



FactSheet

No. 3.1

Partnership agreement

According to the European structural and investment funds (ESI) Regulations 2014-2020 the lead partner (LP) shall conclude an agreement with its project partners (PP) which shall contain provisions that guarantee the sound financial management of the funds allocated to the project, including arrangements for recovering amounts unduly paid. Projects invited to submit an application form (AF) in the second step of the application procedure have to attach a scan of the signed partnership agreement (PA) to the application.

Guidance

The subsidy contract (SC) is signed between the LP and the managing authority (MA), whereas the PA constitutes the contractual relationship between all project participants. While the LP is responsible for ensuring the proper project implementation towards the MA, each project partner is responsible to the LP for bringing in its project contribution and giving full support to the LP to ensure the successful project realisation.

The PA provides the framework for efficient project implementation and management and aims at guaranteeing the project's contribution to reaching the programme's objectives. The partnership agreement shall raise awareness of and clearly define the responsibilities of LP and PP in a legally binding manner.

Since project arrangements are more complex in territorial cooperation partnerships, the programme provides a template for the PA. This template contains the minimum clauses that shall be foreseen by the



projects. Please note that a separate template for the PA has been developed for projects that have a LP coming from a non-Member State. The template for the PA makes reference to the application form and the model subsidy contract which covers many of the issues that might typically occur during project implementation. The PA template regulates e.g. conditions for project changes, rights and obligations related to information and communication, financial control, audits or project results or financial liabilities.

In case the template is used without inserting any additional regulations it can immediately be signed by all project participants after having inserted the project-related data, i.e.:

- o name of the project,
- o agreed working language,
- o applicable law (this shall be the law of the country in which the LP is situated in, in case of a project with an ERDF-LP the laws of the country in which the latter is located shall apply),
- o place of jurisdiction.

Of course, project participants are free to add clauses to the ones of the template PA. In order to verify that these additional clauses do not contradict the relevant EU regulations, programme rules and other provisions of the template PA, these additional clauses need to be checked by the MA (with support of the joint secretariat (JS)). Therefore, the LP shall coordinate 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 of one of the project partners.

LP	PP 1
(ERDF-LP)	

LP	PP 2
(ERDF-LP)	



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).

LP	PP 1
(ERDF-LP)	PP 2
	PP 3
	PP 4

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

The PA shall be set up in so many copies that each project participant receives one. Please note that the programme only needs a scan of the signed PA(s). This scan has to be submitted to the programme via the electronic monitoring system (eMS) together with the AF (see annex).

At the occasion of a transnational seminar organised by the programme for the applicants invited to the second step of the application procedure, guidance and detailed explanation on the template PA and the signature process will be provided.

The MA and JS 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 and JS on these issues. Informing the MA about any open questions by the LP prior to the seminar is highly recommended, as it enables the programme to provide for answers at the seminar.

Reference Documents

- EU Regulation 1299/2013, art. 13(2)
- Cooperation programme "Alpine Space", Section 5.3.
- Factsheet 'Project application'
- Factsheet subsidy contract (including template of subsidy contract)



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