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COMMISSION IMPLEMENTING DECISION

of 5.12.2018

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 2018

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 110 thereof,

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 of the implementation of the Union's instruments for financing external action² and in particular Article 3(3) for support measures thereof,

Whereas:

- (1) In order to ensure the implementation of the Support measure for technical assistance for cross-border cooperation programmes between IPA II beneficiaries, it is necessary to adopt a financing decision, which constitutes the annual work programme, for 2018. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (2) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU.
- (3) 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.
- (4) In accordance with Article 7 of Regulation (EU) No 231/2014, the assistance should be implemented through annual or multi-annual, country-specific or multi-country 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.
- (5) 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 a multi-country indicative strategy paper for the period 2014 – 2020⁴ on

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 77, 15.3.2014, p. 95.

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.

30 June 2014 which provides indicative allocations for territorial cooperation for multi-country pre-accession assistance.

- (6) Considering the proposals for action submitted by the beneficiaries, the Support measure for Technical Assistance for cross-border cooperation programmes between IPA II beneficiaries for 2018 aims at providing assistance for actions 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.
- (7) It is appropriate to authorise the award of grants without a call for proposals, pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046, to bodies with a de jure or de facto monopoly in managing the cross-border cooperation programmes.
- (8) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046.
- (9) In order to allow for flexibility in the implementation of the measure, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.
- (10) 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

The Support measure

The annual financing decision, constituting the annual work programme for the implementation of 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 2018 as set out in the Annex, is adopted.

Article 2

Union contribution

The maximum amount of the European Union contribution for the implementation of the support measure referred to in Article 1 is set at EUR 3 560 000 and shall be financed from the appropriations entered in the following line of the general budget of the Union:

EUR 3 560 000 from the budget line 22.020401.

The appropriations provided for in the first sub-paragraph may also cover interest due for late payment.

Article 3

Flexibility clause

Increases or decreases not exceeding 20% of the initial contribution set in the first paragraph of Article 2 and which do not cause the total contribution to exceed EUR 10 million, or cumulated changes to the allocations of specific actions not exceeding 20 % of that

contribution, as well as extensions of the implementation period shall not be considered substantial within the meaning of Article 110(5) of Regulation (EU, Euratom) 2018/1046, provided that they do not significantly affect the nature and objectives of the actions.

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

Article 4

Grants

Grants may be awarded without a call for proposals pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046 to the bodies referred to in point three of the Annex, in accordance with the conditions set out therein.

Done at Brussels, 5.12.2018

For the Commission
Johannes HAHN
Member of the Commission

ANNEX

to the **COMMISSION IMPLEMENTING DECISION**
adopting a Support measure for technical assistance for cross-border cooperation
programmes between IPA II beneficiaries under the Instrument of pre-accession
assistance (IPA II) for the year 2018

1. IDENTIFICATION

Beneficiary	Western Balkans: Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, Serbia and the former Yugoslav Republic of Macedonia
Basic act: CRIS/ABAC Commitment references and budget line:	Instrument for Pre-accession Assistance (IPA-II) 2018/041-650 EUR 3 560 000 22.020401
Total cost: EU Contribution:	EUR 3 560 000 EUR 3 560 000
Method of implementation	Direct management by the European Commission
Final date for contracting, including the conclusion of delegation/contribution agreements	at the latest by 31 December 2019
Indicative operational implementation period	48 months from the adoption of this Financing Decision.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

2. DESCRIPTION OF THE ACTION PROGRAMME

2.1 SECTORS SELECTED UNDER THIS ACTION PROGRAMME

Rationale for the selection of the specific sectors under this programme

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:

1. CBC programme between Albania and Kosovo
2. CBC programme between Bosnia and Herzegovina and Montenegro
3. CBC programme between Kosovo and the former Yugoslav Republic of Macedonia
4. CBC programme between Montenegro and Albania
5. CBC programme between Montenegro and Kosovo
6. CBC programme between Serbia and Bosnia and Herzegovina
7. CBC programme between Serbia and Montenegro
8. CBC programme between the former Yugoslav Republic of Macedonia and Albania

A CBC programme between Serbia and the former Yugoslav Republic of Macedonia is foreseen for the period 2016-2020.

The participating IPA II beneficiaries selected a maximum of four thematic priorities for each cross-border cooperation programme (which are subject to 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.

Overview of past and on-going EU, other donors' and/or IPA II beneficiary's actions in the relevant sectors

Key recommendations from the final evaluation of the 2007-2013 CBC programmes between IPA II beneficiaries have been taken on board in the development of this support measure. The CBC technical assistance will be delivered through grants aiming at improving the capacities of IPA II beneficiaries in programming and implementing CBC programmes between IPA II beneficiaries.

Also, the 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.

List of Actions foreseen under the selected Sector Territorial cooperation

Programmes covered by CBC Technical Assistance	Direct management (EU Delegations)
CBC programme Albania - Kosovo	EUR 360 000
CBC programme Bosnia and Herzegovina -Montenegro	EUR 360 000
CBC programme Kosovo - the former Yugoslav Republic of Macedonia	EUR 360 000
CBC programme Montenegro - Albania	EUR 510 000
CBC programme Montenegro - Kosovo	EUR 360 000
CBC programme Serbia - Bosnia and Herzegovina	EUR 600 000
CBC programme Serbia-Montenegro	EUR 360 000
CBC programme Serbia - the former Yugoslav Republic of Macedonia	EUR 140 000
CBC programme the former Yugoslav Republic of Macedonia - Albania	EUR 510 000
TOTAL	EUR 3 560 000

2.2 DESCRIPTION AND IMPLEMENTATION OF THE ACTIONS

The envisaged assistance to support measure for technical assistance for cross-border cooperation programmes between IPA II beneficiaries under the Instrument of pre-accession assistance (IPA II) for the years 2018 is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU¹.

Action 1	Technical assistance for cross-border cooperation programmes between IPA II beneficiaries under the Instrument of pre-accession assistance (IPA II)	EUR 3 560 000
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(1) Description of the action, objectives, expected results and key performance indicators

Description of the action and objectives

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 the JMC.

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 in the eligible programmes area. It also supports awareness-raising activities at IPA beneficiary level in order to inform citizens in both IPA II beneficiaries.

Expected results and key performance indicators

The expected results are:

1. Enhanced administrative support to the operating structures (OS) and the joint monitoring committee (JMC);
2. Increased technical and administrative capacity for programme management and implementation;

¹ https://eeas.europa.eu/headquarters/headquarters-homepage/8442/consolidated-list-sanctions_en

3. Guaranteed visibility and publicity of the CBC programmes and their outcomes.

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 n. 1, the key performance indicator is the average share of beneficiaries satisfied with the programme implementation support.

In relation to expected result n. 2, the key performance indicators are: a) average increase in the number of proposals received within each consecutive call and b) average increase in the number of concept notes that would qualify for further assessment.

In relation to expected result n. 3, the key performance indicators are: a) increase in the number of visits to the programme websites and b) number of people participating in promotional events.

(2) Assumptions and conditions

The assumptions and conditions are:

1. Good cooperation is established between the two operating structures in each cross-border programme with direct, clear and unambiguous communication flows;
2. 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;
3. The objectives of the cross-border programmes and calls for proposals are relevant to the needs of applicants;
4. 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;
5. 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) Implementation modalities:

Direct management (project approach)

Grants

a) Purpose of the grants:

The specific objectives of the grant agreements providing CBC technical assistance to each CBC programmes between IPA beneficiaries 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 beneficiary level in order to inform citizens in both IPA II beneficiaries.

b) Direct grant award:

Under the responsibility of the Commission's authorising officer responsible, the grants may be awarded without a call for proposals to:

1. the Ministry of Europe and Foreign Affairs of Albania;
2. the Directorate for European Integration of the Council of Ministers of Bosnia and Herzegovina;
3. the Ministry of Local Government Administration of Kosovo;
4. the European Integration Office of Montenegro;
5. the Ministry of European Integration of Serbia;
6. the Ministry of Local Self Government of the former Yugoslav Republic of Macedonia.

The recourse to an award of a grant without a call for proposals is justified because the IPA II beneficiaries implement the CBC programmes benefitting of this support measure through designated structures and authorities which program and implement the cross-border cooperation programmes. The IPA II beneficiaries, indeed, have built strong capacity in managing this kind of support in the past. They managed similar support actions in the previous financial framework and gained useful experience inter alia with the recruitment of qualified staff. The exception to calls for proposal is justified as provided for by Article 195 (c) of the Regulation (EU, Euratom) 2018/1046 as the grants will be awarded without a call for proposals to bodies with a de jure or de facto monopoly in managing the cross-border cooperation programmes.

The EU financing rate for CBC technical assistance shall be 100% as laid down in Article 28 (3) of 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 establishing an Instrument for Pre-accession assistance (IPA II).

The nine grants agreements may be as follows:

CBC Programme covered by Technical Assistance (TA)	Contracting authority	Operating structure (grantee)
Albania-Kosovo	Delegation of the European Union to Albania	Ministry of Europe and Foreign Affairs of Albania
Bosnia and Herzegovina-Montenegro	Delegation of the European Union to Bosnia and Herzegovina	Directorate for European Integration of the Council of Ministers of Bosnia and Herzegovina

Kosovo-the former Yugoslav Republic of Macedonia	European Union Office in Kosovo	Ministry of Local Government Administration
Montenegro-Albania	Delegation of the European Union to Montenegro	European Integration Office of Montenegro
Montenegro-Kosovo	Delegation of the European Union to Montenegro	European Integration Office of Montenegro
Serbia-Bosnia and Herzegovina	Delegation of the European Union to Serbia	Ministry of European Integration of Serbia
Serbia-Montenegro	Delegation of the European Union to Serbia	Ministry of European Integration of Serbia
Serbia- the former Yugoslav Republic of Macedonia	Delegation of the European Union to Serbia	Ministry of European Integration of Serbia
the former Yugoslav Republic of Macedonia-Albania	Delegation of the European Union to the former Yugoslav Republic of Macedonia	Ministry of Local Self Government of the former Yugoslav Republic of Macedonia.

The **global** budgetary envelope reserved for grants: EUR 3, 560, 000

(4) Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

- a) With regard to the cross-border nature of this action, the Commission decides that natural and legal persons from the following territories or regions shall be eligible for participating in procurement and grant award procedures: Albania, Bosnia and Herzegovina, Kosovo, Montenegro, Serbia and the former Yugoslav Republic of Macedonia. The supplies originating from there shall also be eligible.
- b) The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of products and services in the markets of the territories concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult

3. BUDGET

3.1 INDICATIVE BUDGET TABLE

Contracting authority	Total (EUR) for Technical assistance for cross-border cooperation programmes between IPA II beneficiaries under the Instrument of pre-accession assistance (IPA II)
EUD Albania	EUR 360 000
EUD Bosnia and Herzegovina	EUR 360 000
EU Office Kosovo	EUR 360 000
EUD Montenegro	EUR 870 000
EUD Serbia	EUR 1 100 000
EUD the former Yugoslav Republic of Macedonia	EUR 510 000
TOTALS	EUR 3 560 000

4. 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 Indicative 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 Orientated Monitoring (ROM) system; b) IPA II Beneficiaries' own monitoring; c) self-monitoring performed by the EU Delegations; d) joint monitoring by the European Commission 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 Sectoral Monitoring committees, which will ensure a monitoring process at sector level.

5. EVALUATION

The financing of the evaluation shall be covered by another financing decision.

Having regard to the nature of the action, an ex-post evaluation will be carried out for this action or its components via independent consultants contracted by the Commission.

It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that it will be part of a larger evaluation encompassing the cross-border cooperation programmes between IPA II beneficiaries.

The Commission shall inform the implementing partner at least three months in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the IPA II beneficiary and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the IPA II beneficiary, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

