

EN

EN

0

EN

COMMISSION DECISION

C(2007)5527 of 22/11/2007

adopting a Regional Programme for Social Security Coordination and Social Protection reforms in South-East Europe 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 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 established for all candidate and potential candidate countries an Accession Partnership or a European Partnership. The Commission has adopted on 29 May 2007 a multi-beneficiary multi-annual indicative planning document (2007-2009) which presents indicative allocations for the main priorities for pre-accession assistance to all countries concerned².
- (4) Therefore, the Regional Programme for Social Security Coordination and Social Protection reforms in South-East Europe under the IPA Transition Assistance and Institution Building Component for 2007 aims at providing assistance to facilitate further reform and strengthening of civil service and public administrations' capacities for efficient and effective reform implementation, contribute to the transposition, implementation and enforcement of EU legislation and improve the coordination of social security systems.
- (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

¹ OJ L 210, 31.07.2006, p. 82.

² C(2007)2205.

³ OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111 of 28.04.2007, p.13).

ANNEX: REGIONAL PROGRAMME FOR SOCIAL SECURITY COORDINATION AND SOCIAL PROTECTION REFORMS IN SOUTH-EAST EUROPE

1. IDENTIFICATION

Beneficiaries	Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia including Kosovo (as defined by UNSCR 1244) and Turkey
CRIS number	2007/019-279
Year	2007
Cost	€2 million
Implementing Authority	The European Commission together with the Council of Europe under joint management
Final dates for contracting	30/11/2008
Final dates for execution	30/11/2010
Sector Code	16010
Budget lines concerned	22.02.07.01: Regional and horizontal programmes
Programming Task Manager	DG Enlargement, Unit D3 "Regional Programmes"
Implementation Task Manager	DG Enlargement, Unit D3 "Regional Programmes"

2. PRIORITY AXES / (MEASURES) / PROJECT

2.a Priority axes

As stated in the multi-beneficiary MIPD (2007-2009), the social security systems in South-East Europe need to further reform and strengthen their technical capacities. With the opening of borders and the freedom of movement, it is necessary for legal migrant workers and their families to have access to the same social rights as they would have if they stayed and worked in their own countries. Therefore, the coordination of social security schemes to pay benefits across national borders is an important tool for protecting workers, including migrants and refugees. While cooperation on cross-border social protection in the Western Balkans has started, such cooperation needs to be expanded and enhanced as a condition for the further EU integration. In March 2006, the Ministers of Social Insurance of the Western Balkans countries signed the Zagreb Declaration at the occasion of a Ministerial Conference organised by the Council of Europe and supported by the European Commission. By signing this document, the signatory countries committed themselves to develop effective coordination of their administrative practices so as to facilitate their citizens' access to social security rights in the entire region, paying particular attention to the needs of the most vulnerable groups.

Particular attention has also to be paid to improve social security legislation, creating a sustainable funding system and the definition of clear criteria to provide social assistance, with an effort to homogenise the standards of assistance throughout the region.

Moreover, social support networks and social institutions are in urgent need of upgrading their capacity in terms of human resources, equipment and infrastructures.

In addition to their individual national efforts, partner countries would benefit from a regional approach to develop labour market development and social security policies.

2.b Description of projects grouped per priority axis and (if relevant) per measure

Project Purpose:

- i. Facilitate further reform and strengthening of civil service and public administrations' capacities for efficient and effective reform implementation;
- ii. Contribute to the transposition, implementation and enforcement of EU legislation;
- iii. Improve the coordination of social security systems;

Expected Results:

- i. Efficiency and effectiveness of public administrations in the field of social protection improved;
- ii. Competence and awareness among beneficiary officials on how to implement EU *acquis improved*;
- iii. Access of legal workers and their families to the same social rights as they would have had if they stayed and worked in their own countries improved.

Activities:

- i. Training of civil servants (Summer schools, training events)
- ii. National reports, expert meetings
- iii. Website
- iv. Speaking Days
- v. Ministerial Conferences

A Contribution Agreement will be concluded with the Council of Europe under joint management.

2.c Overview of past and on going assistance (EU / IFI / Bilateral and national assistance) including lesson learned and donor coordination

Past and on going assistance

The European Commission, through the Council of Europe, is supporting the coordination of measures to improve the social policies and to reinforce the institutional capacities of the Western Balkans. The project will end in December 2007. The present decision aims at pursuing the programme with the Council of Europe for another 3 years.

Besides this regional programme financed under CARDS 2003, other related programmes and other donor activities can be mentioned:

- The Council of Europe - The Stability Pact for South Eastern Europe, Initiative for Social Cohesion. The Council of Europe is implementing an initiative within the Stability Pact countries, aimed at enhancing social cohesion by promoting the coordination of national security schemes. This project focuses on a comparative study and the need for finance, the creation of regional network of social security experts, technical seminars and training sessions for officials.
- The Organisation for Security and Co-operation in Europe (OSCE). Activities which are related to the Social Institutions Support Programme are combating trafficking of persons, giving shelter, helping access to social services and co-ordinating police actions.
- The World Bank - IBRD is very active in all countries of the region and provides support to social restructuring schemes (including pension reform) to countries individually. Regional cooperation on cross-border issues is not systematically tackled. The World Bank's social development initiative for South Eastern Europe finances various national activities, mainly through pilot projects on social schemes.
- International Labour Organisation - The ILO regional office has secured funding for a wide-

ranging project on social protection in the region (Stability Pact Countries) through research and technical cooperation.

- USAID – Although present in most CARDS countries, the USAID Programme support has been particularly crucial in Croatia, where it encouraged relations between Social Partners, the creation of a National Economic and Social Council and the promotion of mediation procedures. The Croatian example is interesting as it comprises a complete blueprint for industrial dialogue, wage bargaining and the solution of conflicts of interests between social partners, based upon a national agreement of co-operation and supported by an office for social partnership. The agreement extends also to social security in general, including medical insurance and health and safety at work. The blueprint is about to be filled with real dialogue and can be an example for other countries in the region.

Lessons Learned

Two monitoring missions have been undertaken for the first phase of the Programme. The findings of the two monitoring reports will be taken into consideration for the design of the second phase of the programme:

- The first monitoring report (August 2006) was very sceptical regarding the progress of the 1st phase of the programme. It gave some recommendations to reshape the project which was deemed too ambitious. Some measures were taken to readjust the activities and the objectives of the project.
- The second monitoring report (April 2007) was more positive and recognises that the project has established the initial stages of a functional network of mid level servants, with increased awareness and capacity.

It also stated that "*the project started too early to capitalise on partner countries goodwill and policies to coordinate social policy. However, with a focused, long-term approach, the follow-up project should achieve meaningful impact by 2010, and help deliver cross-border social welfare rights to thousands of beneficiaries*".

One of the main recommendations of the second monitoring report was the necessity of a second phase for the programme and to avoid a gap between the current project and the subsequent project.

2.d Horizontal issues

- *Equal opportunities and non-discrimination:*

The principle of equal opportunities should be taken into account when evaluating the quality of the project proposal. Specific attention will be paid to this dimension when determining who will benefit from summer school activities and training events.

While implementing the project activities and, to the extent applicable, the Council of Europe will try to assure that gender disaggregated data will be made available to carry out an analysis of the social and economic impact of the actions undertaken.

- *Support to minority and vulnerable groups:*

Rights of minorities will be taken into account when evaluating the quality of the project proposed. Specific attention will be paid to this dimension, especially since vulnerable groups (refugees, displaced persons, trafficked persons, Roma, national minorities...) are the main target beneficiaries of the project.

2.e Conditions

- Governments willing to pursue and commit themselves to the reforms in the social sector;
- Willingness of authorities to support the development of the legislative framework for the social security and social policies as a priority.

2.f Benchmarks

	N		N+1 (cumulative)		N+2 (cumulative)	
	EU	NF*	EU	NF*	EU	NF*
Contracting Rate (%)	100		100		100	

* In case of parallel co-financing

3. BUDGET (AMOUNTS IN EUR)

3.1. Indicative budget table

	EU – IPA assistance				Total financing *		Total (IPA plus Co-financing)	
	Institution Building	Investment	Total in EUR	Total in %	EUR	(%)	EUR	(%)
TOTAL	2,000,000			90	222,000	10	2,222,000	100%

* public and private national and/or international contributions

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

The funded organisation will need to make available a co-financing of 10% of the eligible project costs. This participation will come from the own funds of the Council of Europe. Therefore, the total cost of the Programme should be estimated to at least €2.222 million.

4. IMPLEMENTATION ARRANGEMENTS

4.1 Method of implementation

The programme will be implemented by the European Commission by joint management with the Council of Europe following Article 53d of the Financial Regulation¹ and the corresponding provisions of the Implementing Rules².

¹ 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).

To this end, the Commission and the Council of Europe will conclude a Contribution Agreement.

4.2 General rules for procurement and grant award procedures

The general rules for procurement and grant award procedures shall be defined in the Contribution Agreement between the Commission and the Council of Europe implementing the programme.

5. MONITORING AND EVALUATION

5.1 Monitoring

The Commission may undertake any actions it deems necessary to monitor the programmes concerned. These actions may be carried out jointly with the international organisation 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 Regulation³, 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, 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 Beneficiary Country.

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) 2185/96⁴.

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

² OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111 of 28.04.2007, p.13).

³ Commission Regulation (EC) No 718/2007 of 12 June 2007 (OJ L 170, 29.6.2007, p. 1).

⁴ Council Regulation (EC, Euratom) 2185/96 of 11. November 1996, OJ L 292; 15.11.1996; p. 2.

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 nature⁵, 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.

⁵ 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.

Rules”) and constitutes thus a financing decision within the meaning of Article 75 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) It is appropriate to implement this program in joint management with the Council of Europe since the Commission and the Council of Europe have elaborated this programme jointly;
- (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 Regional Programme for Social Security Coordination and Social Protection reforms in South-East Europe under the IPA Transition Assistance and Institution Building Component for 2007, as set out in the Annex, is hereby adopted.

This programme shall be implemented by joint management with the Council of Europe.

Article 2

The maximum amount of Community assistance shall be **EUR 2 million**, to be financed through Item 22.02.07.01 - Regional and horizontal programmes of the General Budget of the European Communities for 2007.

Done at Brussels,

For the Commission

[...]

Member of the Commission

⁴ 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).