

## COMMISSION DECISION

C(2007)6478 of 20/12/2007

**adopting a Regional programme on Civil Society – Media component in South-East Europe under the IPA-Transition Assistance and Institution Building component in 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 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 concerned<sup>2</sup>.
- (4) Therefore, the Regional programme on Civil Society – Media component in South-East Europe under the IPA Transition Assistance and Institution Building Component for 2007 aims at providing the following assistance:
  - Support to TV Media Productions;
  - Strengthening regional news exchange from the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Court of Justice (ICJ) and the International Criminal Court (ICC);
  - Alignment to European Standards in the Media Sector.
- (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

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

<sup>2</sup> C(2007)2205

## ANNEX: REGIONAL PROGRAMME ON CIVIL SOCIETY – MEDIA COMPONENT 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) <sup>1</sup> and Turkey
CRIS number	2007/019-636
Year	2007
Cost	€1.5 million
Implementing Authority	The European Commission on behalf of the Beneficiary countries <sup>2</sup>
Final dates for contracting	30/11/2008
Final dates for execution	30/11/2010
Sector Code	15163
Budget line 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

The European Union recognises that the prospect of beneficiary countries of joining the Union requires these countries to have stable institutions; to ensure democracy, stability and peace; to guarantee and safeguard common values such as political pluralism, the rule of law and human rights including high standards of respect for the freedom of media, expression and assembly. During 2000-2006, the European Commission committed itself in its political dialogue through an assistance programme for the Western Balkans countries ensuring the necessary conditions for the freedom of information and independent media in this region.

More specifically the Commission Communication on the Western Balkans of January 2006 notes the need of free, independent and professional media for sustained, stable and functioning democracies in the Western Balkans. Increasing awareness of European standards and accelerating reforms in the media sector remain important priorities and are considered as essential tools for ensuring the process to EU integration. In the light of this, the Media sector has been included in the Multi-Beneficiary MIPD (2007-2009) as the sixth area of intervention. The Multi-Beneficiary MIPD (2007-2009) has indicated that the one of the primary programmes through which IPA assistance will be provided under the Component 1 will be the Civil Society – Media component.

The promotion of further cooperation between the European Union and the Western Balkans in the media sector will bring a mutual enrichment for the media public and private stakeholders.

<sup>1</sup> Hereafter referred to as Kosovo

<sup>2</sup> "Beneficiary countries" includes Kosovo in the whole document

## **2.b Description of project grouped per component and activities**

### **Project 1: Support to TV Media Productions**

#### Project Purpose:

The project comprises four specific elements:

- To increase the level of cooperation between stakeholders in the media sector, i.e. broadcasters and production houses;
- To enhance the position of independent media and standards of television production companies in the beneficiary countries, through partnership building, exchange of programmes and flow of information;
- To increase the regional dimension of television production, increasing professionalism and cooperation between relevant television outlets;
- To increase technical knowledge, sound standards and practices and production capacity of the stakeholders leading to more qualified professionals.

#### Expected results:

- Set of co-productions financed, realised and broadcast.
- Strengthened cross-border exchanges of television programmes boosting information and mutual understanding.
- Increased coverage of regional issues and improved quality of television production, audience and financial position of media outlets.
- Strong partnership built up following joint projects by two or more organisations from beneficiary countries laying down the foundations for lasting relationships.

#### Activities:

- Joint television productions between at least three partners, i.e. public or private television producers or broadcasters from the beneficiary countries on issues of relevance to the population of the region;
- Training: Awareness and technical capacity building in the preparation and development of qualitative productions;
- Study tours for television staff to allow them to develop key expertise;
- Opening and Closing Conferences, as well as national, regional, European and international events and festivals to promote the television production of the participating countries and to share good practices, exchange experience and knowledge;
- Building Network of regional network of television producers in order to disseminate good practices in the region and raise citizens' awareness of issues of great importance in the region.

A call for proposals will be launched in Q1 2008. Indicatively, 5 Grant contracts should be signed.

### **Project 2: Strengthening Regional News Exchange from the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Court of Justice (ICJ) and the International Criminal Court (ICC)**

#### Project Purpose:

- To provide local media in the countries of Western Balkans with reliable, objective and non-biased information primarily about events at the ICTY but also other international courts dealing with war crime cases in the former Yugoslavia
- To bring international justice closer to the victims and general public so that they can see that justice is done and how it is done.

#### Expected results:

- Written, audio reports and weekly television programme TV Tribunal.
- All products distributed to the media in the Western Balkans and available to general public through local broadcasters and internet, as well as to the European and international media actors.

#### Activities:

##### Production of:

- Daily Tribunal Updates: BCS (Bosnian-Croatian-Serbian) language news service and English language news service;
- Weekly television program (TV Tribunal);
- Technical and information support to media in the Western Balkans;

The project will be contracted through a new direct grant agreement with the SENSE News Agency with an EU contribution of €200,000 and for 18 months in accordance with Article 168 (c) of the Implementing Rules.

### **Project 3: Alignment to European Standards in the Media Sector**

#### Project purpose:

##### Activity 1- Self-regulatory mechanisms are;

- To increase the efficiency of existing self-regulatory mechanisms in the media sector;
- To ensure a respect for the code of ethics;
- To improve the profile of the media community and industry;
- To increase public awareness;
- To contribute towards building networks to accelerate reforms in the media sector by means of regional cooperation.

##### Activity 2 – Conferences are planned in order to:

- Reinforce the basic conditions for a progressive alignment with the relevant *acquis* in the media sector;
- Provide a comprehensive picture of EU media legislation and standards, and initiatives taken by the Council of Europe;
- Discuss media issues requiring further reform in the light of the relevant *acquis* and 'best practices';
- Debate the conditions and means to support the improvement of audiovisual content, taking into account the European standards/good practices already implemented by local media professionals;
- Continue the exchange of information and experiences among representatives from public service broadcasters and associations of private broadcasters and NGOs and reinforce the “networking effect” at country and regional levels;
- Identify necessary steps for the implementation of European standards in media regulation, progressive alignment to relevant EU directives and needs of innovative support, the blueprint of the continued assistance being part of the Stabilisation and Association process (SAp) and the European Partnership.

#### Expected results:

##### Activity 1:

- Greater competence and awareness among participating councils on how to implement EC *acquis*, models and self-adopted standards that affect the media.
- Greater connectivity of the local press councils with European well-established bodies.

- A reference on media accountability/self-regulation exists and is used by the stakeholders.
- A virtual network of professionals with an interest in Media Accountability Systems is created.
- Increased awareness of publishers and media newsrooms of alternative forms of accountability.
- Increased confidence in newsroom-based self-regulation.
- A reference document on media ombudsman function is available.
- Increased capacity of local media centres to start, assist and monitor the setting-up of newsroom-based mechanisms of accountability.

#### Activity 2:

- New and/or strengthened framework and environment for developing and/or amending broadcasting and audiovisual legislation in line with the EC *acquis*.

#### Activities:

##### Activity 1:

- Connecting the local Press Councils with the self-regulation process at the European level;
- Establishing a reference for media accountability systems/self-regulation issues and a virtual network of interested professionals in the region;
- Promoting alternative, newsroom-based forms of accountability/self-regulation.

This activity is to be implementing under a Contribution Agreement with Unesco.

#### Activity 2:

Organising three regional conferences in June 2008, 2009, and 2010: *Activity 2.1*: conference on an overview of the (latest) developments of European audiovisual policy; *Activity 2.2*: conference on the basic principles and common policy objectives of the new rules on European audiovisual policy (the new Audiovisual Media Services Directive for which a Political Agreement was achieved on 24 May 2007); *Activity 2.3*: conference on the development of audiovisual media services in the new environment.

Three specific contracts under the Framework contract will be launched for the implementation of this activity.

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

Since 1994 the European Commission (EC) has been one of the main international donors in the media field in the Western Balkans. The EC's assistance started through the Emergency Assistance Fund. Until 2000, EC provided funding for media support under the EIDHR and Obnova programmes with a budget amounting to €37.9 million. Projects covered areas such as: micro projects to support the media in the framework of assistance to civil society, direct support of media outlets (provision of equipment, financing of administrative costs, production of radio programmes, funding programmes promoting pluralism and democracy; macro project such a project between the BBC and Radio Tirana; support for public broadcasting, print an electronic media, journalists' association.

Under the CARDS programme, the EC assistance tended to support the participation of recipient countries in the stabilisation and association process (SAP). In accordance with CARDS national and regional strategy papers, the EC promote free and independent media in the Western Balkans as part of the measures to enhance democratic stabilisation.

The CARDS regional strategy paper 2002-2006 recognised the need to support media and stipulated that CARDS national programmes “will continue their current extensive support to media and other key democratic stability issues”. Under CARDS national programmes at the beginning of the years 2000, direct media support and assistance to media under the democratic stabilisation programme represented around €10 million.

During the same period, CARDS regional programmes allocated €300,000 to the programme SENSE with the aim to promote access to independent and analytical information concerning in particular the International Criminal Tribunal for the former Yugoslavia. In addition, the CARDS regional programme provided €1.5 million (out of €7.6 million for democratic stabilisation) to initiate support to editorial independence, strengthen management training capacity, implement a legal framework in line with European Standards and foster regional cooperation between media organisations. As an example, in 2003, the EC launched a call for proposal to support trans-national television production initiatives and exchange of regional and relevant international news. The number and quality of applications received for supporting television production showed the tremendous need and interest about the issue, as well as require further consideration. Moreover, the overall consensus on the positive feedback of the Sense project, i.e. the retransmission of the procedures in the ICTY, the ICJ and ICC also request an extension of EC support in the field.

Further international donors and actors in the field of media such as the Council of Europe, the Stability Pact, the Organisation for Security and Cooperation in Europe (OSCE) and the United Nations Educational, Scientific and Cultural Organisations (UNESCO) cooperate directly or indirectly to EC’s initiative for the development of free, independent and professional media in the Western Balkans. The major bilateral donors includes mainly Austria, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxemburg, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom and the United States providing support in: training, seminars and conferences; broadcast of legislation, regulatory framework and statutes; development of public broadcasting system; support to schools for journalism, media institutes, promotion of reconciliation through media, networking, direct assistance to media outlets, private, local media.

In conclusion, the media sector in the Western Balkans region still needs to develop into a sector where free and independent media thrives - on national levels, but also in terms of regional cooperation, which needs further support. As the Regional Strategy Paper stresses, the development of free, independent and professional media stay a key to sustaining stability and peace in the region.

## **2.d Horizontal issues**

Developing free, democratic and professional media cannot take place in isolation. It is to be seen as part of the wider objective of democratisation and is best achieved in the framework of an integrated approach encompassing parliamentary bodies, media professionals and civil society organisations. This should cover all issues of relevant importance for the population of the region, i.e. EU rapprochement, education, reform and transition, reconciliation, minority rights, women's rights, privatisation, environmental protection.

### *- Equal Opportunities and non – Discrimination:*

In recent decades, attention has been paid to the gender dimension of poverty and development in transition economies. This project should integrate gender mainstreaming in its aims and activities. The principle of equal opportunity should be taken into account when evaluating the quality of all projects proposed under the three components. While implementing the project, to the extent

applicable, the Beneficiary will try to ensure that gender disaggregated data will be made available to carry out an analysis of the social and economic impact of the actions undertaken.

*- Environmental protection:*

Project beneficiaries shall ensure that during the implementation of the projects due attention is paid to and relevant information is provided where necessary on specific environmental problems. Any related initiatives might consist of awareness-raising events, press releases, training activities, as well as television programmes that target a very broad audience.

*- Support to minorities and vulnerable groups:*

Rights of minorities and vulnerable groups should be taken into account when evaluating the quality of all projects proposed under the programme.

**2.e Conditions**

Project 1: Support to TV Media Productions

The condition for an effective and qualitative TV co-production includes the following: regional environment conducive to media cooperation, commitment and participation; general political framework encouraging the development of co-productions; television operators or broadcasters ready to display productions and share knowledge, technology and experience; production companies ready, able and committed to co-produce items for broadcasting; quality of products to be made public through television networks in participant countries; media outlets still interested in participating to co-production approach; continued demand for regional cross-border news exchange; regular evaluation of co-production programmes and monitoring of activities; co-productions to cover areas citizens show a genuine interest in and have relevance for their daily lives, such as EU rapprochement, reform and transition, corruption, reconciliation, trafficking, organised crime, women’s rights, privatisation, etc.

**2.f Benchmarks**

	N		N+1 (cumulative)		N+2 (cumulative)	
	EU	NF*	EU	NF*	EU	NF*
Call for proposals launched			1			
Direct Agreement			1 with SENSE			
Contribution Agreement			1 with Unesco			
Framework Contracts			1 for organising conferences		3 for organising conferences	
Contracting Rate (%)			85		100	

\* In case of parallel co-financing

### 3. BUDGET (amounts in EUR)

#### 3.1. Indicative budget table

	EU – IPA assistance				Total co-financing *		Total (IPA plus Co-financing)	
	Institution Building	Investment	Total in EUR	Total in %	EUR	(%)	EUR	(%)
<b>Priority axis 1</b>								
Project 1	980,000		980,000	80	245,000	20	1.225.000	100
Project 2	200,000		200,000	29,8	470,997	70,2	670,997	100
Project 3 Activity 3.1	200,000		200,000	90	22,222	10	222,222	100
Project 3 Activity 3.2	120,000		120,000	100	0	0	120,000	100
<b>TOTAL</b>	1,500,000		1,500,000		738,219		2,238,219	<b>100%</b>

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

The Community contribution has been calculated in relation to the total eligible expenditure.

For all components with the exception of the Conferences' activity, all the beneficiaries should find co-funding which will consist of: Project 1 - Support to TV Media Productions at least 20% of the eligible project cost; Project 2 - Strengthening Regional News Exchange from ICTY, ICJ and ICC, the co-financing more than 70%; and Project 3 - Alignment to European Standards in the Media Sector, under activity 3.1, 10%.

### 4. IMPLEMENTATION ARRANGEMENTS

#### 4.1 Method of implementation

The programme will be implemented partly on a centralised basis by the European Commission in accordance with Article 53a of the Financial Regulation<sup>3</sup> and the corresponding provisions of the Implementing Rules<sup>4</sup>.

<sup>3</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).

<sup>4</sup> OJ L 357, 31.12.2002, p. 1 Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.04.2007, p. 13).

The activity 1 of project 3: Alignment to European Standards in the Media Sector will be implemented by the European Commission by joint management with UNESCO<sup>5</sup> following Article 53d of the Financial Regulation and the corresponding provisions of the Implementing Rules.

To this end, the Commission and UNESCO will conclude a Contribution Agreement.

## **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 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 1, Title VI of the Financial Regulation and Part 1, Title VI of its Implementing Rules.

The Commission shall also use the procedural guidelines and 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>6</sup> 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 programmes 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<sup>7</sup>, 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

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<sup>5</sup> Following the Agreement between UNESCO and the European Commission, signed on 23 February 2004, UNESCO is part of the FAFA agreement.

<sup>6</sup> [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>7</sup> Commission Regulation (EC) 718/2007 of 12 June 2007 (OJ L 170, 29.6.2007, p. 1).

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) 2185/96<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 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.

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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.

implementation of Council Regulation No 1605/20023 (hereafter: “Implementing 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 Communities<sup>4</sup> (hereafter: “Financial Regulation”).

- (6) 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 on Civil Society – Media component 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 partly by centralised management and partly by joint management with UNESCO.

*Article 2*

The maximum amount of Community assistance shall be **€1.5 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*

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<sup>3</sup> OJ L 357, 31.12.2002, p. 1 Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.4.2007, p.13).

<sup>4</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).