <p>Definitions:</p> <p>Advantage: An advantage can take the form of direct payment of state resources in the form of grants and subsidies as well as indirect benefits that affect the public budget such as tax breaks, rate rebates, low interest loans, sale of public land below market value and the provision of services for free or at below-market rates.</p> <p>Selectivity: Support that targets particular businesses, regions or types of firm e.g. SMEs or particular sectors and not others is selective.</p> <p>Undertakings: An undertaking is defined as any entity, regardless of its legal status, which is engaged in economic activity and where there is a market in comparable goods or</p>
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services. It does not have to be profit-making as long as the activity carried out is one which, in principle, has commercial competitors. It can include voluntary and non-profit-making public or public authorities when they are engaged in economic activity. Charities, universities, research institutions, voluntary entities, social enterprises and public sector bodies may therefore be deemed to be undertakings when they are engaged in economic activity. Support in favour of non-undertakings (i.e. entities which are not involved in economic activity) is not state aid.

Economic activity: Activity which consists of offering goods or services on a given market and which could, at least in principle, be carried out by private actors in order to make profits.

YES or NO : NO

Please provide a short explanation.

The support does not confer a selective advantage to any project partner, the project does not give the project partner an advantage on a selective basis.

2. Will the project partner implement activities that might be considered to offer an indirect advantage to an undertaking, or a group of undertakings?

Explanation

an indirect advantage may also be granted (indirect State aid) if the funds received by entities which are direct beneficiaries of the Programme are channelled to identifiable undertakings/groups of undertakings (e.g. if the funds received by a direct beneficiary are used for building up infrastructure that is to be used for economic activities and the operation of this infrastructure is not granted through a public, open, unconditional tender, or if the funds are used by the partner to train the employees of certain undertakings etc.).

YES or NO : NO

Please provide a short explanation.

The project partner will not implement any activities that might be considered to offer an indirect advantage to an undertaking, or a group of undertakings.

3. Is the support granted by the State, or through State resources?

Explanation

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 direct, such as European funds like IPA, ERDF. ERDF funds are considered to be granted through State resources or by the State, so usually for Interreg Programme the answer is YES.

Yes or No: YES

Usually, for Interreg VI-A Romania-Hungary Programme the answer is YES.

4. Does the support distort or have the potential to distort competition?

Explanation

If the support has the potential to strengthen the position of the partner relative to other competitors then this criteria 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.

YES or NO : NO

Please provide a short explanation.

The support does not distort or does not have the potential to distort the competition.

5. Does the support affect trade between Member States?

Explanation

Commission's interpretation of this is broad - 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 very localised activity e.g. hairdressers.

YES or NO : NO

Please provide a short explanation.

The support does not affect trade between Member States.

! If the answer to all 5 questions is YES, and you can consider that your project might have state aid incidence, please contact the Joint Secretariat for further instructions. The JS will support the project applicants in the self-assessment of the existence of State Aid, and guide them on how to proceed further in order to avoid State Aid incidence whenever possible or observe the relevant provisions in relation to the types of aid available at Programme level.

Name of institution: Elek Város Önkormányzata

Signature 

Date 24 January 2024

ANNEX – LEGAL BASIS for the State Aid Self-Assessment

Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262/01)

Infrastructure Analytical Grid for Energy

State aid websites:

Further information on EU legislation in the field of State Aid can be obtained from:

http://ec.europa.eu/competition/state_aid/overview/index_en.html

European legislation

<http://www.ajutordestat.ro/en/state-aid-legislation/community-legislation/>

National rules on procedure (Romania)

<http://www.ajutordestat.ro/> section State aid legislation

<http://www.ajutordestat.ro/legislatie-ajutor-de-stat/legislatie-comunitara/>
<http://www.ajutordestat.ro/legislatie-ajutor-de-stat/legislatie-nationala-in-vigoare/>

National rules on procedure (Hungary)

<https://tvi.kormany.hu/jogszabalyok>

<https://net.jogtar.hu/jogszabaly?docid=A1100037.KOR> - 37/2011. Government Regulation (III. 22) on procedures relating to State aid measures under the EU competition law and on the regional aid map

