

COMMISSION DECISION

C(2008)8383 of 18/12/2008

amending the IPA Programme on Civil Society Facility – Horizontal Activities (Technical Assistance, People 2 People, Partnership Actions) under the IPA Transition Assistance and Institution Building Component

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)¹, and in particular Article 14(4) 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) The IPA Programme on Civil Society Facility – Horizontal Activities (Technical Assistance, People 2 People, Partnership Actions) under the IPA Transition Assistance and Institution Building Component for 2008 was adopted on 27 August 2008 by Commission Decision C(2008)4569.
- (3) It is considered necessary to amend the IPA Programme on Civil Society Facility – Horizontal Activities (Technical Assistance, People 2 People, Partnership Actions) under the IPA Transition Assistance and Institution Building Component for 2008 by adding EUR 2 million to the People 2 People component as it has become evident that more activities will be required than originally foreseen and, due to its political importance, increase the Partnership Actions component, specifically the fight against corruption, organised crime and trafficking by EUR 0.7 million.
- (4) This change is not considered substantial within the meaning of Article 90(4) of Commission Regulation (EC, Euratom) N° 2342/2002² of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) N° 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities.
- (5) The IPA committee will be informed of this decision.

HAS DECIDED AS FOLLOWS:

Article 1

The Commission Decision C(2008)4569 of 27 August 2008 is hereby amended as follows:

The maximum amount of Community assistance shall be EUR 16.5 million to be financed through Item 22.02 07 01 (regional and horizontal programmes) of the General Budget of the European Communities for 2008.

¹ OJ L 210, 31.7.2006, p. 82.

² OJ L357 31.12.2002, p. 1.

Article 2

The annex to the Commission Decision C(2008)4569 of 27 August 2008 is replaced by the text annexed to the present Decision.

Done at Brussels, [...]

For the Commission

[...]

Member of the Commission

ANNEX: IPA PROGRAMME ON CIVIL SOCIETY FACILITY –HORIZONTAL ACTIVITIES (TECHNICAL ASSISTANCE, PEOPLE 2 PEOPLE PROGRAMME, PARTNERSHIP ACTIONS)

1. IDENTIFICATION

Beneficiary	Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Kosovo under UNSCR 1244 and Turkey
CRIS number	2008/020-025
Year	2008
Cost	€16,5 million
	European Commission on behalf of the Beneficiary Countries and Territories
Final date for concluding the financing agreements	<i>No Financing Agreement</i>
Final dates for contracting	31 December 2009
Final dates for execution	31 December 2011
Sector Code	92030
Budget line(s) concerned	22.02.07.01: regional and horizontal programmes
Programming Task Manager	DG Enlargement, Unit D3 and Horizontal Programmes
Implementation Task Manager	DG Enlargement, Unit D3 and Horizontal Programmes, DG Enlargement, Unit D4 Institution Building, DG Environment, Unit E3 – Enlargement and Neighbouring Countries

2. PRIORITY AXES / (MEASURES) / PROJECTS

2.a Priority axes

This Multi-beneficiary Programme is designed to respond to Multi-beneficiary priority needs as indicated in the MIPD 2007-2009 taking into account activities taking place under the National Programmes, the guidance provided in the EU strategic documents, the lessons learned from the programming and implementation of previous EU assistance and the findings from consultations with amongst others, the Beneficiaries, International Financial Institutions, the Stability Pact, Civil Society Organisations (CSOs) Member States and European Commission services. The overall objective of aid to be provided under this Commission Decision is to address Civil Society Development and Dialogue (Supporting Civil Society, Section 2.2.6 of the Multi-Beneficiary MIPD 2007-2009).

The effect of the enlargement process is an increased exposure of neighbouring countries to democratic traditions. Regional assistance programmes target in particular, reconciliation, reconstruction and political cooperation, with a view to supporting the implementation of the Stabilisation and Association Process in South East Europe. Their aim is to facilitate cooperation in fields of common interest.

The principal characteristic of the support of civil society under the Regional Programmes finds its basis in the scope of the strategy followed by the European Union in the Western Balkans countries and Territories, and in Turkey. The partnership programmes and the content of the "pré-requis" to be respected during the preparation of accession provide the necessary guidance. These includes priorities such as the respect for democracy and the rule of law, the respect for human rights and the protection of minorities, as well as the involvement of civil society.

More recently, the importance of civil society has been highlighted by the Commission Communications: the Communications from the Commission on the Western Balkans¹ and on Civil Society Dialogue² in Candidate countries, and on the Enlargement Strategy and Main Challenges 2007-2008³ remind the importance of the issue. In order to better meet the needs of the region, support to civil society development and dialogue will be coordinated and streamlined by focussing on three areas of intervention, constituting a new civil society facility:

- (1) Support to local civic initiatives and capacity-building enforcing the role of civil society at national level;
- (2) Visitor programmes to EU institutions and bodies for exchanging experiences, know-how and good practices between Beneficiary countries and the EU civil society organisations, and particularly for groups with influence over decision-making and society, such as journalists, young politicians, trade union leaders, teachers etc;
- (3) Activities carried out in multilateral partnership between civil society organisations in the Beneficiary countries and the EU leading to a transfer of knowledge and networks, as well as transnational innovative projects.

Besides, the MIPD 2007-2009 considered already as a priority the support to civil society in particular civil society dialogue in the Western Balkans and Turkey. In response, the MIPD 2008-2010 emphasises the need of relevant environment (regulatory framework) that leads to civil society development and more dialogue within the region and with the EU counterparts and other stakeholders.

The promotion of further cooperation between the European Union, the Western Balkans and Turkey, will bring a mutual enrichment for civil society organisations, as well as for the citizens and public authorities. The project will consolidate the expertises in the beneficiary countries and put in a regional context the pre-existent initiatives taken at the national level. It will increase interconnectivity among stakeholders, as well as among national, regional and

¹ Communication from the Commission - The Western Balkans on the road to the EU: consolidating stability and raising prosperity (COM/2006/0027), 27 January 2006 and Communication from the Commission - Western Balkans: Enhancing the European perspective (COM/2008/127), 5 March 2008

² Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions - Civil Society Dialogue between the EU and Candidate Countries (COM/2005/0290), 29 June 2005

³ Communication from the Commission to the European Parliament and the Council - Enlargement Strategy and Main Challenges 2007-2008, COM(2007) 663, 6 November 2007

EU actors. The major feature is its capacity of multiplying effects. It will generate reference tools that can function as benchmarks for CSOs in the targeted countries and regions. It will provide as well inventory of needs and possible follow-up projects. Besides, it is bound to bring about a better comprehension of EU policies and standards, and contribute to speed up the process of transposition of EU principles in the national legislations of the targeted countries.

2.b Description of projects grouped per priority axis and (if relevant) per measure

A summary of the project purpose, results and activities is provided below. The project will be implemented with a budget of €16,5 million and implemented through services contracts (component 1, component 2 and component 3.1) and calls for proposals (component 3.2 and 3.3)

Indicative Calendar:

Contracts	Start of Tendering	Signature of contract	Project Completion
Service contract (Call for Tenders) under Component 1.	3 rd Q 2008	1st Q 2009	4 th Q 2010
Service Contract (Call for Tenders) under Component 2.	3 rd Q 2008	1st Q 2009	3 rd Q 2009
Service Contract (Call for Tender) under Component 3.1 (to be sub-delegated to DG Environment E4 and Enlargement and Neighbouring Countries)	3 rd Q 2008	2 nd Q 2009	3 rd Q 2011
Grant Contracts (Call for Proposals) under Component 3.2	4 th Q 2008	4 th Q 2009	4 th Q 2011
Grant Contracts (Caff for Proposals) under Component 3.3	4 th Q 2008	4 th Q 2009	4 th Q 2011

Regarding the Calls for Proposals, essential selection and award criteria will include:

- Target Groups: Civil Society Organisations (CSOs), i.e. all structures outside government and public administrations, e.g. Non Governmental Organisations (NGOs), professional and business associations, employers' organisations, trade unions, associations of local self-governments.
- Partnership Eligibility: Partnership may include at least one applicant from one of the beneficiary countries and at least 2 partners from two different beneficiary countries and 1 partner from the EU.
- Others: any order criteria underlined in the procedural guidelines template of the "Practical Guide to contract procedures for EC external actions" ("Practical

Guide”) as published on the EuropeAid website⁴ at the date of the initiation of the grant award procedure.

Component 1: Technical Assistance (Indicative Budget: €8 million)

Project purpose:

- Increase capacity and actions of CSOs and improve democratic role of CSOs

Expected results

- CSOs organised playing increasingly influential role in decision making process and increased citizens' awareness about their rights and duties, and CSOs understanding of EU affairs

Activities:

- Needs assessment and filling gaps through training, communication tools, advising, reporting and providing guidance for future actions

Component 2: People 2 People Programme (Indicative Budget: €4 million)

Project purpose:

- Stimulate civic participation by offering individuals and organisations that represent the civil society the possibility to participate to short-term visits to EU institutions and organisations to become familiar with a number of key EU policies, legislation and actions and projects, and share experiences and good practices

Expected results

- Skills and space created for CSOs to network and significantly impact public policy

Activities:

- Project preparation and selection of beneficiaries with the assistance of Delegations in the concerned countries, organising all the logistic of the visit
- Ensuring feedback from beneficiaries and eventual follow up

Component 3: Partnership Actions (Indicative Budget: €4,5million)

3.1 Environmental Forum (Indicative Budget: €300,000)

Project purpose:

- Develop dialogue between NGOs and the Commission on developments in the EU environmental policies and its implications on them

Expected results

- Increased capacity and accountability of CSOs to play an active role in the accession process in the field of the environment, e.g. the watchdog role and a complementary role to the national administrations
- Increased number and quality of new data in the database and website
- Establishment of Platform

Activities:

⁴ http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm

- Design and maintenance of an Email forum and database/website, which will serve as a platform for the diffusion of information and discussion with the European Commission
- Organise, animate one annual meeting of the group of selected NGOs, report and publication

3.2 Environment, Energy Efficiency, Health and Safety at Work (Indicative Budget: €2,5 million)

Project purpose:

- Ensure effective joint initiatives of CSOs and business associations from the region and the EU ensuring CSOs information and policy advice to stakeholders
- Increase awareness of concerned stakeholders (citizens, public authorities and industry)

Expected results

- CSOs cooperation system established
- Improved position of CSOs with respect to the provision of information and policy advice to stakeholders, enlarging citizens participation in civil society activities

Activities:

- Awareness raising activities and familiarisation with EU best practices
- Building network and advising CSOs sector and public actors
- Conducting survey, research, documentation and monitoring

3.3 Fight against Corruption, Organised Crime and Trafficking (Indicative Budget €1.7 million)

Project purpose:

- Increase security and prevention measures
- Enhance CSOs monitoring, information and warning system for further protection of victims
- Boost knowledge about laws, policies and operational structures, improving transparency and level of accountability of public administrations

Expected results

- Improved position of CSOs with respect to public information and policy advice
- Improved cooperation between CSOs and States about elaboration and implementation of measures against corruption, organised crime and illegal trafficking.
- Enlarged citizens participation in civil society activity

Activities

- Gaps and need analysis on legal measures and actual transparency
- Awareness raising events for citizenship, CSO and media
- Develop a website and database to facilitate dissemination of information
- Create structure including CSOs' networks for constant monitoring of implementation of reform

2.c Overview of past and on going assistance (EU / IFI / Bilateral and national assistance) including lessons learned and donor coordination

Past and ongoing assistance

Since 2000 overall assistance allocated under the CARDS, Phare and IPA programmes are provided in the table below:

Year	2000	2001	2002	2003	2004	2005	2006	2007	Total
CARDS	20,2	20	43,5	31,5	22	47,5	57,5		242,2
Phare					28,4	91,1	194,7		314,2
IPA								100,7	100,7
Overall Total	20,2	20	43,5	31,5	50,4	138,6	252,2	100,7	657,1

Table 1: Total European Community allocations to the CARDS Regional, Phare Multi-Country Programmes and IPA Multi-beneficiary Programme (*amounts in Euro millions*)⁵.

During all this period, the assistance has promoted the involvement and strengthening of civil society. This is part of EU wider objective of democratisation in the region. The good functioning of civil society is regarded as one of the cornerstones of democratic societies. The assistance had the objective to help the sector to: become more autonomous; gain trust of public and administrations; and act more actively in the areas of civil, political and cultural rights thereby advancing democracy in the region. The European Union supports to date the contribution of CSOs in areas such as: inter-ethnic relations, poverty reduction, environmental protection, social development and equal opportunities.

Under the CARDS programmes, the EC assistance promoted civil society in the framework of democratic progress and cross border cooperation initiatives in accordance with the national and regional strategy. Since 2005, Croatia continues in addition to support the development of civil society under the Phare Programme. The Turkish pre accession instrument offers as well a room for enforcing capacity of CSOs, which aims to stronger dialogue.

The European Initiative for Human Rights and Democracy provided support to civil society mainly in the Federal Republic of Yugoslavia, Bosnia & Herzegovina and Turkey with the objective to enhance the respect of fundamental rights such as the freedom of voice and association.

Lessons Learned

In the management of previous and ongoing Multi-beneficiary IPA, CARDS Regional and Phare Multi-Country programmes a number of pertinent lessons have emerged through the project monitoring and evaluation reports as well as the evaluation report on the implementation of CARDS assistance to the Western Balkans which are applicable to this programme. In particular, the need for improved programme management, including the need to enhance communication and coordination with the Beneficiaries, is highlighted.

Beneficiaries have emphasized the importance of regular and timely communications regarding the Financing Proposals to facilitate their involvement and ownership of the programme. Consequently, detailed programme plans, which include timelines and the process for the distribution of draft documents for comment have been drafted, discussed and communicated to the Beneficiaries Furthermore, Multi-beneficiary coordination meetings

⁵ Note: The CARDS figures indicated include assistance from Phare and Obnova where relevant in 2000 and from CARDS 2001 and onwards. In 2005 and 2006, the amounts indicated for Phare include those allocated to multi-country programmes from the Turkey pre-accession instrument. The CARDS Regional Programmes of 2004, 2005 and 2006 include respectively €15m, €15m and €1.9m for Cross-Border Cooperation.

which take place regularly throughout the year allow for discussion on the status of programming and project implementation.

Further lessons learned at a project level are provided below.

From the management of past and ongoing assistance, a number of lessons draw the attention to civil society needs. The preliminary conclusions of past assistance revealed that, if EU programmes had addressed the needs of the civil society in the beneficiary countries, and if these countries are adhering to the principles of democracy, the level of development still varies considerably from Western Balkans countries (country by country) particularly regarding Croatia. This is the case also for Turkey. While in Croatia and Turkey, the CSOs are well or more developed and protected, in the Western Balkans, the statute of CSOs is still unbalanced. However, there are still strong efforts to be made at both sides to improve dialogue with the sector and ensure that the sector functions effectively in a legal environment.

Furthermore, although administrative capacity had grown, it was not adequate to meet the responsibilities of the sector. More needs to be done to guarantee: a supportive legal environment for civil society activities; better quality in service delivery; strong involvement of civil society in public policies and decision making process; and to facilitate networking and partnership building in particular with key civil society players; as well as increase citizens participation.

As a matter of fact, solutions should be reviewed and improved in line with the states of advancement of CSOs' role in the region, according to the recommendations of and initiatives taken in the recipient countries and by other relevant stakeholders, e.g. Member States and other donors strongly concerned to enhance civil society dialogue and condition (e.g. UNDP, UNHCR, World Bank, USAID, Council of Europe, OSCE).

Donor Coordination

Coordination and coherence of assistance and activities is particularly important, given the large number of players involved. The need for improved coordination and coherence has been highlighted to the Commission during consultations as a continuing concern by the authorities of the region. Efforts are being made by DG Enlargement to improve coordination in this area. Regular meetings are organised throughout the year for example, with Beneficiaries, Delegations and stakeholders (including for example DG Enlargement Civil Society 2008 Conference, an International Financial Institutions (IFI) days, Donor Coordination days).

The Commission has endeavoured to establish a transparent consultation process with in particular the Beneficiaries and civil society organisations. This process is aimed at enhancing, as far as possible, local ownership of the choices, content and design of the programmes. Consultations take place at a regular interval during the programming phase with the Beneficiaries and other stakeholders.

Particular importance should be given to the role civil society organisations and of the Regional Cooperation Council as the interlocutor for the Beneficiaries in particular for the Regional Cooperation Process in the Western Balkans.

Furthermore, the new instrument "Donors Exchange, Coordination and Information Mechanism (DECIM) developed in collaboration of the European Commission, the World Bank and foundations, contribute largely to the coordination among donors. DECIM operates at the international level through exchange of information and seminars for practitioners, CSOs and academics.

2.d Horizontal issues

The development of civil society in the beneficiary countries cannot take place in isolation. It is seen as part of the wider objective of democratisation in the region. This should be best achieved in the framework of an integrated approach, which covers all issues of great importance for the citizens of the region and includes public and private bodies.

- *Equal Opportunity between men and women, and non discrimination will be respected as regarding gender as well as minorities;*

- *Environmental considerations will be duly reflected in all IPA financed activities in addition to specific actions in particular as concerns Environmental Impact Assessment*

- *Minority and vulnerable groups including Roma, and Intercultural's concerns will be reflected in all activities programmed under IPA, in particular when it concerns public services, legislative matters and socio-economic development*

- *Good governance, with particular attention to fight against corruption will be particularly analysed in the project as a key element for ensuring the functioning of democratic institutions and public services.*

2.e Conditions

There should be a political consensus within the countries as well as in the region to support the initiatives pertaining to this Financing Decision.

2.f Benchmarks

	N		N+1 (cumulative)		N+2 (cumulative)	
	EU	NF*	EU	NF*	EU	NF*
Number of tenders			3			
1. Technical Assistance						
2. People 2 People Programme						
3. Environment Forum						
Number of Calls for Proposals			2			
1. Environment, Energy Efficiency, Health and Safety at Work						
2. Fight against Corruption, Organised Crime and Trafficking						
Contracting Rate(%)			100			

* In case of parallel national co-financing

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		National contribution*		Total expenditure	IPA Community contribution		National contribution*			EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	% ⁽²⁾
		EUR (a)=(b)+(c)	EUR (b)	% ⁽¹⁾	EUR (c)		% ⁽¹⁾	EUR (d)=(e)+(f)	EUR (e)	% ⁽¹⁾				
Priority axis 1												16,500,000	94	
(Measure 1)													–	
Technical Assistance	8,000,000	8,000,000	100	0										
People People Programme 2	4,000,000	4,000,000	100	0										
Environment Forum	300,000	300,000	100	0										
Environment, Energy Efficiency, Health and	3,125,000	2,500,000	80	625,000	20									

Security at Work													
Fight against Corruption, Organised Crime and Trafficking	2,125,000	1,700,000	80	425,000	20								
TOTAL	17,550,000	16,500,000	94	1,050,000	6							16,500,000	94

* contribution (public and private national and/or international contribution) provided by national counterparts

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

(2) Priority axis rows only. 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 has been calculated in relation to the total eligible expenditure. Final grant beneficiaries should contribute with a minimum of 10 % of the total eligible cost of the project, both for investment and institution building projects the operation's eligible costs.

4. IMPLEMENTATION ARRANGEMENTS

4.1 Method of implementation

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

The implementation of the Activity:

- Component 1 Technical Assistance will be managed by DG Enlargement, Unit D3 following a Cal for Tenders.
- Component 2 "People to People Programme" will be sub-delegated to DG Enlargement, Unit D4 Institution Building – TAIEX and will be implemented through a Service Contract following a Call for Tenders.
- Component 3.1 "Environment Forum" will be sub-delegated to DG Environment, Unit E3 Enlargement and Neighbouring Countries and will be implemented through a Service Contract following a Call for Tenders.

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.

The Commission shall also use the procedural guidelines and standard templates and models facilitating the application of the above rules provided for in the "Practical Guide to contract procedures for EC external actions" ("Practical Guide") as published on the EuropeAid website⁶ at the date of the initiation of the procurement or grant award procedure.

5. MONITORING AND EVALUATION

5.1 Monitoring

The Commission may undertake any actions it deems necessary to monitor the programmes 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

⁶ See footnote 4

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 Beneficiary Country.

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) 2185/96⁷.

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

7. LIMITED CHANGES

Limited changes in the implementation of this programme affecting essential elements listed under Article 90 of the Implementing Rules to the Financial Regulation, which are of an indicative nature⁸, 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.

⁷ OJ L 292; 15.11.1996; p. 2

⁸ 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.