



Ministry of Development, Public Works and Administration

INSTRUCTION No. 12

To the beneficiaries of the Interreg NEXT Black Sea Basin Programme regarding the obligation of partners to notify the MA regarding deviations from the applicable legal framework within the financed projects and any undue amounts identified following their own checks or of audits and controls carried out by entities outside the programme management structures, in relation to the expenditures incurred under the financed projects

Having regard to the provision of art. 1.9 of the grant contract, related to the right of the Managing Authority to issue mandatory instructions,

In line with article 5 of the grant contract regarding the obligation of the partners to provide the MA/JS with all required information on the implementation of the project, as requested by the MA/JS,

Having in view the provisions of art. 4.8 stating that, *"..... if the award procedure or the implementation of the grant proves to have been subject to substantial errors, irregularities, fraud, corruption or breach of obligations, then the MA may refuse to proceed further with payments...."*,

Considering the provisions of art. 4.9 according to which *"the MA may also suspend fully or partially payments as a precautionary measure, with prior notice of the Lead Partner, prior to, or instead of, terminating this Contract as provided for in Article 17. Moreover, where the award procedure or performance of the Contract is vitiated by substantial errors or irregularities or by fraud or corruption attributable to the Lead Partner and/or the Partners, the MA may refuse to make payments or may recover amounts already paid, in proportion to the seriousness of the errors, irregularities, fraud or corruption,*

Having regard to art.18.3 stipulating that *"The MA shall apply the financial corrections required in connection with individual or systemic irregularities detected in the project."*,

With the view to ensure a systematic interpretation of all relevant contractual provisions, with particular emphasis on those governing sound financial management in the implementation of projects,

the Managing Authority issues the following:

INSTRUCTION

Article 1

Partners are obliged to notify the MA without delay of any deviations from the applicable legal framework within the financed projects and any undue amounts identified following their own checks or of audits and controls carried out by entities outside the programme management structures, in relation to the expenditures incurred and paid within the financed projects from the Programme. This obligation shall apply both during the implementation period and throughout the entire durability period.

Article 2

With the final project report and durability reports, the partners will provide an own declaration¹ stating that during the implementation period of the contract there were no other breaches of the applicable legal framework and/ or any undue amounts identified following their own checks or of audits and controls carried out by entities outside the programme management structures, in relation to the expenditures within the financed projects from the Programme, except for those already notified to the MA (if applicable).

Article 3

This instruction will be communicated by the Joint Secretariat to the Partners via electronic means and publication on the Programme's website.

Article 4

This instruction entries into force at the date of its signature by the Head of the MA.

Iulia HERTZOG

**Head of the Managing Authority for
(Interreg VI-B) NEXT Black Sea Basin Programme**

¹ Template annexed