

Partnership Agreement

➔ Background Information

According to the structural funds regulations of the European Union the Lead Partner (LP) shall conclude an agreement with its Project Partners (PP) in which it shall lay down the arrangements for its relations with them comprising, inter alia, provisions for guaranteeing the sound financial management of the funds allocated to the project, including the arrangements for recovering amounts unduly paid.

➔ Guidance

The programme provides the projects with a model Partnership Agreement (PA) in order

- + to ease the above-mentioned task for the LP and
- + to ensure that the project is implemented in compliance with the relevant legal provisions on EU- and national level.

The signature of the Partnership Agreement by all project participants is a prerequisite for the Managing Authority (MA) to prepare the Subsidy Contract (SC).

Experience in the INTERREG IIIB Programme "Alpine Space" has shown that various project participants cannot start with the implementation of the project as long as PA and SC are not signed. Thus, the programme bodies strive to speed up the contracting procedure in the new programme as set out below.

The **model Partnership Agreement** provided by the programme contains the clauses that shall at least be foreseen by the projects. Please note that a separate model PA has been developed for projects that have a Lead Partner coming from a Non-Member State.

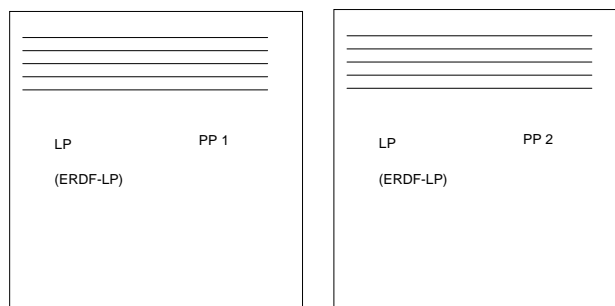
When using the model PA the Lead Partner respectively the Lead Partner in co-ordination with the ERDF-Lead Partner can immediately have the PA signed by all project participants after having inserted the project-related data, i.e.:

- + name of the project,
- + agreed working language,
- + applicable law (this shall be the law of the country that the Lead Partner is situated in and in case of projects with an ERDF-Lead Partner the law of the country the latter comes from),
- + place of jurisdiction.

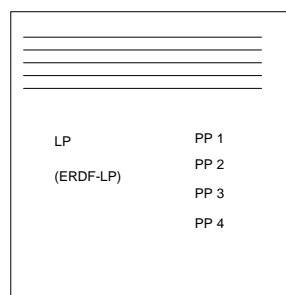
Of course, **project participants are free to add clauses to the ones of the model PA** if they wish. In order to verify that these additional clauses do not contradict the EU-regulations, programme provisions and other provisions of the model PA these additional clauses need to be checked by the Managing Authority (with support of the Joint Technical Secretariat). Therefore, the LP shall co-ordinate any envisaged additional clauses with the MA in advance. As soon as the additional clauses have been checked by the MA the PA can be signed by the project participants.

As regards the **signature** of the PA the projects have two options:

Option 1: The PA can be signed *bilaterally* (respectively *trilaterally* in case the project has an ERDF-LP), i.e. each copy of the PA bears the signature of the LP (and ERDF-LP if existent) and one of the project partners.



Option 2: The PA can be signed *multilaterally*, i.e. each copy of the PA bears the signatures of all project participants (LP, ERDF-LP if existent and all other PP).



In case project participants face problems in the signature process they shall get in touch with the MA immediately so that a solution can be found.

The PA shall be set up in so many **copies** as that each project participant receives one. Please note that the **programme only need a photocopy** of the signed Partnership Agreement(s). This photocopy has to be submitted to the programme together with the Application Form (see also factsheet on 3.1 *Project application: the two-step application procedure*).

At the occasion of a transnational seminar organised by the programme **guidance and detailed explanation on the model PA and the signature process** will be provided.

The MA will also provide for support to clarify any other legal questions related to the PA and the project. The occasion of the above-mentioned transnational seminar shall be used by the LP to have an exchange with the MA on these issues. Prior information of the MA about any open questions by the LP is highly recommended, as this enables the MA to provide for answers at the seminars.

Reference Documents

- + Article 20 paragraph 1 lit a) of Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999.
- + Operational Programme "Alpine Space", Chapter 4.2.4.

Annex

- + Template Partnership Agreement for projects with a LP from a Member State
- + Template Partnership Agreement for projects with a LP from a Non-Member State and an ERDF-LP from a Member State
- + Subsidy Contract