

Supplement to the Programme Manuals related to suspension of the Financing Agreement

1. Introduction

Following the Russian military aggression and engagement of Belarusian central authorities in the war against Ukraine, the European Commission has suspended cooperation with Belarus within the European Neighbourhood Instrument Cross-border Cooperation Programme Poland-Belarus-Ukraine 2014-2020 (Programme). Consequently, the payments to the Belarusian Beneficiaries have been suspended. This significantly affected the implementation of the projects under the Programme and resulted in the need to apply new guidelines in response to the current situation. Simplifications in proceeding of changes in the projects have been already accepted by the Joint Monitoring Committee and stay in force: <https://pbu2020.eu/en/news/2514>. Further guides are presented below and shall supplement the current project legal basis.

2. Implementation of the projects with the Polish Lead Beneficiary

As a rule, the implementation of the project with the Polish Lead Beneficiary does not change in substance. The Polish Lead Beneficiaries and the Polish Beneficiaries in those projects are advised to proceed with project implementation. At the same time, in case any Beneficiary/partnership is unable to continue the implementation of the PL-BY cross-border project in the current format, such information shall be immediately submitted to the Joint Technical Secretariat (JTS). The JTS will send this information to MA. The Belarusian Beneficiaries continue the projects under their own responsibility, bearing in mind that the European Commission has suspended payments to them and the Programme decided that any expenditure incurred and paid **from 24.02.2022 is ineligible**.

The general principles:

- a. Each Beneficiary carries out its part of the project according to the description of activities and the breakdown of indicators set in the Description of the Project and the Partnership Agreement using budgeted funds in the Budget for the Project.
- b. Polish Beneficiaries may implement activity/event unilaterally, following the new visibility guidelines (described in point 8 of this Supplement) and adjusting it to the new circumstances introducing necessary changes in activities, indicators and/or budget. The MA/JTS may approve lower values of indicators in the interim/final report taking into account current situation.
- c. In general, MA/JTS accepts requests for changes related to the part of the project implemented on the Polish side (including prolongation of the implementation period) as well as brief narrative reports, interim and final reports (narrative and financial parts) and requests for payment regarding the Polish part of the project. Provisions on changes remain in force.
- d. Requests for substantial changes to the project concerning the Belarusian Beneficiaries will not be considered by the MA/JTS, regardless of the period they relate to.

- e. Requests for minor changes concerning the Belarusian Beneficiaries, which were notified to JTS before 24.02.2022, will be taken into account during the verification of the eligibility of expenditure included in the reports. Requests for minor changes concerning the Belarusian Beneficiaries notified from 24.02.2022 will not be proceeded. The above provisions do not concern the changes of FIF and LEF, which can be submitted on the current basis.
- f. Reports submitted by the Belarusian Beneficiaries cannot include expenses incurred and paid from 24.02.2022 onwards. If they do appear in the reports, they will be considered ineligible.
- g. Polish Lead Beneficiaries are advised to include in interim, final and brief narrative reports Belarusian part of the project.
- h. The verification of the Belarusian part of reports will be performed by the JTS. In some cases, the Lead Beneficiary may be asked to forward the JTS's comments to the Belarusian Beneficiary or to correct the report. If the corrected report is not submitted, the JTS will decide on the eligibility of costs based on the available data.
- i. If the Belarusian Beneficiary declines to report, the Lead Beneficiary may omit the individual report of the Belarusian Beneficiary and submit documents related to its part only.
- j. If the durability of results on the Polish side is endangered by the lack of activities of the Belarusian or Ukrainian Beneficiary, the Lead Beneficiary shall immediately inform the JTS and introduce necessary changes in the Polish part of the project.

The Grant Contract's recovery provisions remain in force. In case of the need to recover the prefinancing funds, the Polish or Ukrainian Lead Beneficiary will be obliged to issue a call for payment to Belarusian Beneficiary (the Lead Beneficiary does not cover the Belarusian Beneficiary's obligation). If the call is ineffective, the case is taken over by the MA and the MA will call the Belarusian National Authority for payment or forward the case to the European Commission.

3. Implementation of the projects with the Belarusian Lead Beneficiary

Due to the suspension of the Financing Agreement, the MA may conclude Subsidiary Contracts with the Polish Beneficiaries, which shall enable them carrying out activities bypassing the Lead Beneficiary. This includes in particular: requests for changes concerning their part of the project (including prolongation of the implementation period), submission of brief narrative reports, interim, additional interim reports and final reports (narrative and financial parts) and requests for payment regarding their part of the project. The Subsidiary Contract will also enable the transfer of payments directly from MA to the Polish Beneficiaries.

The procedure for signing the Subsidiary Contract will be corresponding to the procedure of signing the Grant Contract described in the Programme Manual dedicated to specific Call for Proposals. Templates of the necessary documents/annexes to the Subsidiary Contract are to be provided at the Programme website.

The general principles specified in point 2 a-f of this Supplement shall be also applicable in the projects with the Belarusian Lead Beneficiary.

Polish Beneficiaries will receive additional possibilities and rights of implementation and settlement of their parts of the project. At the same time, Belarusian Lead Beneficiaries will be able to submit interim, final and brief narrative reports related only to the activities on the Belarusian side. Following the EC decision, the MA has suspended transferring of the funds to the Belarusian Beneficiaries until further notice.

The Grant Contract's recovery provisions remain in force. However, in accordance with the provisions in the Subsidiary Contract, after verification by the JTS/MA of the costs incurred and paid by the Polish and Ukrainian Beneficiaries, in case of the need to recover the prefinancing funds, amounts unduly paid to the Beneficiary could be repaid directly to the Programme bank account.

4. Implementation of projects within Polish-Ukrainian partnership

As a rule, further implementation of projects with the Polish-Ukrainian partnership shall be encouraged and facilitated. In case any Beneficiary/partnership is unable to continue activities in the current format, or the durability of results is endangered, such information shall be immediately submitted to the JTS.

Importantly, due to the war in Ukraine and to current obstacles including problems with transferring of the Programme financing through Ukrainian Lead Beneficiaries to Polish Beneficiaries/other Beneficiaries, the MA may introduce special modifications to the existing Grant Contracts with Ukrainian and Polish Lead Beneficiaries to regulate two key aspects of project implementation, i.e. the financial flows and project reporting. Additional provisions to the Grant Contracts are possible (case-by-case analysis) and they shall enable:

- payments from the MA directly to individual project participants (bypassing the Lead Beneficiary)
- possibility of separate settlement of each Beneficiary (separate reporting, payments).

If necessary and feasible, this Supplement introduces also possibility of exchanging the roles between the Beneficiaries, i.e. the Beneficiary may take the role of the Lead Beneficiary.

5. Eligibility of expenditure related to the new activity - support for the victims of the war in Ukraine

General Information

Invasion of Ukraine by Russian forces supported by Belarus affected a lot of people since 24th of February 2022 including the population of the Programme area. In order to support Ukrainians (victims of the war including Ukrainian refugees located in Poland) and assist the general system of help for Ukraine, the Poland-Belarus-Ukraine CBC Programme activated additional financing to be used by the Programme Beneficiaries (intermediary in providing assistance).

The funds may be used to increase the grants for projects in order to enable introduction of additional activities strictly supporting people fleeing from Ukraine or people in Ukraine within the scope of existing partnerships.

Financing

The additional Programme funds available for this purpose amount to 2 500 000 EUR. The allocation for aid activities may be increased in case further savings are identified in the Programme budget.

- The minimal value of proposed actions is 15 000 EUR per Beneficiary.
- The maximum value of actions depends on the number of Beneficiaries that would apply for the additional funding.
- The recommended value of actions is ca. 150 000 EUR per Beneficiary.

Eligible beneficiaries

Polish and Ukrainian Beneficiaries (Lead Beneficiaries and Project Beneficiaries) of PBU projects which are not yet closed (the final report not settled) may apply for the additional funding. Applications shall be submitted within regular scheme of the project modification – by the Lead Beneficiary.

Due to the various barriers imposed by the Martial Law for financing of project expenditures by Beneficiaries in Ukraine, in practice, access for additional funding may be available only for the Polish participants. Nevertheless, the support (deliveries, equipment etc.) may be transferred by Polish Beneficiaries to the Ukrainian project partners for their disposal. The Ukrainian Beneficiaries may also receive additional funding if it would be possible for them to start and conclude purchase of goods or services.

Belarusian participants of projects are not eligible and they cannot apply for the additional funding.

Additional funding is available only for Beneficiaries who ensure proper capacity to implement additional actions as well as have proven history of effective implementation of ongoing projects.

Timeframe

The additional supporting activities may be implemented by **31.12.2022** (subject to prolong upon the Managing Authority's decision).

Additional actions shall be implemented strictly in line with provisions of respective grant contract for each project. In case of necessity of prolongation of an ongoing project, an addendum to the Grant Contract shall be signed.

List of eligible actions and indicators

The indicative list of activities possible to be introduced with proposed indicators:

1. Accommodation organised by Beneficiaries within their facilities/buildings/premises under their disposals (schools, gyms, other premises etc.) – costs related to functioning of accommodations places (electricity, heating, water consumption etc.)
 - number of people using the accommodation,
 - number of created/activated places of accommodation.

2. Refurbishing/upgrading/equipping (furniture, household items, sanitary items etc.) of existing reception facilities/accommodation within the disposal of Beneficiaries
 - number of people using the newly created or improved social services,
 - number of equipped/adapted infrastructure supporting people fleeing from Ukraine,
 - number of created/activated places of accommodation.
3. Transport services (public), including tickets, to next reception (local/regional) and/or accommodation places, as well as to other host countries (as part of relocation or given the destination of choice of the people fleeing Ukraine), public institutions, medical facilities and other places necessary to visit for formal or health-related reasons, including responding to the needs of persons with disabilities.
 - number of people using transport services.
4. Basic needs support for target groups (food, non-food items and basic material assistance, such as hygiene kits, blankets, clothes, food packages, sleeping bags, nappies, baby bottles, tents, power banks, lighters, baby strollers, suitcases etc.).
 - number of people assisted by basic support,
 - value of purchased food,
 - value of purchased non-food and basic material assistance.
5. Purchase of other specialized equipment (power generators, chainsaws, specialized clothes, mobile showers, mobile toilets etc.)
 - number of people using specialized equipment,
 - number of purchased specialized equipment.
6. Purchase of pharmaceutical and medical products or equipment.
 - number of people assisted by pharmaceutical and medical support,
 - number of purchased pharmaceutical and medical products or equipment.
7. Access to health care services including mental health and psychological care, primary care and preventive care.
 - number of people assisted by health care support,
 - number of newly created or adapted health care services.
8. Access to social services, day care services, legal services.
 - number of people assisted by services,
 - number of newly created or adapted services.
9. Information packages (e.g. brochures) / information services.
 - number of dissemination/information materials, packages.
10. Other deliveries or services.
 - population benefiting

- value of ...
- number of purchased ...

Non eligible expenditures

- salaries for staff of PBU Beneficiary/coordinators of assistance within the project;
- direct financial transfers/payments for recipients of assistance;
- transfer of deliveries and equipment abroad, other than for the disposal of Beneficiaries of ongoing Ukrainian projects.

Technical information

- The financing of additional activities from the Programme funds shall be 100% of total costs approved in the budget.
- Modification of the project introducing additional aid actions shall be done under a regular procedure of project modification, requiring the signature of an addendum to the Grant Contract.
- An additional pre-financing payment within the project is foreseen in order to transfer programme funds to beneficiaries who decide to introduce aid activities to their projects.
- All PBU Programme rules concerning projects implementation (including eligibility of costs, verification, reporting, control) are applicable.

6. Project savings

The invasion of Ukraine by Russian forces has had a negative impact on the implementation of the PL-UA partnership projects. To assist the projects in these difficult times and ease their implementation and modifications, the JMC of the Programme approved several simplifications in the projects procedures. Moreover, important changes were also introduced to enable projects initiation of additional activities – serving those in need, suffering from war in Ukraine.

1. **Substantial changes in the projects with the Ukrainian Lead Beneficiary** may be introduced in the simplified way, by providing necessary information in e-mail sent to the JTS (documents to be provided at the later stage, once possible).
2. **Additional activities** may be introduced in the projects (following the JTS approval) to help those in need now:
 - providing the refugees (people escaping from the war from the Ukrainian territories regardless of their origin) with access to project products, e.g., buildings or equipment;
 - adjusting project events to better serve the needs of the refugees (e.g., integration, translation support, extra activities for children);
 - spending project savings on supplies and/or services that may provide additional value for the refugees from Ukraine (changes in the budget that do not change the total grant value).

All Beneficiaries interested in utilizing savings in their projects are advised to contact their JTS project managers beforehand.

7. Visibility guidelines

The project information and promotion activities obligations described in:

- chapter 7 of the Programme Manual Part II (Implementation Manual) for LIPs and regular projects;
- chapter 12 of the Programme Manual 2nd Call for Proposals for micro-projects PBU2;
- chapter 12 of the Programme Manual 3rd Call for Proposals for micro-projects PBU3

are modified by the below-described provisions:

1) Mandatory visual elements

All promotional materials including informative panels and commemorative plaques produced as part of the project and project documents should be marked with the following mandatory visual elements:

- a) the EU emblem;
- b) information about co-financing from the European Union.

Both forms of that graphic are acceptable:



**Co-funded by
the European Union**



**Funded by
the European Union**

Mandatory visual elements can be found on the European Commission website, under the link: https://ec.europa.eu/regional_policy/en/information/logos_downloadcenter/

The **Programme logo is not mandatory** for the newly planned promotional materials and activities. The name of the Programme has not been changed so to indicate and properly identify the Programme funds it is still recommended to use **the full name of the Programme** (the use of the logo is still acceptable). Nevertheless, the European Commission has suspended the cooperation with Belarus in the European Neighbourhood Instrument cross-border cooperation programmes and it should be also duly reflected in the promotional activities (no activities to promote the trilateral format of the cooperation, the Programme continues in the bilateral PL-UA

format). It is also recommended to express solidarity with Ukraine within communication activities and to promote different kinds of support and engagement possible within the cross-border projects.

2) Project title

If the title of the project contains the name of a city or region in Belarus, the Beneficiaries should use only the project number or the acronym.

The names and logos of the Belarusian Beneficiaries should not be mentioned in any promotional materials.

Promotional materials already produced as part of the project may remain unchanged.

3) Disclaimer

The EU is not responsible for the contents of communication materials prepared by the beneficiaries.

Promotional materials such as: publications, websites, social media accounts, movies and audio-visual materials must include a disclaimer:

a. For publications in print or electronic format

This document/publication was produced with the financial support of the European Union under the ENI CBC Programme Poland-Belarus-Ukraine 2014-2020. Its contents are the sole responsibility of <lead beneficiary's/beneficiary's name> and do not necessarily reflect the views of the European Union, the Managing Authority, or the Joint Technical Secretariat.

b. For websites and social media accounts

This website/account was created and maintained with the financial support of the European Union under the ENI CBC Programme Poland-Belarus-Ukraine 2014-2020. Its contents are the sole responsibility of <lead beneficiary's/beneficiary's name> and do not necessarily reflect the views of the European Union, the Managing Authority, or the Joint Technical Secretariat.

c. For videos and other audio-visual material

This video/film/programme/recording was produced with the financial support of the European Union under the ENI CBC Programme Poland-Belarus-Ukraine 2014-2020. Its contents are the sole responsibility of <lead beneficiary's/beneficiary's name> and do not necessarily reflect the views of the European Union, the Managing Authority, or the Joint Technical Secretariat.

IMPORTANT: All planned information and promotion activities should be agreed with the Communication Manager at the JTS.