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## COMMISSION DECISION

**C/2007/6342 of 11/12/2007**

### **adopting the Cross-border programme between Albania and Montenegro under the IPA-Cross-border Co-operation component, for the year 2007**

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)<sup>1</sup> 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 candidates 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, by group of countries or by component. 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 documents referred to in Article 6 of that Regulation.
- (3) The Council has established a European Partnership for Albania<sup>2</sup> and a European Partnership for Montenegro<sup>3</sup>. The Commission has adopted on 31 May 2007 the Multi-annual Indicative Planning Document 2007/2009 for Albania and on 01 June 2007 the Multi-annual Indicative Planning Document 2007/2009 for Montenegro which present the main priorities for pre-accession assistance to those countries<sup>4</sup>.
- (4) The responsible authorities of Albania and Montenegro submitted to the Commission on 31 May 2007 a proposal for a multi-annual cross-border programme between the two countries. This draft programme contains all the elements referred to in Article 94 of Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA)<sup>5</sup> (hereinafter referred to as the "IPA Implementing Regulation") and is consistent with the goals and priorities of the Multi-annual Indicative Planning Documents of the countries concerned. The draft programme contains, in particular, a description of priorities and the measures chosen for assistance and an indicative financing plan based on the multi-annual indicative financial framework comprising a table for each participating country specifying for each year covered by the multi-annual indicative financial framework and for each priority axis, the indicative amount

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<sup>1</sup> OJ L 210, 31.7.2006, p. 82.

<sup>2</sup> Council Decision 2006/54/EC of 30 January 2006, OJ L 35, 7.2.2006, p. 1.

<sup>3</sup> Council Decision 2007/49/EC of 22 January 2007, OJ L 20, 27.1.2007, p.16.

<sup>4</sup> For Albania: C (2007) 2245 ; for Montenegro: C (2007) 2269

<sup>5</sup> OJ L 170, 29.6.2007, p. 1.

of the Community contribution and its rate, as well as the amount financed by the national counterparts. The draft programme should therefore be adopted by the Commission, in accordance with Article 91 (6) of the IPA Implementing Regulation.

- (5) The multi-annual cross-border programme between Albania and Montenegro provides assistance to promote cooperation between people, communities and institutions and to foster the sustainable development and stability of the border areas. The first priority will support cross-border economic, environmental and social development and the second will provide technical assistance to implement the programme.
- (6) For the year 2007, 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 1605/2002<sup>6</sup> and constitutes thus a financing decision within the 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 Communities<sup>7</sup>.
- (7) The measures provided for by this Decision are in accordance with the opinion of the IPA Committee,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

The "Cross-border programme Albania – Montenegro", as set out in Annex 2 to this Decision, is hereby adopted.

The Financing proposal for the year 2007 of the "Cross-border programme Albania – Montenegro", as set out in Annex 1 to this Decision, is hereby adopted.

The programme shall be implemented by centralised management in both beneficiary Countries.

The programme corresponding to budget year 2007 shall be implemented by means of Financing Agreements to be concluded between the Commission and the Government of each of the participating Countries. Each Financing Agreement shall cover the Community contribution for the beneficiary country and the year concerned.

#### *Article 2*

The maximum amount of Community contribution shall be EUR 853,000 for Albania and EUR 600,000 for Montenegro to be financed through Item 22.02.04.01 of the general budget of the European Communities for the year 2007.

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<sup>6</sup> OJ L 357, 31.12.2002, p. 1 Regulation as last amended by Regulation (EC, Euratom) N° 478/2007 (OJ L 111, 28.4.2007, p. 1).

<sup>7</sup> OJ L 248, 16.9.2002, p.1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p.1).

Done at Brussels, [...]

*For the Commission*

[...]

*Member of the Commission*

**ANNEX 1**

**FINANCING PROPOSAL FOR THE YEAR 2007**

**OF THE CROSS-BORDER PROGRAMME**

**ALBANIA-MONTENEGRO**

**1. IDENTIFICATION**

Beneficiaries	Albania and Montenegro
CRIS number	Albania 2007/xxx-xxx Montenegro 2007/xxx-xxx
Year	2007
Cost	Albania: €853,000 Montenegro: €600,000 Total value of IPA contribution: €1,453,000
Operating structures	In Albania: Unit for Regional Cooperation under the Directorate for Institutional Support and Integration Process - Ministry of European Integration - institution responsible for coordination of the Instrument for Pre-Accession Assistance (IPA 2007-2013)  In Montenegro: Secretariat for European Integration - institution responsible for coordination of the Instrument for Pre-Accession Assistance (IPA 2007-2013)
Implementing Authorities	For Albania: European Commission For Montenegro: European Commission
Final date for concluding the Financing Agreements:	at the latest by 31 December 2008
Final date for contracting	2 years following the date of conclusion of the Financing Agreement.  No deadline for audit and evaluation projects covered by this Financing Agreement, as referred to in Article

	166(2) of the Financial Regulation These dates apply also to the national co-financing.
Final date for execution	2 years following the end date for contracting. These dates apply also to the national co-financing.
Sector Code	15050, 16110, 25010, 33210, 41010
Budget lines concerned	22.02.04.01
Programming Task Manager	For Albania: Unit C1, DG Enlargement For Montenegro: Unit C2, DG Enlargement
Implementation Task Manager	Operational sections in the Delegations of the European Commission in Albania and in Montenegro

## 2. SUMMARY

### 2.1 Introduction

#### – Link with MIPD

The cross-border programme between Albania and Montenegro will contribute to the implementation of IPA Component II "Cross-border cooperation" of the Multi-annual Indicative Planning Documents (MIPDs) 2007-2009 for both countries. This programme will provide assistance for "Democratic stabilisation and administrative capacity building", "Economic and social development", "Infrastructure" and "Technical assistance", identified as major areas of intervention in the MIPD for Albania, and will address the need for "Development of cross-border economic, social and environmental activities of border areas", to "Address common challenges in particular in the field of environment and public health and development" and to "Promote local "people to people" type actions including NGOs and local authorities" identified in the MIPD for Montenegro.

The IPA 2007 areas of intervention have been selected after analysis by the European Commission and consultation with the authorities of both countries, on the basis of the SWOT (Strength, Weakness, Opportunity, Threat) analysis presented in annex 2 of this Financing Decision and after due consideration of implementing capacities.

#### – Programming process

The programming took place from January to May 2007. The programme was developed following a process of wide consultations with the local stakeholders and potential beneficiaries in both sides of the border. The national authorities and joint structures were assisted during this process by the Cross-border Institution Building (CBIB) project funded by CARDS 2003 Regional Programme. It was coordinated in each country by the respective cross-border coordinators: the Ministry of European Integration in Albania and the Secretariat for European Integration in Montenegro.

In January 2007 each country established an Operating Structure (OS) in charge of preparing the cross-border programme. The Joint Programming Committee, consisting of members of the OSs, was also established in January 2007.

The Operating Structures met for the first time on 14 February 2007 in order to identify the responsible institutions for the preparation of the cross-border programme and to develop a preliminary action plan.

The Joint Programming Committee met on 26 February 2007 and agreed on the eligible areas and on the action plan.

During March and April 2007, the main local stakeholders were consulted and the Operating Structures met several times to discuss the analysis of the cross-border region and the SWOT analysis and to identify priorities and measures.

The Joint Programming Committee met on 17 April 2007 to agree on the cross-border region and SWOT analyses and to discuss priorities and measures. The Committee met again on 23 May 2007 to approve the draft cross-border programme.

– List of eligible areas

The eligible areas in Albania are two regions equivalent to the NUTS III level: the Shkoder region and the Kukes region.

Montenegro is divided in 21 municipalities as basic units of self-government. The eligible territory in Montenegro covers a territory of 9 municipalities: Budva; Berane; Andrijevica; Plav; Danilovgrad; Podgorica; Bar; Ulcinj; Cetinje.

– Adjacent areas (in accordance with Art. 97 of the IPA Implementing Regulation)

In Montenegro there is one adjacent area: the Rozaje Municipality.

	Area km <sup>2</sup>	Population
Albania's cross-border region	5,936	337,247
Montenegro's cross-border region (total of eligible and adjacent areas)	5,745	357,654
Total cross-border region	11,681	694,901

The territory of the eligible areas is almost the same in each country and the population is also well balanced.

## **2.2 Global objective(s) of the programme**

The global objective of this programme is to promote cooperation between people, communities and institutions in the bordering areas, aiming at the sustainable development, stability and prosperity of these areas in the mutual interest of the citizens of the two countries. This programme will have catalytic effects as it will build the capacities of local stakeholders, municipal, regional institutions and the civil society, and therefore their ability to participate in cross-border initiatives.

## **2.3 Priority axis, the related measures and their specific aspects concerning the implementation of the 2007 budget**

**Priority axis I: Promotion of regional cohesion and competitiveness through an approach integrating economic, environmental and social development**

This priority will contribute to the quality of living standards in the programming areas by providing opportunities for economic partnerships and exchanges of common interest across the border. The actions to be implemented are expected to enhance the quality of services, to generate work and entrepreneurial opportunities, to improve environmental protection and to foster cultural exchanges. They will also facilitate the strengthening of local communities and civil society organisations and promote social cohesion.

This priority consists of three specific measures.

### **Measure I.1: Economic development with an emphasis on tourism**

The specific objective of this measure is to promote the economic development of the programming areas through their tourism and cultural potential. The expected results are the joint management of tourism activities and the enhanced quality of services, competitiveness and attractiveness of the tourism sector.

This measure will encourage initiatives to modernise tourism services by developing joint business advisory services and stimulating regular interaction between businesses located across the cross-border region via: business-to-business networks; joint marketing on domestic and EU markets; cooperation with educational organisations for innovation and vocational training services; selected investments in business infrastructures; promotion of the area's image to potential investors and visitors.

### **Measure I.2: Environment protection and promotion**

The specific objective of this measure is to support joint initiatives aimed at protecting, promoting and managing sensitive ecosystems and the sustainable environmental development of the programming area. It is expected to result in joint management of protected areas and increased awareness of the population about environmental issues.

This measure will support cooperation between environmental protection organisations active in the programming area to prepare and implement management plans for eco-tourism sites with the main focus on the Shkodra/Skadar Lake and its surroundings.

### **Measure I.3: Enhancing social cohesion through people-to-people actions**

This specific objective of this measure is to encourage the citizens of the programming area to get involved in a wide range of opportunities for cooperation and partnership building and will result in the establishment of new networks and exchanges between local stakeholders.

The people-to-people actions are expected to directly enhance the flow of information and communication across the bordering area. The actions foreseen under this measure will bring people, local communities and civil society organisations of the border region closer to each other and, inter alia, support cultural exchanges, the promotion of craftsmanship, traditional production and local heritage.

People-to-people actions will also be financed under measure I.1 and I.2. Synergies between the three measures will be ensured.

### **Priority axis II: Technical assistance for an efficient programme management and information flow**



Technical assistance will be provided through two measures.

### **Measure II.1: Programme administration, monitoring and evaluation**

Technical assistance will be used to support the work of the two national Operating Structures (OSs) and of the Joint Monitoring Committee (JMC), ensuring the efficient implementation, monitoring and evaluation of the programme, as well as an optimal use of resources. This will be achieved through the establishment and operation of a Joint Technical Secretariat (JTS) in Albania and a JTS antenna in Montenegro. The JTS will be in charge of the day-to-day management of the programme and will be responsible to the OSs and the JMC.

### **Measure II.2: Programme Information and Publicity**

The specific objective of this measure is to ensure programme awareness amongst national, regional and local communities and in general among the population in the programming area. It also supports awareness-raising activities at the country level in order to inform citizens in both countries about the programme.

### **Indicative timetable and amounts for the implementation of the measures**

Measures I.1, I.2 and I.3 will be implemented through grants schemes. The detailed selection and award criteria for the award of grants will be laid down in the Call for proposals–Application Pack (Guidelines for applicants). It is foreseen that the calls for proposals, for a total amount of IPA and national co-financing of around €1.5 million, will be launched in the fourth quarter of 2008.

Measures II.1 and II.2 consisting in technical assistance will be implemented through individual direct grant agreements without call for proposals to be established between the European Commission and the respective national authorities, in accordance with article 168 1. (c) of the Implementing Rules to the Financial Regulation, considering that the relevant national authorities, i.e. the CBC coordinator in the meaning of Art. 22 (2) (b) of the IPA Implementing Regulation and the Operating structures, enjoy a de facto monopoly situation for the implementation of the cross-border programme. Subcontracting of the activities covered by the direct grant agreements is possible. The direct grant agreements, for a total amount of €145,300, can be signed as soon as the Financing Agreements are concluded. The IPA allocation for measures II.1 and II.2 will be completed by a total amount of €25,641 of national co-financing provided by the authorities of both countries.

The calls for proposals will be prepared with the help of the technical assistance provided under Priority axis II of this programme. In particular, the technical assistance will fund the functioning of the Joint Technical Secretariat (JTS) which will draft the calls for proposals' Guidelines for applicants under the supervision of the Joint Monitoring Committee (JMC).

A potential concern could be the lack of absorption capacity in terms of project generation from local stakeholders. This will be addressed with outreaching activities under the technical assistance axis in order to explain the programme to potential beneficiaries.

The activities foreseen under this programme have been designed on the basis of the SWOT (Strengths, Weaknesses, Opportunities and Threats) in Annex 2 of this Financing Decision and taking into account the limited financial allocations. The co-financing guarantees that the EU principle of additionality will be respected.

## **2.4 Overview of past and on-going CBC experience, including lessons learned and donor coordination**

The cooperation between Albania and Montenegro is relatively recent. It has taken place more at the level of central institutions than in the bordering regions.

The cooperation between the two countries is based on the following existing protocols and agreements:

- Free-trade agreement between the two countries.
- The Protocol of Cooperation signed in December 2000 between the Ministry of Tourism of Montenegro and the Albanian Committee for the Development of Tourism.
- The Regional Forum of cooperation between Shkodra and Montenegro. Representatives of local government and the private sector participate in this forum.
- The Navigation Agreement of November 2004, according to which the parties agree with the operation of an international navigation line for Shkodra-Virpazar.
- The Strategic Action Plan for Shkodra/Skadar Lake of March 2007, established between the Ministry of Tourism and Environment of Montenegro and the Ministry of Environment, Forests and Water Administration of Albania.

This programme is also in line with the sectoral strategies of both countries: for Albania, the National Strategy for Social Economic Development (NSSD), the Decentralisation Strategy, the Regional Development Strategy – Millennium Development Goals (MDGs) 2003 for the Region of Shkodra and the document Promoting Local Development through the MDGs 2003 for the Region of Kukesi; for Montenegro, the National Strategy of Sustainable Development of Montenegro (NSSD), the Master Plan for Tourism Development, the Spatial Plan, the Coastal Area Spatial Plan.

In addition, the cross-border programme in annex 2 of this Financing Decision, which was jointly drafted by the authorities of Albanian and Montenegro during the first half of 2007 following an extensive consultation process with stakeholders on both side of the border, provides the basis for multi-annual programming and implementation.

### **Lessons learned**

Most of the cross-border initiatives started only recently, making it premature to define “lessons learned”. However, the following points can be highlighted from cross-border experience in the Western Balkans countries:

- The projects focusing on environment protection reflect the priorities defined by the national and regional institutions, providing for a sound embedding in local and national development priorities. However, it is important to strongly associate civil society and the private sector in programme development.
- The small calls for proposals for cross-border actions launched in previous cross-border programmes showed a low capacity in project preparation of most of the final beneficiaries. This could impede the implementation of the programme. Specific training of potential applicants will be essential throughout the programme.
- A few municipalities have had a leading role in the past and current cross-border initiatives. These municipalities should have a key role when implementing the programme (transfer of know-how, etc.).

In addition, an independent evaluation on the CBC programmes under PHARE was conducted by MWH consortium. Experience has shown that the preconditions for effective implementation include, besides close co-ordination between participating countries at political and operational levels:

- cross-border cooperation between line ministries and effective working relationships between related organisations;
- functioning regional development authorities and local authorities, with appropriate staff in a stable environment;
- close working relationships between regional institutions and the respective Commission Delegations;
- functioning cross-border cooperation between respective organisations of the private sector, such as chambers of commerce, company associations and NGOs.

### **Donor coordination**

The Government of **Albania** is involved in the process of donor coordination through the Integrated Planning System (IPS), a mechanism aiming to reform the way public funds (domestic and foreign) are managed. The IPS was approved by the government in November 2005 and should deploy a coherent strategic framework, ensuring that the Albanian core policy and financial processes function in a coherent, efficient and integrated manner. Under CARDS 2004, an EC contribution is provided to the World Bank trust fund for the implementation of the IPS.

The Government also expects to improve the consultation process with the donor community and to align international assistance with national priorities through the Department of Strategy and Donor Coordination, under the Council of Ministers. The Minister of European Integration has been appointed National IPA Co-ordinator.

The Delegation of the European Commission, in its role as head of the Donor Technical Secretariat, has facilitated coordination hosting project data of all donors since 2003. The donor co-ordination role is in process of being gradually transferred to the authorities. Close working relations are maintained with the IFIs (EIB, EBRD, World Bank, KfW).

In **Montenegro**, donor coordination is substantially underpinned by sectoral strategies across the board as well as by overarching strategies on poverty reduction, sustainable development etc. The Montenegrin authorities have re-organised donor coordination and assigned senior government officials to coordinate donor assistance in all critical sectors. The European Agency for Reconstruction (EAR) in Podgorica participates regularly in coordination meetings with a range of EU and other bilateral donors. It has also developed a close and fruitful relationship with IFIs - especially the EIB, EBRD and World Bank; and with bilateral FIs such as the German KfW.

EC funded activities, managed by the EAR and in the future by the EC Delegation, have catalysed substantial investment by these institutions in Montenegro's environment and transport infrastructure. The EC has also developed good working relationships with UN agencies, in particular with UNHCR on Refugee and IDP issues, and with UNICEF on child protection matters. It is also working closely with the Council of Europe on public administration reform, and with the OSCE on justice, democracy and security issues.

As regards this cross-border programme, the EU Member States and IFIs have been consulted on the draft programme during the programming process in order to identify complementarities between donors' assistance projects.

### **2.5 Horizontal issues**

The joint applications will have to cover both parts of the project and fulfil the following criteria:

- benefit partners from both sides of the border
- support links between relevant institutions and organisations from both sides of the border
- encourage equal participation of women and marginalized groups
- meet particular needs of ethnic minorities
- be environmentally sustainable

Project partners should establish agreed co-ordination mechanisms to synchronise the joint projects throughout their implementation.

## 2.6 Conditions

- Re-organisation of the Operating Structures (OSs) in each country: the existing OSs were established for the purpose of preparation of the cross-border programme. The implementation of the programme may require a different set-up.
- Establishment of the Joint Monitoring Committee.
- Establishment and organisation of the Joint Technical Secretariat in Albania and of its antenna in Montenegro.
- Appointment of relevant staff to participate in training activities, INFO days and monitoring activities.

## 2.7 Benchmarks

These benchmarks are of an indicative nature, in accordance with section 2.3.

	N*(2008)	N+1 (2009) (cumulative)	N+2 (2010) (cumulative)
Number of direct grants in Albania	1		
Number of direct grants in Montenegro	1		
Number of joint calls for proposals launched in Albania and Montenegro	3		
Contracting Rate (%) in Albania	10	100	
Contracting Rate (%) in Montenegro	10	100	

\* n being the date of conclusion of the Financing Agreement

## 2.8 Roadmap for the decentralisation of the management of EU funds without ex ante controls by the Commission

According to Article 8(4)c) of the IPA Implementing Regulation, the beneficiary countries shall establish a roadmap with indicative benchmarks and time limits to achieve decentralisation without ex ante controls by the Commission.

In the case of Albania, an advisory mission from ELARG E.5 audit unit took place in April 2007. During this mission the Albanian authorities received the draft "Roadmap for DIS". The authorities are presently working on a planning. Project 2 funded by IPA Component I programme for Albania for 2007 will provide an in-depth assessment of the current administrative structures in the Ministry of Finance and main line ministries involved in EU assistance and their readiness to assume the responsibilities of the DIS.

In Montenegro, work leading to granting decentralisation with ex-ante controls is at a very preliminary phase. A detailed specific plan and timetable for decentralisation with ex-ante controls shall be established by the beneficiary country, in accordance with the Commission's guidance "Roadmap for DIS". For the time being, under non-EU multilateral assistance, a checklist was prepared on expected qualifications and results in the preparation and implementation of DIS. It is intended to serve as an indicator for all the future training of the public administration bodies designated to deal with IPA. A SIGMA mission took place in June 2007 to cover the DIS gap assessment. Following that mission, the national authorities are expected to make decisions on the organisation and location of the relevant public bodies.

## 3 BUDGET FOR 2007

### 3.1 Indicative 2007 financial table for Albania

	EU – IPA assistance		National Contribution		Total (IPA plus National Contribution)	
	EUR	%	EUR	(%)	EUR	(%)
Priority axis I	767,700	85	135,476	15	903,176	100
Priority axis II	85,300	85	15,053	15	100,353	100
<b>TOTAL</b>	<b>853,000</b>	<b>85</b>	<b>150,529</b>	<b>15</b>	<b>1,003,529</b>	<b>100</b>

### 3.2 Indicative 2007 financial table for Montenegro

	EU – IPA assistance		National Contribution		Total (IPA plus National Contribution)	
	EUR	%	EUR	(%)	EUR	(%)
Priority axis I	540,000	85	95,294	15	635,294	100

<b>Priority axis II</b>	60,000	85	10,588	15	70,588	100
<b>TOTAL</b>	600,000	85	105,882	15	705,882	100

### **3.3 Principle of co-financing applying to the projects funded under the programme**

The Community contribution has been calculated in relation to the eligible expenditure, which for the cross-border programme between Albania and Montenegro is based on the total expenditure, as agreed by the participating countries and laid down in the cross-border programme.

The provisions of Article 90 of Regulation (EC) No. 718/2007 of 12 June 2007 (IPA Implementing Regulation)<sup>1</sup> apply. The rate of the Community contribution for this programme amounts to 85%. The co-financing under priority axis I will be provided by the final grant beneficiaries and it can be from public and private funds. Final grant beneficiaries should contribute with a minimum of 15% of the total eligible cost of the project, both for investment and institution building projects. The co-financing under priority axis II will be provided by the national authorities.

## **4 IMPLEMENTATION ARRANGEMENTS**

The implementation arrangements for both Albania and Montenegro will be based on a centralised management of EC assistance.

### **4.1 Method of Implementation**

This programme shall be implemented on a centralised basis by the European Commission in accordance with Article 53a of the Financial Regulation<sup>2</sup> and the corresponding provisions of the Implementing Rules<sup>3</sup>.

The role of the Commission in the selection of operations under a cross-border programme among beneficiary countries is specified in Article 140 of the IPA Implementing Regulation.

### **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<sup>4</sup> 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.

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<sup>1</sup> OJ L 170 29.6.2007, p.1.

<sup>2</sup> See footnote 7 supra in the Commission Decision.

<sup>3</sup> See footnote 6 supra in the Commission Decision

<sup>4</sup> See footnote 7 and 6 supra in the Commission Decision

Where appropriate, the Contracting Authorities shall also use the 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 website<sup>5</sup> at the date of the initiation of the procurement or grant award procedure.

#### **4.3 Environmental Impact Assessment and Nature Conservation (where appropriate)**

All investments shall be carried out in compliance with the relevant Community environmental legislation.

The procedures for environmental impact assessment as set down in the EIA-directive<sup>6</sup> fully apply to all investment projects under IPA. If the EIA-directive has not yet been fully transposed, the procedures should be similar to the ones established in the above-mentioned directive.

If a project is likely to affect sites of nature conservation importance, an appropriate nature conservation assessment shall be made, equivalent to that provided for in Article 6 of the Habitats Directive must be documented<sup>7</sup>.

### **5. MONITORING AND EVALUATION**

#### **5.1. Monitoring**

The implementation of the cross-border programme will be monitored by the joint monitoring committee referred to in Article 142 of the IPA Implementing Regulation, established by the participating beneficiary countries, which include representatives of the Commission.

In Albania and in Montenegro, the Commission may undertake any actions it deems necessary to monitor the programme concerned.

#### **5.2 Evaluation**

Programmes shall be subject to evaluations in accordance with Article 141 of the IPA Implementing Regulation, with an aim to improve the quality, effectiveness and consistency of the assistance from Community funds and the strategy and implementation of the cross-border programmes.

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<sup>5</sup> Current address:[http://ec.europa.eu/europeaid/work/procedures/implementation/practical\\_guide/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm)

<sup>6</sup> Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment(OJ L 175, 5.7.1985, p. 40. Directive as last amended by Directive 2003/35/EC, OJ L 156, 25.6.2003, p. 17.

<sup>7</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L206, 22.7.1992). Directive as last amended by Regulation (EC) No 1882/2003 (OJ L284, 31.10.2003, p. 1)

## **6. AUDIT, FINANCIAL CONTROL, ANTIFRAUD 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 Delegations in the Beneficiary Countries.

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) 2185/96<sup>8</sup>.

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 nature<sup>9</sup>, may be undertaken by the Commission's authorising officer by delegation (AOD), or by the Commission's 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.

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<sup>8</sup> Council Regulation (EC,Euratom) 2185/96 of 11. November 1996, OJ L 292; 15.11.1996; p. 2.

<sup>9</sup> 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.



**ANNEX 2**

**Cross-border programme**

**Albania-Montenegro**