

## COMMISSION DECISION

C(2009)6969 of 21 September 2009

### **adopting the Multi-beneficiary Programme for Tempus under the IPA Transition Assistance and Institution Building Component for the year 2009**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)<sup>1</sup>, and in particular Article 14(2)(a) thereof,

Whereas:

- (1) Regulation (EC) No 1085/2006 lays down the objectives and main principles for pre-accession assistance to candidate and potential candidate countries.
- (2) In accordance with Article 7 of Regulation (EC) No 1085/2006, the assistance should be provided through multi-annual or annual programmes, which can be established by country and by component, or, as appropriate, by group of countries or by theme. These programmes should be drawn up in accordance with the general policy framework referred to in Article 4 of Regulation (EC) No 1085/2006 and the relevant multi-annual indicative planning document referred to in Article 6 of that Regulation.
- (3) The Council has established an Accession Partnership or European Partnership for all candidate and potential candidate countries. The Commission has adopted on 16 June 2009 a Multi-beneficiary Multi-annual Indicative Planning Document 2009-2011 which presents indicative allocations for the main priorities for Multi-beneficiary pre-accession assistance to all countries concerned<sup>2</sup>.
- (4) Therefore, the Multi-beneficiary Programme for Tempus under the IPA Transition Assistance and Institution Building Component for the year 2009 aims at facilitating the reform of higher education institutions by upgrading the quality and management of academic institutions, in line with changing political, social and economic needs and through benchmarking with EU Member States under the Priority axis 2: Economic Criteria.
- (5) This decision meets the requirements of Article 90 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation No 1605/2002<sup>3</sup> (hereafter: “Implementing Rules”) and constitutes thus a financing decision within the meaning of Article 75 (2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>4</sup> (hereafter: “Financial Regulation”).

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<sup>1</sup> OJ L 210, 31.7.2006, p. 82.

<sup>2</sup> C(2009)4518

<sup>3</sup> OJ L 357, 31.12.2002, p. 1

<sup>4</sup> OJ L 248, 16.9.2002, p.1

- (6) The measures provided for by this Decision are in accordance with the opinion of the IPA Committee<sup>5</sup>.

HAS DECIDED AS FOLLOWS:

*Article 1*

The Multi-beneficiary Programme for Tempus under the IPA Transition Assistance and Institution Building Component for the year 2009, as set out in the Annex, is hereby adopted.

This programme shall be implemented by indirect centralised management.

It shall be implemented by means of financing agreements to be concluded between the Commission and the Governments of the Beneficiaries.

*Article 2*

The maximum amount of Community contribution shall be **EUR 15.55 million**, to be financed through Item 22.020701 of the general budget of the European Communities for 2009.

Done at Brussels,

*For the Commission*

*Member of the Commission*

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<sup>5</sup> Recalling the Council Conclusions of 18 February 2008, Member States declare that the adoption of the Multi-Beneficiary Programme for Tempus under the IPA Transition Assistance and Institution Building Component for the year 2009 does not prejudice the position of each individual Member State on the status of Kosovo under UNSCR 1244/99, which will be decided in accordance with their national practice and international law.

**ANNEX: MULTI-BENEFICIARY PROGRAMME FOR TEMPUS UNDER THE  
IPA TRANSITION ASSISTANCE AND INSTITUTION BUILDING  
COMPONENT FOR THE YEAR 2009<sup>1</sup>**

**1. IDENTIFICATION**

Beneficiaries	Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Kosovo under UNSCR 1244/99.
ABAC number	2009/ SI2.533395
Year	2009
Cost	EUR 15 550 000
Implementing Authority	The programme will be implemented by the Education, Audiovisual and Culture Executive Agency (EACEA).
Final date for concluding the financing agreements	at the latest by 31 December 2010
Final dates for contracting	2 years following the date of conclusion of the financing agreement. These dates apply also to the national co-financing.
Final dates for execution	2 years following the end date for contracting. These dates apply also to the national co-financing.
Sector Code	11420
Budget line(s) concerned	22.020701: Regional and Horizontal Programmes
Programming Task Manager	Unit D3, Regional Programmes, DG Enlargement
Implementation Task Manager	Education, Audiovisual and Culture Executive Agency (EACEA)

**2. PRIORITY AXES / PROJECTS**

**2.a Priority axes**

The IPA Multi-beneficiary Programme is designed to respond to Multi-beneficiary priority needs as indicated in the IPA Multi-beneficiary Multi-annual Indicative Planning Document (MIPD) 2009-2011<sup>2</sup>, taking into account activities implemented under the National Programmes, the guidance provided in EU strategic documents, the lessons learned from the programming and implementation of previous EU assistance and the findings from consultations with, *inter alia*, the beneficiaries, International Financial Institutions, the Regional Cooperation Council, EU Member States, civil society organisations and European Commission services.

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<sup>1</sup> The adoption of the Multi-Beneficiary Programme for Tempus under the IPA Transition Assistance and Institution Building Component for the year 2009 does not prejudice the position of each individual Member State on the status of Kosovo under UNSCR 1244/99, which will be decided in accordance with their national practice and international law.

<sup>2</sup> C(2009)4518

To facilitate programming, the Multi-beneficiary IPA 2009 projects managed by DG Enlargement Unit for Regional Programmes have been consolidated into a series of separate Programmes:

- *Multi-beneficiary Programme 1 2009* through which support is provided to (a) the Regional Programme for refugee return and provision of durable solutions for refugees and Internally Displaced Persons in the Western Balkans; (b) Training in Public Procurement in the Western Balkans and Turkey; (c) the Regional School of Public Administration; (d) Civil Protection Cooperation and (e) the Regional Environmental Network for Accession;
- *Multi-beneficiary Programme 2 2009* through which support is provided to (a) Witness Protection in the fight against serious crime and terrorism; (b) Civil Society Facility; (c) Regional Entrepreneurial Learning Centre; (d) Regional Programme on Trade and Investment; (e) Crisis Response Package; (f) Erasmus Mundus Action 1: Western Balkan - Turkey Windows; (g) Erasmus Mundus Action 2: Partnerships Lot - Western Balkans; (h) Youth in Action; (i) Regional Blueprints Exercise on Customs and Taxation; (j) Taxation and Customs IT Interconnectivity and Operational Capacity; (k) Statistical Cooperation; (l) Migration and Socio-Economic development; (m) Project Preparation Facility;
- *Multi-beneficiary Programme for Tempus*;
- Horizontal Programme for *Nuclear Safety and Radiation Protection*;
- Support to the operational budget of the Secretariat of the *Regional Cooperation Council*;
- Support to the operational budget of the *Office of the High Representative (OHR) in Bosnia and Herzegovina*; and
- *Monitoring*.

In the Communications on the Western Balkans of January 2006 and March 2008 as well as the Enlargement Strategy and Main Challenges 2008-2009, the European Commission has committed itself to a further increase in the number of scholarships available to students from the Western Balkans. IPA Multi-beneficiary assistance will therefore continue to support the Tempus programme and the assistance provided under this programme is in line with the strategies identified in the Multi-beneficiary Multi-annual Indicative Planning Document (MIPD) 2009-2010, notably in *Priority Axis 2 – Competitiveness of the Economies, Section 2.3.2.3 Education and Youth*.

## **2.b Description of projects grouped per measure**

### **MULTI-BENEFICIARY PROGRAMME FOR TEMPUS**

The Multi-beneficiary Programme for Tempus facilitates the reform of higher education institutions by upgrading the quality and management of academic institutions, in line with changing political, social and economic needs and through benchmarking with EU Member States.

In particular, the Tempus programme will help promote voluntary convergence with EU developments in the field of higher education deriving from the Lisbon agenda and the Bologna process, create a line between the education system and the labour market and foster the development of human resources.

The Tempus programme will pursue a series of overall objectives which are common to all Beneficiaries. These common objectives can be complemented by regional or beneficiary-specific objectives, as appropriate. The Fourth Phase of the Tempus

programme contributes to preparing candidates and potential candidates for accession, in particular for participation in the Integrated Lifelong Learning Programme (2007-2013).

Based on experience acquired during the previous phase, this Tempus programme (2007-2013) will provide for the following three components that are sufficiently flexible to be adapted to the needs and priorities of individual beneficiaries:

#### *Component I: Joint Projects*

Joint Projects will be based on multilateral partnerships between higher education institutions in the EU and the Beneficiaries. Joint Projects aim at transferring knowledge from EU universities to institutions in the Beneficiaries and between partner institutions.

Joint Projects can target one or more Beneficiaries. For national Joint Projects targeting one single partner Beneficiary, proposals can be submitted by groupings of institutions involving at least three universities from a partner Beneficiary and three universities from different EU Member States. For multi-country Joint Projects, the proposals can be submitted by groupings of institutions involving at least two universities from each of the participating Beneficiaries (minimum two Beneficiaries) and three universities from different EU Member States. Where appropriate, priority will be given to project consortia involving non-academic members in the Beneficiaries such as enterprises, chambers of commerce, research centres, Ministries of Education as well as local and regional authorities.

#### *Component II: Structural Measures*

Structural Measures projects should be designed to support the structural reform of higher education systems and strategic framework development at the national level based on the priorities that the competent authorities of partner countries have identified.

Structural Measures can equally target one or more Beneficiaries. They will involve higher education institutions and other non-academic members as appropriate. Ministries of Education will be involved as associated partners. Projects under component II can be proposed by networks of universities from the EU or from the Beneficiaries.

Project proposals for programme components I and II will be submitted in response to an annual call for proposals published in the Official Journal and on the programme's website in Q1 2010. In order to focus the programme's interventions and to maximise its impact, regional and national priorities will be defined for both components (included as annexes to the Call for Proposals). Grants will be awarded following an academic evaluation (rationale, description, design and planning tools, outcomes and activities, quality and monitoring) and a technical evaluation (technical quality assessment, financial evaluation).

#### *Component III: Accompanying Measures*

Accompanying Measures will comprise meetings of project coordinators and other stakeholders, dissemination activities as well as support to the information and dissemination activities of National Tempus Offices in the Beneficiaries. In addition, other relevant activities such as thematic conferences, studies on specific issues and activities aimed at the identification and dissemination of good practice may be carried out.

Component III will be implemented through two calls for tender which should be launched in Q2 2010; through five specific assignments under existing framework contracts; five contracts with experts drawn from a call for expression of interest which should be signed in Q4 2010; and through six grant agreements with the National Tempus Offices which should be signed in Q2 2010 on the basis of a *de-facto* monopoly to carry

out the activities in line with Article 168 (1) (c) of the Implementing Rules of the Financial Regulation of the Financial Regulations<sup>3</sup>.

Meetings of project co-ordinators and other stakeholders will be organised through the appropriate framework contract. Dissemination can be organised through various activities such as thematic seminars (implemented through a framework contract) or studies (implemented through a call for tender). National Tempus Offices in the Beneficiaries will be awarded grant support following their designation by the appropriate authorities. Proposals or bids will be evaluated on the basis of their quality, their design and their cost-effectiveness.

## **2.c Overview of past and on going assistance including lessons learned**

The Commission considers higher education as an important priority for its co-operation activities with the Beneficiaries and neighbouring countries. The Tempus programme, which is the longest-standing EU instrument in this sector and which has a strong focus on institutional co-operation, has been continued with a new phase spanning 2007-2013. Since its inception in 1990, university cooperation under the Tempus programme has contributed successfully to institution building related to higher education in the Beneficiaries and to sustainable university partnerships as well as to enhancing mutual understanding between the European Union and the Beneficiaries.

### **LESSONS LEARNED**

The final evaluation of the second phase of the Tempus programme (1994 - 2000) and the mid-term evaluation of its third phase (2000 - 2006) were carried out between October 2002 and September 2003. The results were published in October 2003.

The final report on the second phase of the Tempus programme was adopted by the European Commission on 16 February 2004. The report from the Commission to the Council on the interim evaluation of Tempus was adopted on 8 March 2004.

Both the final evaluation of the second phase and the mid-term evaluation of the third phase confirmed the relevance of the programme to support higher education reform and development as well as the validity of its intervention logic and management approaches.

Apart from the evaluations carried out in 2002/03, a series of additional major studies were concluded over the past years: best practice in university-enterprise cooperation (May 2006), sustainability of Tempus projects (November 2006), best practice in quality assurance (May 2008) and a thematic review of Tempus Structural Measures (September 2008). The results of these studies equally underline the relevance of the programme and confirm its intervention logic. A study to identify best practice in university governance is on its way.

Specific recommendations for the Western Balkans have been taken into consideration in the guidelines for the call for proposal in the previous programmes as well as for programming this one. Tempus IV has also taken on board comments from the impact assessment of Tempus III and has included a component aiming at strengthening the links between the universities and the labour market.

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<sup>3</sup> Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002, OJ L 210, 31.7.2006, p. 82

## **2.d Horizontal issues**

### **Equal Opportunity:**

Over the past few decades there has been increasing attention paid to the gender dimension of poverty and development in transition economies, particularly in relation to the role of women in educational processes and the impact of higher education on equal opportunity policies.

Projects should integrate gender mainstreaming in their aims and activities, specifically in subject matters and areas of study where the presence of women in the economy has traditionally been very low (science and technology). Projects should promote gender balance and identify factors influencing gender discrimination. They should monitor and evaluate the transition from education and training to working life, recruitment and career development of potential female top managers.

Projects in the sphere of education and sciences should promote the change of gender roles and societal stereotypes, avoiding any sort of cultural prejudice in educational materials.

The principle of equal opportunities should be taken into account when evaluating the quality of all projects proposed under the three components. Specific attention will be paid to this dimension when determining the benefit of mobility activities.

While implementing the project activities and to the extent applicable, gender disaggregated data should be made available to carry out an analysis of the social and economic impact of the actions undertaken.

### **Environment:**

Due consideration should be given to the Government's development policy relating to environmental management and that such policy is embodied, within all strategic policy documents they may draft, all training activities they may carry out and new study programmes and curricula they may design.

### **Minorities:**

Rights of minorities should be taken into account when evaluating the quality of all projects proposed under the three components.

## **2.e Conditions**

This Programme will be implemented on the assumption that academic institutions from the Beneficiaries and from the EU Member States will be interested to participate in the proposed activities.

## 2.f Indicative Benchmarks

	N <sup>4</sup>		N+1(cumulative)	
	EU	NF	EU	NF
<b>Calls for tenders</b>	2		2	
<b>Grant Agreements with National Tempus Offices</b>	6		6	
<b>Call for proposals</b>	1		1	
<b>Specific Assignments under existing Framework Contracts</b>	5		5	
<b>Contracts from call for expression of interest</b>	5		5	
Contracting Rate (%)	100		100	

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<sup>4</sup> Year N is the year in which the Financing Agreement is concluded



### 3. BUDGET (AMOUNTS IN EUR)

#### 3.1. Indicative budget table

Centralised management	Institution Building (IB)					Investment (INV)					Total (IB + INV)	Total IPA Community contribution	
	Total expenditure	IPA Community contribution		Other contribution*		Total expenditure	IPA Community contribution		Other contribution*				
	EUR (a)=(b)+(c)	EUR (b)	% <sup>(1)</sup>	EUR (c)	% <sup>(1)</sup>	EUR (d)=(e)+(f)	EUR (e)	% <sup>(1)</sup>	EUR (f)	% <sup>(1)</sup>	EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	% <sup>(2)</sup>
<b>Tempus Beneficiary</b>													
Albania	1 111 111	1 000 000	90	111 111	10							1 000 000	6.43
Bosnia and Herzegovina	2 666 666	2 400 000	90	266 666	10							2 400 000	15.43
The former Yugoslav Republic of Macedonia	<u>1 944 444</u>	<u>1 750 000</u>	90	<u>194 444</u>	10							<u>1 750 000</u>	11.25
Kosovo	2 444 444	2 200 000	90	244 444	10							2 200 000	14.15
Montenegro	1 333 333	1 200 000	90	133 333	10							1 200 000	7.72
Serbia	7 777 777	7 000 000	90	777 777	10							7 000 000	45.02
<b>TOTAL</b>	<b><u>17 277 775</u></b>	<b><u>15 550 000</u></b>	<b>90</b>	<b><u>1 727 775</u></b>	<b>10</b>							<b><u>15 550 000</u></b>	<b>100</b>

\* Other contribution (public and private national and/or international contribution) provided by national counterparts and/or international organisations and/or grant beneficiaries

(1) Expressed in % of the Total expenditure IB or INV (column (a) or (d)).

(2) Expressed in % of the grand total of column (h). It indicates the relative weight of the priority with reference to the total IPA Community contribution of the entire FP

### **3.2. Principle of Co-Financing applying to the projects funded under the programme**

The Community contribution, which represents 90% of the total budget allocated to this programme, has been calculated in relation to the **eligible expenditure**, which is based on the **total expenditure**. Parallel co-financing will be used.

Due to its horizontal character it is not possible to require national co-financing for this Programme.

In the case of grants, the funded consortia should contribute with a minimum of 10 % of the eligible expenditure of the project.

## **4. IMPLEMENTATION ARRANGEMENTS**

### **4.1. Method of implementation**

The programme will be implemented on an indirect centralised basis by the European Commission following Article 53a of the Financial Regulation and the corresponding provisions of the Implementing Rules.

Implementation tasks are delegated under Article 54(2) (a) of the Financial Regulation to the Education, Audiovisual and Culture Executive Agency, which was created by Commission Decision 2005/56/EC of 14 January 2005. With its decision C(2008)5582 adopted on 9 October 2008, the Commission entrusted the Executive Agency with the management of the Tempus III and Tempus IV programme. According to Article 12 (3) of the Council Regulation No (EC) 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes<sup>5</sup>, any programme delegated to an executive agency has to contribute to the financing of the administrative budget of the agency.

### **4.2. General rules for procurement and grant award procedures**

Procurement shall follow the provisions of Part Two, Title IV of the Financial Regulation and Part Two, Title III, Chapter 3 of its Implementing Rules as well as the rules and procedures for service, supply and works contracts financed from the general budget of the European Communities for the purposes of cooperation with third countries adopted by the Commission on 24 May 2007 (C(2007)2034).

Grant award procedures shall follow the provisions of Part One, Title VI of the Financial Regulation and Part One, Title VI of its Implementing Rules.

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<sup>5</sup> OJ L11, 16.1.2003, p. 1.

## **5. MONITORING AND EVALUATION**

### **5.1. Monitoring**

The Commission may undertake any actions it deems necessary to monitor the programme concerned.

### **5.2. Evaluation**

Programmes shall be subject to *ex ante* evaluations, as well as interim and, where relevant, ex post evaluations in accordance with Articles 57 and 82 of IPA Implementing Regulation, with the aim of improving the quality, effectiveness and consistency of the assistance from Community funds and the strategy and implementation of the programmes.

The results of *ex ante* and interim evaluation shall be taken into account in the programming and implementation cycle.

The Commission may also carry out strategic evaluations.

## **6. AUDIT, FINANCIAL CONTROL AND ANTI-FRAUD MEASURES**

The accounts and operations of all parties involved in the implementation of this programme, as well as all contracts and agreements implementing this programme, are subject to, on the one hand, the supervision and financial control by the Commission (including the European Anti-Fraud Office), which may carry out checks at its discretion, either by itself or through an outside auditor and, on the other hand, audits by the European Court of Auditors. This includes measures such as ex-ante verification of tendering and contracting carried out by the Delegation in the Beneficiaries.

In order to ensure the efficient protection of the financial interests of the Community, the Commission (including the European Anti-Fraud Office) may conduct on-the-spot checks and inspections in accordance with the procedures foreseen in Council Regulation (EC, Euratom) 2185/96<sup>6</sup>.

The controls and audits described above are applicable to all contractors, subcontractors and grant beneficiaries who have received Community funds.

## **7. NON SUBSTANTIAL REALLOCATION OF FUNDS**

The authorising officer by delegation (AOD), or the authorising officer by sub-delegation (AOSD), in line with the delegation of powers conferred upon him by the AOD, in accordance with the principles of sound financial management, may undertake non substantial reallocations of funds without an amending financing decision being necessary. In this context, cumulative reallocations not exceeding 20% of the total amount allocated for the programme, subject to a limit of EUR 4 million, shall not be considered substantial, provided

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<sup>6</sup> OJ L 292; 15.11.1996; p. 2

that they do not affect the nature and objectives of the programme. The IPA Committee shall be informed of the above reallocation of funds.

## **8. LIMITED ADJUSTMENTS IN THE IMPLEMENTATION OF THE PROGRAMME**

Limited adjustments in the implementation of this programme affecting elements listed under Article 90 of the Implementing Rules to the Financial Regulation, which are of an indicative nature<sup>7</sup>, may be undertaken by the authorising officer by delegation (AOD), or by the authorising officer by sub-delegation (AOSD), in line with the delegation of powers conferred upon him by the AOD, in accordance with the principles of sound financial management without an amending financing decision being necessary.

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These essential elements of an indicative nature are, for grants, the indicative amount of the call for proposals and, for procurement, the indicative number and type of contracts envisaged and the indicative time frame for launching the procurement procedures