



Brussels, 20.3.2014
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COMMISSION DECISION

of 20.3.2014

**conferring management powers relating to Component I - Transition Assistance and
Institution Building of the Instrument for Pre-Accession Assistance (IPA) on Serbia**

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THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)¹,

Having regard to Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation No 1085/2006² and in particular Article 14 thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities³, and in particular Article 53c thereof,

Whereas:

- (1) Regulation (EC) No 1085/2006 lays down the objectives and main principles for pre-accession assistance to candidate countries and potential candidates for the period from 2007 to 2013, and confers the responsibility for its implementation to the Commission.
- (2) Regulation (EC) No 1085/2006 continues to govern on the substance legal acts and commitments made up until 31 December 2013.
- (3) Articles 11 and 14 of Regulation (EC) No 718/2007 give the Commission the possibility to confer management powers to the beneficiary country and define the requirements for such conferral including *ex ante* controls, if any.
- (4) In particular, for such a conferral, the conditions laid down in Articles 53c and 56(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002, which continue to apply to commitments made up to 31 December 2013 in accordance with Article 212 (a) of 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 1605/2002⁴, must be fulfilled.
- (5) The Framework Agreement on the rules for co-operation concerning EU financial assistance to Serbia in the framework of the implementation of the assistance under the Instrument for Pre-Accession Assistance (IPA) between the Government of Serbia and the European Commission entered into force on 29 November 2007.

¹ OJ L 210, 31.7.2006, p. 82.

² OJ L 170, 29.6.2007, p. 1.

³ OJ L 248, 16.9.2002, p. 1.

⁴ OJ L 298, 26.10.2012, p. 1.

- (6) The Competent Accrediting Officer (CAO) notified the Commission on 14 June 2012 of the accreditation of the National Authorising Officer in accordance with Article 12(3) of Regulation (EC) No 718/2007.
- (7) The National Authorising Officer (NAO) notified the Commission on 14 June 2012 of the accreditation of the operating structure in charge of the management and implementation of the Transition Assistance and Institution Building component of the IPA in accordance with Article 13(3) of Regulation (EC) No 718/2007.
- (8) Pursuant to Article 14 of Regulation (EC) No 718/2007, the accreditations referred to in Articles 12 and 13 of Regulation (EC) No 718/2007 have been reviewed and the procedures and structures of the bodies and authorities concerned, as set out in the application submitted by the Competent Accrediting Officer and the National Authorising Officer, have been examined, including by on-the-spot verifications.
- (9) Serbia's compliance with the requirements of Article 56(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 and Article 11 of Regulation (EC) No 718/2007 has been assessed.
- (10) In response to this assessment, the National Authorising Officer confirmed that Serbia accepts its conclusions and agrees to comply with them.
- (11) It is therefore appropriate for the Commission to confer management powers relating to the Transition Assistance and Institution Building component of the IPA on Serbia for the National Programme for Transition Assistance and Institution Building for 2013, adopted by Decision C(2013)9450 of 18/12/2013.
- (12) Pursuant to Article 14 of Regulation (EC) No 718/2007, the Commission will exercise *ex ante* controls on the tendering of contracts, launch of calls for proposals and the award of contracts and grants for a limited period of time.
- (13) Pursuant to Article 18 of Regulation (EC) No 718/2007, decentralisation without *ex ante* controls is the objective for the implementation of the IPA on a decentralised basis.
- (14) The complete dispensing of *ex ante* controls under the Transition Assistance and Institution Building component of the IPA should be decided by the Authorising Officer by Delegation when he/she is satisfied that the requirements set out in Article 18 of Regulation (EC) No 718/2007 are met.

HAS DECIDED AS FOLLOWS:

Article 1

- (1) The management of assistance provided for under the Transition Assistance and Institution Building component of the IPA is conferred on Serbia under the terms laid down in this Decision.
- (2) The Commission's Authorising Officer by Delegation shall exercise scrutiny on the implementation of actions by Serbia either by *ex ante* controls, by *ex post* checks or by a combined procedure.
- (3) The Commission's Authorising Officer by Delegation shall perform *ex ante* controls as listed in Annex I to this Decision. The Commission's Authorising Officer by Delegation shall decide on completely dispensing of them when he/she is satisfied that the requirements set out in Article 18 of Regulation (EC) No 718/2007 are met.

Article 2

This Decision shall apply to projects agreed between the Commission and Serbia for the National Programme for the Transition Assistance and Institution Building component of the IPA for 2013.

Article 3

This Decision shall apply on the basis of the following structures, bodies and authorities designated by Serbia for the management of assistance provided for under the Transition Assistance and Institution Building component of the IPA, and of their related control systems as presented in the application submitted by the Competent Accrediting Officer and the National Authorising Officer:

- (1) the National Fund;
- (2) the National Authorising Officer;
- (3) the Competent Accrediting Officer;
- (4) the National IPA Coordinator;
- (5) the Audit Authority;
- (6) Operating Structure for the Transition Assistance and Institution Building component of the IPA :
 - the office of the National IPA Coordinator as responsible for programming;
 - the Central Finance and Contracting Unit as Implementing Agency;
 - the Senior Programme Officers and their offices as accredited by the NAO.

Article 4

- (1) The Commission shall monitor compliance with the requirements for the conferral of management powers as laid down in Article 11 of Regulation (EC) No 718/2007.
- (2) The National Authorising Officer shall report bi-annually to the Commission on the implementation of the decentralised system and its compliance with Article 11 of Regulation (EC) No 718/2007.
- (3) Serbia shall inform the Commission on any substantial change in the IPA management structures and system as described in the application submitted by the Competent Accrediting Officer and the National Authorising Officer.

At any time during the implementation of this Decision, should the Commission's Authorising Officer by Delegation consider that the obligations of Serbia under this Decision are no longer met, he/she shall immediately take any necessary measures, which may include a suspension of the conferral of management powers partially or as a whole until such time as these obligations have been met.

The Authorising Officer by Delegation shall subsequently bring the matter to the attention of the Commission on the basis of a duly substantiated report. The Commission may thereupon decide to confirm or to lift the suspension, or to withdraw the conferral of management powers.

- (4) Irrespective of the decision by the Competent Accrediting Officer to maintain, suspend or withdraw the accreditation of the National Authorising Officer, or of the decision by the National Authorising Officer to maintain, suspend or withdraw the accreditation of the operating structure for the Transition Assistance and Institution Building component of the IPA, the Commission may withdraw or suspend the conferral of management powers at any time, in particular in the event that any of the requirements for the conferral of management powers are not, or no longer fulfilled.
- (5) Where the accreditation is withdrawn or suspended by the Competent Accrediting Officer or by the National Authorising Officer, the provisions of Articles 13 to 14 of Section III "Accreditation and conferral of management powers under decentralised management" of the Framework Agreement shall apply.
- (6) Where the conferral of management powers is withdrawn or suspended, the provisions of Article 15 of Section III "Accreditation and conferral of management powers under decentralised management" of the Framework Agreement shall apply.
- (7) In case that the conferral of management powers is withdrawn or suspended only for specific bodies or authorities or specific parts of the control and management system for the Transition Assistance and Institution Building component of the IPA, the Commission shall cease to make transfers of funds to Serbia in relation to payment claims pertaining to that specific body or authority concerned by the withdrawal or suspension decision.
- (8) Without prejudice to any other financial corrections, the Commission may make financial corrections against Serbia in respect of its non-compliance with the requirements for the conferral of management powers in the period before the withdrawal or suspension of the conferral of management powers.

Article 5

In case of irregularity or fraud, the rules and measures set out in Annex II to this Decision shall apply.

Article 6

The Competent Accrediting Officer and the National Authorising Officer shall be informed of this Decision and any subsequent amendment by letter.

Done at Brussels, 20.3.2014

For the Commission

Štefan FÜLE

Member of the Commission