

**Directive of the Ministry of Labour, Social Matters, Health and Family Matters for Promotion of the Transnational Exchange of Knowledge and Experience for the Design of a Future-Oriented Work Policy in the State Brandenburg dating from 27<sup>th</sup> April 2009**

**in the version of the amendment of 10<sup>th</sup> August 2012**

**1. Intended Purpose, Legal Basis**

1.1 In accordance with this directive and on the basis of the operational program of the State of Brandenburg for the ESF, for the period from 2007-2013, and of the ordinance valid for the promotional period and other legal acts in their respective valid forms and wording, as well as the administrative regulations relating to section § 44 of the State Budget Ordinance (LHO), the State of Brandenburg grants donations from funds of the ESF and of the state for **promotion of the transnational exchange of knowledge and experience for the conception of a future-oriented work policy** in the State of Brandenburg. The directive thus makes a contribution towards strengthening human resources in the State of Brandenburg.

1.2 The aim of this directive is the promotion of a transnational exchange of knowledge and experience. The exchange as such and the cooperation of individuals and regions with partners from other European member states should be intensified and should contribute towards the development and spread of innovations in the field of work policy. The aim is to learn from the experiences of other countries and to pass on the experiences gained in Brandenburg, as part of the international discussion process geared to a more effective and efficient future-oriented work policy.

Chances of more and better work, lifelong learning and social unity should be more apparent and give rise to alternative and innovative solution strategies. Transnational activities and measures should strengthen the capabilities of the actors on the labour-market stage to participate in transnational living, learning and working and should extend their room for maneuver – particularly when it comes to solving those problems for which a need for more activity is urgently called for in the State of Land Brandenburg. The results of transnational projects should serve to give added stimulus toward new ideas in the labour-market arena.

1.3 To secure the quality and durability of transnational projects support in the form of counselling by networked participants with transnational experience can, if necessary, be solicited. To this end the state promotes activities geared to preparation of transnational projects. Within the framework of such activities, existing offers and structures in the State of Brandenburg should, where possible, be extended and furthered. Contacts and experience already available, e.g. as derived from the Community initiative EQUAL, should be made use of.

1.4 In implementing the principles of partnership the transnational exchange should support in particular the economic and social partners, but also the regional participants. Projects relating to fields with branch competence, as well as to the regional growth centres, should enjoy priority in the context of promotion.

1.5 No legal entitlement exists to allocation of funds. Instead the decision is made by the awarding authority at its own due discretion, within the framework of the available budget. ESF funding is specifically available for the regions of north-east and south-west Brandenburg, in keeping with the appendix to (EC) regulation no. 1059/2003 (NUTS-VO)<sup>1</sup>. The conditions for the granting of funds and the corresponding administrative practice can therefore vary between these regions.

## 2. Purpose of the Promotion

2.1 The promotion is aimed at transnational measures in two fields of activity.

Within the framework of "**Field of Activity 1 – Transnational Cooperation**", one or more of the following activities can be promoted. Transnational cooperation

- that serves the exchange of experience on innovative or proven procedures, methods and work approaches,
- that, in addition to effecting an exchange of experience, focuses attention on a new problem, tackling it jointly and, if possible, testing out solutions, or
- that, in addition to effecting an exchange of experience, results in cooperation that will extend beyond the end of the project.

Within the framework of "**Field of Activity 2 – Counselling Activities**", counselling on the preparation of a transnational project which is intended to contribute towards implementation of the aims of the operational program of the State of Brandenburg for ESF 2007 – 2013, in the context of the axes of priority A, B, C or E, is eligible for promotion.

2.2 The contents of the transnational cooperation in keeping with item 1.2 should be associated with work-policy topics in Brandenburg. These include in particular:

- development of personnel and organization,
- securing of skilled workers,
- development of company-internal or career-related qualification concepts,
- securing of work-associated mobility (flexibility),
- strategies for combating unemployment,
- knowledge transfer between the fields of science and economics,
- workplace quality and the improved compatibility of working life and family life.

Activities relating to other work-policy topics in Brandenburg are also possible.

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<sup>1</sup> Fr. *Nomenclature des unités territoriales statistiques* - "Systematics of the Area Units for the Statistics"

### **2.3 Field of Activity 1 – Transnational Cooperation**

These activities, in keeping with item 1.2, can take place in various forms, e.g. as:

- exchanges and study visits in connection with pre-specified work packages,
- specialist seminars, conferences,
- workshops,
- excursions,
- development of joint concepts,
- development of joint procedures, methods and work approaches – e.g. on coordination of work processes between cooperating administrative bodies, companies or organizations – and joint offers.

### **2.4 Field of Activity 2 – Counselling Activities**

These activities, in keeping with item 1.3, can take place in various forms, e.g. as:

- counselling of participants in the State of Brandenburg on transnational project management,
- mediation of transnational partners.

## **3. Recipients of Bestowals**

Recipients of funds may be public corporations, private companies and legal persons under private law, or partnerships.

Those entitled to apply for such support are public corporations, private companies and legal persons under private law, and partnerships with a location or premises or local jurisdiction in the State of Brandenburg, particularly:

- companies (especially small or medium-sized businesses in keeping with the EU definition of the terms<sup>2</sup>,
- economic associations or chambers in the State of Brandenburg,
- public administrative bodies in the State of Brandenburg,
- unions,
- societies, non-government organizations (NGOs),

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<sup>2</sup> At present the definition in the appendix relates to the recommendation of the Commission dating from 6th May 2003, applicable to the definition of the smallest companies as well as small and medium-sized businesses (OJ EU no. L 124 S. 36 of 20<sup>th</sup> May 2003). According to article 2, paragraph 1 of this definition, SMBs have less than 250 employees and a maximum annual turnover of 50 million euros, or a maximum annual balance sheet sum of 43 million euros. Partnerships and affiliated companies must be taken into account in this connection.

- European groupings of territorial cooperation (EGTC)<sup>3</sup>) headquartered or registered in Brandenburg,
- universities and higher-educational colleges.

Applications can also be made via an applicant for a project-related association of partners from the State of Brandenburg.

In case of funding in accordance with section 2.3, recipients of funds are entitled to forward funds to third parties in accordance with section 12 of the VV to § 44 LHO. In case of forwarding, the final recipient of funds shall be requested to provide a statement confirming the acknowledgement of the designation of subsidy-relevant facts in line with the subsidy law in the context of the application. In case of forwarding under private law, it has to be ensured that the requirements for forwarding under public law, especially with regards to the application and proof-of-use procedures, are part of the contracts to be signed under private law. The instructions of the awarding authority have to be observed.

#### **4. Prerequisites for Allocation of Funds**

- 4.1 Transnational cooperation in keeping with item 2.3 is only eligible for funding if the project applicant is involved in cooperation with at least one partner from another EU member state. Additionally, partners from countries outside the EU may also be involved, particularly partners from associated countries<sup>4</sup>.
- 4.2 The project sponsor must demonstrate how the requirements of transnational project management are to be achieved in order to satisfy the successful implementation of the project.
- 4.3 Counselling activities in keeping with item 2.4 are only eligible for funding,
- if they are connected with the preparation, the planning or the application of a concrete transnational project. Pure language courses and visits to meet with potential partners are not eligible for funding; and
  - if the competence of the counselling with respect to the project content and topics, as well as to the requirements of the associated transnational project management, can be verified.
- 4.4 Within the framework of the application for transnational cooperation in keeping with item 2.3, a meaningful concept must be submitted, together with a detailed work-plan with the following content:

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<sup>3</sup> An EGTC should promote the cross-border, transnational and/or interregional cooperation between national, regional or local territorial authorities and public institutions, particularly programs and projects supported by ESF and EFRD (Regulation (EC) no. 1082/2006 of 5<sup>th</sup> July 2006).

<sup>4</sup> Associated countries: applicants for membership (Turkey, Croatia, the former Yugoslav Republic of Macedonia), EFTA and EEA countries (Norway, Iceland, Liechtenstein, Switzerland).

- an outline of the problem and the relationship to the work-policy targets of the state,
  - the targets adopted by the project,
  - a justification of the choice of partner(s),
  - the anticipated results (impact on one's own behaviour, the knowledge sought and the results),
  - planned activities or central work phases,
  - work organization (e.g. duties to be discharged by the partner, and the structure of the association),
  - related methods and instruments,
  - public relations measures,
  - information on the planned spread and utilization of the results and materials obtained for the State of Brandenburg (vertical and horizontal transfer concepts),
  - schedule,
  - a financing plan
- and
- at least one declaration of interest on behalf of the partner(s) from other EU member countries.

The cross-sectional targets of lasting continuity, equal opportunity and coping with demographic change must be taken into account by the conception, i.e. the project application must clarify the extent to which the project

- makes a lasting contribution towards developments in the social, economic or ecological dimensions,
- contributes towards the principle of equal opportunity and the equality of men and women,
- makes a contribution towards coping better with the challenges of demographic change.

4.5 Funding on the basis of this directive is excluded if the same project is already receiving support from the resources of the structural funds of the European Union – European Social Fund (ESF) or European Fund for Regional Development (EFRD) – or of the European Agricultural Fund for the Development of European Agricultural Fund for the Development of Rural Areas (EAFRD), or from the supra-regional operational programs of the federal government for the development of the work market and for human resources, or funding from other transnational Community programs of the European Union, particularly in the field of general and vocational instruction for the purpose of application identified under item 1.

4.6 Funding in keeping with this directive is subordinate to any funding within the framework of the operational programs for promotion of cross-border cooperation between Brandenburg and Poland<sup>5</sup>.

## **5. Type and Scope, Level of Funding**

**5.1 Type of Promotion:** Project Promotion

**5.2 Type of Financing:**

- Field of Activities 1 - Financing of Funds Missing
- Field of Activities 2 - Partial Financing

**5.3 Form of Contribution:** Subsidy

**5.4 Contributions made for transnational measures have a period**

- of at least 12 months for transnational cooperation in keeping with item 2.3,
- of at least 1 month and at most 6 months for counselling activities in keeping with item 2.4.

The projects must have been completed by 31<sup>st</sup> March 2015.

**5.5 Financing is provided for transnational cooperation in keeping with item 2.3:**

- Personnel Costs
- Cost of Materials
  - for ensuring implementation of the project, materially and technically,
  - travelling and accommodation costs,
  - fees (e.g. for translations and interpreting),
  - costs for intercultural preparation of transnational cooperation in keeping with item 2.3,
  - costs of materials for public relations work and the transfer.

The level of funding of transnational cooperation in keeping with item 2.3 amounts at most to 500,000 euros per project. Self-funding to a value of at least 10 per cent should be provided by the applicants themselves.

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<sup>5</sup> See: "Operational Program for Cross-Border Cooperation – Poland (Wojewodschaft Lubuskie) - Brandenburg 2007 – 2013 within the Framework of the "European Territorial Cooperation"" from 28th November 2007, as well as "Operational Program for Target 3 "European Territorial Cooperation" – "Cross-Border Cooperation" of the States of Mecklenburg Western Pomerania / Brandenburg and the Republic of Poland (Wojewodschaft Zachodniopomorskie) 2007-2013", editorial version of 30.11.2007, from the European Commission on 27.03.2008 approved under the number K(2008)1085.

The fees, travelling expenses and accommodation of the partners from EU member countries can only be funded if the partner from the EU member country is working on a concrete task within the framework of a project work package. Costs incurred by partners from third countries are not eligible for subsidy.

- 5.6 The level of total costs for fees within the framework of counselling activities in keeping with item 2.4 amounts to at least 2,500 euros and at most 12,000 euros. Some 40 % of the eligible overall costs will be subsidized.

## **6. Other Funding Regulations**

- 6.1 Funding is granted in keeping with the (EC) Commission regulation no. 1998/2006 of 15th December 2006 via the application of articles 87 and 88 of the EC Treaty on "De-minimis"-Subsidies (ABl of EU no. L379 of 28th December 2006).

An accumulation of funding from this source – to the extent that this is in accordance with the "De-minimis" regulation – together with that of other public subsidies is only permissible to the extent that the maximum sum of all "De-minimis" subsidies within a period of three tax years does not exceed the stipulated threshold of 200,000 euros. The total amount of the "De-minimis" subsidies for a given company active in the road-transport sector must not exceed, within a period of three tax years, a sum of 100,000 euros. These maximum amounts apply to "De-minimis" subsidies regardless of their type and objectives.

Exceptions to the granting of "De-minimis" subsidies are made for those areas excluded from the areas of application of the "De-minimis" regulation. The attention of the granting authority must be drawn, at the time of submission of the application, to each "De-minimis" subsidy that has had the same recipient in the previous two tax years as in the current tax year.

- 6.2 The attention of all recipients of subsidized activities must be drawn to the funding of the Ministry of Labour, Social Matters, Health and Family Matters (MASGF), with funds of the ESF, as well as with funds of the State of Brandenburg, such that the funding role of the European Community and of the State of Brandenburg (MASGF) for the activities in keeping with this directive is clearly apparent. This also applies to all publicity-related activities associated with the subsidized measures. In keeping with this directive, at least one publicity activity is to be arranged at the beginning and at the end of each of the measures such that the inhabitants of the region in particular can be informed as to the objectives or results of the ESF-subsidized measures. The planning and the cost-calculation for project-specific publicity measures must be presented in the project application.
- 6.3 The recipients of subsidies undertake to prepare information on project objectives, project contents and project results and to make this publicly available for purposes of supporting a lasting transfer.

6.4 In accordance with article 6 of (EC) regulation no. 1828/2006, those given an ESF subsidy shall, upon receipt of the financing, declare their willingness, in accordance with article 7, paragraph 2, letter d) of (EC) regulation no. 1828/2006, to be included in the list of those receiving subsidies.

6.5 To control the effectiveness of the procedures, and as a means of preparing funding statistics, the granting body shall record statistical data on the application processing, assessment and evaluation of the funding on the basis of existing and yet-to-be issued EU regulations for the subsidy period of the structural fund, 2007-2013, particularly information on the measures/projects of the recipient groups, the type of activity, the level and duration of the subsidy and on the situation after the funding, with the necessary differentiation.

## 7. Procedures

### 7.1 Application Procedure

Applications for award of a subsidy in keeping with this directive are to be made via the Internet portal of Landesagentur für Struktur und Arbeit (LASA) Brandenburg GmbH (the granting body) (see online applications under [www.lasa-brandenburg.de](http://www.lasa-brandenburg.de)).

- The closing date (date of receipt of incoming mail) for applications for **Activity 1 – "Transnational Cooperation"** is in each case:
  - 31<sup>st</sup> March
  - 30<sup>th</sup> September

Applications can also be made for up to four weeks after publication of the directive in the official gazette for Brandenburg.

- Closing date for Activity 2 – "Counselling Activities":

Applications are continuously possible.

### 7.2 Selection and Approval Procedures

Field of Activities 1: a project selection committee shall read the complete applications received for transnational projects in keeping with item 2.3 and shall prepare a professional statement for the granting body as a basis for decision-making.

Field of Activities 2: the granting body shall decide, on the basis of the catalogue of criteria serving as prerequisites for allocation, which applicants are to receive subsidies.

### 7.3 Payout Procedure

The principle of refunding applies. For projects that fall within the framework of the Field of Activities 1, payouts can be made in the form of part-payments. In this case a last part-payment to the value of 5 per cent of the total subsidy, though no more than 10,000 euros per recipient of

funds, shall be retained until finalization of the proof-of-use procedure and shall be paid out in dependence on the results of the examination.

#### **7.4 Regulations to be Observed**

For granting of approval, payout and settlement of the subsidy, as well as for proof and checking of the use made and any necessary repeal of the subsidy decision and call for repayment of the subsidy granted, the VV to section § 44 of LHO and the relevant incidental provisions determining subsidies from the state budget shall apply, except where other provisions are foreseen in this funding directive or in the bestowal notification. Apart from the state budget regulations, the provisions of the EU directives for the period of the structural fund, 2007-2013, must also be observed, particularly with respect to payout and settlement regulations.

The state audit office is, in accordance with section § 91 of LHO, entitled to undertake an examination. Furthermore, those named in article 19, paragraph 2 of the (EC) regulation no. 1828/2006 are also entitled to undertake an examination. The project organizers are required to grant these bodies access to their premises for purposes of the examination.

The subdivision of the subsidy funds for the regions of Brandenburg Nord-Ost and Brandenburg Süd-West (NUTS 2- Regions), as determined by the ESF administrative authorities, must be observed. The allocation is made on the basis of the registered address of the applicant, or in the case of networks, on the basis of the registered address of most of the cooperation partners.

The recipient of a subsidy must cooperate, during evaluation of the promotional program as well as during the phase of implementation of measures, in providing information and publicity in accordance with article 69 of (EC) regulation no. 1083/2006 of the Council, including the associated regulations on implementation.

#### **7.5 Facts of Significance for the Subsidy**

With respect to the applicant, the granting authority must make it clear, in an appropriate manner, that the subsidy is funding within the business economy in the sense of section § 264 of the penal code (StGB).

Facts of significance to the subsidy in terms of section § 264 of StGB must be identified as such for the recipient of the subsidy, within the context of the application and award procedures.

### **8. Period of Validity**

This directive shall come into force on 1st May 2009 and shall cease to apply on 31<sup>st</sup> March 2015.