ROMÂNIA
JUDEȚUL TIMIȘ
COMUNA OTELEC
CONSILIUL LOCAL

HOTĂRÂREA nr. 10 din data de 01.03.2023
Privind centrul medical Comuna Otelec

Având în vedere următoarele:

- referatul de aprobare înregistrat la Primăria Otelec sub nr. 591 /01.03.2023 elaborat de Primarul comunei Otelec, în calitatea sa de iniţiator;

- raportul compartimentului de specialitate înregistrat la Primăria Otelec, sub nr. 592 / 01.03.2023;

- Avizele:

- Comisiei pentru buget, finanţe, valorificarea patrimoniului, realizarea lucrarilor publice, servicii catre populatie, sanatate, activitati social culturale, cultura si culte, tineret, conservarea monumentelor istorice;

- Comisiei pentru invatamant, protectia familiei, munca si asistenta sociala,agricultura,arhitectura,urbanism si amenajarea teritoriului, administrarea domeniului public si privat , calitatea vietii siprotectia mediului, circulatie rutiera, turism, ordine publica in cadrul Consiliului Local al Comunei Otelec;

- În conformitate cu prevederile art. 129 alin. (2) lit. b) si c) și alin. (6) din Ordonanța de Urgență Guvernului nr. 57/2019 – privind Codul Administartiv;

În temeiul art.139 alin.(1) din Ordonanța de Urgență a Guvernului nr. 57/2019 – privind Codul Administrativ;

ADOPTĂ PREZENTA HOTĂRÂRE :

Art. 1. Se aprobă proiectul RORS00282 – Cross-border healthcare, "Cross-border initiative regarding easy access to healthcare services", pentru care au fost propuse activitati de igenizare, dotare a Centrului Medical communal pentru care se solicita finantare in cadrul **Programului Interreg IPA Romania-Serbia** 2021-2027.

Art. 2 . Se aprobă Anexele "Cross-border initiative regarding easy access to healthcare services".

Art.3. Se aprobă valoarea proiectului "Cross-border initiative regarding easy access to healthcare services", in suma totala de 447.260,35 euro.

Art.4. Se aprobă contributia proprie in procent de 2% din valoarea totala eligibila a proiectului in suma de 8.945,21 de Euro.

Art.4. Se aprobă disponibilitatea temporară a fondurilor până la rambursarea acestora de către program si acoperirea cheltuielilor neeligibile pentru implementarea corespunzatoare a proiectului.

Art. 5. Prezenta hotărâre se comunică prin grija secretarului general al comunei:

- Instituţiei Prefectului-Judeţul Timiş;
- Primarului Comunei Otelec;
- Serviciului management organizațional, cultural și social;
- Biroului Economic – Dezvoltare din cadrul aparatului de specialitate al primarului comunei Otelec;

SEMNEAZĂ
PREȘEDINTELE DE ȘEDINȚĂ
Deneș Nicoleta

CONTRASEMNEAZĂ
SECRETAR GENERAL AL COMUNEI
Blejdea Marian

ROMÂNIA JUDEȚUL TIMIȘ COMUNA OTELEC CONSILIUL LOCAL

CARTUŞ NECESAR DE INSERAT PE ORICE HOTĂRÂRE A CONSILIULUI LOCAL AL COMUNEI, DUPĂ SEMNĂTURA PREŞEDINTELUI DE ŞEDINŢĂ ŞI CEA A SECRETARULUI GENERAL AL COMUNEI			
PROCEDURI OBLIGATORII ULTERIOARE ADOPTĂRII HOTĂRÂRII CONSILIULUI LOCAL AL COMUNEI NR. 10/2023			
Nr. crt.	**OPERAŢIUNI EFECTUATE**	**Data ZZ/LL/AN**	**Semnătura persoanei responsabile să efectueze procedura**
0	**1**	**2**	**3**
1	Adoptarea hotărârii[1])	01.03.2023	
2	Comunicarea către primarul comunei[2])	01.03.2023	
3	Comunicarea către prefectul judeţului[3])	15.03.2023	
4	Aducerea la cunoştinţă publică[4+5])	01.03.2023	
5	Comunicarea, numai în cazul celei cu caracter individual[4+5])		

Extrase din Ordonanţa de urgenţă a Guvernului nr. 57/2019 privind Codul administrativ:

[1] art. 139 alin. (1): *„În exercitarea atribuţiilor ce îi revin, consiliul local adoptă hotărâri, cu majoritate absolută sau simplă, după caz.";*

[2] art. 197 alin. (2): *„Hotărârile consiliului local se comunică primarului.";*

[3] art. 197 alin. (1), adaptat: Secretarul general al comunei comunică hotărârile consiliului local al comunei prefectului în cel mult 10 zile lucrătoare de la data adoptării...;

[4] art. 197 alin. (4): Hotărârile ... se aduc la cunoştinţa publică şi se comunică, în condiţiile legii, prin grija secretarului general al comunei.;

[5] art. 199 alin. (1): *„Comunicarea hotărârilor .... cu caracter individual către persoanele cărora li se adresează se face în cel mult 5 zile de la data comunicării oficiale către prefect.";*

[6] art. 198 alin. (1): *„Hotărârile ... cu caracter normativ devin obligatorii de la data aducerii lor la cunoştinţă publică.";*
art. 199 alin. (2): *„Hotărârile ... cu caracter individual produc efecte juridice de la data comunicării către persoanele cărora li se adresează."*

Hotărârea nr. 10 din 01.03.2023 a fost adoptată/neadoptată cu ....11...........voturi pentru/împotrivă

Nr. total consilieri	Nr. consilieri prezenţi	Voturi pentru	Voturi împotrivă	Abţineri	Nr. consilieri care nu participă la vot
11	11	11			

Nr. 10/2023
Otelec 01.03.2023

Annex 2 la HCL 10/01.03.2023

Project partner statement

In the event of approval of the above-mentioned project applying to the Interreg IPA Romania - Serbia programme 2021-2027 the Project Partner 4 – OTELEC MUNICIPIALITY/COMMUNE:

1. commits itself to the project and the activities laid down in the application form, and intends to provide the total amount of EUR8.945,21 as contribution to the project's budget.
2. is aware of the Programme rules on reimbursement and confirms the availability of own resources for pre-financing the activities and understands what will be its role in the project;
3. declares that it is not under a bankruptcy proceeding, bears full legal capacity and is financially reliable, and that its foundation and activities are in line with the respective national legislation;
4. declares that is not in one of the following situations:
   a) It has been established by a final judgment or a final administrative decision that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
   b) it has been established by a final judgment or a final administrative decision that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
      - fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the implementation of the legal commitment;
      - entering into agreement with other persons or entities with the aim of distorting competition;
      - violating intellectual property rights;
      - attempting to influence the decision-making of the authorising officer responsible during the award procedure;
      - attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
   c) it has been established by a final judgment that the person or entity is guilty of any of the following:
      - fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council (44) and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995 (45);
      - corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or

officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997 (46), or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA (47), or corruption as defined in other applicable laws;

- conduct related to a criminal organisation as referred to in Article 2 of Council Framework Decision 2008/841/JHA (48);
- money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council (49);
- terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA (50), respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
- child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council (51);

d) the person or entity has shown significant deficiencies in complying with main obligations in the implementation of a legal commitment financed by the budget which has:
   - led to the early termination of a legal commitment;
   - led to the application of liquidated damages or other contractual penalties; or
   - been discovered by an authorising officer, OLAF or the Court of Auditors following checks, audits or investigations;

e) it has been established by a final judgment or final administrative decision that the person or entity has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95 (52);

f) it has been established by a final judgment or final administrative decision that the person or entity has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business;

g) it has been established by a final judgment or final administrative decision that an entity has been created with the intent referred to in point (h).

h) is subject to a conflict of interests; the conflict of interests represents any circumstances that may affect the evaluation or implementation process, in an objective and impartial manner. Such circumstances may result from economic interests, political or national preferences or family connections.

i) is guilty of misrepresentation in supplying the information required by the Managing Authority/ Joint Secretariat as a condition of participation in the call for proposals or fail to supply this information which might have led to a different decision of the evaluators/ Managing Authority during the evaluation process;

j) has attempted to obtain confidential information or influence the evaluation bodies or the Managing Authority during the evaluation process of current or previous calls for proposals;

5. declares to accept all obligations as a project partner deriving from the subsidy contract, which will be signed by the lead partner of the project after the approval, as well as the project partnership agreement which will be concluded between all partners participating in the project;
6. commits itself in complying with the relevant public procurement rules (internal, national, European and programme specific rules if existing) and in making the results available to the public.

7. the information in the application form is accurate and true to the best knowledge of the project partner.
8. VAT STATEMENT

For Romanian beneficiaries:

☒declares that **recoverable VAT is not included** in the partner budget and is aware that **recoverable VAT** will not be eligible for reimbursement

☐declares that **VAT can be partially recovered** in our organisation and that the recoverable part is not included in the partner budget as it is not eligible for reimbursement.

For Serbian beneficiaries:

☐declares that all payments should be **exempted from VAT** (if applicable) and that VAT is not included in the project budget as it is not eligible for reimbursement

Signature

SEMNEAZĂ
PREȘEDINTELE DE ȘEDINȚĂ
Deneș Nicoleta

CONTRASEMNEAZĂ
SECRETAR GENERAL AL COMUNEI
Blejdea Marian

ROMÂNIA * JUDEȚUL TIMIȘ COMUNA DIELEC CONSILIUL LOCAL *

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IPA Romania - Serbia

Annex 3 la HCL 10/01.03.2023

State Aid Self-Assessment[1]

This document has been developed to help you to make an initial assessment of whether State aid is involved in your project and your options for dealing with this. This will help us to ensure that we have the necessary information to deal with your enquiry and to do so more quickly.

What is State aid?

State aid is defined as an **advantage** in any form whatsoever conferred on a **selective basis to undertakings** by national public authorities. Therefore, subsidies granted to individuals or general measures open to all enterprises are not covered by this prohibition and do not constitute State aid (examples include general taxation measures or employment legislation).

To be State aid, a measure needs to have these features (cumulative):

- there has been an **intervention by the State or through State resources** which can take a variety of forms (e.g. grants, interest and tax reliefs, guarantees, government holdings of all or part of a company, or providing goods and services on preferential terms, etc.);
- the intervention gives **the recipient an advantage on a selective basis**, for example to specific companies or industry sectors, or to companies located in specific regions
- **competition has been or may be distorted**;
- the intervention is likely to **affect trade between Member States**.

Before the State aid tests can be applied it is necessary to determine whether the following two aspects are present:

1.	**Is the project partner an 'undertaking'?** An undertaking is defined as any entity, regardless of its legal status, which is engaged in economic (commercial/competitive) activity and where there is a market in comparable goods or services. Please see Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262/01) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016XC0719%2805%29 **for definitions and more information**

[1] The State Aid Self-Assessment must be filled in and signed by every partner (lead partner and each of the project partners)

2.	**Is an undertaking engaged in economic activity?** This is defined as offering goods and/or services on a given market and which could, at least in principle, be carried out by a private operator for remuneration in order to make profits.

Key questions that should be considered are:

Consider these questions from the perspective of any organisations which could benefit directly or indirectly from the measure.

PART 1 – INITIAL STATE AID ASSESSMENT
1. If the project partner is an 'undertaking'engaged in economic activity, does the support confer a selective advantage to the project partner? Explanation The intervention gives **the recipient an advantage on a selective basis**, for example to specific companies or industry sectors, or to companies located in specific regions.*or* A benefit which is granted for free or on favourable (non-commercial) terms to some selected undertakings (but not others), could be state aid. **<u>Definitions:</u>** **Advantage:** An advantage can take the form of direct payment of state resources in the form of grants and subsidies as well as indirect benefits that affect the public budget such as tax breaks, rate rebates, low interest loans, sale of public land below market value and the provision of services for free or at below-market rates. **Selectivity:** Support that targets particular businesses, regions or types of firm e.g. SMEs or particular sectors and not others is selective. **Undertakings**: An undertaking is defined as any entity, regardless of its legal status, which is engaged in economic activity and where there is a market in comparable goods or services. It does not have to be profit-making as long as the activity carried out is one which, in principle, has commercial competitors. It can include voluntary and non-profit-making public or public authorities when they are engaged in economic activity. Charities, universities, research institutions, voluntary entities, social enterprises and public sector bodies may therefore be deemed to be undertakings when they are engaged in economic activity. Support in favour of non-undertakings (i.e. entities which are not involved in economic activity) is not state aid. **Economic activity:** Activity which consists of offering goods or services on a given market and which could, at least in principle, be carried out by private actors in order to make profits. **YES or NO : NO** **Please provide a short explanation.** **The project partner is not considered an 'undertaking', so the support does not confer a**

selective advantage to any project partner.
2. Will the project partner implementactivities that might be considered to offer an indirect advantage to an undertaking, or a group of undertakings? Explanation an indirect advantage may also be granted (indirect State aid) if the funds received by entities which are direct beneficiaries of the Programme are channelled to identifiable undertakings/groups of undertakings (e.g. if the funds received by a direct beneficiary are used for building up infrastructure that is to be used for economic activities and the operation of this infrastructure is not granted through a public, open, unconditional tender, or if the funds are used by the partner to train the employees of certain undertakings etc.). **YES or NO : NO** **Please provide a short explanation.** The project partner is not considered an 'undertaking', so the support does not confer a selective advantage to any project partner.
3. Is the support granted by the State, or through State resources? Explanation The definition of state resources is aid that is granted by the state; this includes all public and private bodies controlled by the state to distribute public funds. State resources include Funds not permanently belonging to the state but which the state may direct, such as European funds like IPA, ERDF. IPA funds are considered to be granted through State resources or by the State, so usually for Interreg IPA Programme the answer is YES. **Yes or No: YES** **IPA funds are considered to be granted through State resources or by the State, so usually for Interreg IPA Programme the answer is YES.**
4. Does the support distort or have the potential to distort competition? Explanation If the support has the potential to strengthen the position of the partner relative to other competitors then this criteria is likely to be met. The potential to distort competition does not need to be substantial or significant, and this criterion can apply to relatively small amounts of financial support and firms with little market share. **YES or NO : NO** **Please provide a short explanation.** Considering that the project partners do not carry out economic activities, it is safe to say that the support does not distort or has the potential to distort competition.
5. Does the support affect trade between Member States? Explanation Commission's interpretation of this is broad - it is sufficient that a product or service is tradeable between member states, even if the recipient of support does not itself export to other EU markets. This test is not met only in very limited circumstances e.g. where a single,

small business is involved in very localised activity e.g. hairdressers. **YES or NO : NO** **Please provide a short explanation.** No. Certainly, the support does not in any way affect the trade between the member states.

! If the answer to all 5 questions is YES, and you canconsider that your project might have state aid incidence, therefore please urgently contact the Joint Secretariat for further instructions, as in the framework of InterregIPA Romania - Serbia, State Aid is not permitted.The JS will support the project applicants in the self-assessment of the existence of state aid, and guide them on how to proceed further in order to avoid state aid incidence, or even to cancel the application process, at this stage, as state aid is not eligible in this Programme.

Name of institution
OTELEC MUNICIPIALITY/COMMUNE
Signature ……………

Date: 01.03.2023

ANNEX – LEGAL BASIS for the State Aid Self-Assessment

Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262/01)

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016XC0719%2805%29

State aid websites:
Further information on EU legislation in the field of State Aid can be obtained from:
http://ec.europa.eu/competition/state_aid/overview/index_en.html

State aid guidance available:
State aid definition
Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262/01)
http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0719(05)&from=EN

European legislation
http://www.ajutordestat.ro/en/state-aid-legislation/community-legislation/

National rules on procedure (Romania)

http://www.ajutordestat.ro/**section State aid legislation**

http://www.ajutordestat.ro/legislatie-ajutor-de-stat/legislatie-comunitara/

http://www.ajutordestat.ro/legislatie-ajutor-de-stat/legislatie-nationala-in-vigoare/

National rules on procedure (Republic of Serbia)

Law on State Aid Control, RS Official Gazette 73/2019 (Zakon o kontrolidržavnepomoći, „Službeniglasnik RS“ broj73/2019)

Regulation on Rules for Granting the State Aid, RS Official Gazette 13/2010; 100/2011, 91/2012, 37/2013, 97/13, 119/2014 and*23/2021, 62/2021 and 99/2021*)
(Uredba o pravilimazadodeludržavnepomoći („Službeniglasnik RS“ broj 13/2010; 100/2011, 91/2012, 37/2013, 97/13, 119/2014 i *23/2021 - dr. uredbe, 62/2021 - dr. uredbe i 99/2021 - dr. uredbe*)

Regulation on the Rules and Procedures for State Aid Notification, RS Official Gazette 13/10, *100/2011, 91/2012, 37/2013, 97/2013, 119/2014, 23/2021, 62/2021 and 99/2021.* (Uredba o načinu i postupkuprijavljivanjadržavnepomoći („Službeniglasnik RS“ broj 13/10, *100/2011, 91/2012, 37/2013, 97/2013, 119/2014, 23/2021 - dr. uredbe, 62/2021 - dr. uredbe i 99/2021 - dr. uredbe*)

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ROMÂNIA
JUDEȚUL TIMIȘ COMUNA OTELEC
CONSILIUL LOCAL

Interreg IPA Romania - Serbia

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Annex 4 la HCL 10/01.03.2023

Declaration on free availability of project results

I, the undersigned FECHETE SIMONA SILVIA in my capacity of legal representative of OTELEC MUNICIPIALITY/COMMUNE (name, address and VAT no. of the applicant) acting as the LeadBeneficiary/ Project Partner,knowing that false in declaration represents a crime under the Criminal Code,hereby declare that

- the results of the project entitled „Cross-border initiative regarding easy access to healthcare services"shall be available free of charge for anybody under equal conditions; even during the period of sustainability i.e. five year after the end of the project;
- the results of the project shall not be transferred;
- the investmentshall be maintained even during the period of sustainability i.e. five years after the end of the project;
- has to be based on a wide dissemination (at least on the programme web site) in order to ensure that the measure is not selective
- economic activities shall not be carried out, if there is any – the net revenue (exceeding operating costs) shall be reimbursed to the MA;
- all related costs and prices, in connection to the activities developed, shall be based on real market prices;

I hereby also declare that I shall be subject to continuous monitoring carried out by the Managing Authority and the Serbian National Authority.

Date/place

01.03.2023/OTELEC

FECHETE SIMONA SILVIA
OTELEC MUNICIPIALITY/COMMUNE

____
signature, name of legal representative
name of organization

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Annex 5 la HCL 10/01.03.2023

Declaration of the empowered bodies regarding the availability of own resources, temporary availability of funds for their activities until reimbursement

Project identification

Project number	RORS00282
Project name	Cross-border initiative regarding easy access to healthcare services
Project acronym	Cross-border healthcare

Partner identification

Name of the project partner	OTELEC MUNICIPIALITY/COMMUNE

By signing this declaration the partner confirms that:

- it understands the financial flows and payment schedule of the Interreg IPA Romania - Serbia programme 2021-2027 (most importantly the principle of the programme reimbursing costs only after the end of the reporting period and the completion of all due controls);
- it has the necessary liquidity and financial stability to implement the partner activities and budget according to the provisions specified in APPLICANT'S GUIDE and the Subsidy Contract model;
- it has the necessary financial resources and mechanism to cover operation and maintenance costs and to ensure the projects' financial sustainability.
- approves the coverage of the expenditure (eligible and non-eligible) related to the project;
- provides its own contribution in percentage of 15% / 2% meaning [value] euro from the total eligible budget which is [value] euro
- provides the non-eligible expenditure, [value] euro
- ensures the temporary availability of funds until they are reimbursed by the programme

Date	01.03.2023
Signature	
Name of the signatory	FECHETE SIMONA SILVIA

Interreg IPA Romania - Serbia
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Annex 5 la HCL 10/01.03.2023

Position in the organization	MAYOR
Project Partner organization	OTELEC MUNICIPIALITY/COMMUNE

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SECRETAR GENERAL AL COMUNEI
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