

COMMISSION DECISION

C(2007)3113 of 29/06/2007

on establishing an IPA monitoring programme under the IPA-Transition Assistance and Institution Building component for 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)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 programmes, which can be established by component. It is appropriate to monitor the execution of these programmes, in order to enhance the relevance, effectiveness, efficiency, impact and sustainability of assistance to the western Balkans and Turkey.
- (3) For reasons of continuity of the assessment of the implementation of programmes for pre-accession assistance, the monitoring should include programmes that are implemented on the basis of Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia².
- (4) Article 16 of Regulation No 1085/2006 allows for the financing of the costs of actions linked to follow-up directly necessary for the administration of the programme.
- (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 and constitutes thus a financing decision within the meaning of Article 75 of Council Regulation (EC, Euratom) No 1605/2002⁴.

¹ OJ L210, 31.7.2006, p. 82.

² OJ L306, 7.12.2000, p. 1. Regulation as last amended by Regulation (EC) No 2112/2005 (OJ L 344, 27.12.2005, p. 23).

³ OJ L 357, 31.12.2002, p. 1 Regulation as last amended by Regulation (EC, Euratom) No 1248/2006 (OJ L 227, 19.8.2006, p. 3).

⁴ OJ L 248, 16.9.2002, p.1. Regulation as last amended by Regulation (EC, Euratom) 1995/2006 (OJ L 390, 30.12.2006, p.1).

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

HAS DECIDED AS FOLLOWS:

Article 1

IPA monitoring programme under the IPA-Transition Assistance and Institution Building component for 2007, as set out in the Annex, is hereby adopted.

Article 2

The maximum amount of Community assistance shall be EUR 2,000,000 to be financed through Budget line 22.02.07.02 of the General Budget of the European Communities for 2007.

Done at Brussels, [...]

For the Commission

[...]

Member of the Commission

ANNEX

THE IPA MONITORING PROGRAMME UNDER THE IPA-TRANSITION ASSISTANCE AND INSTITUTION BUILDING COMPONENT FOR 2007

1 IDENTIFICATION

Beneficiaries	Albania, Bosnia and Herzegovina, Croatia, former Yugoslav Republic of Macedonia, Montenegro, Serbia, Kosovo under UNSCR 1244 and Turkey.
Programme	IPA Monitoring programme
CRIS number	2007/018-908
Year	2007
Cost	EUR 2,000,000
Implementing Authority	The European Commission
Final Dates:	Contracting: 30/11/2008
Sector Code	99810
Budget line	22.02.07.02: evaluation of results of Community aid, follow-up and audit measures
Programming Task Manager	DG Enlargement, Unit for Regional Programmes
Implementation Task Manager	DG Enlargement, Unit for Regional Programmes

2 PRIORITY AXES

2.a Priority axes

The overall objective of this IPA monitoring programme is to enhance the relevance, effectiveness, efficiency, impact and sustainability of the assistance to 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 National and Regional Annual Action programmes as well as from IPA National and Multi Beneficiary Annual Action Programmes managed by the Commission Headquarters or Delegations.

2.b Description of projects grouped per priority axis and per measure

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 to:

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

An extension of the current service contract for Results-Oriented Monitoring in the Western Balkans with Integration International Management Consultants GmbH for a maximum duration of 3 months and a maximum budget of EUR 350,000 is envisaged.

A restricted tender for a new service contract for Results-Oriented Monitoring will be launched in the second quarter of 2007.

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

Results-Oriented Monitoring has been used for assessing project and programme implementation in the Western Balkans since November 2004. Results-Oriented Monitoring is also used by EuropeAid Co-operation office in every geographical area it covers. Results-Oriented Monitoring has been seen as a very useful tool for the Commission in the implementation of projects and programmes. However, some important lessons have been learned over the years. The role of the Commission and especially that of the Delegations as a stakeholder of the monitoring process should be clarified and enhanced. As observed during the last three years of monitoring activities, regular involvement of Commission hierarchy substantially enhances the effectiveness of the monitoring projects and generally increases attention to, and use of, monitoring results by Project Managers. Continuity of monitoring by

the same monitor has also contributed to a better overall involvement and understanding of the particular project issues.

2.d Benchmarks

	N	N+1 (cumulative)
Tenders launched (number)	1	1
Contracting Rate (%)	100%	100%

3 BUDGET (AMOUNTS IN EURO)

3.1. Budget table (indicative breakdown)

	EU – IPA assistance			Total Co- financing of Project (indicative)	Total (IPA plus Co- financing)
	Institution Building	Investment	Total (IB and INV)		
Priority axis 1 Monitoring					
Extension of Current Service contract	350,000		350,000		350,000
New tender	1,650,000		1,650,000		1,650,000
TOTAL	2,000,000		2,000,000		2,000,000

4. IMPLEMENTATION ARRANGEMENTS

4.1 Method of implementation

The programme will be implemented on a centralised basis by the European Commission following Article 53.1 (a) of Council Regulation (EC, Euratom) Nr. 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (the Financial Regulation) as further detailed in the rules for the implementation of Council Regulation on the Financial Regulation applicable to the general budget of the EC (the Implementing Rules).

4.2 General rules for procurement

Procurement shall follow the provisions of Part 1, Title V of the Financial Regulation and Chapter of Part 1, 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 website⁵ 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 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 Rules, 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.

6. AUDIT AND FINANCIAL CONTROL, AUDIT TRAIL, ANTI-FRAUD MEASURES AND CORRECTIVE ACTIONS

6.1 Audit and Financial control

The accounts and operations of all activities carried out under the programme are subject to supervision and financial control by the Commission (including the European Anti-Fraud Office) and audits by the European Court of Auditors.

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) 2185/96⁶.

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

⁵ [Http://intracomm.cec.eu-admin.net/budg/imp/procurement/imp-080-030-010_contracts_en.html](http://intracomm.cec.eu-admin.net/budg/imp/procurement/imp-080-030-010_contracts_en.html)

⁶ Council Regulation (EC, Euratom) 2185/96 of 11. November 1996, OJ L 292; 15.11.1996; p. 2

6.2 Audit trail

The Commission shall ensure that all the relevant information is available to ensure at all times a sufficiently detailed audit trail. This information shall include documentary evidence of the tendering of contracts, of the launch of call for proposals, of the award of contracts and grants, of the authorisation of payment applications, of the accounting and payment of such applications, and of the treatment of advances, guarantees and debts.

6.3 Antifraud measures and corrective actions

If the Commission finds that expenditure under the programme has been incurred in a way that has infringed applicable rules, or has led to committing irregularity or fraud, it shall decide what amounts are to be excluded from Community financing.

The calculation and establishment of any such corrections, as well as the related recoveries, shall be made by the Commission by cancelling all or part of the Community contribution to a programme.

Irregularity shall mean any infringement of applicable rules and contracts resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Union by charging an unjustified item of expenditure to the general budget.

Fraud shall mean any intentional act or omission relating to:

- i. The use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of funds from the general budget of the European Communities or budgets managed by, or on behalf of, the European Communities;
- ii. Non-disclosure of information in violation of a specific obligation, with the same effect;
- iii. The misapplication of such funds for purposes other than those for which they have been originally granted.

The applicability of the Financial Regulation includes the application of administrative and financial sanctions, as provided for in Articles 93 to 96 and 114 of the Financial Regulation, and Article 133 of the Implementing Rules.

7. VISIBILITY AND PUBLICITY

7.1 Publicity

Information on programmes and operations shall be provided by the Commission, with the assistance of the national IPA co-ordinator as appropriate.

In accordance with Article 90 of Regulation (EC, Euratom) No 1605/2002, the Commission shall publish the relevant information on the contracts. The Commission shall publish the results of the tender procedure in the *Official Journal of the European Union*, on the

EuropeAid website and in any other appropriate media, in accordance with the applicable contract procedures for Community external actions.

7.2 Visibility

The Commission and the relevant national, regional or local authorities of the beneficiary countries shall agree on a coherent set of activities to make available, and publicise, in the beneficiary countries, information about assistance under the IPA Regulation. Implementation of these activities shall be the responsibility of the final beneficiaries, and shall be funded from the amount allocated to the relevant programmes or operations.

8. 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 nature⁷, 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 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.