



GUIDANCE NOTES

Support for investments improving the resilience and environmental value of forest ecosystems (Afforestation) Measure 8.5

RURAL DEVEOPMENT PROGRAMME (MALTA) 2014 - 2020

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MANAGING AUTHORITY (EAFRD)

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Notices.

Procedure for the submission of applications

- Applications are to be sent by email on rdsubmissions.mefl@gov.mt
- Applicants are to ensure to submit their application before noon (12pm Central European Time) of the indicated closing date.
- If Application and supporting documentation exceeds 20MB, please split the files in separate zipped folders and send in separate emails (<u>e.g. Application M8.5 Joe Borg Part 2 of 3</u>)
- The MA remains available to confirm with applicants that an application has been received if
 contacted via email on <u>rdsubmissions.mefl@gov.mt</u> or via Tel. 2555 2634 during office hours.
 After a manual check on the submitted applications, the MA will also issue an
 acknowledgement letter.
- Note that the automated acknowledgement sent from the RDD mailbox does not in any way confirm or otherwise the (a) successful receipt of part or full application, nor, (b) that the application is deemed admissible.
- The applicants will be advised further, during the evaluation process, with regards to the submission of any necessary clarifications/documents required
- The Managing Authority reserves the right, in particular on the basis of approval or direction by the European Commission, to amend from time-to-time certain provisions established by this guidance document. Such amendments may become applicable and enforced retrospectively.
- In case of any conflicts between these guidelines and the text of the Rural Development Programme (RDP) 2014-2020 and other legislative text, the interpretation given by the RDP and relevant legislation will be given priority. The English version will be the legally binding text.
- The Managing Authority reserves the right to request additional information not included in this Guidance Document.

Definitions

Agriculture and Rural Payments Agency (ARPA): The Agriculture and Rural Payments Agency within the Ministry for the Agriculture, Fisheries and Animal Rights (MAFA)

Checks and controls: Provide a means of verification that the investment operation complies with, and is in conformity to, the relevant rules and regulations.

Cost-effectiveness analysis: Compares the costs and effects of an intervention to assess the extent to which it can be regarded as providing value for money.

EAFRD: European Agricultural Fund for Rural Development.

EAFRD regulation: Regulation (EU) No 1305/2013 of 17 December 2013 on support for rural development by the EAFRD, as amended.

Evaluation: A periodic collection and analysis of evidence on the effectiveness and efficiency of interventions.

Forest¹: A land of 0.5 ha or more which has (or will have following afforestation actions) a minimum tree cover of 10%;

Grant Agreement: An agreement signed between the MA and the selected applicant (beneficiary) containing provisions and conditions related to the particular support.

Land Manager: A land manger is a person that is entrusted with the management of a particular site/area.

Managing Authority (MA): A national or regional body designated by a EU Member State to manage a Rural Development Programme.

Measure: An aid scheme for implementing a policy. Each measure sets out specific rules to be complied with by the projects or actions that can be financed. There are two main types of measures: investment measures and area-related aid. Non-productive investments are an investment-type measure.

Monitoring: Regular examination of the resources, outputs and results of interventions.

Natura 2000: Natura 2000 is a network of sites selected to ensure the long-term survival of Europe's most valuable and threatened species and habitats.

¹Where the planning proposal is deemed that it is more oriented towards a productive type of investment, the proposal shall be deemed ineligible for support.

Non-governmental organisation (NGO): Eligible NGOs shall be those that are fully enrolled with the VO Commissioner and are compliant in their annual returns, as required by Subsidiary Legislation 492.01 of the Voluntary Organisations Act.

Public amenity: A public amenity is a feature belonging to a structure which enhances the area or community it is located in.

Project Selection Committee (PSC): An independent Committee that assesses and ranks applications.

Project Selection Appeals Board (PSAB): An independent Committee that assesses any submissions of appeals.

Project closure: Closure takes place after the Agriculture and Rural Payments Agency has issued the final payment to the beneficiary, after it has carried out all the necessary checks and controls.

Project completion: A project can be deemed completed when the final request for payment has been submitted to the Agriculture and Rural Payments Agency

Results: The direct effects or changes that arise due to the intervention.

Primary agricultural production means the production of products of the soil and of stock farming, listed in Annex I to the Treaty, without performing any further operation changing the nature of such products.

1.0 Introduction

These Guidance Notes are intended to assist Applicants understand the requirements for requesting and receiving funding support under the Measure 8 – Investments in forest area development and improvement of the viability of forests, Sub-Measure 8.5 – Support for investments improving the resilience and environmental value of forest ecosystems.

Applicants are advised to familiarise themselves with these Guidance Notes prior to filling in and preparation of the Application. The Guidance Notes, Application Form and all Annexes and other documentation are available at http://www.fondi.eu.

Applicants are reminded to check that they referred to the <u>latest</u> guidance notes as available on the Managing Authority website, and that they have filled in the <u>latest</u> available version of the application form that is available for download from the same website. Only the latest version available at the time of application will be accepted.

1.1 Authorities

The Funds and Programmes Division (FPD) within the Parliamentary Secretariat for European Funds (MEFL) is the Managing Authority (MA) responsible for managing the measures of the European Agricultural Fund for and Rural Development Fund (EAFRD) in accordance to the Rural Development Programme (RDP) for Malta for the 2014 - 2020 programming period.

The Paying Agency (PA) is the Agriculture and Rural Payments Agency (ARPA) within the Ministry for Agriculture, Fisheries, and Animal Rights (MAFA).

1.2 Scope & Objectives

In Malta, woodlands are sparse and this sub–Measure aims to provide the necessary opportunities for the enhancement of Malta's biodiversity through various actions.

Support for investments improving the resilience and environmental value of forest ecosystems Measure may be provided for various beneficiaries in order improve public amenities and afforestation such as, for example, planting of trees/shrubs and removal of invasive/alien species and the establishment of protection facilities and related investments.

Investment in landscape management, the enhancement of the public amenity value of sites of ecological importance, including Natura 2000 sites and other High Nature Value areas, and the establishment of rural landscape features and structures may also be supported under this measure, as long as these are intended to serve an environmental and/or climate action purpose.

In accordance with the RDP, support for investments improving the resilience and environmental value of forest ecosystems Measure is intended to cater for investments that contribute to the achievement of agri-environment-climate objectives, with particular focus on the establishment of forest areas and public amenities.

1.3 Contribution to focus areas and cross-cutting objectives

This sub-measure aims to contribute to the achievement of the cross-cutting objective of climate and the environment and to the attainment of targets under Focus Areas 4A and 5E directly.

Focus Area 4A: restoring and preserving biodiversity, including in Natura 2000 areas and HNV farming, and the state of European landscapes Malta has a very limited area of woodlands.

Sub-measure 8.5 will contribute directly to this FA by helping in the conservation of existing woodlands and support new planting that will contribute to improved habitat and biodiversity across the islands.

Focus Area 5E: Fostering carbon sequestration in agriculture and forestry

Improvement of woodland and planting of new trees will assist Malta in meeting carbon sequestration goals.

Environment: Sub-measure 8.5 will contribute directly to the cross-cutting objective 'environment'. Improvement to woodland management will contribute to conservation of habitat and biodiversity. New planting, removal of invasive species and improved woodland management will all contribute to enhancement of habitat for indigenous species.

Improved woodland management will also reduce soil loss from surface water run-off and wind erosion, and assist in the retention and infiltration of rainfall into groundwater.

Climate: Sub-measure 8.5 will contribute directly to the cross-cutting objective 'climate'. Any improvement in woodland management, or increase in tree planting will assist in reducing mitigating climate change through carbon sequestration. Although wooded areas on Malta are small they still contribute to locking up carbon.

1.4 Investment Priorities

Applications seeking support for investments improving the resilience and environmental value of forest ecosystems Measure will be considered on the basis of their contribution to the needs identified in Malta's Rural Development Programme 2014-2020, expressed as cross-cutting objectives and focus areas.

1.5 Duration

This call shall close on Monday, 3rd July 2023, at noon (1200hrs Central European Time) unless otherwise notified by the Managing Authority.

1.6 Budget

The indicative budget for the First Call of M8.5 'support for investments improving the resilience and environmental value of forest ecosystems' is €8.3 Million in total public expenditure.. The MA reserves the right to amend the budget allocation.

1.7 Maximum Grant Value and Aid Intensity

Subject to State Aid limitations that may become applicable depending on the type of activity and the status of the applicant, no limit is being imposed as to the amount of grant value that may be requested by the applicant. However, the MA reserves the right to reject any application, including but not limited to cases where funds are not available under the respective measure. This sub-measure will be financing 100% of the eligible costs, again, subject to State Aid or Non-State Aid limitations that may become applicable depending on the type of activity and the status of the applicant.

1.8 Implementation

Actions financed under this sub-measure are to be implemented and payments made by the beneficiary towards the engaged works/service contractors etc. within 24 months from the date of signing of the Grant Agreement. In exceptional circumstances the MA reserves the right to partially extend this period after the signing of the Grant Agreement if the beneficiary presents a valid justification and subject that such justification is approved by the Change Request Review Board.

1.9 Calls Procedure

The call for applications will open on Monday, 3rd April 2023 and closes on Monday, 3rd July 2023.

The MA may re-issue the call in a similar or different format. The MA may also issue clarifications and amendments during the time period of the open call for applications without necessarily closing and re-opening the call.

2.0 Eligibility

2.1 Eligible Actions and Expenditure

Expenditure is considered eligible expenditure and therefore eligible for reimbursement only if it has been incurred after an application has been submitted to the Managing Authority and an acknowledgement is issued by the MA.

List of eligible actions and expenditures that are eligible for reimbursement can be found in sections 2.1.1 to 2.1.4 of these guidelines.

2.1.1 Afforestation and creation of woodland²

Eligible Actions;

a. Plantation of new forest and wooded area³ (except short rotation coppice, Christmas trees and fast growing trees).

Eligible Expenditure⁴;

- a. The costs of forest propagation material⁵ (seeds, seedlings, saplings, etc) used for planting, under-planting, forest edge etc., and the related plant prevention and protection materials (e.g. poles, irrigation equipment, and any individual plant protection requirements as appropriate)
- b. Storage, shipment, transport and labour costs.
- c. The costs of materials and/or services, labour used for the above mentioned investments for improving the environmental or public amenity value of forests
- d. Removing (cutting) of trees, thinning and pruning may be eligible if the main purpose of the investment is to improve the ecological value of forests, such as improving the species composition for environmental interests (removing of non-indigenous or not habitat specific tree or shrub species). This will allow existing woodland containing non-native tree species to become a close to indigenous nature mix. This in return will allow for better adaptation and resilience to the Maltese climatic conditions and to climate change phenomena. This can also

² Where the planning proposal is deemed that it is more oriented towards a productive type of investment, the proposal shall be deemed ineligible for support.

³ Applicants must follow the Guidelines on trees, Shrubs and Plants for Planting and Landscaping in the Maltese islands provided by ERA which can be found on: https://era.org.mt/guidelines-on-trees-shrubs-and-plants-for-planting-and-landscaping-in-the-maltese-islands/ [last accessed date-16/05/2023]

⁴ Expenditure not directly related the cost of the planting of trees will be assessed vis-à-vis the area covered with new forest/wooded area.

⁵ In cases where, due to difficult environmental or climatic conditions, including environmental degradation the planting of perennial woody species cannot be expected to lead to the establishment of forest cover and therefore must maintain other woody vegetation cover. The beneficiary shall provide the same level of care and protection as applicable to forests.

- be applied to recreational interests which maintain and safeguard the central scope of afforestation.
- e. Non-native tree species shall not be eligible for support. Only native and indigenous species are allowed to be planted⁶.
- f. General maintenance costs are not supported under this sub-measure
- g. SCOs in line with Articles 67(1) based on Article 67(5) (a)(i) of Reg (EU) 1303/2013

Applicants are to make sure they check the Eligibility Conditions mentioned in section 2.1.4 of these guidance notes.

2.1.2 Prevention and restoration of damage to forests from forest fires and natural disasters and catastrophic events

Eligible Actions;

a. Actions to prevent damage to forests by biotic and abiotic agents and related investments⁷⁸.

Eligible Expenditure;

- a. The costs of materials and/or services including labour used for investments made for protection measures such as installations of fire preventive/control infrastructure, at a scale appropriate to the site concerned (i.e. not so extensive as to lead to a significant reduction in tree cover at the site);
- b. Installation of appropriate signage for risk mitigation measures;
- c. Thinning and pruning are also eligible if the main purpose of the investment is to prevent the incidence of fires;
- d. General maintenance costs are not supported under this sub-measure.
- e. SCOs in line with Articles 67(1) based on Article 67(5) (a)(i) of Reg (EU) 1303/2013

The above eligible items shall in no way be eligible if they are sought for loss of income resulting from a natural disaster.

Applicants are to make sure they check the Eligibility Conditions mentioned in section 2.1.4 of these guidance notes.

⁶ Only trees found in Annexes of these guidance notes are eligible for funding

⁷ Preventive actions concerning pests and diseases are considered ineligible for funding.

⁸ Only material related to prevention of occurrence of damage should be covered under this measure. Fire-fighting equipment such as helicopters, etc. are not considered as eligible

2.1.3 Investments improving the resilience and environmental value of forest ecosystems

Eligible Actions;

- a. Conversion of forest structure
 - i. site-specific conversion of forest from stands with environmentally non-favourable structural elements to indigenous close-to nature stand (ecological forest)
 - ii. site-specific conversion of indigenous coppice forest stands to close-to-nature, mainly natural seedling forest stand
 - iii. site-specific conversion of non-indigenous forest to close-to-nature forest, enhancing biodiversity by diversifying the forest structure and species composition
 - iv. one-off removal of non-native and/or invasive species

b. Planting

- i. planting broadleaves species to improve water quality (eg. on acidic soils covered by coniferous forest)
- ii. introducing drought tolerant, heat resistant species (as part of assisted migration), shadow tolerant species under the main species (2nd crown layer, where it is desirable for climate adaptation or biodiversity reasons)
- c. Investments in public amenity, environmental and protective functions
 - i. Providing protection for the soil fauna and flora against heat and ensuring the optimal developing process of the forest soil
 - ii. Establishment of bio-diverse forest edge structure with appropriate forest tree and shrub species which also can serve for better microclimate creation purposes
 - iii. Establishment of walking paths, small scale recreation facilities, signposting, information tables, shelters, look-out points.
 - iv. Application of environmentally friendly material handling methods, such as investments in special "oneoff" treatments, technologies, actions which serve environmental and/or public amenity purposes, but also have long term economic benefits, eg. thinning, pruning, under-planting or soil protection.
- d. Protection of habitats and biodiversity-related actions
 - i. protection of certain habitats, species and areas under structural change against damage caused by wildlife, domestic animals or human action. These actions may include fences or appropriate individual protection facilities.
 - ii. creation of cleared area for biodiversity interests (e.g. clearing of heath, rhododendron, clearings for butterfly recolonisation) and removal of unwanted non-native species.

Eligible Expenditure;

- a. The cost of materials and/or services, including labour used for establishment of walking paths, small scale recreation facilities, signposting, information panels, shelters and look-out points;
- b. SCOs in line with Articles 67(1) based on Article 67(5) (a)(i) of Reg (EU) 1303/2013
- e. General maintenance costs are not supported under this sub-measure.

Applicants are to make sure they check the Eligibility Conditions mentioned in section 2.1.4 of these guidance notes.

2.1.4 Eligibility Conditions

When applying for funding under sub – measure 8.5, applicants have to make sure they follow the below eligibility conditions when submitting their applications.⁹

- a. Projects are only eligible if they fall under the 'Forest Area Definition'¹⁰.
- b. A Woodland/Forest Implementation and Protection Plan must accompany all submitted applications.
- c. Support requested under this sub measure should not lead to any significant increase in the profitability of the forest holding.
- d. Applicant must provide evidence that they have the necessary authorisation to implement the project over the area of intervention
- e. Where the planning proposal is deemed that it is more oriented towards a productive type of investment, the proposal shall be deemed ineligible for support. Interventions in public amenities shall not reduce the area on the 0.5 hectares of afforested area. The minimum tree coverage shall remain 10% within the same definition throughout and after project completion¹¹.
- f. Public amenity interventions shall not result in a reduction of the afforested area
- g. The 0.5 hectares of which 10% must be afforested, must be a continuous area and not separate areas that total 0.5 hectares. In case of multiple sites under the same proposal, each individual site has to satisfy the applicable conditions independently.
- h. Items not listed in the appropriate Project Costs Table of the application may not be considered for assessment and grant award procedure.
- i. All documentation presented need to be in the name of the beneficiary.
- j. The project, both as proposed and executed, must align with the priorities and spirit of the RDP.

 The MA may share project proposal as well as any presented changes with any other local

⁹ The MA may require in case of state-owned land, for project to be considered for repayment, this obligation must be honoured and proof that land management is now a private entity or 'municipality' must be shown.

 $^{^{10}}$ A land of 0.5 ha or more and which has (or will have following afforestation actions) a minimum tree cover of 10%

¹¹ Refer to the durability period instructions present in these guidelines.

- authority, including but not limited to ERA, that may provide feedback and observations. Without prejudice to national guidelines and legislations, the MA reserves the right to restrict funding if the project deviates from the priorities and spirit of the RDP.
- k. Afforestation projects normally require a DNO or a full development permit. In such cases, unless provided at application stage, the applicant must submit the PA tracking or PA application number as soon as possible. Where project does not require a full permit or DNO, architect is to provide an official endorsed declaration stating that the project would not require such permits.
- I. Only trees found in Annexes of these guidance notes are eligible for funding. 12
- m. The afforested area must remain afforested for the entirety of durability of the project¹³. This without prejudice to any other legislation.
- n. Where a project requires an Environmental Impact Assessment (EIA), as assessment in terms of feasibility for completion within the RDP 2014 2020 timeframe will be made, and this will be grounds for further consideration or otherwise of the application.
- o. Project's main scope and interventions must be related to afforestation.

2.2 Ineligible Actions and Expenditure

The following actions shall not be eligible for support under the Non-Productive Investments Measure:

- a. Tree planting for purposes not in line with this sub-measure.
- b. The planting of trees and other species of plants that are not in conformity to applicable legislation and guidelines on permissible tree planting in the Maltese environment or that are not adequate for the specific habitat.
- c. Any actions that are not in conformity to applicable environment and planning legislation and policy.
- d. Investments directly or indirectly linked to private dwellings/accommodation/hotels/etc.
- e. Annual premiums to cover costs such as agricultural income foregone.
- f. Replanting of trees.
- g. Professional fees and costs related to the creation of the Woodland/Forest Implementation and Protection Plan.
- h. Firefighting equipment is deemed ineligible.
- i. Contingencies and/or losses made by the Applicant;
- j. Statutory fines and penalties;
- k. Public amenities not within the scope of this sub measure¹⁴.
- I. Simple replacement investments
- m. Double funding (the same line items shall not be aided through National and EU Funds)

¹² They must also apply with the criteria found in either section 2.1.1., 2.1.2 or 2.1.3.

¹³ If area of intervention is part of a larger parcel, all of the parcel will be considered afforested when it comes to use of parcel. Hence as long as the parcel is registered as afforested, the parcel will not be eligible to support schemes such as ANC, AECM and Eco schemes. If during the project the beneficiary wants to change use of parcel (for area not part of the M8.5 Project), it is up to the beneficiary to do their due diligence to complete such task.

¹⁴ Such as Kiosks, playground equipment, food vending machines, and any other amenities not in-line with the scope of this sub-measure.

- n. Actions concerning pests and diseases under section 2.1.2 of these guidelines
- o. Agricultural activity in the designated afforested area is not permitted.
- p. Investments related to rubble walls are ineligible under this call.
- q. Projects not incorporating the introduction of trees will not be eligible for funding.

The list above is not to be considered as non-exhaustive and the MA may update this list from time-to-time. Each application will be considered against listed, and also not listed, ineligible expenditure.

2.3 Eligible applicants

Support under the Non-Productive Investments Measure is open to the following types/categories of applicants¹⁵:

- a. Natural Person
- b. Private Forest holders
- c. Public Forest holders
- d. Other private law bodies
- e. Other public law bodies
- f. Associations of the above mentioned, including valley and landscape management partnerships.

2.4 Specific Provisions

2.4.1 Woodland/Forest Implementation and Protection Plan

Applicants are obliged to submit the following documentation as part of their implementation plan.

A woodland/Forest Implementation and Protection Plan, which is to include:

- 1. Objectives for the woodland/forest creation (Approximately 100 words)
- 2. Site Plan endorsed by an architect as to current status of site including;
 - a. Total Area in SQM
 - b. Percentage of tree cover
 - c. Trees marked on Site Plan with a clear legend¹⁶
- 3. Site Plan endorsed by an architect as how site is envisaged to be after project implementation including;
 - a. Total Area in SQM
 - b. Percentage of tree cover

¹⁵ Eligible NGOs shall be those that are fully enrolled with the VO Commissioner and are compliant in their annual returns, as required by Subsidiary Legislation 492.01 of the Voluntary Organisations Act. NGO's at the time of application must have an active registration with the office of the commissioner of voluntary organisation. Additionally, NGOs operating within the environmental category will be considered.

 $^{^{\}rm 16}$ Tree names should be in-line with the list of approved trees.

- c. Trees marked on Site Plan with a clear legend¹⁷
- 4. Site Plan clearly indicating, if any, infrastructural works, the site plan should clearly include; 18
 - a. Infrastructural works covered with a clear legend
 - b. Photographic evidence clearly identifying the location and area where infrastructural works will be conducted
- 5. In case of removal of invasive alien tree species, a list of trees accompanied by a Site Plan endorsed by an architect indicating location of the trees. A clear legend is to be available for the Site Plan. This should be supported by photographic evidence.
- 6. Method Statement Clearly <u>indicating</u> how works will be conducted. This shall also refer to conservation orders when it comes to Natura 2000 sites, where applicable.
- 7. Details on Maintenance and Protection operations covering up to year 10¹⁹ of the project
- 8. Details of the means of protection against damage that may be caused by domestic animals or wildlife
- 9. Applicant must provide evidence that they have the necessary authorisation to implement the project over the area of intervention
- 10. All of the above is without prejudice to any other clearances or approvals that shall be formally sought from respective planning and environmental authorities.

2.4.2 General provisions

The following are general provisions applicable to all tree planting operations.

- a. The removal of invasive alien tree species and the planting of new trees to replace the invasive alien tree species need to be in accordance with ERA Guidelines on managing non-native plant invaders and restoring plant communities in terrestrial settings in the Maltese Islands²⁰.
- b. Any activity that involves alien plant removal and/or native plant conservation translocation (such as a reintroduction) within a Natura 2000 sites or other protected area shall require prior authorisation from ERA²¹ before being carried out.
- c. The removal of invasive alien tree species requires prior clearance from ERA.
- d. Only the removal of invasive alien tree species which are listed in Annex 2 is permitted.
- e. Any interventions related to trees must conform with all applicable legislation, including LN 258 of 2018, Trees and Woodlands Protection Regulations, 2018, as may be updated.

¹⁷ Tree names should be in-line with the list of approved trees.

 $^{^{\}mbox{\footnotesize 18}}$ Please refer to guidance provided in the Annexes to these Guidelines.

¹⁹ 10 Years from the date of completion.

²⁰ Guidelines on managing non-native plant invaders and restoring plant communities in terrestrial settings in the Maltese Islands, 2013' available at https://era.org.mt/guidelines-on-managing-n%E2%80%8Bon-native-plant-invaders-and-restoring-native-plant-communities-in-terrestrial-settings-in-the-maltese-islands/ [last accessed date-16/05/2023]

²¹ Contact Address: Nature Permitting, Environment and Resources Authority | Hexagon House, Spencer Hill Marsa MRS 1441 | Telephone: (+356) 2292 3500 Website: era.org.mt Email: nature.permitting@era.org.mt

- f. In the case of requests for support for the removal of invasive alien species, applicants must produce photographic evidence easily identifying the type of invasive alien tree to be removed and its location(s) on the holding²².
- g. In cases of new plantings, applicants are to take photographic evidence of exact location where trees are to be planted.
- h. Additionally, in cases of new plantings, applicants are also requested to prepare a sitemap²³ on which, the exact location (s) where every tree is to be planted is to be indicated.
- i. Any photographic evidence that is required for the purpose of support should be taken as per Agriculture and Rural Paying Agency (ARPA), 'Supplementary Guidance Documents for the Successful Implementation of Malta's Rural Development Programme (RDP) 2014-2020': https://agriculture.gov.mt/

2.4.3 Investments in the Public Amenities of Natura 2000 sites

Investments in the public amenities of Natura 2000 sites must be in line with the objective of the support for investments improving the resilience and environmental value of forest ecosystems measure and in synergy with the management and conservation objectives for that site. Such investments must, therefore, not conflict with the objective of restoring the ecological habitat and the status of species within that habitat, by causing or leading to for example, adverse effects, and must, in as far as possible, be in line with the management actions identified in the management plan for the particular Natura 2000 site. Examples of actions for investments that enhance the public amenity value of Natura 2000 sites and are in line with the management objectives and measures of the management plan can include the installation of infrastructure and facilities pre-requisite for visitor attraction.

2.5 Exclusions

The MA will consider all information brought to its attention, whether provided by the applicant or through other sources, for the scope of assessing potential risks to EU funds before considering an application for evaluation and/or before committing to a grant agreement with applicant. In cases where the MA deems that there are reasonable risks to EU funds, the MA will withdraw the application from EU funding consideration.

a. Support will not be granted for the same project²⁴ when this is already provided under other schemes, including the first pillar of CAP or other National Schemes.

²² For details on photographic evidence to be provided the beneficiary should consult the Agriculture and Rural Paying Agency (ARPA), Supplementary Guidance Documents for the Successful Implementation of Malta's Rural development Programme (RDP) 2014-2020 found in the link below: https://agriculture.gov.mt/[last accessed date-16/05/2023]_Photographic evidence should clearly indicate the location and orientation.

²³ The most recent orthophoto from the Planning Authority (PA) or similar imagery should be used. Interventions are to be clearly indicated with an adequate legend.

²⁴ It is acknowledged that certain actions such as planting of trees and installation of reservoirs are already supported other sub-measures of the RPD 14 – 20. However, the holistic scope of the project under sub-measure 8.5 is different to the scope of projects under other RDP 14 – 20 sub-measures.

- b. No aid will be granted to those sectors and undertakings explicitly excluded from receiving aid under Article 1 of Commission Regulation No 702/2014.
- c. Undertakings subject to an outstanding recovery order following a previous Commission Decision declaring aid illegal and incompatible with the internal market shall not be eligible to receive aid under this scheme.
- d. Assistance shall not be granted in contravention of any prohibition or restriction laid down in Regulation (EU) No 1308/2013, even where such prohibitions and restrictions only refer to the Union support provided for in that Regulation.

2.6 Additional provisions

Where the investment is likely to have negative effects on the environment, investment operations shall be preceded by an assessment of the expected environmental impact in accordance with legislation specific to that kind of investment (Article 45 of Regulation 1305/2013).

<u>State Aid</u> assessment for applications received under this measure will be undertaken during the evaluation of the same applications. This assessment will be based upon the type of beneficiary (eg. farmer), their economic activity and the nature of the project including the potential of the project to result in an economic activity. Documentation to conduct such assessment may be requested and the applicant will be informed accordingly prior to the signing of the grant agreement. The applicant will be notified accordingly on the assessment vis-à-vis state aid, prior to the signing of the grant agreement.

3.0 Applications

3.1 Application Process

The MA shall publicise the calls through various media and will collaborate with stakeholders particularly representatives of the target groups and other Government Entities to publicise the Sub - Measure 8.5 to ensure the widest visibility possible.

3.2 Submission of Applications

Applicants must submit an application as outlined in the call for applications.

It is strongly advisable that prior to the preparation and submission of the application, prospective applicants read these Guidance Notes together with the Manual of Procedures (MoP). The MoP can be accessed on the link below:

https://fondi.eu/important_documentat/european-agricultural-fund-for-rural-development/ [last accessed date-16/05/2023]

All applications must be completed in full.

In case where an applicant is submitting an application for funding on behalf of an organisation, the applicant should submit evidence to show that he/she forms part of the organisation and has the necessary authority to apply. In the case of Public entities, if the position of the applicant is in the public domain, then such evidence will not be specifically required.

Applicants must ensure that the application and all applicable supporting documentation as per section 3.3.1 and 3.3.2 of these Guidance Notes are submitted.

Upon receiving applications, officers of the Managing Authority will not validate with the applicant whether the submission satisfies the admissibility check to be considered for evaluation. It shall remain the sole responsibility of the applicant to ensure the application has been submitted in its entirety.

3.3 Documents to be submitted with the Application

A checklist of documents to be submitted with the Application is attached to the Application Form.

The documents that need to be submitted as part of the Application, and is divided into two parts: (1) supporting documents that concern the applicant, and (2) supporting documents that concern the proposed investment.

3.3.1 Supporting documentation

The applicant must support his/her application with the relevant documentation showing the applicant is actively preparing.

The list of supporting documentation required is available in the application form. Applicants are advised to note whether the document requested is applicable to themselves:

All documentation submitted, be it quotations, bills of quantities, qualifications, tax, agricultural holding (unless there is proof of transfer, or of a similar nature), etc. is to specifically state the name of the applicant and not of any other individual/company. This also applies to partnerships.

3.3.2 Contact Details of Competent Authorities

The Tax Compliance Certificate can be acquired by contacting of the Commissioner for Revenue

Tel No: 22962755

Email: compliance-certificates.mfin@gov.mt

OR

Using the E-ID online services

3.4 Receipt of Applications

Applications are to be sent by not later than noon (12:00 CET) of the deadline date specified on the Block Procedure Timetable published on the MA website. Refer to the NOTICE at the start of these guidance notes for further information on the submission and receipt of Applications.

3.5 Acknowledgement

An acknowledgement shall be issued by the receiving officer upon submission of a completely filled-in application form, as per instructions in section above.

Disclaimer: The person receiving the application is not responsible for the administrative compliance of the application form. This issuance of this acknowledgement letter does not imply that the applicant has submitted all the necessary documentation. The application may be refused and returned to the applicant following the issuance of the acknowledgement letter.

4.0 Assessment and selection

4.1 Validation of applications

The MA will undertake a validity check of all applications that are received.

Should any documentation that is required/compulsory be missing from the Application Form, the applicant will be informed through a notification letter. Any required/compulsory documents that were missing from the Application Form are to be submitted within not more than 5 (five) working days from the date of the notification letter.

Only complete applications will be considered by the Project Selection Committee. Applications that remain incomplete after the specified period notice period has elapsed will be rejected.

Should the applicant wish to re-submit an application (if an application batch is open), the process is considered a new one. In such cases, the effective application date would be that of the new submission.

4.2 Assessment of Applications

Applications for support that pass the admissibility check will proceed to the next step and shall be assessed according to the eligibility and selection criteria (sections 4.3 and 4.4 below are intended to provide guidance, however, applicants are advised to refer to the official document on the criteria, available on the website).

Applications shall be assessed and ranked on the basis of selection criteria relevant to the Measure.

The Project Selection Committee (PSC) will award marks according to the criteria and rank projects according to the marks obtained. In order to qualify for selection, the proposal needs to obtain a total

of at least 50% of the total marks of the general and measure-specific selection criteria. Certain selection criteria require an obligatory 'pass mark' within the respective criteria.

During the assessment and selection process, checks will also be carried out to assess the reasonableness of the cost, where applicable. Grants will be awarded ensuring the cost-effective and value-for-money principles.

The selection of projects may be limited by the available budget, in which case the highest-ranking projects will be offered a grant whereas those who obtain the necessary pass mark but do not rank high enough will be placed on a 'Reserve List'.

4.3 Eligibility Criteria

All valid applications shall be assessed against the eligibility criteria that have been established for the RDP 2014-2020. Eligibility criteria consist of two sets: general eligibility criteria and measure-specific eligibility criteria.

It is important to note that all applications need to conform to/fulfil ALL general and measure-specific eligibility criteria in order to be considered for ranking and selection.

The MA reserves the right to revise the eligibility criteria applicable to the Measure, subject to prenotification.

4.3.1 General Eligibility Criteria

The following are the general eligibility criteria to which the application must conform:

- a. Submitted application is fully completed/filled-in²⁵
- b. Applicant demonstrates that he/she forms part of (or is the legal representative) the beneficiary/applicant organisation
- c. The proposed project will be implemented within the eligible territory
- d. Evidence of sufficient financial capacity required to cover the private financial component (where applicable) is provided
- e. The proposed project contributes to the targets and objectives of the relevant measure/s
- f. The proposed project contributes to at least one indicator target

4.3.2 Measure-Specific Eligibility Criteria

The following are the measure-specific eligibility criteria to which the application must conform:

- a. Natural persons, public/private forest owners, public/private entities or associations thereof
- b. Projects must contribute to ecological, landscape and environmental objectives for Malta
- c. Minimum size of area to be supports 0.5 Ha with minimum tree cover of 10% (or will have 10% tree cover following afforestation actions)

²⁵ In terms of details as required by the selection committee to evaluate the application for eligibility and selection accordingly.

- d. All woodland holdings over 0.5 Ha shall have approved Woodland/Forest Implementation and Protection Plan that provides justification of the support being applied for.
- e. Malta's National Biodiversity Strategy and Action Plan (NBSAP), which also links to Action 12 of the EU Biodiversity Strategy has to be followed.

4.4 Selection of Proposed Investments²⁶

Selection criteria are designed to assess the fit and contribution of project proposals with the RDP strategy, its target group and its objectives. These criteria are divided in two groups: those that reply on a quantitative assessment and those that require a qualitative assessment. The evaluation will combine both data (quantitative and qualitative) in order to have a comprehensive understanding of the proposal.

For a project to be considered for funding, it has to obtain at least 50% of the marks available in total (both general and measure-specific criteria). Projects will be ranked according to marks and funds allocated to those projects which obtain the highest marks. In cases of over-demand for funding, other projects which obtain the pass mark but which are not funded/selected will be placed on a reserve list according to marks obtained and funding offered if and when funds become available.

For the purpose of project selection, the sub - Measure 8.5 carries a total maximum scoring of 160 marks. The general selection criteria carry a maximum of 100 marks, while the measure-specific criteria carry a maximum of 60 marks.

4.4.1 General Selection Criteria

The following is a list, together with maximum scoring, of general selection criteria applicable to the Non-Productive Investments Measure. The maximum total marks that can be obtained by fulfilling these general selection criteria is 100%.

Project proposal targeting multiple indicators – max marks 20

Applicants are awarded points on the basis of how well their project proposal targets more than one indicator, and how well the proposal fits within the relevant RDP/LDS priorities.

Preparedness / Readiness - max marks 10

Applicants are awarded points according to the level of preparedness with regard to permits, drafting of tenders, CBAs, etc. as and where applicable.

²⁶ The applicant shall keep in mind that the information submitted in the application form shall be used for scoring purposes and thus it is in the applicants' interest to be comprehensive when providing such information

Evidence of Applicant's ability to successfully implement the project [Organisational capacity] – max marks 20²⁷

Points awarded according to the administrative capacity, competence and technical resources available to the organization, and how well the project demonstrates long term sustainability. Consideration will be made of how the project will continue to benefit the business/sector/rural area after RDP funding comes to an end. Application should demonstrate evidence of applicant's financial viability.

Any significant experience with managing current or past projects that are EU and/or Nationally funded should be listed in the provided table on the application form.

Cost effectiveness - max marks 20²⁸ 29

Points awarded according to evidenced added value, effectiveness and reasonableness of costs proposed. Consideration will be made as to whether the applicant considered other forms of funding and set out clearly the impact the funding will make on the business and/or the surrounding market. The outputs and outcomes of the proposal should be proportionate to the level of funding offered. Project deliverability will also be assessed on the basis of whether competitive quotes have been sought, clear rationale in cases where the lowest valid offer is not chosen, whether the costs are realistic and whether the application shows how the project will be successful at the end of the contract.

Complementarity – max marks 10

Points awarded according to the potential of the proposed project to lead to funding opportunities under other measures/funds.

Horizontal Priorities (Social Criterion) - max marks 20

Points awarded on the basis that the proposed intervention/s contribute towards the promotion of equal opportunities, equality, non-discrimination and improved accessibility whilst targeting sustainable development in the areas of economic growth, social cohesion and environmental protection. Consideration will be made of whether the applicant has a gender mainstream strategy, an appropriate policy on equality and diversity (e.g. as an employer), access requirements have been taken into account (e.g. for buildings, websites), and whether any jobs created are open to a diverse range of applicants.

4.4.2 Measure-specific Selection Criteria

The following are the measure-specific selection criteria and relevant scores for the Non-Productive Investments Measure:

²⁷ Applicants will be required to obtain a minimum of 10 marks from this selection criterion.

 $^{^{\}rm 28}$ Applicants will be required to obtain a minimum of 10 marks from this selection criterion.

 $^{^{29}}$ The tree cover over the entire area will be taken into consideration for cost effectiveness

Dissemination - max marks 10

Beneficiaries are obliged by Commission Implementing Regulation (EU) No 808/2014 to acknowledge support from the Fund through plaques or billboard depending on the Grant Amount as explained in the extract below. Additional marks are given to applicants describing promotional actions which go beyond the regulatory obligations.

Responsibilities of beneficiaries to acknowledge support from EAFRD

All information and communication actions of the beneficiary shall acknowledge support from the EAFRD to the operation by displaying:

- (a) the Union emblem;
- (b) a reference to the support from the EAFRD.

During the implementation of an operation, the beneficiary shall inform the public about the support obtained from the EAFRD by:

- (a) providing on the beneficiary's website for professional use, where such a website exists, a short description of the operation where a link between the purpose of the website and the support provided to the operation can be established, proportionate to the level of support, including its aims and results, and highlighting the financial support from the Union;
- (b) for operations not falling under point (c) the total public support of which exceeds EUR 50,000 placing at least a poster (minimum size A3) or plaque with information about the project, highlighting the financial support from the Union, at a location readily visible to the public.
- (c) putting up, at a location readily visible to the public, a temporary billboard of a significant size for each operation consisting of the financing of infrastructure or construction operations for which the total public support to the operation exceeds EUR $500\,000$.

No later than three months after completion of an operation, the beneficiary shall put up a permanent plaque or billboard of significant size at a location readily visible to the public for each operation that fulfils the following criteria:

- (i) the total public support to the operation exceeds EUR 500 000;
- (ii) the operation consists of the purchase of a physical object or of the financing of infrastructure or of construction operations.

This billboard shall state the name and the main objective of the operation and highlight the financial support provided from the Union.

The billboards, posters, plaques and websites shall carry a description of the project/operation and the elements referred to in of point 1 of Part 2. That information shall take up at least 25 % of the billboard, plaque or webpage.

Implementation of actions – max marks 20

Points awarded on the basis of the number of eligible actions to be implemented as per project proposal.

Carbon impact and actions linked to the mitigation of climate change – max marks 30

Points awarded if the project proposed includes measures targeting the improvement of air quality, sustainable management/use of water, better soil management, adaptation to and mitigation of climate change.

The MA reserves the right to update and change the selection criteria as deemed necessary, respecting the appropriate legal provisions. Any updates would be reflected in the version of the criteria and the Guidance Notes for the Non-Productive Investments Measure uploaded online.

4.5 Unsuccessful applicants

The MA will inform all applicants about the outcome of the selection process.

4.6 Appeals

Applicants who feel aggrieved by the outcome of the procedure have the right of appeal with the Project Selection Appeals Board (PSAB) within five (5) working days from the date of the letter of rejection by the PSC.

The same application cannot be considered as being under PSAB and PSC consideration concurrently. As stated above, only the application undergoing a PSAB procedure will be under consideration (by the PSAB).

4.7 Letter of Acceptance

The MA will proceed to write to the successful applicants informing them of the decision of acceptance of their project. Letters of acceptance may include conditions which have been raised by the PSC.

4.8 Grant Agreement

Applicants whose proposals for investments have been selected in accordance with the procedure described above, in terms of being eligible and having obtained the necessary scoring for selection, and furthermore, could be allocated the requisite budget for funding, shall be invited to enter into an agreement with the MA by signing the Grant Agreement. More details on the generic provisions applicable in the Grant Agreement and the contractual obligations of the Beneficiary are provided in the subsequent sections. Selected applicants that do not come forward to sign the grant agreement within stipulated timeframes will have the award withdrawn.

4.9 Changes

In cases where amendments to the Grant Agreement need to be made by the beneficiary, the beneficiary must submit a written request to the Change Request Review Board (CRRB) via the Change Request Form <u>prior</u> to the changes being implemented (*a priori*). The CRRB will review the request and notify the beneficiary accordingly.

If a request for changes to the Grant Agreement is submitted after these changes have actually taken place (*ex-post*), the expenditure related to these changes may be subject to applicable penalties.

In the case where an investment included in the project requires a planning permit, the project may be subject to a withdrawal assessment by the Managing Authority if the necessary permit approvals are not obtained within 25% of the applicable project duration, at the time of the withdrawal assessment. This is without prejudice to any other withdrawals that the MA or ARPA may seek in view of project progress impacting timeframes and scope.

The Change Request Form can be downloaded from the Managing Authority website from the following link:

https://fondi.eu/important_documentat/earfd-templates/ [last accessed date-16/05/2023]

5.0 Contractual Obligations

Upon signing the Grant Agreement, the Beneficiary becomes legally bound by certain provisions. The following sections provide information on some aspects of the contractual obligations of the Beneficiary.

The Agriculture and Rural Paying Agency (ARPA) may, from time to time, issue further information and guidance.

5.1 Durability of Investment

Beneficiaries are obliged to maintain the project as a going concern for five (5) years, maintaining the same spirit of Article 71 of Regulation 1303/2013, from the date of final payment to the beneficiary. With regards to SMEs, Natural Persons and NGOs this period is also of five (5) years from the final payment to the beneficiary. The period shall also be stipulated in the Grant Agreement.

The conditions present in these guidelines shall apply throughout the site submitted as part of the project, and shall remain applicable throughout the durability of the project period.

This five (5) year durability also incorporates the obligation that in case of state-owned land, the management of such land is a private entity or 'municipality'³⁰.

Investments will be subject to ex-post on-the-spot checks. Failure to comply with the obligation for the durability of investments will result in penalties being applied.

5.2 Documentation

Beneficiaries are obliged to retain all supporting documentation for a two (2)-year period from 31 December following the submission of the accounts in which the final expenditure of the completed operation is included. A signed inventory, listing any items bought in connection with the project, should be compiled and held on site and this should be made available to ARPA whenever requested.

5.3 Procurement

Beneficiaries should note that grants awarded for actions under this sub-measure are public funds. In this regard, all beneficiaries should ensure that any procurement undertaken for cost items to be financed through this sub-Measure is carried out in line with the principles of sound financial management, good governance, transparency, and equality together with the provisions of the Manual of Procedures issued by the relevant authorities and with the provisions of the relevant EU and/or National Legislation including contents of MA PA EAFRD Circular 1 of 2021, as may be amended.

³⁰ It is being clarified that this condition is only applicable in case where, in line with section 2.1.4 of these guidelines and applicable footnote(s), the MA would have required that state-owned land, for project to be considered for repayment, the said land would have to be under private or 'municipality' management.

Checks in relation to public procurement will verify that Union public procurement rules and related national rules are complied with and that the basic principles of transparency, objectivity, non-discrimination, and appropriate disclosure have been respected throughout the entire process.

In cases of non-compliances with the rules of public procurement, the financial corrections towards the service provider beneficiary will be determined by the Paying Agency on the basis of the Commission Decision of 14.5.2019 laying down the guidelines for determining financial corrections C(2019)3452 final.

5.4 Controls and Penalties

Beneficiaries must note that by signing the Grant Agreement they are agreeing to undertake an obligation for the relevant checks and controls by the respective Authorities including the following:

- a. The Paying Agency (PA) Agriculture and Rural Payments Agency (ARPA), Ministry for Agriculture, Fisheries, and Animal Rights (MAFA)
- b. The Certifying Body (CB) Internal Audit and Investigations Department (IAID), Office of the Prime Minister (OPM);
- c. The National Audit Office (NAO) in view of the fact that public funds are being utilised for the implementation of the investment;
- d. The Audit Services of the European Commission (EC) and the European Court of Auditors (ECA) in view of the fact the investment is benefitting from European Union (EU) funds;
- e. The VAT Department to ensure that VAT Regulations are respected.

The following sections are intended as a guide on applicable checks and controls.

5.4.1 Administrative checks on support applications

Administrative checks on applications for support shall ensure the compliance of the operation with applicable obligations established by Union or national law or by the rural development programme, including those of public procurement, State aid and other obligatory standards and requirements. The checks shall in particular include verification of:

- the eligibility of the beneficiary;
- the eligibility criteria, commitments and other obligations of the operation for which support is requested;
- compliance with the selection criteria;
- the eligibility of the costs of the operation, including compliance with the category of costs or calculation method to be used when the operation or part of it falls under Article 67(1)(b), (c) and (d) of Regulation (EU) No 1303/2013³¹;
- for costs referred to in Article 67(1)(a) of Regulation (EU) No 1303/2013, excluding contributions in kind and depreciation, a verification of the reasonableness of the costs

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³¹ Simplified costs option

submitted. The costs shall be evaluated using a suitable evaluation system, such as reference costs, a comparison of different offers or an evaluation committee."³²

5.4.2 Administrative checks on payment claims by the paying agency (ARPA)

Once a Beneficiary's project proposal is selected and awarded a grant, the beneficiary will be invited to enter into a Grant Agreement with the Managing Authority (MA). Following the signature of the Grant Agreement and subject to the eligibility rules of the specific measure, a Beneficiary may start to submit payment claims to the Agriculture and Rural Payments Agency (the Agency) for processing, verification and ultimately payment authorisation.

Kindly note that the ARPA Payment Guidelines can be accessed through: https://agrikoltura.gov.mt/ [last accessed date-16/05/2023]

6.0 Compliance with Community Policy

6.1 General Principles

It is the responsibility of the Beneficiary to ensure compliance with Community Policy, namely:

- a. Public Procurement
- b. Equal Opportunities
- c. Sustainable development

6.2 Procurement

Applicants are not required to submit quotations for structural works – a bill of quantities prepared by a warranted architect will suffice. On the other hand at application stage, one quotation is required for **all** other non-structural components for which funding is being requested, such as the planting of trees, etc.

For structural works, where the applicant is not required to submit a quotation at application stage, prior to procuring the services required, the applicant is to seek **three comparable quotations**, using a request for quotations. If the application has already been approved by the Project Selection Committee, these documents are to be presented to the Agriculture and Rural Payments Agency. Quotations should not be older than 6 months from the day of commencement of works.

If the applicant decides to start implementation at their own risk, before the outcome of the PSC has been communicated, the applicant should still seek **three comparable quotations**, using a request for quotations, to be presented to the Paying Agency if and when the project is approved by the Project

³² Article 48(2) of Commission Implementing Regulation (EU) No 808/2014

Selection Committee. Quotations should not be older than 6 months from the day of commencement of works.

In case of other non-structural components for which one quotation has already been obtained, two additional quotations will still need to be sought, using a request for quotations, leading to a total of three quotations at procurement stage. Quotations should not be older than 6 months from the day of commencement of works. The original quotation submitted with the application should be comparable to the other two quotations sought at procurement stage.

These quotations, along with the Request for Quotations, are to be submitted together with a formal letter addressed to the Paying Agency whereby the chosen quotation is indicated by inserting reference to the quotation number and the full name of the chosen supplier/service provider.

If the cheapest quotation is not chosen by the applicant, a justification would need to be provided. The applicant is to note that in such cases, the amount of funding co-financed through the EAFRD (2014 – 2020) can only be based on the cheapest quotation obtained.

If three quotations cannot be obtained, an adequate justification should be provided by the applicant. It is the Paying Agency's prerogative, after consulting with the Managing Authority, whether to accept such justification or not.

The MA reserves the right to introduce a simplified cost option (SCO) that would apply standard prices for all works/investments under the Non-Productive Investments Measure. The SCO may be introduced within this call, applying a set rate that will be published by the MA.

Applicants are expected to consult and follow the 'Guidelines on the Submission of Payment Claims related to Investment Measures' that can be downloaded from the website of the Agriculture and Rural Payments Agency: https://agriculture.gov.mt/ [last accessed date-16/05/2023]

In accordance with the Public Procurement Regulations, expenditure relating to economic operators convicted of a criminal offence are considered ineligible for funding and such expenditure will not be reimbursed by the Agency.

Beneficiaries should note that Grants awarded for actions under the Non-Productive Investments Measure are public funds. In this regard, all Beneficiaries should ensure that any procurement undertaken for cost items to be financed through the Non-Productive Investments Measure is carried out in line with the principles of sound financial management, good governance, transparency, and equality together with the provisions of the Manual of Procedures issued by the relevant authorities together with these Guidance Notes.

6.3 Equal Opportunities and Non-discrimination

Beneficiaries are required to take a pro-active approach to Equal Opportunities and must ensure that at all stages of the implementation of the action/s consideration is given to Equal Opportunities.

Equal Opportunities and non-discrimination are not meant to just address gender discrimination but have a wider scope and include race, ethnicity, religion or belief, disability, age and sexual orientation.

6.4 Sustainable Development

Beneficiaries should include Sustainable Development in their action/s and must ensure that the operation is structured in such a manner that concrete positive actions towards better sustainability and mainstreaming feature throughout. It is important that environmental matters should also be taken into consideration at all stages of the design, development and implementation of the action and the action should be structured to avoid any related environmental damage.

7.0 Data Policy

By submitting the application, the applicant is giving his/her consent to have personal and project details published in line with the obligations in the relevant EU Regulations and other requests by relevant bodies.

7.1 Data Protection

Whilst abiding to the provisions set in the Data Protection Act and the General Data Protection Regulation regarding the handling of personal data, the Managing Authority and/or Paying Agency will retain the right to disclose, exchange or request information about any applicant, application and agreement to or with other organisations or consultants which the Managing Authority and/or Paying Agency consider appropriate for administration, statistical, monitoring, evaluation and dissemination purposes.

7.2 Transparency

Because projects implemented under Measure 8.5 involve expenditure of public money, there is public interest in how the money is spent. In this respect the Managing Authority will ensure that the principle of transparency is fully respected in the implementation of operations under Malta's Rural Development Programme 2014-2020.

Annually, and by no later than 30th May of each year, the Agriculture and Rural Payments Agency (ARPA) is bound to publish a list of beneficiaries who received payment during the preceding financial year (16th October to 15th October) in line with Regulation (EU) No 1306/2013 of the European Parliament and of the Council.

7.3 Monitoring, Evaluation and Dissemination

From time to time, the Managing Authority and/or the Paying Agency, as well as other National and/or EU entities as may be identified by the Managing Authority, may conduct economic, environmental or other evaluation of the measure which may involve the beneficiary in surveys/interviews of various types. Managing Authority officials or consultants/evaluators engaged by the Managing Authority may contact beneficiaries as necessary. In applying for support under this measure the beneficiary is deemed automatically as agreeing to cooperate with or take part in such studies, which are important for reviewing the effectiveness of the measure as well as evidencing implementation of projects. The MA may also request cooperation from beneficiaries vis-á-vis promotion of the RDP, including use of pictures/videos taken from projects funded under this measure.

8.0 Contact Details

For more information regarding the Non-Productive Investments Measure, kindly contact the Funds and Programmes Division.

Address: The Oaks Business Centre, Block B, Triq Farsons, Hamrun HMR 1321, Malta

Telephone Number: +356-2555 2634

E-mail: rdsubmissions.mefl@gov.mt

Website: <u>www.fondi.eu</u>

9.0 Annexes

9.1 Annex 1: List of Eligible trees that can be planted³³

Scientific Name	Maltese Name	English Name	
Acer monspessulanum	l-aġġru; l-aċer	Montpellier Maple	
Alnus glutinosa	l-alnu	Black Alder; European Alder; Common Alder	
Anagyris foetida	il-fula tal-klieb	Bean Trefoil Tree; Mediterranean Stinkwood	
Atriplex halimus	il-bjanka	Salt Bush; Shrubby Orache	
Betula pendula	il-betula	Silver Birch; Warty Birch; European White Birch	
Calicotome villosa s.l.	il-ģenista tax-xewk	Spiny Broom	
Carpinus orientalis	il-karpin	Oriental Hornbeam	
Celtis australis	il-buglar; iċ-ċeltis	Nettle Tree	
Ceratonia siliqua	il-ħarruba	Carob	
Cercis siliquastrum	is-siġra ta' Ġuda; il-ħarrub ta' Ġuda	Judas Tree; Mediterranean Redbud	
Chamaerops humilis	il-ġummara	Dwarf Fan Palm	
Crataegus azarolus	l-għanżalor	Azarole; Crete Hawthorn	
Crataegus monogyna	iż-żagħrun	Whithorn; Common Hawthorn	
Crataegus x ruscinonensis	l-għanżalor is-selvaġġ	Hybird Hawthorn	
Cydonia oblonga	l-isfarģel	Quince	
Darniella melitensis (= Salsola melitensis)	ix-xebb; is-siġra tal-irmied	Maltese Salt Tree	
Ephedra fragilis	l-efedra	Shrubby Horsetail; Joint Pine	
Erica multiflora	l-erika; is-sagħtar l-aħmar; is-savina; leħjet ix-xiħ	Mediterranean Heath	
Euonymus europaeus	il-fużanja; l-evonimu	European Spindle; Common Spindle	
Euphorbia dendroides	it-tengħud tas-siġra	Tree Spurge	
Euphorbia melitensis	it-tengħud tax-xagħri	Maltese Spurge	
Fagus sylvatica	is-siġra tal-fagu	European Beech	
Fraxinus angustifolia	il-fraxxnu; is-siġar tal-paċenzja	Narrow-Leaved Ash	
Juniperus macrocarpa	II-ġniepru x-xewwieki	Mediterranean Prickly Juniper	
Juniperus oxycedrus	II-ġniepru x-xewwieki	Prickly Juniper; Prickly Cedar; Cade Juniper	
Juniperus turbinata	il-ġnibru; il-ġniepru; l-għargħar	Southern Phoenician Juniper	
Laurus nobilis	ir-randa	Bay Laurel; Sweet Bay	
Lycium europaeum	l-għawseġ	European Tea-Tree; European Boxthorn	

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 $^{^{\}rm 33}$ This list is based upon document entitled "List of trees under M8.5"

Lycium intricatum	l-għawseġ selvaġġ	Mediterranean Tea-Tree; Mediterranean Boxthorn
Lycium schweinfurthii	l-għawseġ selvaġġ	Southern Tea-Tree; Southern Boxthorn
Myrtus communis subsp. communis	ir-riħan	Myrtle
Nerium oleander	id-difla; siġret il-ġarab; siġret il- bass; is-siġar tal-wirdien; l-oleandru	Oleander
Ostrya carpinifolia	il-karpin falz; l-ostrijà	Hop Hornbeam
Paliurus spina-christi	ix-xewk tal-kuruna; lx-xewk ta' kristu	Christ's Thorn Tree; Jerusalem Thorn
Periploca angustifolia (= Periploca laevigata subsp. angustifolia)	siġret il-ħarir	African Wolfsbane
Phillyrea angustifolia	il-fillirja	Narrow-Leaved Mock Privet
Phillyrea latifolia	l-olivastru; il-fillirja l-kbira	Mock Privet; Jasmine Box
Phillyrea media	l-olivastru; il-fillirja ż-żgħira	Lesser Mock Privet
Pinus halepensis	iż-żnuber; is-siġra tal-prinjol; si-siġra tal-arżnu	Aleppo Pine; Jerusalem Pine
Pinus pinaster	iż-żnuber tal-baħar; iż-żnuber tax- xatt; il-prinjol tal-ġwienaħ	Maritime Pine; Cluster Pine
Pistacia lentiscus	id-deru; Id-delu	Lentisk; Mastic Tree
Pistacia terebinthus	il-botna; l-iskornabekk; is-siġar tat- turpentina; it-trementina; is-siġar tal-fosdoq; it-terebintu	Terebinth; Turpentine Tree
Pistacia x saportae	id-deru l-bagħal	Hybird Mastic Tree
Platanus orientalis	id-dolf; id-dorf; id-dolb	Oriental Plane Tree
Populus alba	il-luqa; is-siġar taċ-ċopp	White Poplar
Prunus cerasus	iċ-ċirasa s-selvaġġa	Sour Cherry; Dwarf Cherry; Tart Cherry
Quercus calliprinos	il-balluta x-xewwikija	Palestine Oak; Eastern Kermes Oak
Quercus cerris	ir-ruvlu; il-balluta l-ħorfija	Turkey Oak; Austrian Oak
Quercus coccifera s.l.	il-balluta x-xewwikija	Kermes Oak
Quercus gussonei	ir-ruvlu; il-balluta l-ħorfija	Gussone's Oak
Quercus ilex	il-balluta; is-siġar tal-ġandar	Holm Oak; Evergreen Oak
Quercus petraea s.l.	ir-ruvlu; il-balluta l-ħorfija	Sessile Oak; Cornish Oak; Durmast Oak
Quercus pubescens s.l.	il-balluta l-muswafa ; ir-ruvlu	Downy Oak; Pubsecent Oak
Quercus robur	il-balluta ingliża; is-siġra tar-ruvlu	Pedunculate Oak; English Oak
Quercus suber	is-siġra tas-sufra; il-ballut tas-sufra	Cork Oak
Retama raetam s.l.	il-ģenista l-bajda; il-ģenista tar-ramel; ir-retama	Bridal Broom; White Weeping Broom
Rhamnus alaternus	l-alaternu	Mediterranean Buckthorn
Rhamnus oleoides (= Rhamnus lycioides subsp. oleoides)	iż-żiju	Lesser Buckthorn; Olive-Leaved Buckthorn

Rhus coriaria	ix-xumakk tal-konz	Common Sumach	
Salix alba s.l.	iż-żafżafa; iż-żafżafa l-kbira; iż- żafżafa l-bajda	White Willow	
Salix pedicellata	iż-żafżafa ż-żgħira	Mediterranean Willow	
Sambucus ebulus	in-nittiena; is-sebuqa s-selvaģģa; is- sambuka s-selvaģģa	Dwarf Elder	
Sambucus nigra	is-sambuka; is-sebuqa l-kbira	Common Elder	
Searsia pentaphylla (= Rhus pentaphylla)	lt-tiżra; il-kunzatura; ix-xumakk tal- konz	Tizra Tree	
Sorbus aucuparia	iż-żorba s-selvaġġa	Rowan; Mountain Ash	
Sorbus domestica	iż-żorba	Service Tree	
Spartium junceum	il-genista s-safra	Spanish Broom	
Tamarix africana	il-bruka; it-tarfa	Tamarisks	
Tetraclinis articulata	l-għargħar	Arar tree; Sandarac Gum Tree; Mediterranean Alerce; Barbary Arbor-Vitae	
Tilia platyphyllos	lt-tilja	Lime Tree	
Ulmus canescens (= Ulmus minor subsp. canescens)	in-nemmiesa; is-siġar tan-nemus; l- ulmu; l-ulmu ta' Malta	Hoary Elm; Grey-Leaved Elm	
Viburnum tinus	il-meruna; il-viburnu	Laurustinus	
Vitex agnus-castus	l-għadiba; il-virgi; il-bżar tal- patrijiet; l-għadbiera; is-siġar tal- virgi	Chaste Tree; Virgin Bush	
Ziziphus lotus	is-siedra	Spiny Jujube; Sicilian Jujube	
Ziziphus zizyphus (= Ziziphus jujuba)	iż-żinżel	Jujube	

9.2 Annex 2: Indicative List of Alien Species that shall not be planted in Rural Areas

Scientific Name	Maltese Name	English Name		
Acacia cyclops	l-akaċja tal-għajn	Coastal Wattle		
Acacia koa	l-akaċja tal-Hawaii	Hawaiian Wattle; Koa		
Acacia saligna (= Acacia cyanophylla)	l-akaċja	Golden-Wreath Wattle		
Aeonium spp. (all species)	il-kalluwa; siġret il-kalli	Tree Houseleeks		
Agave spp. (all species)	l-agave; is-sabbara; is-sisal; is- siżlana	Century Plant; American Aloe; Maguey; Sisal; Sisal Hemp		
Ailanthus altissima (= Ailanthus glandulosa)	ix-xumakk; ix-xumakk falz	Tree-of-Heaven		
Aloe spp. (all species) - see note	l-aloe; is-sabbar	Aloes		
Anredera cordifolia (= Boussingaultia cordifolia)	il-fatata; il-ħobbejza l-falza	Madeira Vine		
Aptenia spp. (all species)	l-aptenja; widnet il-ġurdien	Baby Sun Roses		
Arundo donax - see note	il-qasba; il-qasba l-kbira; il- ħasrija; il-ħażrun	Great Reed		
Asclepias spp. (all species)	it-tuffieħ tal-fodsqa; qarn il-ħarir	Milkweeds		
Asparagus spp. (all species) - see note	l-ispraġġ; l-asparagus	Asparagus		
Baccharis halimifolia		Eastern Baccharis		
Bambusa vulgaris	il-bambù	Common Bamboo; Feathery Bamboo		
Bougainvillea spp. (all species)	il-buganvilli	Bouganvilla Vines; Bouougenville; Drillingsblume		
Bryophyllum spp. (all species)	il-magħrfa; denb il-wiżgħa	Devil's Backbone; Mother-of- Millions; Chandelier Plants		
Cactaceae (all species) - see note	il-kaktus	Cactus Family		

Cardiospermum spp. (all species)	tuffieħ ir-riħ; l-isfineġ	Balloon Vine; Heart Pea; Heart Seed; Upland Cotton		
Carpobrotus spp. (all species)	is-swaba' tal-Madonna; dliel il- Madonna; dwiefer ix-xitan; xuxet San Ġwann	Kaffir Figs; Hottentot Figs		
Casuarina spp. (all species)	il-każwarina	Australian Pine Tree; She-Oak		
Catharanthus roseus (= Vinca rosea)	il-pervinka r-roża	Madagascar Periwinkle; Cape Periwinkle; Rose Periwinkle		
Cenchrus spp. (all species)	il-pjumi	Buffelgrasses; Sandburs; Sand Spurs		
Chamaecyparis spp. (all species)	iċ-ċipress falz; il-kameċiparis	False Cypress		
Chasmanthe spp. (all species)	il-bifri	South African Cornflags; Cobra Lilies; Pennants		
Chlorophytum comosum (= Anthericum comosum; Hartwegia comosa)	ir-rampila	Spider Plant; Spider Ivy; Ribbon Plant		
Cortaderia spp. (all species)	il-pjuma l-kbira	Pampas Grasses		
Cupressus atlantica	iċ-ċipress tal-Magħreb	Moroccon Cypress		
Cupressus arizonica	iċ-ċipress l-kaħla; iċ-ċipressa tal- Arizona	Arizona Cypress		
Cupressus × leylandii (= ×Cupressocyparis leylandii; ×Cuprocyparis leylandii)	iċ-ċipressa l-bagħla	Leyland Cypress		
Delairea odorata (= Senecio mikanioides)	il-liedna s-safra	German Ivy; Cape Ivy		
Dolichandra unguis-cati (= Bignonia unguis-cati; Doxantha unguis-cati; Macfadyena unguis-cati)	dwiefer il-qattus; sieq il-qattus	Cat-Claw Ivy; Catsclaw Trumpet		
Drosanthemum hispidum (= Mesembryanthemum hispidum)	id-drożantema; il-kristallina l- vjola	Hairy Dewflower; Miniature Pigs Face		
Eichhornia crassipes (= Pontederia crassipes)	wardet in-Nil	Common Water Hyacinth		
Eucalyptus spp. (all species) - see note	l-ewkalipus; is-siġra tal-gamiem	Gums; River Gums; Eucalypts; Tuarts		

Ficus spp. (excluding Ficus carica) - see note	is-siġar tal-fikus	Indian Figs; Ficus Trees
Freesia spp. (all species)	il-friżja; il-freżja	Freesias
Gomphocarpus spp. (all species)	it-tuffieħ tal-fodsqa	Milkweeds
Gunnera tinctoria		Giant Rhubarb; Chilean Rhubarb
Heracleum mantegazzianum		Giant Hogweed
Heracleum persicum		Persian Hogweed; Hogweed
Heracleum sosnowskyi		Sosnowksyi's Hogweed
Humulus scandens s.l. (including Humulus japonicus)		Japanese Hop
Impatiens glandulifera		Himalayan Balsam
Ipomoea spp. (all species)	il-kampanelli	Morning Glories
Lantana camara	il-lantana	Shrub Verbena; Yellow Sage
Leucaena leucocephala (= Acacia leucocephala)	l-albizzja; il-gażżija l-bajda	Lead Tree; White Popinac; Cow Tamarind; Wild Tamarind
Lycium barbarum	l-għawseġ taz-xarq; il-goxi s- selvaġġ	Red Medlar; Himalayan Goji; Ghost Thorn
Lygodium japonicum		Japanese Climbing Fern
Malephora spp. (all species)	il-kristallini l-ħomor; il-kristallini l-oranġo; il-kristallini s-sofor	Mesembs; Red Ice Plants
Melia azederach	is-siġra tat-tosku	Indian Bead Tree; Cinaberry Tree
Mirabilis spp. (all species)	il-ħummejr	Marvels-of-Peru; Four o'clock Flowers
Monstera deliciosa	il-mostera; sieq l-iljun	Swiss Cheese Plant; Mexican Breadfruit
Myrtus communis subsp. tarentina - see note	ir-riħan tal-weraq żgħir	Tarentum Myrtle; Small-Leaved Myrtle
Nicotiana glauca	it-tabakk tas-swar; is-siġra tat- tabakk; it-tabakk l-isfar	Tree Tabacco; Mustard Tree
Nothoscordum borbonicum	it-tewm tal-qsari; it-tewm tal- fwieħa	Honeybells; Fragrant False Garlic, Onion Weed

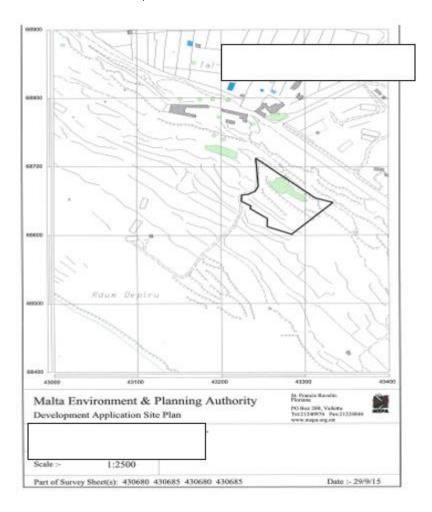
Opuntia spp. (all species) - see note	il-bajtar tax-xewk; il-bajtar tal- Indi; il-bajtar tal-linka; iċ-ċuplajs	Prickly Pears
Oxalis spp. (all species)	il-ħaxixa Ingliża; il-qarsu; l-Ingliża r-roża	Cape Sorrel; Wood Sorrels; Pink Sorrels; False Shamrocks; Olxalises
Parthenium hysterophorus		Santa Maria Feverfew; Famine Weed; Whitetop Weed
Passiflora caerulea	il-warda tal-passjoni	Passion Flower
Pelargonium spp. (all species)	is-sardinell	Geraniums
Pennisetum spp. (all species)	il-pjuma; il-pjuma ż-żgħira; il- penniżetum; ir-rixa	Crimson Fountaingrasses; Feathertops
Persicaria perfoliata	denb l-għafrit; denb ix-xitan	Mile-a-Minute Weed
Phytolacca dioica	is-siġra tal-qlalet; l-ombu	Elephant Tree; Tree Pokeweed; Ombu Tree
Pinus brutia	lż-żnuber il-ħamra; lż-żnuber tal- Lvant	Brutia Pine; Calabrian Pine; Turkish Pine
Pistacia atlantica	il-pistaċċa l-bagħla	Mount Atlas mastic; Persian turpentine
Pittosporum tobira	il-pittosporum	Shrubby Putterlick; Japanese Mock Orange; Tobira
Prosopis juliflora		Mesquite
Pueraria lobata	il-kuzzu	Kudzu; Asian Arrowroot
Quercus rotundifolia (= Quercus ballota; Quercus ilex subsp. rotundifolia)	il-ballut Iberiku	Iberian Oak; Ballota Oak
Robinia pseudoacacia	ir-robinja	False Acacia; Black Locust
Ricinus communis	ir-riġnu; il-ħaruwija	Castor Oil Plant
Sansevieria spp. (all species)	lsien in-nisa	African Snake Plants; Devil's Tongue
Schinus terebinthifolius	is-siġra tal-bżar; il-bżar falz	Brazilian Pepper
Searsia lancea (= Rhus lancea)	ix-xumakk tal-Afrika	Willow Sumach; African Sumach; Karee Tree
Senecio angulatus	il-liedna s-safra	Cape Ivy; Creeping Groundsel
Symphoyotrichum squamatus (= Aster squamatus)	is-settembrina salvaģģa; l-aster	Narrow-Leaved Aster

Tamarix spp. (excluding Tamarix africana) - see note	il-bruk ta' barra	Tamarisk Trees
Thuja spp. (all species)	it-tuja; iċ-ċipress falz	Arbor-Vitae; Thuya Trees
Tradescantia fluminensis		Small-Leaved Spiderwort; Inch Plant; Wandering Jew
Trapaeolum majus	il-kabuċċinella	Garden Nasturtium; Tall Nasturtium; Indian Cress
Triadica sebifera		Chinese Tallow
Ulmus spp. (excluding Ulmus canescens) - see note	l-ulmi ta' barra	Elm Trees
Vachellia karroo (= Acacia karroo)	il-gażżija tax-xewk; ix-xewk ta' kristu; l-akaċja tax-xewk	Karroo Thorn; Sweet Thorn
Vinca major	il-pervinka	Greater Periwinkle
Vitis spp. (all species) - see note	id-dielja	Grape Vines
Yucca spp. (all species)	il-jukki	Adam's Needles-and-Thread; Lord's Candlesticks; Needle Palms; Spanish Bayonets; Spanish Daggers; Tree Lilies; Yuccas
Zanthedischia spp. (all species)	il-buqari	Arum Lilies; Calla Lilies

9.3 Annex 3: Guidance for the submission of documents for interventions that include structural works and trees. ³⁴

The below examples are to be used as guidance by architects preparing supporting documentation for RDP Measures.

A) General: A zoomed out site plan of site³⁵ on official PA Sheet as in the example below:

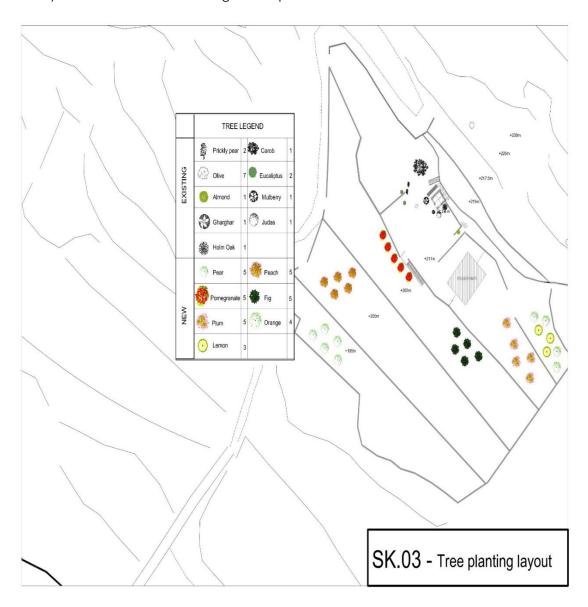


³⁴ These are generic guidelines for RDP sub-measures. Reference to guidelines to identify if a line-item is eligible or not should be made.

³⁵ The most recent orthophoto from the Planning Authority (PA) or similar imagery should be used. Interventions are to be clearly indicated with an adequate legend.

B) In case of removal and planting of trees³⁶,:

- i) Each tree to be removed is to be clearly marked
- ii) Each tree to be planted is to be clearly marked
- iii) Clear indication of the registered parcel number



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 $^{^{\}rm 36}$ Interventions are to be clearly indicated with an adequate legend.

C) Bill of Quantities:

Projects including elements of construction consist of a number of major components or chapters, such as earthworks, concrete, masonry, roofing, etc. Each major component comprises a number of elementary components, such as: the mechanical excavation of the terrain; the mechanical excavation of foundation trenches; the supply, transport, dumping and compacting of spoil for foundation trenches; the supply, transport, dumping and compacting of crushed aggregate for foundation trenches; etc. Each standard construction project has its major components and their elementary components itemised and defined in a product specification called a bill of quantities.

In addition to detailing the components, the bill of quantities also provides a preamble describing the project, its location and other factors that need to be taken into account when pricing it. Each bill is accompanied by a set of technical drawings. There are as well pricing guidelines. These are common to all the bills of quantities and reiterate the explanations and instructions given in this chapter.

	Item specification	Unit	Quantity	Unit Price (national currency)	Total Price (national currency)
3.	Masonry				
3.1	Ground floor double-skin external wall:				
	20 cm sand-lime brickwork + 11 cm facing brickwork, inclusive of pointing and acid cleaning	m²	257	17	4369
	Plastering	m²	257	8	2056
3.2	Upper floors double skin external wall:				
	11 cm sand lime brickwork + 10 cm facing brickwork, inclusive of pointing and acid cleaning	m²	413	18	7434
	Plastering	m²	413	8	3304
3.3	Gable ends, 11 cm facing bricks, inclusive of pointing and acid cleaning	m²	625	18	11250
3.4	Fair-finish 7 cm plaster block work	m²	585	7	4095
	Total				32508

Figure 1 - An example of a major component and its elementary components

Major component	(national currency)
01. Earthworks	2489
02. Concrete	28985
03. Masonry.	32508
04. Roofing	16220
05. Carpentry, joinery, steel and metal working	29175
06. Finishings	35097
07. Mechanical installations	19602
08. Electrical installations	10182
09. Drainage	715
A. Overall price of work done (01 + 02 + + 11)	174973
B. Architect's and engineer's fees (5% ¹ of A)	8749
Total price without VAT (A + B)	183722

¹ Standard rate prevailing in the country. The 5% is for illustration only.

Figure 2 - An example of a summary sheet detailing major components

For pricing purposes, the elementary components of the standard projects are detailed in bills of quantities as shown in Figure 1. These are:

- 1. Earthworks
- 2. Concrete
- 3. Masonry
- 4. Roofing
- 5. Carpentry, joinery, steel & metal working
- 6. Finishings
- 7. Mechanical Installations
- 8. Electrical Installations
- 9. Drainage

The total price for the elementary component is computed by multiplying the unit price in national currency units (NCUs) by the quantity specified.

For example, the total price of brickwork for the ground floor external wall as specified in Figure 1 is 4,369 NCUs – that is, 257 square metres multiplied by a unit price of 17 NCUs per square metre. By summing the total prices of its elementary components, a total price can be determined for each major component. The total price for masonry as detailed in figure 1 is 32,508 NCUs. By summing the total prices of the major components, an overall price for work done can be obtained. Each bill of quantity has a summary sheet, such as that in Figure 2, specifically for this purpose.

The overall price for work done is not the final price of the project. It needs to be augmented by architects' and engineers' fees and by non-deductible taxes on products in order to arrive at the desired purchasers' price. Such fees are to be listed on separate and identifiable line

items of the BOQ. Applicants are required to exclude non-deductible VAT and only supply the overall price for work done and the architects' and engineers' fees when completing the summary shee

D) In case of structural works provide us with an architectural plan (example below). The architectural plan should have a detailed legend of existing works and works that the beneficiary has applied for.

