



Annex No. 1 to Decision IES-DEC No. 97 / 13.09.2023

Applicant's Guide

for non-reimbursable funding within the *Power Station++ / Mobilities for cultural professionals* programme

Chapter 1. Introduction

- 1.1. This guide establishes and regulates the **general framework**, principles and procedures for non-reimbursable funding, from the state budget, through the budget of the Ministry of Culture, of the mobilities selected within the *Power Station++ / Mobility for cultural professionals* programme, run by the Center for Projects of the Municipality of Timisoara.
- 1.2. The following **specific elements** regarding the granting of non-reimbursable funding are established by the announcement of the **launch announcement of the funding programme**: context, purpose and objectives, conditions of application, budget and characteristics, calendar, evaluation criteria and other characteristics of the evaluation process, other useful information regarding the development of the *Power Station++ / Mobility for cultural professionals* funding programme.

Chapter 2. Terms of reference

- a) **funding authority** - the Center for Projects of the Municipality of Timisoara, a public institution of local interest, with legal personality, which operates under the authority of the Local Council of the Municipality of Timisoara, whose object of activity is the granting of non-reimbursable funding for the realization of projects with the aim of contribute to the development of a dynamic, creative and inclusive community of Timisoara, by facilitating access to resources and strengthening the necessary capacities of people and organizations active in culture, education, youth, sports, civic and social involvement, environment and other fields;



- b) **non-reimbursable funding** - allocation of funds from the amounts provided separately for this purpose in the budget of the funding authority, based on a funding agreement, to cover the expenses necessary to implement a mobility;
- c) **multiannual non-reimbursable funding** - allocation of funds under the conditions provided for in letter b) to cover the expenses necessary to implement a mobility whose implementation/development period exceeds the duration of the current financial year, within the limits of commitment credits budgeted by the funding authority for this purpose, in compliance with the provisions contained in the methodological norms approved by joint order of the Minister of Culture and of the Minister of Finance;
- d) **funding programme** - instrument through which the funding authority implements the objectives of its medium and long-term development strategy, with a view to increasing the potential of the cultural sector, supporting creative industries and, as the case may be, reducing gaps in citizens' access to culture;
- e) **mobility** - "a central component of the professional trajectory of artists and cultural professionals, mobility involves temporary travel, often for educational, capacity-building, networking or work purposes. Mobility can have tangible or intangible short-term outcomes and/or can be part of a long-term professional development process. Mobility is a conscious process and those involved in it, whether directly involved or supporting it, should consider its cultural, social, political, environmental, ethical and economic implications" (according to the On-the-Move network)
- f) **training internship** - mobility for professionals working in the cultural field with the purpose of professional training;
- g) **travel grant** - non-reimbursable funding granted for the mobility of cultural professionals for educational, documentation/research purposes in order to explore new project ideas or for the promotion/development of artistic or professional practice;
- h) **applicant** - natural person at least 18 years old or authorized natural person, Romanian or foreign, active in the cultural field, who submits a request for non-reimbursable funding;
- i) **eligible applicant** - the applicant who has submitted a funding application in order to obtain non-reimbursable funding and who meets the conditions established by this guide and the launch announcement of the funding programme;
- j) **application for non-reimbursable funding** - the document drawn up by the applicant in compliance with the requirements set out in Annex 1, which includes the description of the mobility plan, including the preparation, evaluation and communication activities, which are the object of funding;
- k) **application** - the set of conditions and documentation necessary for enrolment in the process of granting non-reimbursable funding for mobility, based on the



conditions of this guide and its annexes, as well as the launch announcement of the funding programme;

- l) **non-reimbursable funding agreement** - agreement concluded, under the terms of the law and according to the procedures of this guide, between the Center for Projects of the Municipality of Timisoara and the beneficiary of the non-reimbursable funding, through which the parties establish the conditions for granting the non-reimbursable funding;
- m) **beneficiary** - the applicant to whom the non-reimbursable funding agreement is awarded following the application of the procedures set out in this guide, the launch announcement of the funding programme and the provisions of Government Decree no. 51/1998, who signs the funding agreement and becomes responsible for the implementation of the mobility for which he received funding;
- n) **applicant's guide** - document with a guidance role, developed and approved at the level of Centre of Projects of the Municipality of Timisoara, complying with the requirements of predictability and ensuring equal opportunities and treatment, which includes general information on the stages of preparation, selection, respectively of the implementation of mobility, as well as the obligations of the applicant, respectively of the beneficiary and which is supplemented with specific information from the launch announcement of the funding programme;
- o) **maximum amount of non-reimbursable funding** - the maximum amount that can be contracted by the beneficiary to cover eligible expenses proposed within the mobility selected for funding;
- p) **budget for achieving the mobility** - the total amount of income, respectively of expenditure associated with mobility, reflected in a document with a tabular structure, where the income will include the non-reimbursable funding and amounts relating to other complementary sources of financing, and the expenses will include eligible expenses according to this guide, necessary to achieve mobility;
- q) **evaluation and selection of funding applications** - the systematic and objective process of verifying (1) administrative compliance and applicant eligibility and mobility and (2) amount and professional requirements, based on the criteria established in the funding programme launch announcement;
- r) **register of non-reimbursable funding in the cultural field** - the national database, centralized for the purpose of identifying and providing information on predictable and transparent funding sources, as well as the mechanisms for granting non-reimbursable funding in the cultural field;
- s) **mobility development/performance period** - the time interval, specified in the funding application, located between the start date of the first and the completion date of the last mobility preparation / implementation activity, independent of the date of signing the funding agreement and/or the deadline for the submission of the settlement file, including - without the enumeration



being limiting - transversal activities, such as project management, monitoring, evaluation and reporting activities;

- t) **implementation period / duration** - the time interval, specified in the funding application, located between the start date of the first and the date of completion of the last specific activity;
- u) **multiannual framework grant agreement** - an agreement concluded in written form between a funding authority and an applicant, governing non-reimbursable funding and setting out the terms and conditions, in particular as regards the amount of funding and, where appropriate, the objectives and related expenditure envisaged, and on the basis of which annual follow-on contracts are concluded.

Chapter 3. Principles of non-reimbursable funding

- 3.1. Principles underlying non-reimbursable funding, according to OG 51/98:
 - a) **free competition** - ensuring the conditions for any applicant to have the right to become a beneficiary;
 - b) **transparency** - making available to all interested parties the information related to the grant of non-reimbursable funding, by publishing it on the website of the funding authority and in the register of non-reimbursable funding in the cultural field (if the register is functional on the date of launch of the funding programme);
 - c) **cultural diversity** - the non-discriminatory treatment of applicants, representatives of different communities or cultural sectors, as well as the promotion of artistic and/or cultural diversity;
 - d) **supporting the debut** - encouraging the initiatives of the authorized applicant, respectively established to carry out cultural activities no more than 2 years before the date of the application for non-reimbursable funding.

Chapter 4. Eligibility

- 4.1. In order to be able to participate in the evaluation and selection, respectively to be declared an **eligible applicant** for the purposes of this Guide, the applicant must cumulatively fulfil the following conditions:
 - a) is a natural person at least 18 years old or an authorised natural person, Romanian or foreign;
 - b) works in the cultural field, as an artist, cultural manager, producer, curator, art critic, financial manager, cultural mediator, researcher, professional in the field of cultural communication, professional in the field of cultural



policies, other occupations in the area of technical or administrative support for the cultural scene, regardless of the status of employee, freelancer etc.;

- c) is active in Timisoara or the host organisation that agrees to host the mobility is active in Timisoara;
- d) does not receive, individually or within the organisation to which he/she belongs or with which he/she collaborates, any other form of financial support for the categories of expenditure associated with mobility;
- e) has no debts to the state budget or the local budget;
- f) complied with the obligations assumed through the previous non-reimbursable funding agreements;
- g) has not suffered final convictions due to professional conduct directed against the law, a decision formulated by a judicial authority that has the force of res judicata (e.g. against which no appeal can be made);
- h) undertakes to identify and attract, at the stage of preparation of the application or, where appropriate, at the stage of execution of the funding contract, complementary sources of funding, within the minimum percentage required by the funding programme notice;
- i) complies with the conditions set out in these guidelines and in the notice launching the funding programme.

- 4.2. An applicant may submit only **one application** to this funding programme.
- 4.3. The Center for Projects of the Municipality of Timisoara, through the technical secretariat, has the obligation to verify that the applicants meet the conditions for participation in the funding programme (based on the eligibility verification grid);
- 4.4. The applicant who becomes a beneficiary has the obligation to ensure the fulfilment and smooth running of the activities proposed in the application, including taking steps and obtaining the necessary confirmations for carrying out the activities that are the subject of mobility, where necessary.

Chapter 5. Rules of funding

- 5.1. A mobility can be financed by one or more funding authorities, subject to the following rules:
 - a) the granting of funding by a funding authority is **not conditional** on the existence of non-reimbursable public funding from another funding authority;



- b) for the same mobility, a beneficiary can agree only one non-reimbursable funding from the same funding authority;
 - c) a beneficiary can agree to non-reimbursable funding from the same funding authority during a session / within a funding programme, for different mobilities, provided that the respective mobilities have clearly/obviously different aims, objectives, period of development, stated separately and unequivocally;
 - d) the same eligible part of the mobility expenditure cannot be settled from two or more funding sources.
- 5.2. The local, county or central funding authority with which the beneficiary concludes the first mobility funding agreement has the capacity of **main financier**.
- 5.3. The local, county or central funding authority with which the beneficiary concludes subsequent funding agreements has the capacity of **co-financier**.
- 5.4. The applicant has the obligation to mention in the mobility funding application **all existing public sources of funding** at the time of its submission, specifying the following:
- a) the eligible expenses included in the concluded non-reimbursable funding agreements;
 - b) the funding applications submitted to other funding authorities.
- 5.5. The applicant has the obligation to mention in the funding application the **identification data of each mobility and/or cultural project**, for which he submitted funding applications within a session or, as the case may be, a funding programme, at the Centre of Projects of the Municipality of Timișoara, highlighting the specific differences regarding the purpose, objectives, duration of each one.
- 5.6. Finding by the funding authority of the bad faith violation of the obligations provided for in pars. 5.4 and 5.5, with the consequence of non-compliance with the rules from pars. 5.1. b)-d), incurs the sanction of legal termination of the funding agreement and constitutes an enforceable title for the recovery of the amounts granted and, as the case may be, may attract other sanctions according to the relevant legal provisions.
- 5.7. The beneficiary has the obligation to submit the supporting documents concerning the complementary sources of funding within the deadlines, in the form and within the limit provided for in the non-reimbursable funding contract; the finding by the funding authority of non-compliance with the obligation is grounds for termination of the contract and enforceable title for recovery of the amounts granted.



- 5.8. The funding authority, through the technical secretariat, has the obligation to verify that the applicants meet the conditions for participation in the funding programme.
- 5.9. In the case of applicants who are natural persons or foreign legal entities, the funding authority is obliged to take into account the documents proving that the conditions for participation in the selection procedure have been met, according to the legislation of the country of nationality or of registration of the legal entity applicant.
- 5.10. The following **categories of eligible expenses** can be covered from the non-reimbursable funding granted according to this Guide
- a) accommodation and meal/per diem expenses, in the form of lump sums;
 - b) domestic/international transportation expenses, based on supporting documents;
 - c) indirect expenses (at most 5% of the total non-reimbursable funding), in the form of lump sums.
- 5.11. Specific details on eligible and non-eligible expenses can be found in the *Expense Reporting and Settlement Guide* (Annex 8).

Chapter 6. Grant of non-reimbursable funding

- 6.1. The non-reimbursable funding is granted to cover the eligible expenses of a mobility, based on a grant agreement concluded between the funding authority and non-reimbursable funding beneficiaries. Grant funding is conditional on the existence of complementary sources of funding.
- 6.2. Non-reimbursable funding is granted in **instalments**, by bank transfer, from the budget of the funding authority to the account of the beneficiary, based on the payment request or, as the case may be, the invoice issued by him for each instalment.
- 6.3. **The first instalment** will be granted after signing the non-reimbursable funding agreement.
- 6.4. **The last instalment**, which cannot be less than 15%, is granted based on the supporting documents regarding the first tranche, accompanied by the final report, presented by the beneficiary of the non-reimbursable funding.



- 6.5. When justifying each instalment granted on the basis of a non-reimbursable funding agreement, the eligible expenses provided for in Art. 5.10 must be carried out during the mobility period, be necessary for its realisation and comply with the relevant provisions of the national and, as the case may be, of the European Union legislation, applicable in the matter.
- 6.6. **The amount of funding paid may be lower than the amount of funding initially approved**, according to the estimated budget, in the following situations:
- a) the expenses incurred were lower than the estimated ones, without influencing the mobility activities;
 - b) certain expenses were no longer incurred, without influencing mobility activities;
 - c) some expenses incurred were not considered eligible, following the evaluation of the final report and supporting documents.

Chapter 7. Stages of the funding programme

- 7.1. The mobility funding is carried out in the following stages:
1. publication of the announcement regarding the funding programme;
 2. receiving and registering applications;
 3. verification of the fulfilment of the conditions for participation in the selection;
 4. public communication of the verification result of the fulfilment of the conditions for participation in the selection;
 5. submission and resolution of possible appeals regarding the result of the verification of fulfilment of the conditions for participation in the selection;
 6. evaluation and selection of applications;
 7. public communication of the evaluation and selection result;
 8. signing non-reimbursable funding agreements;
 9. implementation of mobilities;
 10. submission of the activity report and supporting documents and their verification.

Chapter 8. Applying for non-reimbursable funding

- 8.1. The *Funding Application* (Annex 1), in compliance with the provisions of this Guide, constitutes the basis for the **evaluation and selection of mobility**.



8.2. **The funding application is submitted online**, through the form provided on the web page communicated in the *Launch Announcement* of the funding programme, **and must be accompanied by the following documents:**

A. common documents, required for both natural person applicants and authorized natural person applicants:

- Annex 1.1. – The income and expenditure budget, **using the form provided by the funding authority** and following the specifications mentioned in it, as well as in the announcement of the launch of the funding programme, this guide and the settlement guide, **signed and dated**;
- Annex 1.2. – Affidavit regarding the eligibility of the applicant, **using the form provided by the funding authority, signed and dated**;

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- Annex 1.3 - **Mobility participation agreement from the host organization (for internship courses), respectively from the organizer (for travel grants)**. The agreement must contain the name of the host organization, the dates of the mobility and its objectives and any other organizational details, including the type of financial or material support that the organization provides to the beneficiary, if applicable;

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- **The applicant's résumé/portfolio**, which presents his/her professional activity and from which the activity in the cultural field results;

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- **Portrait photo** of the applicant;

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- **Optional: other relevant documents** (diplomas, accreditations, certificates, awards, publications, scholarships or other evidence of professional activity in the cultural field).

B. documents required for natural person applicants:

- **Copy of the applicant's identity card**;
- **Copy of the document certifying that the applicant has no debts to the state budget**
(Applicants who are natural persons with tax residence in Romania will submit the tax certification certificate issued by the National Agency for Fiscal Administration, which is within the validity period on the date of submission, which certifies the applicant's situation regarding the payment of taxes and



fees to the general consolidated budget. Natural persons applicants who do not have tax residence in Romania will submit similar documents, according to the legislation of their country of residence.)

C. documents required for authorized natural persons applicants:

- **Copy of the tax registration certificate**

(for PFAs registered in Romania, a copy of the tax registration certificate from The National Agency for Fiscal Administration will be submitted; authorized natural person applicants who do not have tax residency in Romania will submit similar documents, according to the legislation of their country of residence);

- **Copy of the document proving the acquisition of legal personality**

(For PFAs registered in Romania, a copy of the registration certificate from the Trade Registry will be submitted. Authorized natural person applicants who do not have tax residency in Romania will submit similar documents, according to the legislation of their country of residence.)

- **Copy of the document certifying that the applicant has no debts to the state budget**

(PFAs registered in Romania will submit the tax attestation certificate issued by the National Agency for Fiscal Administration, within the validity period on the date of submission, certifying the applicant's situation regarding the payment of fees and taxes to the consolidated general budget. Authorized natural persons applicants who do not have tax residence in Romania will submit similar documents, according to the legislation of their country of residence.)

8.3. **All documents that obligatorily accompany the funding application, together with it, are sent electronically in the registration form and within the terms provided in the launch announcement of the funding programme**, the applicant having the obligation to keep them for the stage of contracting, verification and/or monitoring, as appropriate.

8.4. Only funding requests that cumulatively meet **the following conditions** pass to the evaluation and selection stage:

1. have been confirmed by the funding authority, by assigning a registration number, thus certifying compliance with the registration deadline;



2. contain all the mandatory accompanying documents, according to this *Guide*, the public announcement and the registration form, and they comply with the requirements established by this *Guide* and by the *Launch Announcement*;
 3. the funding application (an integral part of the application form) and all mandatory accompanying documents are completed in full; the incomplete submission of the requested documents or information causes the rejection of the funding request in the administrative compliance and eligibility verification stage;
 4. the submitted documents are assumed by signature and dated.
- 8.5. The applicant is obliged to provide the funding authority with all clarifications and/or additional information requested in the eligibility verification stage or in the evaluation and selection stage, within 3 working days of receiving the request.

Chapter 9. Evaluation and selection process

- 9.1. The mobilities are selected for funding within the limits of the public funds provided in the launch announcement of the funding programme.
- 9.2. The evaluation and selection of mobilities is carried out by **a selection committee/selection committees** made up of:
 - a) representatives of the funding authority with experience and/or responsibilities regarding the cultural sector;
 - b) independent expert evaluators, specialists with an experience of at least 3 years or, as the case may be, at least 2 years in the management and/or evaluation of cultural projects or mobilities, in the fields for which the selection session is organised.
- 9.3. The specialists provided for in b) cannot be part of the category of personnel employed through an individual employment agreement concluded with the funding authority, and their number must be greater than the number of representatives of the funding authority.
- 9.4. Determining the number of members of the selection committee and their appointment are made by the decision of the director of the Center for Projects.



- 9.5. For the appointment of the selection committees, the funding authority has the obligation to ensure the replacement of at least one third of the specialists of the previous funding session/programme.
- 9.6. The activity of the evaluators consists in **evaluating the applications in the order of their registration** and **ranking them based on the points obtained**, calculated by the arithmetic mean of the points awarded by each member of the commission, according to the criteria established in the launch announcement of the funding programme.
- 9.7. **The scores given by the evaluators can be whole numbers or with one decimal place**, and the calculated arithmetic mean is a number with two decimal places.
- 9.8. **The arithmetic mean** is calculated, as appropriate, per criterion to identify the achievement of minimum thresholds, if such a threshold is identified in the Notice, and per total of the scores awarded to determine the final score awarded to the project.
- 9.9. If the **balance of non-reimbursable funding available for the last application in the list is less than the amount requested by the applicant in the funding request**, the technical secretariat will contact the applicant and ask for their consent to receive partial funding, subject to the following steps and conditions:
- a. The applicant will retransmit, within the communicated deadline, the reworked estimated budget and the adapted funding request, within the available financial limit;
 - b. Substantial changes in the content of the application, such as changing the implementation period/duration, purpose, objectives, mobility plan, are not accepted in the adaptation of the funding request;
 - c. The retransmitted budget, together with the adapted funding request, after registration, become an annex to the agreement.
 - d. Failure by the applicant to comply with the provisions of this article leads to the non-conclusion of the funding agreement and the completion of the same steps with regard to the next application in the order of the ranking of the scores obtained.
- 9.10. Proposals with a **minimum score of 70 points**, out of a maximum score of 100 points, will be selected for non-reimbursable funding.
- 9.11. The proposals selected for grant funding will meet the minimum scores set out in the call for proposal.



- 9.12. In the event that there are **differences of more than 10 points** between the total points awarded for the same mobility, the secretariat of the funding authority convenes a joint re-evaluation meeting of the mobility in question.
- 9.13. In the event when, following the re-evaluation meeting, the difference between the points is not reduced, the respective mobility will be subject to a new evaluation, carried out by other members appointed by decision, incumbents and substitutes.
- 9.14. Non-reimbursable funding is granted for selected funding applications, based on the final ranking, within the budget allocated to the funding programme.
- 9.15. The funding authority cannot reduce the amount of non-reimbursable funding requested per mobility, except in situations where:
- ineligible expenses are identified in the mobility estimate;
 - the amount requested exceeds the upper limit of the non-reimbursable funding that can be granted to a mobility, if the rules regarding the organisation of the non-reimbursable funding session do not require the elimination of the funding request at the stage of verifying the fulfilment of the conditions for participation in the selection;
 - mobility accesses the last available funds - in order to fit into the budget allocated to the session/funding programme.
- 9.16. Applicants have the right to file **appeals** strictly on the manner of compliance with the procedure regarding the organisation and conduct of the stage of verification of administrative compliance and eligibility, within a maximum of 3 working days from the date of publication of the result of the verification.
- 9.17. Appeals will be submitted electronically, to the email address specified in the *Launch Announcement* of the funding programme.
- 9.18. In order to prepare the appeal, the administrative compliance and eligibility verification grid can be requested, which will be made available by the secretariat of the funding authority, in electronic format.
- 9.19. Each member of the selection and appeals committee, respectively, will sign a **declaration of impartiality and avoidance of conflict of interest** at the beginning of the evaluation session.
- 9.20. A person who is in one or more of the following situations cannot be a member of the selection or appeals resolution committee:



- a) is part of the management bodies of one of the legal person applicants, or is a legal representative or employee of an applicant;
 - b) has the status of spouse, relative or affine, up to the 2nd degree inclusive, with persons who are part of management bodies or employed persons of an applicant;
 - c) has the capacity of a shareholder, or his relatives or relatives up to the 2nd degree inclusive have the capacity of shareholders of one of the legal person applicants;
 - d) has a patrimonial interest, personal or through a relative or affine up to the 2nd degree inclusive, in relation to the awarding of the non-reimbursable funding agreement.
- 9.21. In the event that, during the evaluation, a member of the committee finds that he is in a situation that could reasonably be susceptible to a conflict of interest in connection with one of the mobility activities he has with one of the applicants, he is obliged to declare immediately this, to be replaced.
- 9.22. For the work performed, the members of the selection committees and the members of the appeal resolution committees, who are not part of the category of staff employed by an individual employment agreement concluded with the funding authority, receive an allowance based on an agreement concluded according to the provisions of the *Civil Code*.
- 9.23. The allowance will be calculated according to the number of evaluated applications (300 lei gross/evaluated application) and will be granted based on the completion and submission to the funding authority of the evaluation grids with the argumentation of the score awarded and the minutes, based on the models received from the funding authority.
- 9.24. In the event where the technical secretariat finds that a member of the committees is in one of the previously mentioned incompatibility situations, it will propose to the funding authority the withdrawal of membership from the said selection commission, being replaced by another candidate. In this situation, the evaluator found incompatible will no longer be able to be part of a selection committee of the funding authority for a period of two years.
- 9.25. The nominal composition of the selection and appeals settlement committees will be made public only after the evaluation process has been completed.
- 9.26. The administrative compliance check grids, as well as the evaluation grids that applicants can request, will be anonymized.



- 9.27. The results of the selection stages are publicly communicated on the website of the funding authority, according to the calendar communicated in the announcement of the funding programme.
- 9.28. The evaluation and selection process is carried out online, on the web page communicated in the announcement of the launch of the funding programme.

Chapter 10. Contracting and the visual identity of the financier

- 10.1. Beneficiaries of non-reimbursable funding conclude a non-reimbursable funding agreement with the funding authority, based on the decision stating the result of the evaluation and selection.
- 10.2. **The signing of the non-reimbursable funding agreement / of the multiannual framework financing agreement** is conditional on the submission by the applicant selected for the granting of non-reimbursable funding of all the documents necessary for the agreement and of administrative compliance, verified by the technical secretariat of the funding authority upon submission.
- 10.3. **The non-reimbursable mobility funding agreement (Annex 6.1) / the multi-annual Financing Framework Agreement (Annex 6.2)** is provided in the annex to this *Guide* and includes the following annexes, as integral parts:
- a) subsequent financing contracts (if applicable);
 - b) the funding application selected for non-reimbursable funding;
 - c) the income and expenditure budget, detailed, for the approved non-reimbursable funding;
 - d) affidavit of the applicant who has become a beneficiary;
 - e) communication elements, according to the communication guide;
 - f) the code of ethics of the Timisoara 2023 Cultural Programme;
 - g) other payment and reporting documents.
- 10.4. Beneficiaries are obliged to implement mobility in accordance with the provisions of the funding agreement and its annexes. Any change in mobility is made on the basis of notifying the funding authority and obtaining its agreement.



- 10.5. **Changes/compensations between expenditure categories** are allowed as follows:
- a) **within the limit of max. 10%** of the amount of the non-reimbursable funding, through a written notification to the person in charge of the agreement from the funding authority;
 - b) **between 10% and 20%** of the non-reimbursable funding amount, only with the written approval of the agreement manager from the funding authority;
 - c) **over 20%** of the amount of the non-reimbursable funding, only by signing an addendum to the agreement and only if for objective reasons, such as unforeseen events, independent of the beneficiary of the non-reimbursable funding, or cases of force majeure that occur during the performance period agreement, changes are required in the structure and amount of an expense above this 20% limit.
- 10.6. The position of the funding authority is expressed within a maximum of 10 working days from the receipt of the notification.
- 10.7. Non-compliance by the beneficiaries with the obligations assumed by the non-reimbursable funding agreements entails their obligation to partially or fully return the amounts received, to which is added the legal interest calculated on the amounts to be returned, in accordance with the provisions of the agreement, under the conditions of the law.
- 10.8. The intellectual property rights resulting from mobility funding remain with the beneficiary of the funding. This *Guide* is supplemented by the provisions of Law No. 8 of March 14, 1996 on copyright and related rights, republished, with subsequent amendments and additions.
- 10.9. The beneficiary of the funding authorizes the funding authority to use, free of charge, information contained in the funding application, the activity report, as well as those regarding the results obtained, through all the public communication methods it decides, including for the dissemination of the results of the funding programme.
- 10.10. The beneficiary of the funding will make available to the funding authority, free of charge, mobility related communication materials (e.g. relevant photographs and audio-video recordings) and authorize the financier to use them in any way it sees fit, for non-commercial purposes, including to publish them through any means of communication that it decides.



- 10.11. These authorizations are granted for an indefinite period and are valid without territorial limits and without giving rise to additional material claims on the part of the beneficiary.
- 10.12. The authorization covers all ways of using this information and materials, including by communicating them on the website of the funding authority or by other means of electronic information.
- 10.13. The beneficiary will obtain the right to use the image of the persons photographed and/or filmed.
- 10.14. The beneficiary also undertakes to comply with his obligations arising from these authorizations and in the contractual relations with his employees or third parties involved in the performance of specific mobility activities.
- 10.15. All communication and dissemination products of the funding results must include the **visual identity** marks of the funding programme, in accordance with the provisions of this guide, the *Funding Agreement* (Annex 6) and the *Visual Identity Communication and Application Guide* (Annex 7).
- 10.16. In the event where it is found that the beneficiary of the funding did not respect the visual identity signs communicated by the funding authority or partially respected them, measures are applied according to the agreement.
- 10.17. Advertising messages for the benefit of commercial companies are allowed in materials intended for the public, produced within the framework of financed mobility, with the preservation of a ratio of their size proportional to the share of the contribution of each financier, sponsor, etc.

Chapter 11. Monitoring and reporting

- 11.1. During the execution of the agreement, the funding authority reserves the **right to monitor**, through designated persons, the progress made by the beneficiary, as well as the compliance with the contractual obligations.
- 11.2. Beneficiaries of the funding are obliged to present to the Centre of Projects an **activity report** (drawn up according to the model provided in Annex 9) submitted within 14 calendar days at most from the completion of the mobility, with evidence of the activities carried out in the application sent and of the expenses incurred (according to the documents supporting documents), no later



than the deadline mentioned in the launch announcement of the funding programme.

- 11.3. The manner of use of the amounts granted in the form of non-reimbursable funding is subject to the control of the funding authority, the Ministry of Culture, as well as other institutions with attributions in verifying the manner of use of public funds.
- 11.4. The management regime of the granted amounts and the financial control are carried out in accordance with the law.
- 11.5. Non-compliance by the beneficiaries with the obligations assumed by the non-reimbursable funding agreements entails their obligation to partially or fully return the amounts received, to which is added the legal interest calculated on the amounts granted, in accordance with the provisions of the agreement, under the conditions of the law.
- 11.6. Following the verification of the supporting documents and the activity report, the funding authority has the obligation to recover from the beneficiary the funds used by him to cover expenses other than those expected to be eligible.
- 11.7. The period required by the funding authority for **checking and approving the activity reports** and for determining the amounts to be settled is maximum **30 working days**, an interval that must be taken into account by the beneficiary in planning activities.
- 11.8. The expenses incurred in the mobility framework are partially or entirely ineligible in the conditions where the activities or the result indicators are partially fulfilled or not fulfilled, thus the financial correction applied is proportional to the degree of non-fulfilment of the activities or, as the case may be, the result indicators.
- 11.9. Financial corrections do not apply in situations of force majeure, which can be invoked and proven according to the funding agreement.
- 11.10. The final amount granted as non-reimbursable funding is determined according to the result of the analysis of the activity report and the total real eligible expenses of the mobility, based on the supporting documents submitted by the beneficiary.
- 11.11. Following the evaluation and approval of the activity report, the funding authority makes the decision to grant full or partial funding, and will recover from the



beneficiary the funds used to cover expenses other than those provided for in the agreement, if applicable.

Chapter 12. Final provisions

- 12.1. Any communication, request, information, notification and the like determined by the application of the procedures provided for in this guide are made in written form.
- 12.2. Any written document must be recorded at the time of submission/transmission and receipt. Written documents will be sent electronically, with confirmation of receipt.
- 12.3. The procedures for planning and executing the expenditure ceilings regarding the non-reimbursable funding, the designation of the members of the evaluation and selection committees, the procedures for awarding the non-reimbursable funding agreements, the non-reimbursable funding agreements signed by the funding authority with the beneficiaries, as well as the budget execution reports regarding the non-reimbursable funding, constitute information of public interest, according to the provisions of Law No. 544/2001 on free access to information of public interest, with subsequent amendments and additions.

Chapter 13. Legal basis

- 13.1. Funding for mobility is granted in accordance with the provisions:
 - a) Government Emergency Ordinance 42/2019 regarding the establishment of financial measures to support the implementation of the national cultural programme "Timișoara - European Capital of Culture in 2023", with subsequent amendments and additions;
 - b) Government Ordinance 51/1998 regarding the improvement of the system of non-reimbursable funding of cultural projects, with subsequent amendments and additions;
 - c) Law no. 286/2022 on the approval of Government Emergency Ordinance no. 83/2022 on the amendment and completion of Government Ordinance no. 51/1998 on the improvement of the financing system for cultural programmes, projects and actions, as well as on the amendment of Government Emergency Ordinance no. 42/2019 on the establishment of



financial measures to support the implementation of the National Cultural Programme "Timisoara - European Capital of Culture in 2023";

- d) Law no. 196 of 4 July 2023 on the approval of Government Ordinance no. 10/2023 amending Art. 21 para. (1) letter h) of Government Ordinance no. 51/1998 on the improvement of the system of non-reimbursable financing of cultural projects.
- e) Ordinance of the Minister of Culture 3560/15.12.2022 on the approval of the update of the application file for the national programme " Timișoara – European Capital of Culture in 2023".

13.2. In addition, transversal legislation includes:

- a) Law No. 8/1996 on copyright and rights related to copyright, with subsequent amendments and additions;
- b) Law No. 186/2003 on the support and promotion of written culture, with subsequent amendments and additions;
- c) Government Emergency Ordinance no. 57/2019 on the Administrative Code, with subsequent amendments and additions;
- d) Law No. 82/1991 of accounting, with subsequent amendments and additions;
- e) Law No. 227/2015 on the Fiscal Code, with subsequent amendments and additions;
- f) Law No 500/2002 on public finances, with subsequent amendments and additions;
- g) Law No 273/2006 on local public finances, with subsequent amendments and additions;
- h) Law 98/2016 on public procurement, with subsequent amendments and additions;
- i) Government Decision No. 518 of July 10, 1995 regarding some rights and obligations of Romanian personnel sent abroad to carry out temporary assignments;
- j) Government Ordinance No. 119/1999 on internal control and preventive financial control, with subsequent amendments and additions;
- k) Government Decision No. 714/2018 regarding the rights and obligations of the staff of public authorities and institutions during the period of delegation and secondment to another locality, as well as in the case of travel in the interest of the service;
- l) Order of the Ministry of Public Finance No. 3654 of December 15, 2015 regarding the approval of the procedure for issuing the fiscal attestation certificate, the budget obligations certificate, as well as their model and content, with subsequent amendments and additions;



m) Law No. 544 of October 12, 2001 regarding free access to information of public interest, with subsequent amendments and additions.

13.3. The mentioned normative acts are supplemented with the normative acts that regulate legal aspects incident to the development of funding programmes.