



EUROPEAN COMMISSION

Brussels, 20.7.2011
C(2011) 5304 final

COMMISSION IMPLEMENTING DECISION

of 20.7.2011

**adopting the Multi-beneficiary Programme for Tempus under the IPA Transition
Assistance and Institution Building Component for the year 2011**

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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, 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 countries and potential candidates.
- (2) In accordance with Article 7 of Regulation (EC) No 1085/2006, the assistance should be provided through multi-annual or annual programmes. 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 established an Accession Partnership or European Partnership for all candidate countries and potential candidates. The Commission has adopted on 20.06.2011 a Multi-beneficiary Multi-annual Indicative Planning Document 2011-2013² which presents indicative allocations for the main priorities for Multi-beneficiary pre-accession assistance to all relevant candidate countries and potential candidates.
- (4) Therefore, the Multi-beneficiary Programme for Tempus under the IPA Transition Assistance and Institution Building Component for the year 2011 aims at facilitating the reform of higher education institutions by upgrading the quality and management of academic institutions, in line with changing political, social and economic needs and through benchmarking with EU Member States within the sector Social Development.
- (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 1605/2002³ (hereafter: “Implementing Rules”) and constitutes thus a Financing Decision within the

¹ OJ L 210, 31.7.2006, p. 82.

² C(2011)4179

³ OJ L 357, 31.12.2002, p. 1

meaning of Article 75 (2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁴ (hereafter: “Financial Regulation”).

- (6) The measures provided for by this Decision are in accordance with the opinion of the IPA Committee⁵.

HAS DECIDED AS FOLLOWS:

Article 1

The Multi-beneficiary Programme for Tempus under the IPA Transition Assistance and Institution Building Component for the year 2011, as set out in the Annex, is hereby adopted.

This programme shall be implemented by indirect centralised management.

It shall be implemented by means of financing agreements to be concluded between the Commission and the Governments of the Beneficiaries.

Article 2

The maximum amount of the European Union contribution shall be **EUR 15.3 million**, to be financed through Item 22.020701 of the general budget of the European Union for 2011.

Done at Brussels, 20.7.2011

For the Commission
Štefan FÜLE
Member of the Commission

⁴ OJ L 248, 16.9.2002, p.1

⁵ Recalling the Council Conclusions of 18 February 2008, Member States declare that the adoption of the Multi-Beneficiary Programme for Tempus under the IPA Transition Assistance and Institution Building Component for the year 2011 does not prejudice the position of each individual Member State on the status of Kosovo, which will be decided in accordance with their national practice and international law.

ANNEX:

MULTI-BENEFICIARY PROGRAMME FOR TEMPUS UNDER THE IPA TRANSITION ASSISTANCE AND INSTITUTION BUILDING COMPONENT FOR THE YEAR 2011

1. IDENTIFICATION

Beneficiaries	Western Balkans: Albania, Bosnia and Herzegovina, Montenegro, Serbia as well as Kosovo* .
ABAC number	SI2.596555
Year	2011
Cost	EUR 15 300 000
Implementing Authority	The programme will be implemented by the Education, Audiovisual and Culture Executive Agency (EACEA).
Final date for concluding the financing agreements	at the latest by 31 December 2012
Final dates for contracting	2 years following the date of conclusion of the financing agreement. These dates apply also to the national co-financing.
Final dates for execution	4 years following the end date for contracting. These dates apply also to the national co-financing.
Sector Code	11420
Budget line(s) concerned	22.020701: Regional and Horizontal Programmes
Programming Task Manager	Unit D3, Regional Programmes, DG Enlargement
Implementation Task Manager	Education, Audiovisual and Culture Executive Agency (EACEA)

2. PRIORITIES FOR EU ASSISTANCE

This IPA Multi-beneficiary Programme is designed to respond to Multi-beneficiary priority needs as indicated in the IPA Multi-beneficiary Multi-annual Indicative Planning Document (MIPD) 2011-2013, taking into account activities implemented under the National Programmes, the guidance provided in EU strategic documents, the lessons learned from the programming and implementation of previous EU assistance and the findings from consultations with, *inter alia*, the beneficiaries, International Financial Institutions (IFIs), the Regional Cooperation Council (RCC), EU Member States, civil society organisations and European Commission services.

* under UNSCR 1244/99

While the main assistance to IPA beneficiaries is given through the National Programmes, the Multi-beneficiary Programme endeavours to complement and add value to these as well as to enhance regional cooperation. Multi-beneficiary assistance covers regional projects that set out to promote cooperation between IPA beneficiaries as well as horizontal projects that address common needs of the IPA beneficiaries and aim to achieve efficiencies and economies of scale.

To facilitate programming, the Multi-beneficiary IPA 2011 projects managed by DG Enlargement, Unit Regional Programmes have been consolidated into separate Programmes:

- Multi-beneficiary Programme 2011;
- Tempus Programme 2011 (this programme);
- Horizontal Programme for Nuclear Safety and Radiation Protection.

In addition, the European Commission will adopt a Programme to support Civil Society Development in 2011-2013 for which multi-beneficiary assistance will complement funds from national IPA programmes in the Civil Society Facility.

IPA Multi-beneficiary assistance will continue to support the Tempus programme and the assistance provided under this programme is in line with the IPA Multi-beneficiary Multi-annual Indicative Planning Document (MIPD) 2011-2013 in which education is a priority under Section 3.7. (Social Development).

2.a Description of project and other implementation modalities

MULTI-BENEFICIARY PROGRAMME FOR TEMPUS

Tempus is the European Union's programme which supports the modernisation of higher education in the Partner Countries of Eastern Europe, central Asia, the Western Balkans and the Mediterranean region, mainly through university cooperation projects. The Multi-beneficiary Programme for Tempus facilitates the reform of higher education institutions by upgrading the quality and governance of universities, in line with changing political, social and economic needs and through benchmarking with EU Member States.

In particular, the Tempus programme helps promote voluntary convergence with EU developments in the field of higher education deriving from the Lisbon agenda and the Bologna process, create bridges between higher education and the labour market and foster the human capital.

The Tempus programme pursues a series of overall objectives which are common to all Beneficiaries. These common objectives can be complemented by regional or beneficiary-specific objectives, as appropriate. The Fourth Phase of the Tempus programme which was launched in 2007 contributes to preparing candidates and potential candidates for accession, in particular for participation in the Integrated Lifelong Learning Programme (2007-2013).

Based on experience acquired during the previous phase, the Tempus programme (2007-2013) provides for the following three components that are sufficiently flexible to be adapted to the needs and priorities of individual beneficiaries:

Component I: Joint Projects

Joint Projects are based on multilateral partnerships between higher education institutions in the EU and the Beneficiaries. Joint Projects aim at transferring knowledge from EU universities to institutions in the Beneficiaries and between partner institutions.

Component II: Structural Measures

Structural Measures projects are designed to support the structural reform of higher education systems and strategic framework development at the national level based on the priorities that the competent authorities of partner countries have identified.

Structural Measures can equally target one or more Beneficiaries. They involve higher education institutions and other non-academic members as appropriate. Ministries of Education must be involved.

Project proposals for programme components I and II will be submitted in response to an annual call for proposals published in the Official Journal and on the programme's website in Q4 2011. In order to focus the programme's interventions and to maximise its impact, regional and national priorities will be defined. Projects under both components can be proposed by consortia of Higher Education Institutions (HEIs) from the EU and the partner countries. In case of projects involving institutions from geographical areas covered by different EU financing instruments, the share of funding by each instrument will be proportional to the number of institutions per region. Public administrations (ministries, other national, regional and local administrations) or governmental organisations may also participate in projects under the components I and II of the Tempus programme as partners but may not receive funding from the grant with the exception of per diem and travel costs.

The indicative budget allocation for the Components I and II should represent indicatively 90% of the total budget (i.e. EUR 13 320 000), the rest being dedicated to Accompanying Measures. The financial contribution from the Commission cannot exceed 90% of the total eligible costs. The funded consortia must contribute with a minimum of 10 % of the eligible costs of the project.

The essential selection criteria are: operational capacity and financial capacity of the applicants. The award criteria are:

- clarity, coherence and relevance of the project objectives;
- quality of the partnership;
- quality of the project's contents and applied methodology;
- sustainability;
- budget and cost-effectiveness.

Component III: Accompanying Measures

Accompanying Measures comprise meetings of project coordinators and other stakeholders, dissemination activities as well as support to National Tempus Offices in the Beneficiaries. In addition, other relevant activities such as thematic conferences, studies on specific issues and activities aimed at the identification and dissemination of good practice may be carried out.

Component III will be implemented through two calls for tender (in line with the procurement procedures laid down in Part one, Title V "Procurement" of the Financial Regulation complemented by Part two, Title III, Chapter 3 of the same Financial Regulation) which should be launched in Q2 2012; through five specific assignments under existing framework contracts and through five contracts with experts drawn from a

call for expression of interest (using the list of eligible experts that has been established following the Agency's call for expression of interest EACEA/2007 in line with Title VII of Part Two Experts' of the Financial Regulation). These contracts should be signed in Q4 2011.

For National Tempus Offices, direct award is foreseen according to Article 168.1(f) of the Implementing Rules and full financing will be given on the basis of Article 253.1(e) of the Implementing Rules.

Meetings of project co-ordinators and other stakeholders will be organised through the appropriate framework contract. Dissemination can be organised through various activities such as thematic seminars (implemented through a framework contract) or studies (implemented through a call for tender).

2.b Overview of past and on going assistance including lessons learned and evaluations

The Commission considers higher education as an important priority for its co-operation activities with the Beneficiaries and neighbouring countries. The Tempus programme, which is the longest-standing EU instrument in this sector and which has a strong focus on institutional co-operation, has been continued with a new phase spanning 2007-2013. Since its inception in 1990, university cooperation under the Tempus programme has contributed successfully to institution building related to higher education in the Beneficiaries and to sustainable university partnerships as well as to enhancing mutual understanding between the European Union and the Beneficiaries.

LESSONS LEARNED

The evaluation and studies carried out so far confirmed the relevance of the programme to support higher education reform and development as well as the validity of its intervention logic and management approaches. The final evaluation of the second phase of the Tempus programme (1994-2000) and the mid term evaluation of its third phase (2000-2006) were carried out in 2002 and 2003. Both evaluations reported that Tempus has contributed successfully to support higher education reform and development in the partner countries.

The final evaluation of Tempus III (November 2009) confirms that the programme contributed to the overall development of higher education systems in the partner countries, including the introduction of the Bologna principles. Teachers and students benefited significantly from their involvement in Tempus III, notably through contacts with foreign colleagues, improved training, access to new learning materials/methods and mobility opportunities. Tempus III made an important contribution to making teaching more responsive to labour market needs (both public and private sectors). Many new curricula have been developed, often responding to highly specific and previously unmet labour market needs. Tempus III had a significant impact on establishing or rekindling regional co-operation among partner countries across all regions and made an important impact in terms of strengthening cooperation within individual partner countries.

The following main recommendations stemming from the final evaluation of Tempus III have already been taken into consideration in the design of Tempus IV. They continue to be highly relevant for the Tempus IV implementation:

the strategic orientation of Tempus should be strengthened by making the strategic links between Tempus projects, national priorities and the national higher education reform agendas more explicit;

- the evaluation and monitoring procedures of Tempus, especially regarding the field monitoring, should be reinforced;
- the level of involvement of EU Delegations should be better defined and communicated;
- more emphasis should be given to best practices and information on linkages with the labour market and civil society;
- dissemination and use of project outcomes and results should be actively promoted.

Apart from the external evaluation carried out in 2009, a series of additional major studies were concluded over the past years: best practices in university-enterprise cooperation (May 2006), sustainability of Tempus projects (November 2006), best practices in quality assurance (May 2008) and a thematic review of Tempus Structural Measures (September 2008). A study to identify best practices in university governance was finalised in 2009 and its results published and discussed in several regional conferences.

The results of these studies equally underline the relevance of the programme and confirm its intervention logic. .

Finally, the results of the field monitoring campaign carried out by the Executive Agency and National Tempus Offices in 2010 also confirm the high relevance, good efficiency, effectiveness, impact and sustainability of Tempus projects.

2.c Horizontal issues

Equal Opportunity:

Over the past few decades there has been increasing attention paid to the gender dimension of poverty and development in transition economies, particularly in relation to the role of women in educational processes and the impact of higher education on equal opportunity policies.

Projects should integrate gender mainstreaming in their aims and activities, specifically in subject matters and areas of study where the presence of women in the economy has traditionally been very low (science and technology). Projects should promote gender balance and identify factors influencing gender discrimination. They should monitor and evaluate the transition from education and training to working life, recruitment and career development of potential female top managers.

Projects in the sphere of education and sciences should promote the change of gender roles and societal stereotypes, avoiding any sort of cultural prejudice in educational materials.

The principle of equal opportunities should be taken into account when evaluating the quality of all projects proposed under the three components. Specific attention will be paid to this dimension when determining the benefit of mobility activities.

While implementing the project activities and to the extent applicable, gender disaggregated data should be made available to carry out an analysis of the social and economic impact of the actions undertaken.

Environment:

Due consideration should be given to the Government's development policy relating to environmental management and that such policy is embodied, within all strategic policy documents they may draft, all training activities they may carry out and new study programmes and curricula they may design.

Minorities:

Rights of minorities should be taken into account when evaluating the quality of all projects proposed under the three components.

2.d Conditions

This Programme will be implemented on the assumption that academic institutions from the Beneficiaries and from the EU Member States will be interested to participate in the proposed activities.

2.e Indicative Benchmarks

	N ⁶		N+1(cumulative)	
	EU	NF	EU	NF
Calls for tenders	2		2	
Call for proposals	1		1	
Specific Assignments under existing Framework Contracts	5		5	
Contracts from call for expression of interest	5		5	
Contracting Rate (%)	100		100	

⁶ Year N is the year in which the Financing Agreement is concluded

3. BUDGET (AMOUNTS IN EUR)

3.1. Indicative budget table

Centralised management	Institution Building (IB)					Investment (INV)					Total (IB + INV)	Total EU contribution	
	Total expenditure	EU contribution		Other contribution*		Total expenditure	EU contribution		Other contribution*				
	EUR (a)=(b)+(c)	EUR (b)	% ⁽¹⁾	EUR (c)	% ⁽¹⁾	EUR (d)=(e)+(f)	EUR (e)	% ⁽¹⁾	EUR (f)	% ⁽¹⁾	EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	% ⁽²⁾
Tempus Beneficiary													
Albania	2 222 222	2 000 000	90	222 222	10						2 222 222	2 000 000	13.1
Bosnia and Herzegovina	2 666 666	2 400 000	90	266 666	10						2 666 666	2 400 000	15.7
Kosovo	3 000 000	2 700 000	90	300 000	10						3 000 000	2 700 000	17.6
Montenegro	1 333 333	1 200 000	90	133 333	10						1 333 333	1 200 000	7.8
Serbia	7 777 777	7 000 000	90	777 777	10						7 777 777	7 000 000	45.8
TOTAL	16 999 998	15 300 000	90	1 699 998	10						16 999 998	15 300 000	100

* Other contribution (public and private national and/or international contribution) provided by national counterparts and/or international organisations and/or grant beneficiaries

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

(2) Expressed in % of the grand total of column (h). It indicates the relative weight of the priority with reference to the total EU contribution of the entire FP

3.2. Principle of Co-Financing applying to the projects funded under the programme

The European Union contribution, which represents 90% of the total budget allocated to this programme, has been calculated in relation to the **eligible expenditure**, which is based on the **total expenditure**. Co-financing is provided by the consortia applying for funding.

Due to its horizontal character it is not possible to require national co-financing for this Programme.

In the case of grants, the funded consortia must contribute with a minimum of 10 % of the eligible expenditure of the project.

4. IMPLEMENTATION ARRANGEMENTS

4.1. Method of implementation

The programme will be implemented on an indirect centralised basis by the European Commission following Article 53a of the Financial Regulation⁷ and the corresponding provisions of the Implementing Rules⁸.

Implementation tasks are delegated under Article 54(2) (a) of the Financial Regulation to the Education, Audiovisual and Culture Executive Agency, which was created by Commission Decision 2005/56/EC of 14 January 2005. With its decision C(2008)5582 adopted on 9 October 2008, the Commission entrusted the Executive Agency with the management of the Tempus III and Tempus IV programme. According to Article 12 (3) of the Council Regulation No (EC) 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes⁹, any programme delegated to an executive agency has to contribute to the financing of the administrative budget of the agency.

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 Union 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.

⁷ Regulation 1605/2002 (OJ L 248, 16.9.2002, p.1)

⁸ Regulation 2342/2002 (OJ L 357,31.12.2002,p.1)

⁹ OJ L11, 16.1.2003, p. 1-8

5. MONITORING AND EVALUATION

5.1. Monitoring

The Commission may undertake any actions it deems necessary to monitor the programme 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 the aim of improving the quality, effectiveness and consistency of the assistance from European Union funds and the strategy and implementation of the programmes.

The results of evaluations 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 Beneficiaries.

In order to ensure the efficient protection of the financial interests of the European Union, 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) 2185/96¹⁰.

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

7. NON SUBSTANTIAL REALLOCATION OF FUNDS

The authorising officer by delegation (AOD), or 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, may undertake non substantial reallocations of funds without an amending financing decision being necessary. In this context, cumulative reallocations not exceeding 20% of the total amount allocated for the programme, subject to a limit of EUR 4 million, shall not be considered substantial, provided

¹⁰ OJ L 292; 15.11.1996; p. 2

that they do not affect the nature and objectives of the programme. The IPA Committee shall be informed of the above reallocation of funds.

8. LIMITED ADJUSTMENTS IN THE IMPLEMENTATION OF THE PROGRAMME

Limited changes in the implementation of this programme affecting elements listed under Article 90 of the Implementing Rules to the Financial Regulation, which are of an indicative nature¹¹, 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.

¹¹ 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