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COMMISSION IMPLEMENTING DECISION

of 10.12.2014

adopting a Support Measure for Technical Assistance for cross-border cooperation programmes between IPA II beneficiaries under the Instrument for pre-accession assistance (IPA II) for the year 2014

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's Instruments for financing external action¹ and in particular Article 3(3) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002² and in particular Article 84(2) thereof,

Whereas:

- (1) Regulation (EU) No 231/2014³ lays down the objectives and main principles for pre-accession assistance to beneficiaries listed in Annex I to that Regulation.
- (2) In accordance with Article 7 of Regulation (EU) No 231/2014 the assistance should be implemented through annual or multi-annual programmes, country specific or multi-country programmes, as well as cross-border cooperation programmes. These programmes should be drawn up in accordance with the framework for assistance referred to in Article 4 of Regulation (EU) No 231/2014 and the relevant country or multi-country indicative strategy papers referred to in Article 6 of that Regulation.
- (3) The Council established an Accession Partnership or a European Partnership for all beneficiaries listed in Annex I of Regulation (EU) No 231/2014. The Commission adopted an indicative multi-country strategy paper for the period 2014–2020⁴ on 30 June 2014 which provides indicative allocations for the 2014-2020 territorial cooperation programmes.
- (4) The responsible authorities of Albania, Bosnia and Herzegovina, Kosovo*, the former Yugoslav Republic of Macedonia, Montenegro and Serbia submitted to the Commission proposals for cross-border cooperation programmes for the period 2014-2020. The programmes which have been drawn up in accordance with Article 49 of

¹ OJ L 77, 15.03.2014, p. 95.

² OJ L 298, 26.10.2012, p.1.

³ Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance OJ L 77, 15.03.2014, p. 11.

⁴ C(2014) 4293, 30.06.2014.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

the Commission Implementing Regulation (EU) No 447/2014⁵, set out indicative allocations for technical assistance for the period 2014-2020. In accordance with Article 32 of the Commission Implementing Regulation (EU) No 447/2014, the specific indicative allocation for technical assistance operations shall cover activities related to the implementation of the programme and to reinforce the administrative capacity for implementing the programme, including but not limited to preparation, management, monitoring, evaluation, information, communication, networking, complaint resolution, control and audit activities.

- (5) It is necessary to adopt a financing decision, the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012.⁶
- (6) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of the Regulation (EU, Euratom) No 966/2012 and Article 111(4) of the Commission Delegated Regulation (EU) No 1268/2012.
- (7) Pursuant to Article 94(4) of the Commission Delegated Regulation (EU) No 1268/2012, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (8) The measures provided for in this Decision do not fall in the categories of measures for which the opinion of the Committee set up by Article 13 of Regulation (EU) No 231/2014 is required. The IPA II Committee should be informed of this Decision within one month following its adoption,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The support measure for technical assistance for cross-border cooperation programmes between IPA II beneficiaries under the Instrument for pre-accession assistance (IPA II) for the year 2014 as set out in the Annex, is hereby approved.

Article 2

Financial contribution

The maximum amount of the Union contribution for the implementation of the support measure referred to in Article 1 is set at EUR 3 420 000 and shall be financed from budget line 22.02.04.01 of the general budget of the EU for year 2014.

The financial contribution referred to in the first sub-paragraph may also cover interest due for late payment.

⁵ Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II), OJ L 132, 3.5.2014, p. 32.

⁶ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, OJ L 362, 31.12.2012, p. 1

Article 3

Implementation modalities

This programme shall be implemented by direct management.

Article 4

Non-substantial changes

The following changes shall not be considered substantial provided that they do not significantly affect the nature and objectives of the actions:

- a) increases or decreases for not more than 20% of the maximum contribution set in the first paragraph of Article 2, and not exceeding EUR 10 000 000;
- b) cumulated reassignments of funds between specific actions not exceeding 20 % of the maximum contribution set in the first paragraph of Article 2;
- c) extensions of the implementation and closure period;
- d) within the limits of 20% referred to in points a) and b) above, up to 5% of the contribution referred to in the first paragraph of Article 2 of this financing decision may serve to finance actions which were not foreseeable at the time the present financing decision was adopted, provided that those actions are necessary to implement the objectives and the results set out in the programme.

The responsible authorising officer may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 10.12.2014

For the Commission
Johannes HAHN
Member of the Commission

ANNEX 1

SUPPORT MEASURE FOR TECHNICAL ASSISTANCE FOR CROSS-BORDER COOPERATION PROGRAMMES BETWEEN IPA II BENEFICIARIES UNDER THE INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) FOR THE YEAR 2014

1 IDENTIFICATION

Beneficiaries	<i>Western Balkans: Albania, Bosnia and Herzegovina, Kosovo*, the former Yugoslav Republic of Macedonia, Montenegro and Serbia</i>
CRIS/ABAC commitment references	<i>2014/037-629</i>
Total cost	<i>EUR 3 420 000</i>
Union contribution	<i>EUR 3 420 000</i>
Budget line	<i>22.020401</i>
Management mode	<i>Direct management by the European Commission / Delegations of the European Union</i>
Final date for contracting	<i>at the latest by 31 December 2015</i>
Final date for operational implementation	<i>at the latest by 31 December 2019</i>
Programming unit	<i>ELARG D3 – Regional cooperation and programmes</i>
Implementing unit / EU Delegation	<i>Delegation of the European Union to Albania (EUR 360 000)</i> <i>Delegation of the European Union to Bosnia and Herzegovina (EUR 360 000)</i> <i>European Union Office in Kosovo (EUR 360 000)</i> <i>Delegation of the European Union to the former Yugoslav Republic of Macedonia (EUR 510 000)</i> <i>Delegation of the European Union to Montenegro (EUR 870 000)</i> <i>Delegation of the European Union to Serbia (EUR 960 000)</i>

* This designation is without prejudice to positions on status, and is in line with United Nations Security Council resolution (UNSCR) 1244 and the International Court of Justice (ICJ) opinion on the Kosovo Declaration of Independence

2 DESCRIPTION AND IMPLEMENTATION OF THE SUPPORT MEASURE

Cross-border cooperation (CBC) programmes aim at promoting good neighbourly relations, fostering Union integration and promoting socio-economic development.

The following eight cross-border cooperation programmes between IPA II beneficiaries are foreseen for the period 2014-2020:

- (i) between Serbia and Bosnia and Herzegovina
- (ii) between Serbia and Montenegro
- (iii) between Bosnia and Herzegovina and Montenegro
- (iv) between Montenegro and Albania
- (v) between Montenegro and Kosovo
- (vi) between the former Yugoslav Republic of Macedonia and Albania
- (vii) between Albania and Kosovo
- (viii) between Kosovo and the former Yugoslav Republic of Macedonia

A maximum of four thematic priorities shall be selected by the participating IPA II beneficiaries for each cross-border cooperation programme (which are subject different financing decisions). Additionally each cross-border cooperation programme shall include a specific budget allocation for technical assistance which shall be limited to 10% of the overall programme budget.

Technical assistance operations may include inter alia preparation, management, monitoring, evaluation, information, communication, networking, complaint resolution, control and audit activities related to the implementation of the programme and activities to reinforce the administrative capacity of, and exchange best practices between, authorities in the IPA II beneficiaries to administer and use the IPA II assistance. These actions may concern preceding and subsequent programming periods.

Key recommendations from interim evaluations and audits on the 2007-2013 CBC programmes between IPA II beneficiaries have been taken on board in the development of this programme. Thus, the 2014-2020 CBC programmes between IPA II beneficiaries are more focused as regards the number of thematic priorities addressed and the geographical coverage which will help to achieve better results and increased impact. Additionally the implementation of the CBC programmes between IPA II beneficiaries has been simplified mainly by having a single contracting authority and a single financial envelope per programme.

(1) Description of the support measure, objectives, expected results and key performance indicators

The following objectives and expected results will be achieved over the period of implementation of this programme.

Description:

The technical assistance allocation will be used to support the work of the national operating structures (OS) and of the joint monitoring committee (JMC) in ensuring the efficient set-up, implementation, monitoring and evaluation of the programmes as well as an optimal use of resources. This will be achieved through the establishment and operation of a joint technical secretariat (JTS) based on the territory of the IPA II

beneficiary in which the contracting authority is located and possibly an antenna office established on the territory of the IPA II beneficiary in which the contracting authority is not located. The JTS will be in charge of the day-to-day management of the programme and will be reporting to the OS and JMC.

Objectives:

The specific objective of the technical assistance is to ensure the efficient, effective, transparent and timely implementation of the cross-border cooperation programmes between IPA II beneficiaries financed under IPA II as well as to ensure awareness of the programmes amongst national, regional and local communities and, in general, the population in the eligible programme area. It also supports awareness-raising activities at country level in order to inform citizens in both IPA II beneficiaries.

Expected results:

1. administrative support to the operating structures (OS) and joint monitoring committee (JMC) is enhanced
2. the technical and administrative capacity for programme management and implementation is increased
3. the visibility and publicity of the programme and its outcomes are guaranteed

Key performance indicators:

Key performance indicators have been identified for each expected result and baseline values and target data are included in the cross-border cooperation programmes.

In relation to expected result 1 this is:

- the average share of beneficiaries satisfied with the programme implementation support

In relation to expected result 2 these are:

- average increase in the number of proposals received within each consecutive call
- average increase in the number of concept notes that would qualify for further assessment

In relation to expected result 3 these are:

- increase in the number of visits to the programme websites
- number of people participating in promotional events

(2) Assumptions and conditions

- good cooperation is established between the two operating structures in each cross border programme with direct, clear and unambiguous communication flows
- staff turnover in the CBC structures embedded in the national administration is kept to a minimum and trained staff is retained to the maximum possible extent

- the objectives of the cross-border programmes and calls for proposals are relevant to the needs of applicants
- a joint monitoring committee (JMC) is established by the IPA II beneficiaries for each programme no later than six months from the entry into force of the first financing agreement
- proper and functioning offices and staff for the joint technical secretariat and the antenna office, in case the latter will be set up, will be provided

Failure to comply with the requirements set out above may lead to a recovery of funds under this programme and/or the re-allocation of future funding.

(3) Essential elements and implementation arrangements for the support measure

The support measure will be implemented under direct management by the Delegations of the European Union to Albania, Bosnia and Herzegovina, Kosovo, the former Yugoslav Republic of Macedonia, Montenegro and Serbia who will sign direct service contracts with the partner institutions in the IPA II beneficiaries as follows:

- the Ministry of European integration, Directorate for institutional support and integration, Sector of regional cooperation (Albania)
- the Directorate for European integration, Sector for EU assistance coordination; Department for cross-border and regional programmes (Bosnia and Herzegovina)
- the Ministry of local government administration, Department for cooperation and regional development (Kosovo)
- the Ministry of local self-government: Sector for European Union (the former Yugoslav Republic of Macedonia)
- the General Directorate for the coordination of EU assistance programmes (Montenegro)
- the Serbian EU integration office (Serbia)

a) the global budgetary envelope reserved for procurement:

EUR 3 420 000 which covers for the needs for technical assistance for three years

b) the indicative number and type of contract award procedures:

Eight service contracts may be awarded through negotiated procedure launched by each Delegation of the European Union in the Western Balkans (DEU) in the IPA II beneficiary in which the contracting authority (CA) for the programme is located to the operating structure (OS) in the same country, in accordance with Article 190 of the Financial Regulation and Article 266.1 (b) of the Rules of Application.

The use of the negotiated procedure is justified by the fact that the contracts will be concluded with public sector bodies that have built up strong capacity in managing this kind of support in the past. They have managed similar support actions in the previous financial framework and gained useful experience inter alia with the recruitment of qualified staff. In addition it is the most cost-effective system as no profit should be made by the public sector body.

The eight service contracts may be as follows:

Programme(s) covered by Technical Assistance (TA)	Contracting authority	Operating structure (contractor)
(1) Serbia–Bosnia and Herzegovina	Delegation of the European Union to Serbia	Serbian EU Integration Office (SEIO)
(2) Serbia-Montenegro	Delegation of the European Union to Serbia	Serbia EU Integration Office (SEIO)
(3) Montenegro–Kosovo	Delegation of the European Union to Montenegro	General Directorate for the Coordination of EU assistance programmes
(4) Montenegro-Albania	Delegation of the European Union to Montenegro	General Directorate for the Coordination of EU assistance programmes
(5) Bosnia and Herzegovina-Montenegro	Delegation of the European Union to Bosnia and Herzegovina	Directorate for European Integration (DEI), Sector for EU assistance coordination, Department for cross-border and regional programmes
(6) the former Yugoslav Republic of Macedonia-Albania	Delegation of the European Union to the former Yugoslav Republic of Macedonia	Ministry of local-self government, Sector for European Union
(7) Albania-Kosovo	Delegation of the European Union to Albania	Ministry of European integration, Directorate of institutional support and integration, Sector of regional cooperation
(8) Kosovo-the former Yugoslav Republic of Macedonia	European Union Office in Kosovo	Ministry of local government administration, Department for cooperation and regional development

c) indicative time frame for launching the procurement procedure:

2015

(4) Co-financing

For technical assistance the Union co-financing rate shall be 100%.

4 BUDGET (IN EUR)

2014		
	Union contribution	Contracting authority
(1) TA for the cross-border programme between Serbia and Bosnia and Herzegovina	600 000	DEU Serbia
(2) TA for the cross-border programme between Serbia and Montenegro	360 000	DEU Serbia
(3) TA for the cross-border programme between Montenegro and Albania	510 000	DEU Montenegro
(4) TA for the cross-border programme between Montenegro and Kosovo	360 000	DEU Montenegro
(5) TA for the cross-border programme between Bosnia and Herzegovina and Montenegro	360 000	DEU Bosnia and Herzegovina
(6) TA for the cross-border programme between the former Yugoslav Republic of Macedonia and Albania	510 000	DEU the former Yugoslav Republic of Macedonia
(7) TA for the cross-border programme between Albania and Kosovo	360 000	DEU Albania
(8) TA for the cross-border programme between Kosovo and the former Yugoslav Republic of Macedonia	360 000	EU Office Kosovo
TOTAL 2014	3 420 000	

5 IMPLEMENTATION MODALITIES AND GENERAL RULES FOR PROCUREMENT AND GRANT AWARD PROCEDURES

DIRECT MANAGEMENT:

This programme shall be implemented by direct management by the Commission / by the Union Delegations in accordance with article 58(1)(a) of the Financial Regulation and the corresponding provisions of its Rules of Application.

Procurement shall follow the provisions of Part Two, Title IV Chapter 3 of the Financial Regulation No 966/2012 and Part Two, Title II, Chapter 3 of its Rules of Application.

Grant award procedures shall follow the provisions of Part Two, Title IV Chapter 4 of the Financial Regulation No 966/2012 and Part Two, Title II, Chapter 4 of its Rules of Application.

Under the Financial Regulation Parts One and Three of the Financial Regulation and its Rules of Application shall apply to external actions except as otherwise provided in Part Two, Title IV.

The Commission may also use services and supplies under its framework contracts concluded following Part One of the Financial Regulation.

6 PERFORMANCE MONITORING ARRANGEMENTS

As part of its performance measurement framework, the Commission shall monitor and assess progress towards achievement of the specific objectives set out in the IPA II Regulation on the basis of pre-defined, clear, transparent measurable indicators. The progress reports referred to in Article 4 of the IPA II Regulation shall be taken as a point of reference in the assessment of the results of IPA II assistance.

The Commission will collect performance data (process, output and outcome indicators) from all sources, which will be aggregated and analysed in terms of tracking the progress versus the targets and milestones established for each of the actions of this programme, as well as the country strategy paper.

In the specific context of indirect management by IPA II beneficiaries, national IPA coordinators (NIPACs) will collect information on the performance of the actions and programmes (process, output and outcome indicators) and coordinate the collection and production of indicators coming from national sources.

The overall progress will be monitored through the following means: a) result oriented monitoring (ROM) system; b) IPA II beneficiaries' own monitoring; c) self-monitoring performed by the EU Delegations; d) joint monitoring by DG Enlargement and the IPA II beneficiaries, whereby the compliance, coherence, effectiveness, efficiency and coordination in implementation of financial assistance will be regularly monitored by an IPA II monitoring committee, supported by the joint monitoring committee, which will ensure a monitoring process at programme level.

