

COMMISSION DECISION

C(2009)3990 of 29 May 2009

adopting an IPA monitoring programme 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)¹, 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 a European Partnership for all candidate and potential candidate countries. The Commission has adopted on 17 July 2008² a multi-beneficiary multi-annual indicative planning document 2008-2010 which presents indicative allocations for the main priorities for pre-accession assistance to all countries concerned.
- (4) Therefore, the IPA monitoring programme under the IPA Transition Assistance and Institution Building Component for year 2009 aims at enhancing the effectiveness, efficiency, impact and sustainability of Community assistance to the Western Balkans and Turkey, by monitoring the execution of projects implemented under Regulation (EC) No 1085/2006 and Regulation (EC) No 2666/2000³ of 5 December 2000, in accordance with Article 16 of Regulation (EC) 1085/2006.
- (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 1605/2002⁴ and constitutes thus a financing decision within the meaning of Article 75(2) of Council Regulation (EC, Euratom) No

¹ OJ L210, 31.7.2006, p. 82.

² C(2008) 3585, 17.07.2008.

³ OJ L 306, 7.12.2000, p. 1.

⁴ OJ L 357, 31.12.2002, p. 1.

1605/2002⁵ of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities.

- (6) The measures provided for by this Decision are in accordance with the opinion of the IPA Committee⁶,

HAS DECIDED AS FOLLOWS:

Article 1

The IPA monitoring programme 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 centralised management.

Article 2

The maximum amount of Community assistance shall be EUR 6 000 000 to be financed through item 22.02 07 02 of the General Budget of the European Communities for 2009.

Done at Brussels, [...]

For the Commission

[...]

Member of the Commission

⁵ OJ L 248, 16.9.2002, p.1.

⁶ Recalling the Council Conclusions of 18 February 2008, Member States declare that the adoption of the IPA monitoring programme under the IPA-Transition Assistance and Institution Building component for 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

THE IPA MONITORING PROGRAMME UNDER THE IPA-TRANSITION ASSISTANCE AND INSTITUTION BUILDING COMPONENT FOR THE YEAR 2009¹

1 IDENTIFICATION

Beneficiaries	Western Balkans: Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia, as well as Kosovo under UNSCR 1244/99 Turkey
Programme	IPA Monitoring programme
CRIS number	2009/021-052
Year	2009
Cost	EUR 6 000 000
Implementing Authority	The European Commission
Final Date for contracting:	30/11/2010
Final date for execution	30/11/2012
Sector Code	99810
Budget line	22.020702: evaluation of results of Community aid, follow-up and audit measures. The remark of the relevant Item of the General Budget allows for the monitoring of activities for both IPA and previous pre-accession financial instruments
Programming Task Manager	DG Enlargement, Unit for Regional Programmes
Implementation Task Manager	DG Enlargement, Unit for Regional Programmes

¹ The adoption of the IPA monitoring programme under the IPA Transition Assistance and Institution Building Component for 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.

2 PRIORITY AXES/PROJECTS

2.a Priority axes

The overall objective of this IPA monitoring programme is to enhance the relevance, effectiveness, efficiency, impact and sustainability of such assistance for the Western Balkans and Turkey. Monitoring provides the Commission with regular analytical assessments on implementation of projects and programmes. This programme covers the monitoring of projects financed from the CARDS and IPA programmes and managed by Commission Headquarters or Delegations.

Therefore, the assistance to be provided under this programme is in line with the strategies identified in the Multi-Beneficiary Multi-annual Indicative Planning Document (MIPD) 2008-2010, notably in *Priority axe 5 – Support activities, section 3.5.1. Audit, evaluation and monitoring*.

2.b Description of projects grouped per priority axis

MONITORING

Monitoring of projects will be done through Results-Oriented Monitoring. The Results-Oriented Monitoring system gathers information on projects in the field and is based on analysis of the relevant project documents, site visits and consultations with relevant stakeholders in project implementation, whether or not identified in the original design of the project. This information is mainly provided to the Commission through reports on technical and managerial aspects of project implementation and can assist the Commission in:

- ensuring that projects and other activities remain on course to reach their objectives;
- obtaining early feedback from project implementation to subsequent project design, in advance of conclusions from possible ex-post evaluations;
- reporting to the Member States, the European Parliament and the Council.

A service contract with the title "*Monitoring system of the implementation of projects and programmes of external co-operation financed by the European Community, Lot 6 – Western Balkans and Turkey*" was awarded to the consortium led by the Institute of Communication and Computer Systems of the National Technical University of Athens for an amount EUR 1 639 287 and a legal duration of 12 months. This contract was signed on 26 November 2007. The award of the contract was based on a tender procedure following the general provisions of the Financial Regulation (Part one, Title V, Chapters 1 and 2).

A first extension of the current service contract mentioned in the paragraph above, for a maximum duration of 12 months and a maximum budget of EUR 2 000 000, was signed on 24 September 2008.

A second extension of the current service contract mentioned in the paragraph above, for a maximum duration of 12 months and a maximum budget of EUR 2 000 000 is envisaged to be signed before the amended end-date of the contract.

The legal basis for the extension of the current service contract is Article 126(1)(f) in conjunction with Article 126(3) of the Implementing Rules to the Financial Regulation.

A restricted tender for a new service contract for Results-Oriented-Monitoring will be launched in the third quarter of 2009 for a value of EUR 4 000 000.

During the second extension of the current service contract and/or during the new service contract, the scope of activities may be widened to include ex-post monitoring and the development of ROM regarding sector policy programmes.

2.c Overview of past and on going assistance including lesson learned

Results-Oriented Monitoring (ROM) has been used for assessing project and programme implementation in the Western Balkans since October 2002 and has been considered a very useful tool for the Commission in the implementation of projects and programmes.

After a 1-month Inception Phase, which had allowed for the establishment of all the necessary operational tools and preparation of the yearly monitoring portfolio for 2008, the Contractor managed to implement all the programmed activities and deliver all the outputs within planned time and cost schedules.

The 2nd year of implementation of the ROM Contract is marked by the introduction in the monitoring portfolio of the current CARDS projects taken over by the European Commission's Delegations from the European Agency for Reconstruction in the former Yugoslav Republic of Macedonia, Montenegro, Serbia, as well as the European Commission Liaison Office in Kosovo², and the new IPA projects which have been launched. In line with the Terms of Reference, the ROM Project has set up and developed a network of operational offices, with a central office in Brussels, a regional office in Belgrade (Serbia) and two national offices in Sarajevo (Bosnia and Herzegovina) and Tirana (Albania).

NOVEMBER 2007 – MARCH 2009

The table below indicates the number of the projects monitored since the beginning of the ROM Contract and their total value. The following average parameters can be observed:

- The average value (EC budget) of the monitored projects is slightly below EUR 1 million (EUR 853 636), with the highest average value in Serbia (EUR 1 385 071).
- The average scoring³ of the monitored projects is equivalent to “b” (good, average numerical score 2.93), with the highest numerical average score value in Croatia (3.14) and lowest in Bosnia and Herzegovina (2.79).
- The monitoring of 186 projects gave rise to the submission of a total of 286 monitoring outputs, representing an average of 1.54 monitoring outputs per project.

² under UNSCR 1244/99.

³ ROM scores projects from « a » (very good, numerical score 4) to « d » (very poor, numerical score 1)

	Number of projects monitored	Total value of projects monitored (in EUR)
Albania	39	38 701 420
Bosnia and Herzegovina	91	51 107 864
Croatia	8	11 032 204
the former Yugoslav Republic of Macedonia	3	2 905 803
Montenegro	2	970 320
Serbia	3	4 155 213
Kosovo	18	23 281 326
Regional programmes	22	26 622 073
Total	186	158 776 223

MAIN FINDINGS AND RECOMMENDATIONS

As concerns the performance of the monitored projects, it is generally observed that there is no major difference of the projects' performance from one sector to another; any differences in performance are rather linked to the particular environment (institutional, etc) of the beneficiary in question. A slight difference is observed between non-regional and regional projects:

- Non-regional projects perform on average well, with nevertheless a lower performance in sustainability and efficiency;
- regional projects perform on average well (slightly below the average score of national projects), with nevertheless a lower performance in sustainability, effectiveness and impact.

As concerns the status of the project authority or operator, it is observed in particular that:

- NGO-operated projects funded under Calls for proposals do not systematically have appropriate logical framework matrices nor are such tools systematically used for the proper project management;
- The implementation of certain projects is delegated to major inter-governmental organisations, which have their own project implementation and procedures, and which do not seem to readily make use of and apply the project cycle management

(PCM) procedures, such as are normally expected to be followed in EC-funded projects.

PLANS FOR REMAINDER OF CONTRACT (UNTIL NOVEMBER 2010)

The total number of the projects monitored during the whole three-year period from end November 2007 to end November 2010 is expected to reach 580, representing a total budget value (EC contribution) of some EUR 786 million. It is expected that the average value of a monitored project will increase from EUR 1 million in the actual monitoring work-plan to nearly EUR 1.4 million/project over the whole period.

	Number of projects monitored	Total value of projects monitored in million EUR (rounded off)
Albania	90	120
Bosnia and Herzegovina	138	104
Croatia	8	11
the former Yugoslav Republic of Macedonia	20	19
Montenegro	20	8
Serbia	97	134
Kosovo	130	300
Regional programmes	77	90
Total	580	786

2.d Benchmarks

	2009	2010 (cumulative)
Extension to the current service contract 2007/145-210	1	1
Tenders launched (number)	1	1
Contracting Rate (%)	100%	100%

3 BUDGET (AMOUNTS IN EURO)

3.1. Budget table (indicative breakdown)

	EC– IPA assistance			Total Co-financing of Project (indicative)	Total (IPA plus Co-financing)
	Institution Building	Investment	Total (IB and INV)		
Priority axis 05 – Support activities	6 000 000		6 000 000		6 000 000
05.71 - Support activities: Monitoring	6 000 000		6 000 000		6 000 000
05.71.01 Project 1 "Extension of Current Service contract"	2 000 000		2 000 000		2 000 000
05.71.02 Project 2 "New tender"	4 000 000		4 000 000		4 000 000

3.2 PRINCIPLE OF CO-FINANCING APPLYING TO THE PROJECTS FUNDED UNDER THE PROGRAMME

The Community contribution, which represents 100% of the total budget allocated to this programme, in accordance with Article 67(3) of Commission Regulation (EC) No 718/2007 of 12 June 2007 (the 'IPA Implementing Regulation')⁴ has been calculated in relation to the eligible expenditure, which in the case of centralized management is based on the total expenditure.

⁴ OJ L 170, 29.6.2007, p.1

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 Regulation⁵ and the corresponding provisions of the Implementing Rules⁶.

4.2 General rules for procurement

For the extension of the current contract:

Procurement shall follow the provisions of Part One, Title V of the Financial Regulation and Chapter of Part One, Title V of its Implementing Rules.

The Commission shall also use the procedural guidelines facilitating the application of the above rules provided for in the "Vademecum on Public Procurement Procedures in the Commission" and the standard templates and models as published on the BUDG website⁷ at the date of the initiation of the procurement.

For the new contract:

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).

5. MONITORING AND EVALUATION

5.1 Monitoring

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

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 the 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.

⁵ OJ L 248, 16.09.2002, p.1

⁶ OJ L 357, 31.12.2002, p.1

⁷ http://intracomm.cec.eu-admin.net/budg/imp/procurement/imp-080-030-010_contracts_en.html

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) 2185/96⁸.

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 nature⁹, 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.

⁸ OJ L 292, 15.11.1996, p.2.

⁹ 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.