

COMMISSION DECISION

C(2008)8381 of 18/12/2008

adopting a horizontal programme on Nuclear Safety and Radiation Protection under the IPA -Transition Assistance and Institution Building Component for 2008,

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 17 July 2008 a Multi-Beneficiary multi-annual indicative planning document 2008 - 2010 which presents indicative allocations for the main priorities for pre-accession assistance to all countries concerned².
- (4) Therefore, the horizontal programme "Nuclear Safety and Radiation Protection" under the IPA Transition Assistance and Institution Building Component for 2008 ultimately aims at providing assistance for supporting nuclear regulatory bodies, improving current management schemes for radioactive waste, reducing the exposure of workers and patients to ionising radiation in medical establishments, and a better monitoring of the radioactivity into the environment.
- (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 Rules") and constitutes thus a financing decision within the meaning of Article 75 (2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial

¹ OJ L 210, 31.7.2006, p. 82.

² C(2008)3585, 17.07.2008

³ OJ L 357, 31.12.2002, p. 1

Regulation applicable to the general budget of the European Communities⁴ (hereafter: “Financial Regulation”);

- (6) The administrative capacity of Croatia is sufficiently developed to allow for implementation of this programme by decentralised management, as provided for in Article 53c of Regulation (EC, Euratom) No 1605/2002.
- (7) The Commission concluded on 27/08/2007 a Framework Agreement with the Government of Croatia on the rules for co-operation and implementation of pre-accession assistance.
- (8) The measures provided for by this Decision are in accordance with the opinion of the IPA Committee⁵,

HAS DECIDED AS FOLLOWS:

Article 1

The horizontal programme on Nuclear Safety and Radiation Protection under the IPA Transition Assistance and Institution Building Component for 2008, as set out in the Annex, is hereby adopted.

The programme shall be implemented partly by centralised management, partly by decentralised management and partly by joint management with the International Atomic Energy Agency (IAEA).

The programme is implemented with Financing Agreements.

Article 2

The maximum amount of Community contribution shall be **EUR 7.030 million**, to be financed through Item 22.020701 – regional and horizontal programmes of the General Budget of the European Communities for 2008.

Done at Brussels,

For the Commission

Member of the Commission

⁴ OJ L 248, 16.9.2002, p.1.

⁵ Recalling the Council Conclusions of 18 February 2008, Member States declare that the adoption of the horizontal programme on Nuclear Safety and Radiation Protection under the IPA -Transition Assistance and Institution Building Component for 2008 does not prejudge 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 2008¹

1. IDENTIFICATION

Beneficiaries	Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, as well as Kosovo ²
CRIS number (decentralised management)	2008/020-349
CRIS number (centralised management)	2008/020-350
CRIS number (joint management)	2008/020-350
Year	2008
Cost	EUR 7.030 million
Implementing Authority	The European Commission on behalf of the Beneficiaries, the International Atomic Energy Agency (IAEA) under Joint Management with the European Commission, and the Central Finance and Contracting Agency of Croatia.
Final date for concluding the financing agreements	At the latest by 31 December 2009
Final dates for contracting	2 years following the date of conclusion of the Financing Agreements. These dates apply also to the national co-financing.
Final dates for execution	2 years following the end date for contracting. 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 ELARG
Implementation Task Manager	Unit D3 - Regional Programmes DG ELARG, IAEA, CFCA

¹ The adoption of the Horizontal Programme on Nuclear Safety and Radiation Protection under the IPA-Transition Assistance and Institution Building Component for 2008 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.

² under UNSCR 1244/99

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 axe entitled "Ability to assume the obligations of Membership and approximation to European Standards".

As indicated in the Multi-Beneficiary Multi-annual Indicative Planning Document (MIPD), this programme addresses both regional and horizontal issues. Section 2.2.9 of the MIPD clearly mentions that:

- (1) the Western Balkans are confronted with a number of radiological issues that are connected with the use of radionuclides for a number of industrial and medical applications;
- (2) the monitoring of radioactivity in the environment constitutes a significant radiological issue;
- (3) the national safety authorities in place that ought to be regulating nuclear safety and radiation protection are in most cases rather weak in terms of both personnel and level of expertise;
- (4) support can be provided through multi beneficiary projects and national projects in scope depending on the area.

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 Community 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 weak, under development or even not yet fully established, there is no clear national strategies yet defined to cope with radiological issues. It is expected that thanks to the IPA support, these strategies can be drawn up in the near future and, on this basis, roadmaps can be established for the full transposition of the Community acquis into the national legislation and regulations.

The rather dramatic radiological situation currently existing at the Vinca 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 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 Financing proposal focuses on a set of one regional project and eleven national projects that are covering the MIPD priorities.

2. b Description of projects grouped per priority axis

General context

During the year 2007, a number of fact-finding missions were organised in the Western Balkans in order to get acquainted with the main organisations which are dealing with nuclear safety and radiation protection, and to have a better understanding of the radiological issues with which the beneficiaries are confronted. These missions enabled to identify key-priorities for each of the Western Balkans, namely:

- Enhancement of the technical capacity of the regulatory bodies which is a prerequisite for any improvement in the field of radiation safety in most of the Western Balkans, with the exception of Croatia which has already largely transposed the acquis into the national legislation and regulations;
- Reduction of medical exposure to ionising radiation for both patients and workers with the view to be in line with the Council Directives 96/29 and 97/43;
- Improvement of the infrastructure on the monitoring of the radioactivity into the environment;
- Reduction of the radiological risks posed by the existence of contaminated areas and storage of large amounts of radioactive waste at the Vinča Nuclear Institute in Serbia.

In this context, eleven national in scope projects were identified as meeting quite well these priorities. In addition, since enhancement of the technical capacity of the regulatory bodies is an important issue in most Western Balkans, for obvious economies of scale, IPA support will be allocated through a rather large regional project.

The programme will be closely coordinated with the IAEA since several projects are extending and developing activities already funded by this agency. For seven projects, it is even proposed to implement them in joint management with the IAEA.

The programme will also be coordinated with 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: "Enhancement of the technical capacity of nuclear regulatory bodies in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia" aims at providing a direct support to the regulatory bodies mainly in assisting them to assess the degree of transposition of the Community acquis in the field of nuclear safety and radiation into their national legislation and regulations. Based on that assessment, a priority list for future transposition activities should be established. This project should also provide assistance for the drafting of new regulations, and for the ratification of international conventions, protocols and agreements in the nuclear area. It should be concluded with an identification of further needs of regulatory assistance.

This is a regional project in scope. Taking into account the important technical assistance activities being implemented by the IAEA in this domain in the Western Balkans, it was deemed worthwhile to implement the project in joint management with this Agency. In this way, overlapping of technical assistance is avoided and synergies can be developed.

A contribution agreement with the IAEA for an amount of EUR 1,200,000 will be concluded in Q1 2009 for the implementation of this project in accordance with the terms of the

Financial and Administrative Framework Agreement (FAFA) between the European Community and the United Nations, signed on 29 April 2003, to which the IAEA adhered on 17 September 2004.

Following a tendering process, the IAEA should contract with a consortium of EU regulatory bodies possibly backed up with their Technical Support Organisations in Q3 2009.

Project no 2: "Establishment of a calibration laboratory for ionising radiation (Secondary Standard Dosimetry Laboratory) in Bosnia and Herzegovina" has two main components. The first component mainly consists of technical assistance for the design of an SSDL with the view to become eventually member of the IAEA/WHO network. It will also contribute to drafting appropriate regulations in the field of metrology. The second component of the project deals with the supply and installation of the equipment, training of the personnel and establishment of a maintenance programme of the SSDL.

Service and supply contracts for an amount of respectively EUR 150,000 and EUR 250,000 will be concluded following tenders that will be launched in respectively Q1 2009 and Q1 2010. In addition a works contract, fully funded by the beneficiary organisation, should be led by the beneficiary organisation in order to refurbish and/or modernise the facility that will accommodate the laboratory.

Project no 3: "Management of unsealed radionuclides in medical establishments" focuses on the reduction of exposure to ionising radiation of workers in the main nuclear medicine departments of five hospitals and clinical centres of Bosnia and Herzegovina located in Sarajevo, Banja Luka, Zenica, Mostar and Tuzla. The project should start with the analysis of current management practices of radionuclides in these medical establishments and provide the technical basis for the launching of a subsequent supply contract. Most of the envisaged equipment would be dealing with the shielding of boxes and tanks containing radionuclides that would improve the safety and security of the management of radionuclides. It is also planned to provide dose-rate meters for the controlled areas in the hospitals. Installation and testing of the equipment is part of this activity as well as the organisation of training courses for the personnel. Regarding this, a close collaboration should be established with the IAEA.

Service and supply contracts for an amount of respectively EUR 100,000 and EUR 400,000 will be concluded following tenders that will be launched in respectively Q1 2009 and Q1 2010.

Project no 4: "Strengthening Administrative Capacity of the State Office for Nuclear Safety, regulatory body for the nuclear safety and security" in Croatia aims at improving the technical capacity of this regulatory body in two distinct areas: safeguards inspection of nuclear materials, and radioactive waste management and decommissioning of nuclear power plants. The assistance will consist of providing training courses, including on-the-job training, and scientific visits. It is important to underline that training on inspection of nuclear materials will aim at meeting the IAEA and EURATOM requirements. As for radioactive waste management and decommissioning, the support to be provided should focus in particular on the establishment of a decommissioning plan, cost assessment, management of the resulting radioactive waste and radiation protection issues.

One service contract for an EC contribution of EUR 252,000 should be launched in Q2 2009. The implementation of this project will be decentralised.

Project no 5: "Health Protection in Relation to Medical Exposure" is related to the reduction of the exposure of patients and workers to ionising radiation in medical establishments in Croatia. This project comprises notably the development of Quality Assurance programmes, the development of an Action Plan on quality management implementation both through equipment quality control and patient dose management, and the establishment of written protocols for each type of equipment generating ionising radiation. The project has a supply component which comprises in particular X-ray multimeters, test devices for quality control of film processing, and test Phantom for comprehensive image quality. Strengthening public awareness about exposure to ionising radiation due to medical exposure is part of the project. This will consist of preparing information material, organising public campaigns, creating a dedicated website and holding workshops for doctors involved in radio diagnostic procedures. The project should be concluded with a comprehensive evaluation of doses delivered to patients and evaluation of their contributions to the collective doses from various specific radiological techniques. Finally, the project will contribute to optimise doses to workers in medical establishments through the implementation of an intercomparison exercise.

Three service and a supply contracts for an amount of respectively EUR 250,000 and EUR 450,000 will be concluded following tenders that will be launched in Q2 2009.

The implementation of this project will be decentralised.

Project no 6: "Strengthening Radiation Protection and Nuclear Safety in Montenegro through Capability Upgrading of Technical Support Institution" is a supply project with aims at providing various types of equipment to the Centre for Ecotoxicological Research of Montenegro (CETI) that is acting as Technical Support Organisation to the Montenegrin regulatory body. The areas covered by this supply project are: monitoring of the radioactivity into the environment, radioactive waste management and transportation of radioactive materials, and medical exposure of patients and workers. The project should also provide training courses to the CETI staff, and finally contribute to the certification and accreditation of all CETI methods and activities dealing with radiation protection.

One supply contract for an amount of EUR 300,000 should be launched in Q2 2009. In addition another supply contract for an amount of EUR 95,000, fully funded by the beneficiary organisation, should be launched in Q2 2009 by the beneficiary organisation (CETI).

Project No 7: "Conditioning and secure storage of disused sealed radioactive sources" is part of the Vinca Nuclear Institute Decommissioning programme under development in Serbia. This project mainly aims at retrieving, characterising, conditioning, packaging and storing at least 2000 sealed radioactive sources of IAEA category 3-4. The assistance to the Vinca Institute will in particular contribute to design the new conditioning and storage facility for sealed radioactive sources, establish a safety analysis report for the new facility, set up an inventory of all radioactive sources and train the Vinca personnel.

Taking into account the important technical assistance activities being implemented and coordinated by the IAEA at Vinca, it was deemed worthwhile to implement the project in joint management with this Agency. In this way, overlapping of technical assistance is avoided and synergies can be developed.

A contribution agreement with the IAEA for an amount of EUR 616,000 will be concluded in Q1 2009 for the implementation of this project in accordance with the terms of the Financial

and Administrative Framework Agreement (FAFA) between the European Community and the United Nations, signed on 29 April 2003, to which the IAEA adhered on 17 September 2004.

Project No 8: "Decommissioning of Degraded Waste Storage Hangar No 1" is part of the Vinca Nuclear Institute Decommissioning programme in Serbia. This project mainly aims at decommissioning an old and degraded storage facility for radioactive waste at Vinca. The EC support should mainly consist of providing assistance to the development of a decommissioning plan, the preparation of the associated safety analysis report, the characterisation of the facility, and to organise the decommissioning works via a tendering procedure.

Taking into account the important technical assistance activities being implemented and coordinated by the IAEA at Vinca, it was deemed worthwhile to implement the project in joint management with this Agency. In this way, overlapping of technical assistance is avoided and synergies can be developed.

A contribution agreement with the IAEA for an amount of EUR 1,200,000 will be concluded in Q1 2009 for the implementation of this project in accordance with the terms of the Financial and Administrative Framework Agreement (FAFA) between the European Community and the United Nations, signed on 29 April 2003, to which the IAEA adhered on 17 September 2004.

Project No 9: "Radioactivity survey" is part of the Vinca Nuclear Institute Decommissioning programme in Serbia. This project mainly aims at identifying the old facilities where radiological activities took place in the past at Vinca, at characterising them and - on this basis - to define a plan for future decommissioning and remediation activities together with a time schedule for implementation. This project comprises an important programme of sampling and measurement of radioactive samples.

Taking into account the important technical assistance activities being implemented and coordinated by the IAEA at Vinca, it was deemed worthwhile to implement the project in joint management with this Agency. In this way, overlapping of technical assistance is avoided and synergies can be developed.

A contribution agreement with the IAEA for an amount of EUR 588,000 will be concluded in Q1 2009 for the implementation of this project in accordance with the terms of the Financial and Administrative Framework Agreement (FAFA) between the European Community and the United Nations, signed on 29 April 2003, to which the IAEA adhered on 17 September 2004.

Project No 10: "Characterisation and conditioning of radioactive waste" is part of the Vinca Nuclear Institute Decommissioning programme in Serbia. This project mainly aims at operating the radioactive waste treatment and conditioning facility at Vinca. The activities of this project should provide expertise to the Vinca personnel on how to characterise, treat and condition drums of radioactive waste. As a result of this project, at least 500 waste drums should be processed and stored. In addition, the project should enable the completion of a database that will establish an inventory of all types of radioactive waste currently stored at Vinca.

Taking into account the important technical assistance activities being implemented and coordinated by the IAEA at Vinca, it was deemed worthwhile to implement the project in joint management with this Agency. In this way, overlapping of technical assistance is avoided and synergies can be developed.

A contribution agreement with the IAEA for an amount of EUR 611,000 will be concluded in Q1 2009 for the implementation of this project in accordance with the terms of the Financial and Administrative Framework Agreement (FAFA) between the European Community and the United Nations, signed on 29 April 2003, to which the IAEA adhered on 17 September 2004.

Project No 11: "Strengthening radiation safety capabilities and infrastructure" is part of the Vinca Nuclear Institute Decommissioning programme in Serbia. This project mainly aims at improving radiation protection issues and emergency preparedness at Vinca in particular during the implementation of the VIND projects. The technical assistance part of the project comprises a gap analysis of the current radiological assessment of the different activities to be implemented on the spot, whereas the investment part will provide equipment for the Vinca office building where radiation protection and emergency response teams will meet and work. In this context it is planned to purchase a mobile meteorological-ecological laboratory to complete the full capability for emergency preparedness.

Taking into account the important technical assistance activities being implemented and coordinated by the IAEA at Vinca, it was deemed worthwhile to implement the project in joint management with this Agency. In this way, overlapping of technical assistance is avoided and synergies can be developed.

A contribution agreement with the IAEA for an amount of EUR 163,000 will be concluded in Q1 2009 for the implementation of this project in accordance with the terms of the Financial and Administrative Framework Agreement (FAFA) between the European Community and the United Nations, signed on 29 April 2003, to which the IAEA adhered on 17 September 2004.

Project No 12: "Project Management Unit for EU supported projects" is a back-up project to the seven EU-funded projects implemented or to be implemented at Vinca that are totalling a budget of more than EUR 9 million. Through this project, assistance will be given in planning each project and activity; developing and maintaining project schedules, including the scheduling of each activity and input so as to ensure timely completion and successful achievement of the objectives and performance objectives.

Taking into account the important technical assistance activities being implemented and coordinated by the IAEA at Vinca, it was deemed worthwhile to implement the project in joint management with this Agency. In this way, overlapping of technical assistance is avoided and synergies can be developed.

A contribution agreement with the IAEA for an amount of EUR 500,000 will be concluded in Q1 2009 for the implementation of this project in accordance with the terms of the Financial and Administrative Framework Agreement (FAFA) between the European Community and the United Nations, signed on 29 April 2003, to which the IAEA adhered on 17 September 2004.

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. Due to the rather limited technical capacity of some of the beneficiary organisations, the Commission services (at that time the Nuclear Task Force of DG ELARG) were deeply involved in the technical back-up to the EC Delegations in order to improve the quality of the documents. It is expected that a similar situation will be found in most of the Western Balkans. As a consequence, the technical capacity of DG ELARG should be reinforced in particular through an increased involvement of the Joint Research Centre in the preparation of the technical documentation associated to each project.

Management of radionuclides in medical establishments is part of the 2008 IPA horizontal programme on nuclear safety and radiation protection. The actions to be undertaken in particular in Bosnia and Herzegovina are fully in line with the conclusions of a technical seminar that was organised in 2007 in Brussels by the European Commission on the same issue, and which focussed on the situation existing in Bulgaria, Croatia and Romania.

Coordination with the Instrument for Nuclear Safety Cooperation (INSC) and the Instrument for Stability (IFS) is ensured through the discussion of the project fiches with the INSC and IFS Committee members.

More than half of the 2008 IPA nuclear projects will be implemented in joint management with the IAEA. The reason is that this international agency has already supported a number of projects in the Western Balkans notably in the field of regulatory assistance. In the particular case of Serbia, the IAEA is coordinating the activities to be implemented within the VIND programme, including the management of the funds allocated by several donors. Therefore a close collaboration with the IAEA is a prerequisite for most nuclear projects to be implemented in the Western Balkans. This coordination will be assured through joint monitoring meetings, circulation and analysis of technical reports and missions on the spot.

2. d Horizontal issues

The implementation of projects 1 to 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 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 whole Western Balkans.

2. e Conditions

The implementation of projects No 1, 2, 3, 7, 8, 9, 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).

The implementation of project No 5 requires a written agreement between all public hospitals and other public medical institutions in Croatia involved in the project.

2. f Benchmarks

	2009		2010 (cumulative)		2011 (cumulative)		2012 (cumulative)	
	EU	NF*	EU	NF*	EU	NF*	EU	NF*
Contribution Agreements with the IAEA	2	-	2	-	2	-	2	-
Number of tenders launched	8	2	10	2	10	2	10	2
Contracting Rate (%)	80	100	100	100	100	100	100	100

* in case of parallel national co-financing

3. BUDGET (AMOUNTS IN EUR)

3.1. Indicative budget

3.1.1. Table for decentralised projects (Croatia)

Decentralised management	Institution Building (IB)					Investment (INV)					Total (IB + INV)	Total IPA Community contribution	
	Total public expenditure	IPA Community contribution		National public contribution*		Total public expenditure	IPA Community contribution		National public contribution*				
	EUR (a)=(b)+(c)	EUR (b)	%⁽¹⁾	EUR (c)	%⁽¹⁾	EUR (d)=(e)+(f)	EUR (e)	%⁽¹⁾	EUR (f)	%⁽¹⁾	EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	%⁽²⁾
Priority axis 3	Ability to assume the obligations of Membership and approximation to European Standards												
<u>Project No 4:</u> Strengthening Administrative Capacity of the State Office for Nuclear Safety, regulatory body for the nuclear safety and security	280,000	252,000	90	28,000	10						280,000	252,000	3.5
<u>Project No 5:</u> Health Protection in Relation to Medical	278,000	250,000	90	28,000	10	600,000	450,000	75	150,000	25	878,000	700,000	10.0

Exposure														
TOTAL	558,000	502,000	90	56,000	10	600,000	450,000	75	150,000	25	1,158,000	952,000	13.5	

* public contribution (private contributions are not taken into account (Article 67(1) IPA IR) under decentralised management).

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

(2) Expressed in % of the grand total of column (h).

3.1.2. Table for centralised projects ((Bosnia and Herzegovina, Montenegro)

Centralised management	Institution Building (IB)					Investment (INV)					Total (IB + INV)	Total IPA Community contribution		
	Total expenditure		IPA Community contribution		National contribution*		Total public expenditure		IPA Community contribution		National contribution*			
	EUR (a)=(b)+(c)	EUR (b)	%⁽¹⁾	EUR (c)	%⁽¹⁾	EUR (d)=(e)+(f)	EUR (e)	%⁽¹⁾	EUR (f)	%⁽¹⁾	EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	%⁽²⁾	
Priority axis 3	Ability to assume the obligations of Membership and approximation to European Standards													
<u>Project No 2:</u> Establishment of a calibration laboratory for ionising radiation (Secondary Standard Dosimetry	150,000	150,000	100			360,000	250,000	69.4	110,000	30.6	510,000	400,000	5.7	

Laboratory) in Bosnia and Herzegovina													
<u>Project No 3:</u> Management of unsealed radionuclides in medical establishments - BiH	100,000	100,000	100			400,000	400,000	100			500,000	500,000	7.1
<u>Project No 6:</u> Strengthening Radiation Protection and Nuclear Safety in Montenegro through Capability Upgrading of Technical Support Institution						395,000	300,000	76	95,000	24	395,000	300,000	4.3
TOTAL	250,000	250,000	100			1,155,000	950,000	82.2	205,000	17.8	1,405,000	1,200,000	17.1

* 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) Expressed in % of the grand total of column (h).

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

Joint management	Institution Building (IB)					Investment (INV)					Total (IB + INV)	Total IPA Community contribution	
	Total public expenditure	IPA Community contribution		National public contribution*		Total public expenditure	IPA Community contribution		National public contribution*				
	EUR (a)=(b)+(c)	EUR (b)	% ⁽¹⁾	EUR (c)	% ⁽¹⁾	EUR (d)=(e)+(f)	EUR (e)	% ⁽¹⁾	EUR (f)	% ⁽¹⁾	EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	% ⁽²⁾
Priority axis 3	Ability to assume the obligations of Membership and approximation to European Standards												
<u>Project No 1:</u> Regional Enhancement of the technical capacity of nuclear regulatory bodies in WB	1,200,000	1,200,000	100	-							1,200,000	1,200,000	17.0
<u>Project No 7:</u> Conditioning and secure storage of disused sealed radioactive sources - Serbia						849,000	616,000	72.6	233,000	27.4	849,000	616,000	8.8
<u>Project No 8:</u>						1,476,000	1,200,000	81.3	276,000	18.7	1,476,000	1,200,000	17.0

Decommissioning of Degraded Waste Storage Hangar No 1 - Serbia													
<u>Project No 9:</u> Radioactivity survey - Serbia						617,000	588,000	95.3	29,000	4.7	617,000	588,000	8.4
<u>Project No 10:</u> Characterisation and conditioning of radioactive waste -Serbia						641,000	611,000	95.3	30,000	4.7	641,000	611,000	8.7
<u>Project No 11:</u> Strengthening radiation safety capabilities and infrastructure - Serbia						173,000	163,000	94.2	10,000	5.8	173,000	163,000	2.3
<u>Project No 12:</u> Project Management Unit for EU supported projects - Serbia	525,000	500,000	95.2	25,000	4.8						525,000	500,000	7.1
TOTAL	1,725,000	1,700,000	98.6	25,000	1.4	3,756,000	3,178,000	84.6	578,000	15.4	5,481,000	4,878,000	69.4

* 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) Expressed in % of the grand total of column (h).

3.1.4. 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 Community contribution	
	Total public expenditure	IPA Community contribution		National public contribution*		Total public expenditure	IPA Community contribution		National public contribution				
	EUR (a)=(b)+(c)	EUR (b)	% ⁽¹⁾	EUR (c)	% ⁽¹⁾	EUR (d)=(e)+(f)	EUR (e)	% ⁽¹⁾	EUR (f)	% ⁽¹⁾	EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	% ⁽²⁾
Decentralised management	558,000	502,000	90	56,000	10	600,000	450,000	75	150,000	25	1,158,000	952,000	13.5
Centralised management	250,000	250,000	100			1,155,000	950,000	82.2	205,000	17.8	1,405,000	1,200,000	17.1
Joint Management	1,725,000	1,700,000	98.6	25,000	1.4	3,756,000	3,178,000	84.6	578,000	15.4	5,481,000	4,878,000	69.4
TOTAL	2,533,000	2,452,000	96.8	81,000	3.2	5,511,000	4,578,000	83.1	933,000	16.9	8,044,000	7,030,000	100

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

(2) Expressed in % of the grand total of column (h).

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

For projects under decentralised management (projects No 4 and No 5), the Community contribution represents 82.21% 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 public expenditure. Joint co-financing will be used as a rule. The requirements of co-financing for IB and INV at project level have been complied with.

For projects under centralised management (projects No 2, No 3 and No 6), the Community contribution represents 85.41% 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 2 and No 6. For project No 3, since the rate of the Community contribution, which may amount to 100% of the eligible expenditure, has not been quantified yet. Therefore the level of co-financing could not be determined. Actually the possible level of co-financing will be known when the results of the feasibility study that will be implemented at the outset of the project, are available.

For projects in joint management with the International Atomic Energy Agency (projects No 1, No 7, No 8, No 9, No 10, No 11 and No 12), the Community contribution represents 89% 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. Joint co-financing will be used. On account of its regional character, project No 1 is not co-financed. The other projects are co-financed by the IAEA and other donors. However the level of co-financing should be looked into in the light of the whole VIND programme the cost of which is much larger than the budget allocated to the projects abovementioned.

4. IMPLEMENTATION ARRANGEMENTS

4.1 Method of implementation

For projects No 2, No 3 and No 6 the programme will be implemented on a centralised basis by the European Commission in accordance with Article 53a of the Financial Regulation³ and the corresponding provisions of the Implementing Rules⁴.

Projects No 4 and No 5 shall be implemented by decentralised management, in accordance with article 53c of the Financial Regulation⁵ and the corresponding provisions of the Implementing Rules⁶. The Beneficiary will continue to ensure that the conditions laid down in Art. 56 of the Financial Regulation are respected at all times.

The ex-ante control by the Commission shall apply to the tendering of contracts, launch of call for proposals and the award of contracts and grants until the Commission allows for

³ OJ L 248, 16.9.2002, p.1.

⁴ OJ L 357, 31.12.2002, p. 1.

⁵ See footnote 3.

⁶ See footnote 4.

decentralised management without ex-ante controls as referred in Article 18 of the IPA Implementing Regulation.

For projects No 1, No 7, No 8, No 9, No 10, No 11 and No 12, the programme will be implemented by the European Commission by joint management with the International Atomic Energy Agency following Article 53.d 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 1 and another one for all the other projects), in accordance with the Financial and Administrative Framework Agreement (FAFA).

4.2 General rules for procurement and grant award procedures

For projects No 2, No 3, No 4, No 5 and No 6 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).

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 EC external actions" ("Practical Guide") as published on the EuropeAid website⁷ at the date of the initiation of the procurement or grant award procedure.

For projects No 1, No 7, No 8, No 9, No 10, No 11 and No 12, 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.

Decentralised projects will be monitored through the IPA Monitoring Committee assisted by Transition Assistance and Institution Building Monitoring Committee, and the Joint Monitoring Committee.

They shall assess the effectiveness, quality and coherence of the implementation of this programme. They may make proposals to the Commission and the national IPA co-ordinator, with a copy to the national authorising officer, for decisions on any corrective measures to ensure the achievements of programme objectives and enhance the efficiency of the assistance provided.

⁷ http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm

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 Rules⁸, 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.

For decentralised projects, after the conferral of management powers, the responsibility for carrying out interim evaluations shall lie with the beneficiary, without the Commission's rights to perform any ad hoc interim evaluations of the programmes it deems necessary. Ex post evaluation shall remain a prerogative of the Commission even after the conferral of management powers to the beneficiary.

6. AUDIT, FINANCIAL CONTROL, ANTIFRAUD MEASURES; FINANCIAL ADJUSTMENTS, PREVENTIVE MEASURES AND FINANCIAL CORRECTIONS

6.1 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.

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) 2185/96⁹.

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

6.2 Financial adjustments

For decentralised projects, the national authorising officer, who bears in the first instance the responsibility for investigating all irregularities, shall make the financial adjustments where irregularities or negligence are detected in connection with the implementation of this programme, by cancelling all or part of the Community assistance. The national authorising officer shall take into account the nature and gravity of the irregularities and the financial loss to the Community assistance.

⁸ Commission Regulation (EC) No 718/2007 of 12 June 2007 (OJ L 170, 29.6.2007, p. 1).

⁹ OJ L 292; 15.11.1996; p. 2

In case of an irregularity, including negligence and fraud, the national authorising officer shall recover the Community assistance paid to the beneficiary in accordance with national recovery procedures.

6.3 Audit trail

For decentralised projects, the national authorising officer 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 authorisation of payment applications, of the accounting and payment of such applications, and of the treatment of advances, guarantees and debts.

6.4 Preventive Measures

For decentralised projects, Beneficiaries shall ensure investigation and effective treatment of suspected cases of fraud and irregularities and shall ensure the functioning of a control and reporting mechanism equivalent to that provided for in Commission Regulation 1828/2006¹⁰. All suspected or actual cases of fraud and irregularity as well as all measures related thereto taken must be reported to the Commission services without delay. Should there be no suspected or actual cases of fraud or irregularity to report, the Beneficiary shall inform the Commission of this fact within two months following the end of each quarter.

Irregularity shall mean any infringement of a provision 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: 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 Union or budgets managed by, or on behalf of, the European Union; non disclosure of information in violation of a specific obligation with the same effect; the misapplication of such funds for purposes other than those for which they are originally granted.

The Beneficiary shall take any appropriate measure to prevent and counter active and passive corruption practises at any stage of the procurement procedure or grant award procedure, as well as during the implementation of corresponding contracts.

Active corruption is defined as the deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party for him to act or to refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the European Communities' financial interests.

Passive corruption is defined as the deliberate action of an official, who, directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or a third party, or accepts a promise of such advantage, to act or to refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the European Communities' financial interests.

¹⁰ OJ L371, 27.12.2006, p. 1.

The authorities of the beneficiary, including the personnel responsible for the implementation of the programme, shall also undertake to take whatever precautions are necessary to avoid any risk of conflict of interest, and shall inform the Commission immediately of any such conflict of interest or any situation likely to give rise to any such conflict.

6.5 Financial corrections

For decentralised projects, in order to ensure that the funds are used in accordance with the applicable rules, the Commission shall apply clearance-of-accounts procedures or financial correction mechanisms in accordance with Article 53c (2) of the Financial Regulation and as detailed in the Framework Agreement concluded between the Commission and the beneficiary.

A financial correction may arise following:

- (i) identification of a specific irregularity, including fraud; or
- (ii) identification of a weakness or deficiency in the management and control systems of the beneficiary;

If the Commission finds that expenditure under this programme has been incurred in a way that has infringed applicable rules, 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 following the criteria and procedures provided for in the IPA Implementing Regulation).

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 nature¹¹, 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.

¹¹ 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.