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**COMMISSION IMPLEMENTING DECISION**

**of 18.2.2013**

**amending Commission Decision C(2009)8704 of 12 November 2009 adopting the horizontal programme on Nuclear Safety and Radiation Protection under the IPA Transition Assistance and Institution Building for the year 2009**

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### **amending Commission Decision C(2009)8704 of 12 November 2009 adopting the horizontal programme on Nuclear Safety and Radiation Protection under the IPA Transition Assistance and Institution Building for the year 2009**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)<sup>1</sup>, and in particular Article 14(4) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the European Union (hereinafter referred to as 'Financial Regulation No 966/2012'<sup>2</sup>,

Having regard to the Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the European Union (hereinafter referred to as the 'Rules of Application')<sup>3</sup>,

Whereas:

- (1) Regulation (EC) No 1085/2006 lays down the objectives and main principles for pre-accession assistance to candidates and potential candidates.
- (2) The Horizontal Programme on Nuclear Safety and Radiation Protection under the IPA Transition Assistance and Institution Building Component for the year 2009 was adopted on 12 November 2009 by Commission Decision C(2009)8704. The programme has been amended by Commission Implementing Decision C(2012)1083 final of 15 February 2012.
- (3) The aforementioned Decision establishes that Project No 9 – Project Management Unit for EU supported projects - shall be implemented by joint management with the International Atomic Energy Agency (IAEA). Having learnt from previous experience by assessing previous similar projects, the added value of such a permanent Project Management Unit has proved to be non-existent any more, since the current phase of the projects to be monitored does not necessitate a permanent monitoring structure on the spot. In order to ensure an adequate implementation of the planned monitoring activities leading to the fulfilment of the objectives of the project, the Commission will implement the project under direct centralised management with the technical support of the Joint Research Centre – Institute for Energy (JRC-IE) through an administrative arrangement. Therefore, it is necessary to change the management mode for Project No 9 from joint management to direct centralised management.

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

<sup>2</sup> OJ L 298, 26.10.2012, p.1

<sup>3</sup> OJ L 362, 31.12.2012, p.1

- (4) The Decision in recital 2 establishes that Project No 10 – Management of sealed radioactive sources, including radioactive lightning rods - shall be implemented inter alia, by a works contract following a call for tender for the removal, transport and storage of sealed radioactive sources. It is necessary to change the type of contract from procurement to direct grant, since the Centre for Toxicological Research of Montenegro (CETI), is the only body eligible under Montenegrin law to undertake those activities.
- (5) The present Decision constitutes a Financing Decision within the meaning of Article 84 of the Financial Regulation No 966/2012 and Article 94 of the Rules of Application.
- (6) The measures provided for in this Decision are in accordance with the opinion of the IPA Committee<sup>4</sup>,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Annex to the Commission Decision C(2009)8704 of 12 November 2009, as amended by Commission Implementing Decision C(2012)1083 final of 15 February 2012, is replaced by the Annex to this Decision.

*Article 2*

The Financing Agreements between the European Commission and the Beneficiaries, constituting the legal commitment of the European Commission under the Financial Regulation, shall be modified as appropriate.

Done at Brussels, 18.2.2013

*For the Commission*  
*Štefan FÜLE*  
*Member of the Commission*

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<sup>4</sup> The Member States have declared, recalling the Council Conclusions of 18 February 2008, that the adoption of the amendment 2 to the horizontal programme on Nuclear Safety and Radiation Protection under the IPA Transition Assistance and Institution Building Component for the year 2009 does not prejudice the position of each individual Member State on the status of Kosovo under UNSCR 1244/99, which will be decided in accordance with their national practice and international law.



**ANNEX: Horizontal Programme on Nuclear Safety and Radiation Protection under the  
IPA-Transition Assistance and Institution Building Component for the year 2009**

**1. IDENTIFICATION**

Beneficiaries	Western Balkans: Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, as well as Kosovo*
CRIS number	2009/021-640
Year	2009
Cost	EUR 8 500 000
Implementing Authority	The European Commission on behalf of the Beneficiaries; the International Atomic Energy Agency (IAEA) by joint management with the European Commission according to Article 53d of the Financial Regulation and the corresponding provisions of the Implementing Rules; Project No 9 and 12 will be implemented through an administrative arrangement with the Joint Research Centre – Institute for Energy (JRC-IE).
Final date for concluding the financing agreements	At the latest by 31 December 2010
Final dates for contracting	No later than 31 March 2013  For project N°5 no contracting will take place after 19 February 2013  These dates apply also to the national co-financing.
Final dates for execution	No later than 31 March 2015. These dates apply also to the national co-financing.
Sector Code	23064
Budget lines	22.020701 – Regional and horizontal programmes
Programming Task Manager	Unit D3 - Regional Programmes DG Enlargement
Implementation Task Manager	Unit D3 - Regional Programmes DG Enlargement, IAEA, JRC

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

## 2. PRIORITY AXES/ (MEASURES) / PROJECTS

### 2.a Priority axes

The IPA horizontal programme on nuclear safety and radiation protection is being implemented in the context of the priority axis entitled "Ability to assume the obligations of Membership and approximation to European Standards".

As indicated in the IPA Multi-Beneficiary Multi-annual Indicative Planning Document (MIPD) 2009-2011<sup>1</sup>, this programme addresses both regional and horizontal issues. Section 2.3.3.11 of the MIPD - *Nuclear Safety and Radiation Protection* clearly mentions that:

- (1) All IPA beneficiaries are facing radiological issues that are connected with the use of radionuclides for industrial and medical applications;
- (2) The management of sealed radioactive sources, for example, dismantling of radioactive lightning rods, and the operation of centralised storage facilities for radioactive waste remain a key issue
- (3) The management of radionuclides in hospitals requires investments and training of the personnel
- (4) Radioactive contamination of the environment by depleted uranium as a legacy of the war in Bosnia and Herzegovina also requires assistance;
- (5) Doses delivered to patients from medical exposure are worth being assessed in a number of IPA beneficiaries;
- (6) In Serbia, the operation, refurbishment and dismantling of nuclear research reactor constitute additional sources of radiation risks that would require investment, in particular for the management of spent nuclear fuel and radioactive waste;
- (7) Radiological issues in the IPA beneficiaries should be addressed with the view to eventually transposing the *acquis* in the nuclear domain, including the international conventions to which the European Union is a party. This transposition would require a number of legislative and regulatory actions and would affect current management practices of radionuclides and radioactive materials.

It is important to underline that enhancement of the technical capacity of the nuclear and radiation safety national regulators is a prerequisite for any improvement of the radiological situation in the Western Balkans. In addition, transposition of the EU *acquis* in the nuclear area and notably on radiation protection is subordinated to the existence and proper functioning of these regulators. Due to the fact that in most of the Western Balkans, nuclear and radiation safety regulators are still rather weak, under development or even not yet fully established as in Kosovo, there is no clear national strategies yet defined to cope with radiological issues. It is expected that thanks to the IPA support and in particular thanks to the 2007, 2008 and 2009 IPA horizontal programmes on nuclear safety and radiation protection,

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<sup>1</sup> C(2009)4518, 16.06.2009.

these strategies can be progressively drawn up in the near future and, on this basis, roadmaps can be established for the full transposition of the EU *acquis* into the national legislation and regulations.

The rather dramatic radiological situation currently existing at the Vinča Nuclear Institute near Belgrade in Serbia has raised safety and security issues that need to be addressed urgently. This is why the international Community through the IAEA is contributing to the funding of the Vinča Nuclear Institute Decommissioning (VIND) programme that aims at improving radioactive waste management, decommissioning of nuclear facilities and remediation of contaminated areas on-site. The IPA horizontal programme on nuclear safety and radiation programme intends to participate into some of the projects that have already been identified by the Serbian authorities together with the IAEA.

This programme focuses on a set of nine national projects, and two regional projects that are covering the Multi-Beneficiary MIPD priorities. In addition the programme includes two administrative arrangements with the JRC-IE in Petten, establishment that should provide the necessary technical back-up to DG Enlargement to launch, monitor and evaluate the results of all these projects.

## **2. b Description of projects grouped per priority axis**

### ***General context***

Programming of IPA projects in the field of nuclear safety and radiation protection started in 2007. The 2007 programme consisted of six regional projects aiming to assess the current situation in the Western Balkan concerning several important radiological issues, namely: the regulatory infrastructure, the management of sealed radioactive sources, including radioactive lightning rods, the management of naturally occurring radioactive materials (NORM) and technologically enhanced naturally occurring radioactive materials (TENORM), the management of radionuclides in medical establishments, the prevention and combat of illicit trafficking of nuclear materials and radiation sources, and the monitoring of the radioactivity into the environment. In addition, this programme included two national projects in Serbia that would contribute to manage spent nuclear fuel containing highly enriched uranium at the Vinča Nuclear Institute near Belgrade, and to improve radioactive waste management on-site.

The 2008 IPA horizontal programme on nuclear safety and radiation protection continued to support the improvement of the radiological situation at the Vinča Nuclear Institute in Serbia through six national projects covering management of sealed radioactive sources currently in store, decommissioning of obsolete and unsafe storage facilities for radioactive waste, operation of the facility for radioactive waste treatment and conditioning, implementation of a radioactivity survey of the Vinča site, enhancement of the radiation protection infrastructure, and establishment of a Project Management Unit. Moreover several other national in scope projects were programmed in the other Western Balkans in order to cover several priority activities. These were dealing with the establishment of a calibration laboratory for ionising radiation in Bosnia and Herzegovina, the management of unsealed radionuclides in five medical establishments of Bosnia and Herzegovina, the strengthening of the technical capacity of the regulatory body in charge of nuclear safety in Croatia, the reduction of medical exposure in Croatia, and the upgrading of the Technical Support Organisation to the regulatory body in Montenegro. This programme was completed by a regional project which has the objective of enhancing the technical capacity of the nuclear regulatory bodies of each of the Beneficiaries and of assessing the degree of transposition of the EU *acquis* in the field of nuclear safety and radiation protection into their national legislation and regulations.

The 2009 IPA horizontal programme on nuclear safety and radiation protection is the logical continuation of the foregoing one, placing first emphasis on the solving of radiological issues at Vinča, including the management of spent nuclear fuel, as well as addressing a number of other issues, i.e. management of sealed radioactive sources, dosimetry control, reduction of medical exposure, upgrading of the technical capacity of technical support organisations to the national regulatory bodies, monitoring of the radioactivity into the environment, and upgrading of radiation protection training centre.

The programme will be closely coordinated with the IAEA since the projects to be implemented at Vinča are extending and developing activities already funded by this agency and other international donors. As in 2008, these projects should be implemented by joint management with the IAEA.

As for the last two years, the IPA horizontal programme on nuclear safety and radiation protection will continue to coordinate its activities in the other Western Balkans with those conducted by the IAEA. This coordination will be performed through regular meetings where the IPA and IAEA project proposals are extensively discussed in order to avoid any overlapping.

The programme will also take into consideration the actions undertaken under the other financing instruments that are addressing nuclear issues (i.e. the Instrument for Nuclear Safety Cooperation and the Stability Instrument).

### ***Description of the projects***

*Project No 1:* "Upgrading of Radiation Protection and Safety Monitoring" consists of upgrading the current technical evaluation of ionising radiation devices used in medical centres and industrial companies of Albania in order to reduce patient and occupational exposure. An important part of the project is devoted to the drawing up of a strategy for the improvement of radiation protection and safety in medical centres and industrial companies in Albania. Some equipment should be delivered to the Institute of Radiation, which is the beneficiary organisation. The project is expected to be concluded by the organisation of a round table gathering the stakeholders of the Albanian organisations, institutions and companies that are confronted with radiation protection issues.

One service and one supply contracts for an amount of respectively EUR 50 000 and EUR 60 000 will be concluded following tenders that will be launched in respectively Q1 2011 and Q3 2011. An additional service contract for an estimated amount of EUR 5 000, fully financed by the beneficiary organisation will be launched in Q4 2012.

*Project No 2:* "Reduction of Medical and Professional Exposure in Mammography" aims to improving the fundamental aspects of mammography diagnostics and screening practice in Bosnia and Herzegovina through enhancement of the technical capacities in the diagnostic/screening centres in Bosnia and Herzegovina, primarily the two university clinical centres of Sarajevo and Banja Luka. This project is in line with the *Council Directive 97/43 EURATOM* and the *European Guidelines for QA (Quality Assurance) in Breast Cancer Screening and Diagnosis*.

One service and one supply contracts for an amount of respectively EUR 102 000 and EUR 284 000 will be concluded following tenders that will be launched in respectively Q3 2011 and Q1 2012.



Project No 3: "Strengthening of the capacities of the radiation protection training centre in Banja Luka" should enhance the technical capacity of workers of Bosnia and Herzegovina exposed to ionising radiation through the definition of training and licensing procedures in line with the *Council Directives 96/29 and 97/43 EURATOM* and the *Radiation Protection guidelines 116*. The project aims to upgrade and license the regional training centre of Banja Luka in order to transform it into a national training centre. As a result of a proper functioning of the national radiation protection centre in Bosnia and Herzegovina, occupational exposure should be decreased and incidents or even accidents involving radioactive materials should be avoided.

One service and one supply contracts for an amount of respectively EUR 100 000 and EUR 180 000 will be concluded following tenders that will be launched in respectively Q2 2011 and Q1 2012. One works contract for an estimated amount of EUR 60 000, fully financed by the beneficiary organisation will be launched in Q2 2011.

Project No 4: "Strengthening technical capacities in monitoring radionuclides into the environment" will contribute to align Bosnia and Herzegovina with the EU *acquis* (EURATOM treaty and the EURATOM Council Directives) that is related to the monitoring of the radioactivity into the environment. An important part of the project should consist of drafting a national radioactivity monitoring programme and to perform a sampling/measurement campaign (including measurement of depleted uranium). Equipment should be delivered to several institutes in order to upgrade their technical capacity.

One service and one supply contracts for an amount of respectively EUR 150 000 and EUR 145 000 will be concluded following tenders that will be launched in respectively Q3 2011 and Q1 2012. One supply contract for an estimated amount of EUR 55 000, fully financed by the beneficiary organisation will be launched in Q1 2012.

Project No 5: "Strengthening radiation protection and nuclear safety through capability upgrading of CETI" consists of upgrading the technical capabilities of the Centre for Ecotoxicological Research of Montenegro (CETI), which is the Technical Support Organisation (TSO) to the Montenegrin nuclear regulatory body (EPA). This upgrading should focus on the following main areas of activities: monitoring of the radioactivity into the environment and response to radiological/nuclear emergency situations, and control of the exposure of workers and members of the public, including patients to ionising radiation. Through this upgrading, it will be possible to broaden the certification/accreditation of CETI activities, so as to fully cover the radiation protection and nuclear safety area which is of relevance in Montenegro.

One supply contract for an amount of EUR 105 000 will be concluded following a tender that should be launched in Q4 2011. In addition, another supply contract for an amount of EUR 33 000, fully funded by the beneficiary organisation should be launched at the same time.

Project No 6: "Implementation of recommendations from the radioactivity survey" is the second phase of a multiannual activity that aims at remediating contaminated places and buildings at the Vinča Nuclear Institute in Serbia. It is worth noting that the first phase of this radioactivity survey was funded by the 2008 IPA horizontal programme on nuclear safety and radiation protection. The second phase should implement at least part of the recommendations of phase 1 concerning the establishment of a priority list of places and buildings that should be decontaminated or remediated.

This project will be implemented by joint management<sup>2</sup> with the IAEA via one contribution agreement with the IAEA for an amount of EUR 300 000 to be concluded in Q2 2012. This implementation will be in accordance with the terms of the Financial and Administrative Framework Agreement (FAFA) between the European EU and the United Nations signed on 29 April 2003, to which the IAEA adhered on 17 September 2004.

*Project No 7:* "Decommissioning of underground liquid transuranic waste tanks and associated piping" is part of the current VIND programme in Serbia. The main objective of the project is to characterise, remove and process liquid transuranic waste currently stored in underground tanks. It should also include the dismantling of the tanks and associated piping and the management of the resulting radioactive waste. An important project component is to provide assistance to the Vinča Nuclear Institute concerning the revision of the safety analysis report, including a conceptual project approach that should be submitted to the Serbian nuclear regulatory body before the works can start. Remediation, as necessary, of the adjacent areas, including disposition of clean/exempt materials and conditioning and storage of low level waste generated is part of the project.

*Project No 8:* "Part 2 of the project for repackaging and transport of spent nuclear fuel" will consist of providing complementary support to the VIND programme in Serbia for the preparation for and the transport to the Russian Federation of spent nuclear fuel containing highly enriched uranium currently in store at the Vinča Nuclear Institute. Thanks to this support, all the activities that are dealing with the repatriation of spent nuclear fuel to the Russian Federation will be funded by several international donors, including the European Communities, and Serbia (the total cost of the "Repatriation of spent nuclear fuel to the Russian Federation programme": amounts to about EUR 36 000 000).

*Project No 9:* "Monitoring of EU supported projects at Vinča site" is a back-up project to all EU-funded projects (programmed under IPA horizontal programme on nuclear safety and radiation programme for 2008-2010) at Vinča site, Serbia. It aims at providing additional support to the IPA 2008- 2010 projects on the same topic. In particular, this project will monitor implementation of the projects dealing with radioactive waste management as described in the relevant project-fiches under the 2008 to 2010 IPA horizontal programmes on nuclear safety and radiation protection in Serbia. This project will be implemented by direct centralised management, supported through an Administrative arrangement with the JRC-IE for an amount of EUR 400 000 to be concluded during Q1 2013 Monitoring missions performed by JRC-IE will allow the other services of the Commission (Directorate General for Enlargement and the EU Delegation to Serbia) to follow closely implementation of all projects covered.

Projects No 7 and No 8 will be implemented by joint management with the IAEA<sup>3</sup> via three contribution agreements with the IAEA for project No 7 - EUR 1 000 000, project No 8 - EUR 3 300 000.

The contribution agreements covering projects 7 and 8 should be concluded in Q2 2012, Q3 2010, and Q2 2012 respectively in accordance with the terms of the Financial and Administrative Framework Agreement (FAFA) between the European Union and the United Nations signed on 29 April 2003, to which the IAEA adhered on 17 September 2004.

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<sup>2</sup> According to Article 53d of the Financial Regulation.

<sup>3</sup> See footnote 4.

Taking into account the important technical assistance activities being implemented and coordinated by the IAEA at the Vinča Nuclear Institute, under projects No 6, No 7 and No 8, it is deemed worthwhile to implement those projects in joint management with this Agency. In this way, overlapping of technical assistance is avoided and synergies can be developed.

Project No 10: "Management of sealed radioactive sources, including radioactive lightning rods" is a regional project covering the former Yugoslav Republic of Macedonia, Montenegro and Kosovo. Its aim is first to identify places where sealed radioactive sources are stored (or installed in the case of radioactive lightning rods) and to prepare a detailed plan for their subsequent removal, transport, dismantling (in the case of radioactive lightning rods), processing, conditioning and storage according to the EU *acquis* and best EU practices. The second part of the project will consist of implementing the plan. Since the project requires the availability of a processing and storage facility for radioactive waste, the works component of the project is limited to Montenegro because it is the only Beneficiary to have licensed storage facilities for radioactive waste. For Kosovo, the project will consist of designing the appropriate facility to eventually perform these operations. Taking into consideration that the detailed plan should include a safety report that should be approved by the regulatory bodies, the project also includes a regulatory assistance component.

Two service contracts, and one supply contracts for an amount of respectively EUR 350 000, EUR 300 000, and EUR 100 000 will be concluded following tenders that will be launched in respectively Q4 2010, Q4 2010, and Q1 2013. A direct grant contract for a maximum amount of EUR 600 000 will be concluded in Q1 2013 with the Centre for Toxicological Research of Montenegro (CETI). The direct award is based on Article 190(1)(c) of the Rules of Application of the Financial Regulation No 966/2012, since CETI has a *de jure* monopoly as it is the only body eligible under Montenegrin law to undertake the removal, transport and storage of sealed radioactive sources.

Project No 11: "Strengthening the system of dosimetry control for occupationally exposed workers and patients" is a regional project covering Bosnia and Herzegovina and Kosovo. The purpose of the project is to improve the dosimetry control of exposed workers and patients to ionising radiation in medical and other establishments in Bosnia and Herzegovina and in Kosovo through:

- Enhancement of the technical capacity of two institutes for public health in Bosnia and Herzegovina (Sarajevo and Banja Luka) as well as the Institute of Occupational Medicine in Kosovo (Obiliq);
- Assistance in establishing appropriate procedures, setting up of databases, assessing exposure and developing QA/QC in dosimetry services;
- Supply and installation of dosimetry equipment;
- Training of staff involved in project through national and international courses, fellowships, scientific visits and expert help.

One service and one supply contracts for an amount of respectively EUR 250 000 and EUR 410 000 will be concluded following tenders that will be launched in respectively Q4 2010 and Q4 2012.

Project No 12: "Technical back-up to the IPA horizontal programme on nuclear safety and radiation protection" should enable DG Enlargement to better manage all the IPA-funded projects thanks to the technical expertise given by the Joint Research Centre - Institute for Energy (JRC-IE) in Petten. This support will mainly be concretised in the preparation or reviewing of terms of reference of nuclear projects, participation in evaluation committees for tenders, kick-off, progress and concluding meetings during project implementation and

evaluation of the results achieved. It will also include the verification of the requests for payment that DG Enlargement regularly receives from the Beneficiaries of the Phare/IPA nuclear projects.

An administrative arrangement for an amount of EUR 314 000 will be concluded with the JRC-IE in Q1 2010.

## **2. c Overview of past and on going assistance including lesson learned and donor coordination**

Over the period 2001-2006 the nuclear activities conducted under the Phare nuclear safety programme addressed a number of radiological issues that are similar to those envisaged for the Western Balkans, e.g. regulatory assistance, management of sealed radioactive sources, radiation protection, management of radioactive waste, decommissioning of nuclear installations, and emergency preparedness. Most of these projects have been implemented according to the Decentralised Implementation System. They significantly improved the radiological situation in Central Europe and Eastern Countries which has become similar to the one existing in older EU Member States. The main lessons are related to the technical complexity of the projects that have generally required a longer time than expected for the preparation and finalisation of the related tender dossiers. In some cases, deadlines for contracting could not be met due to the lack of technical expertise from the beneficiary organisations themselves. Likewise, the European Commission Delegations did not always possess the relevant technical experience to properly follow up the implementation of the projects. As a result, DG Enlargement usually received no technical feed-back that could impact on new programming activities. Since most of the IPA-funded nuclear projects are centrally managed, it is expected that this situation improves in the near future, notably thanks to the technical back-up that is being brought to DG Enlargement by the nuclear experts of the JRC-IE.

The IPA-funded nuclear projects programmed in 2007 started to be implemented in late 2008 or beginning 2009. In the case of Bosnia and Herzegovina, Kosovo, Serbia and to a lesser extent Montenegro, their implementation is currently slowed down due to the late establishment of a national nuclear regulatory body that constitutes a prerequisite for any safety and security improvement in the nuclear sector. The latest information received, are rather optimistic and most of these Beneficiaries should have a fully operational nuclear safety authorities by the end of 2009.

So far, the IAEA support to the VIND programme in Serbia proved to be very successful. A number of facilities have now been constructed on-site including a storage facility for radioactive waste. The waste treatment and conditioning facility should be fully operational by the end of 2009. All nuclear facilities have been fenced and secured. A radiation protection service has been put in operation. However, the experience of the last five years has shown that all the projects need to be carefully monitored. The establishment of a Project Management Unit on the spot at Vinča has been considered as a key-issue for a successful implementation of the rather important number of projects being supported by the international donors including the EU on its first phase.

Concerning all the Vinča nuclear projects, coordination meetings are taking place in Vienna in the IAEA premises two or three times a year. In addition monitoring missions on the spot at Vinča are organised at least twice a year by the Vinča Nuclear Institute and the IAEA for the Commission services.

The IAEA is coordinating the whole VIND programme and receives financial contributions and donations from a number of countries (e.g. the USA, the Czech Republic) as well as from IPA.

Coherence of approach with the Instrument for Nuclear Safety Cooperation (INSC) is ensured through close contacts and exchange of information with the members of the INSC Committee.

## 2. d Horizontal issues

The implementation of projects No 1 to No 12 will contribute to significantly improve the protection of man and the environment from ionising radiation in the Western Balkans. They will also contribute to decrease exposure to ionising radiation for patients and workers in medical establishments. As a general rule, enhancement of the technical capacity of nuclear safety authorities can only have a positive impact on the monitoring of the radioactivity and the control of radioactive materials in the Western Balkans.

## 2. e Conditions

The implementation of projects No 2, 3, 4, 6, 7, 10 and 11, under this programme is subject to the following prerequisite:

- National regulatory bodies in the field of nuclear safety and radiation protection have been set up by law and are operating at the time of the launching of the project (publication of the procurement notice). It is worth noting that this condition, which has been used in past IPA programming activities, is less and less a source of concern. With the exception of Kosovo, all Western Balkans have now set up by law nuclear regulatory bodies. In principle, this should also be the case for Kosovo by the end of 2009.

## 2. f Benchmarks

	2010		2011 (cumulative)		2012 (cumulative)		2013 (cumulative)	
	EU	NF*	EU	NF*	EU	NF*		
Contribution Agreements with the IAEA		-		-	2	-	2	-
Number of tenders launched	4	1	10	3	13	3	14	3
Administrative arrangement with the JRC-IE (in Petten)	1		1		1		2	
Contracting Rate (%)	28	33	61	100	89	100	100	100

\* in case of parallel national co-financing

### 3. BUDGET (AMOUNTS IN EUR)

#### 3.1. Indicative budget table

##### 3.1.1. Table for centralised projects

Centralised management	Institution Building (IB)				Investment (INV)				Total (IB + INV)	Total IPA EU contribution			
	Total expenditure		IPA EU contribution		National contribution*		Total public expenditure			IPA EU contribution		National contribution*	
	EUR (a)=(b)+(c)	EUR (b)	EUR (c)	% <sup>(1)</sup>	EUR (d)=(e)+(f)	EUR (e)	EUR (f)	% <sup>(1)</sup>		EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	EUR % <sup>(2)</sup>	
<b>Priority axis 3</b>	<b>Ability to assume the obligations of Membership and approximation to European Standards</b>												
<u>Project No.1</u> Upgrading of Radiation Protection and Safety Monitoring (Albania)	55 000	50 000	90	10	60 000	60 000	100	100	115 000	110 000	-	-	
<u>Project No.2</u> Reduction of Medical and Occupational Exposure in Mammography (Bosnia and Herzegovina)	102 000	102 000	100	-	393 000	284 000	72	28	495 000	386 000	-	-	
<u>Project No.3</u> Strengthening	100 000	100 000	100	-	240 000	180 000	75	23	340 000	280 000	-	-	

of the Capacities of Radiation Protection Training Centre in Banja Luka (Bosnia and Herzegovina)	150 000	150 000	100	-	-	200 000	145 000	73	55 000	27	350 000	295 000	-
Project No 4 Strengthening technical capacities in monitoring radionuclides into the environment (Bosnia and Herzegovina)	-	-	-	-	-	-	-	-	-	-	-	-	-
Project No 5 Strengthening of Radiation Protection and Nuclear Safety through Capability Upgrading of CETI (Montenegro)	-	-	-	-	-	138 000	105 000	76	33 000	24	138 000	105 000	-
Project No 10 Management of sealed radioactive sources and notably radioactive lightning rods (the former Yugoslav Republic of Macedonia,	1 250 000	1 250 000	100	-	-	100 000	100 000	100	-	-	1 350 000	1 350 000	-





3.1.2. Table for projects to be implemented in joint management with the IAEA

Joint management	Institution Building (IB)				Investment (INV)				Total (IB + INV)	Total IPA EU contribution		
	Total public expenditure <sup>e</sup>	IPA EU contribution		National public contribution *	Total public expenditure	IPA EU contribution		National public contribution *		EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	% <sup>(2)</sup>
		EUR (a)=(b)+(c)	EUR (b)			% <sup>(1)</sup>	EUR (c)					
<b>Priority axis 3</b>												
<b>Ability to assume the obligations of Membership and approximation to European Standards</b>												
Project No 6: Implementation of Recommendations from Radioactivity Survey (Serbia)	-	-	-	-	300 000	300 000	100	-	-	300 000	300 000	-
Project No 7: Decommissioning of Underground Liquid Transuranic Waste Tanks and associated Piping (Serbia)	-	-	-	-	1 000 000	1 000 000	100	-	-	1 000 000	1 000 000	-
Project No 8: Part 2 of the project for Repackaging and Transport of Spent Nuclear Fuel (Serbia)	-	-	-	-	3 300 000	3 300 000	100	-	-	3 300 000	3 300 000	-
<b>TOTAL</b>	-	-	-	-	4 600 000	4 600 000	100	-	-	4 600 000	4 600 000	54

\* Contribution (public and private national and/or international contribution) provided by national counterparts.

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

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

### 3.1.3. Table summarising the IPA support according to the management mode adopted

Priority axis 3	Ability to assume the obligations of Membership and approximation to European Standards											
	Institution Building (IB)					Investment (INV)					Total (IB + INV)	Total IPA EU contribution
	Total public expenditure	IPA EU contribution	National public contribution*	Total public expenditure	IPA EU contribution	National public contribution	Total public expenditure	IPA EU contribution	National public contribution	Total (IB + INV)		
EUR (a)=(b)+(c)	EUR (b)	EUR (c)	EUR (d)=(e)+(f)	EUR (e)	EUR (f)	EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	EUR (i)=(f)+(g)	EUR (j)=(h)+(i)	EUR (k)=(j)+(g)	EUR (l)=(k)+(h)	
Centralised management	2 621 000	2 616 000	5 000	1 667 000	1 284 000	383 000	4 288 000	1 284 000	383 000	4 288 000	3 900 000	46
Joint Management	-	-	-	4 600 000	4 600 000	-	4 600 000	4 600 000	-	4 600 000	4 600 000	54
<b>TOTAL</b>	2 621 000	2 616 000	5 000	6 267 000	5 884 000	383 000	8 888 000	5 884 000	383 000	8 888 000	8 500 000	100

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

(2) Priority axis rows only. Expressed in % of the grand total of column (h). It indicates the relative weight of the management mode with reference to the total IPA EU contribution of the entire FP.

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

For projects to be implemented by centralised management (projects No 1, 2, 3, 4, 5, 9, 10, 11 and 12) the EU contribution represents 91% of the total budget allocated to this part of the programme. This has been calculated in relation to the eligible expenditure, which is based on the total expenditure. Parallel co-financing will be used. The requirements of co-financing for IB and INV at project level have been complied with for projects No 1, 2, 3, 4, 5, and 11. No co-financing is planned for project No 10 which is a regional project. Projects No 9 and 12 refers to administrative arrangements with the JRC-IE. No co-financing is required for these activities.

The direct grant contract with CETI under project No 10 be financed in full based on Article 277 of the Rules of Application to the Financial Regulation No 966/2012, which foresees that a derogation to the co-financing requirements for grants can be authorised if the actions result from the implementation of financing agreements with third countries. This action will be implemented through a financing agreement with Montenegro. For projects to be implemented by joint management with the International Atomic Energy Agency (projects No 6, 7, and 8), the EU contribution represents 100% of the total budget allocated to this part of the programme. This has been calculated in relation to the eligible expenditure, which is based on the total expenditure.

However, all the projects that should be implemented by joint management with the IAEA are supporting the VIND programme at the Vinča Nuclear Institute near Belgrade in Serbia. At the level of the whole programme joint co-financing is provided by international donors and Serbia itself and the IPA contribution (around EUR 7.4 million) only constitutes a minor fraction of the total expenditure (around EUR 36 million).

## **4. IMPLEMENTATION ARRANGEMENTS**

### **4.1 Method of implementation**

For projects No 1, 2, 3, 4, 5, 9, 10, 11 and 12 the programme will be implemented on a centralised basis by the European Commission in accordance with Article 53a of the Financial Regulation<sup>4</sup> and the corresponding provisions of the Implementing Rules<sup>5</sup>. In particular, projects No 9 and 12 will be implemented through two administrative arrangements with the JRC-IE.

For projects No 6, 7 and 8, the programme will be implemented by the European Commission by joint management with the International Atomic Energy Agency following Article 53d of the Financial Regulation and the corresponding provisions of the Implementing Rules. To this end, the Commission and the IAEA will conclude two Contribution agreements (one for project No 6 and another one for projects No 7 and 8), in accordance with the Financial and Administrative Framework Agreement (FAFA).

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<sup>4</sup> Regulation 1605/2002 (OJ L 248, 16.9.2002, p.1).

<sup>5</sup> Regulation 2342/2002 (OJ L 357, 31.12.2002, p. 1).

## **4.2 General rules for procurement and grant award procedures**

For projects No 1, 2, 3, 4, 5, 10, and 11 procurement shall follow the provisions of Part Two, Title IV of the Financial Regulation No 1605/2002 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).

For project No 10 grant award procedures shall follow the provisions of Part One Title VI and Part Two Title IV Chapter 4 of the Financial Regulation No 966/2012 and Part One Title VI and Part Two Title II Chapter 4 of its Rules of Application.

The Contracting authorities 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 EU external actions" ("Practical Guide") as published on the Commission website<sup>6</sup> at the date of the initiation of the procurement or grant award procedure.

For projects No 6, 7 and 8, the general rules for procurement and grant award procedures shall be defined in the Contribution Agreement between the Commission and the IAEA implementing such programme/activity.

## **5. MONITORING AND EVALUATION**

### **5.1 Monitoring**

The Commission may undertake any actions it deems necessary to monitor the programmes concerned and for the projects under joint management with IAEA these actions may be carried out jointly with the IAEA.

### **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<sup>7</sup>, with the aim of improving the quality, effectiveness and consistency of the assistance from EU 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 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

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<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) No 718/2007 of 12 June 2007 (OJ L 170, 29.6.2007, p. 1).

Anti-Fraud Office), which may carry out checks at its discretion, either by itself or through an outside auditor and, on the other hand, audits by the European Court of Auditors. This includes measures such as ex-ante verification of tendering and contracting carried out by the Delegation in the Beneficiaries.

In order to ensure the efficient protection of the financial interests of the EU, 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 EU funds.

## **7. NON SUBSTANTIAL REALLOCATION OF FUNDS**

The authorising officer by delegation (AOD), or the authorising officer by sub-delegation (AOSD), in line with the delegation of powers conferred upon him by the AOD, in accordance with the principles of sound financial management, may undertake non substantial reallocations of funds without an amending financing decision being necessary. In this context, cumulative reallocations not exceeding 20% of the total amount allocated for the programme, subject to a limit of EUR 4 million, shall not be considered substantial, provided that they do not affect the nature and objectives of the programme. The IPA Committee shall be informed of the above reallocation of funds.

## **8. LIMITED ADJUSTMENTS IN THE IMPLEMENTATION OF THE PROGRAMME**

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

