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EUROPEAN COMMISSION

Brussels,  
C(2010) 5312 final

Draft

**COMMISSION DECISION**

**of 28 July 2010**

**adopting the revised "Cross-border programme Albania ( Montenegro" under the IPA-  
Cross-border Co-operation component, for the years 2010–2011**

Draft

## COMMISSION DECISION

of 28 July 2010

### **adopting the revised "Cross-border programme Albania – Montenegro" under the IPA-Cross-border Co-operation component, for the years 2010–2011**

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(2)(a) thereof,

Whereas:

- (1) Regulation (EC) No 1085/2006 lays down the objectives and main principles for pre-accession assistance to candidates 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, by group of countries or by component. 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 documents referred to in Article 6 of that Regulation.
- (3) The Council has established a European Partnership for Albania<sup>2</sup> and a European Partnership for Montenegro<sup>3</sup>. On 31 July 2009 the Commission has adopted the Multi-annual Indicative Planning Document 2009–2011 for Albania and on 16 June 2009 the Multi-annual Indicative Planning Document 2009–2011 for Montenegro, which present the main priorities for pre-accession assistance to those countries<sup>4</sup>.
- (4) In accordance with Article 91 of Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA)<sup>5</sup> (hereinafter referred to as the "IPA Implementing Regulation"), the Commission adopted on 18 December 2007 the multi-annual "Cross-border programme Albania – Montenegro"<sup>6</sup>.
- (5) In accordance with Article 93(1) of the IPA Implementing Regulation, at the initiative of the Commission, in agreement with the participating countries, the cross-border programme shall be amended in order to update the financing plan so as to add the appropriations for the years 2010- and 2011, according to the revision of the Multi-annual Indicative Financial Framework for 2010–2012<sup>7</sup>. The amendment of the

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<sup>1</sup> OJ L 210, 31.07.2006, p. 82.

<sup>2</sup> Council Decision 2008/210/EC of 18 February 2008 (OJ L 80, 19.3.2008, p. 1-17).

<sup>3</sup> Council Decision 2007/49/EC of 22 January 2007 (OJ L 20, 27.1.2007, p. 16-31).

<sup>4</sup> For Albania: C(2009)5911; for Montenegro: C(2009)4506.

<sup>5</sup> OJ L 170, 29.6.2007, p.1.

<sup>6</sup> Decision C(2007)6342 of 18.12.2007.

<sup>7</sup> COM(2008)705 final of 5.11.2008.

programme also encompasses some minor adjustments revising outdated references. The revised "Cross-border programme Albania – Montenegro" should therefore be adopted by the Commission in accordance with Article 93(2) of the IPA Implementing Regulation.

- (6) 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 1605/2002<sup>8</sup> 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 Regulation applicable to the general budget of the European Communities<sup>9</sup>.
- (7) The measures provided for by this Decision are in accordance with the opinion of the IPA Committee,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

The "Cross-border programme Albania – Montenegro", as set out in Annex 2 to this Decision, is hereby adopted. It replaces the programme adopted on 18 December 2007 (Decision C(2007)6342).

The Financing proposal for the years 2010–2011 of the "Cross-Border programme Albania – Montenegro", as set out in Annex 1 to this Decision, is hereby adopted.

The programme corresponding to budget years 2010 and 2011 shall be implemented by means of annual Financing Agreements to be concluded between the Commission and the Government of each of the participating Countries in conformity with the Framework Agreements concluded between the same parties on 18 October 2007 for Albania and on 15 November 2007 for Montenegro. Each such Financing Agreement shall cover the European Union contribution for the beneficiary country and the year concerned.

#### *Article 2*

In the budget year 2010, the maximum amount of the European Union contribution shall be EUR 850 000 for Albania and EUR 600 000 for Montenegro to be financed through Item 22.02.04.01 of the general budget of the European Union.

In the budget year 2011, the maximum amount of the European Union contribution shall be EUR 850 000 for Albania and EUR 600 000 for Montenegro to be financed through Item 22.02.04.01 of the general budget of the European Union, subject to the approval of the Budget 2011 by the budget authority.

Done at Brussels,

*For the Commission,  
Štefan Füle  
Member of the Commission*

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<sup>8</sup> OJ L 357, 31.12.2002, p.1.

<sup>9</sup> OJ L 248, 16.09.2002, p.1.

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**ANNEX**  
**FINANCING PROPOSAL FOR THE YEARS 2010 and 2011**  
**OF THE CROSS-BORDER PROGRAMME**  
**Albania – Montenegro**

**1. IDENTIFICATION**

Beneficiaries	Albania and Montenegro
CRIS number	Albania: 2010/22-423; 2011/22-425 Montenegro: 2010/22-424; 2011/22-426
Years	2010 and 2011
Cost	2010: Albania: EUR 0.85 million Montenegro: EUR 0.6 million Total value of the IPA contribution: EUR 1.45 million 2011: Albania: EUR 0.85 million Montenegro: EUR 0.6 million Total value of the IPA contribution: EUR 1.45 million
Operating structures	Albania: Ministry of European Integration Montenegro: Ministry for European Integration
Contracting Authority / Implementing Agency	For Albania: European Commission For Montenegro: European Commission
Final date for concluding the Financing Agreements:	For the 2010 funds: at the latest by 31 December 2011 For the 2011 funds: at the latest by 31 December 2012
Final date for contracting	2 years following the date of conclusion of each Financing Agreement.  No deadline for audit and evaluation projects covered by this Financing Agreement, as referred to in Article 166(2) of the Financial Regulation  These dates apply also to the national co-financing.
Final date for execution	2 years following the end date for contracting for each

	Financing Agreement These dates apply also to the national co-financing.
Sector Code	11120, 14010, 16061, 33210, 41010, 43040, 91010
Budget lines concerned	22.02.04.01
Programming Task Managers	ELARG Unit C4
Implementation Task Managers	For Albania: EU Delegation to Albania, Operation Section For Montenegro: EU Delegation to Montenegro, Operation Section

## 2. SUMMARY

### 2.1. Introduction

#### 2.1.1. *Link with the MIPD*

The cross-border programme between Albania and Montenegro will contribute to the implementation of IPA Component II "Cross-border cooperation" of the Multi-annual Indicative Planning Documents (MIPDs) 2009-2011 for both countries. This programme will provide assistance for "Democratic stabilisation and administrative capacity building", "Economic and social development", "Infrastructure" and "Technical assistance", identified as major areas of intervention in the MIPD for Albania, and will address the need for "Development of cross-border economic, social and environmental activities of border areas", to "Address common challenges in particular in the field of environment and public health and development" and to "Promote local 'people to people' type actions including NGOs and local authorities" identified in the MIPD for Montenegro.

#### 2.1.2. *Programming process*

Programming took place from January to May 2007. The programme was developed following a process of wide consultation with the local stakeholders and potential beneficiaries in both sides of the border. The national authorities and joint structures were assisted during this process by the Cross-border Institution Building (CBIB) project funded by CARDS 2003 Regional Programme. It was coordinated in each country by the respective cross-border coordinators: the Ministry of European Integration in Albania and the Secretariat for European Integration in Montenegro.

In January 2007, each country established an Operating Structure (OS) in charge of preparing the cross-border programme. The Joint Programming Committee, consisting of members of the Operating Structures was also established. The Operating Structures met for the first time on 14 February 2007 in order to identify the responsible institutions for the preparation of the cross-border programme and to develop a preliminary action plan. The Joint Programming Committee met on 26 February 2007 and agreed on the eligible areas and on the action plan. During March and April 2007, the main local stakeholders were consulted and the Operating Structures met several times to discuss the analysis of the cross-border region and the SWOT analysis and to identify priorities and measures. The Joint Programming Committee met on 17

April 2007 to agree on the cross-border region and SWOT analyses and to discuss priorities and measures. The Committee met again on 23 May 2007 to approve the draft cross-border programme.

In October and November 2009 a limited revision of the programme was undertaken by the Operating Structures with the support of CBIB II project funded by CARDS 2005 Regional Programme, in order to update financial allocations, indicators and factual changes as necessary. This revised version was accepted by the Joint Monitoring Committee on 9 December 2009.

### **2.1.3. List of eligible areas**

The eligible areas in Albania are two prefectures: the Shkoder prefecture and the Kukes prefecture.

The eligible territory in Montenegro covers a territory of 9 municipalities: Budva; Berane; Andrijevica; Plav; Danilovgrad; Podgorica; Bar; Ulcinj; Cetinje.

## **2.2. Global objective(s) of the programme**

The global objective of this programme is to promote cooperation between people, communities and institutions in the bordering areas, aiming at the sustainable development, stability and prosperity of these areas in the mutual interest of the citizens of the two countries. This programme should have catalytic effects as it should build the capacities of local stakeholders, municipal, regional institutions and the civil society, and therefore their ability to participate in cross-border initiatives.

## **2.3. Priority axis, the related measures and their specific aspects concerning the implementation of the 2010–2011 budget**

### **2.3.1. Priority axis I: Promotion of regional cohesion and competitiveness through an approach integrating economic, environmental and social development**

This priority will contribute to the quality of living standards in the programming areas by providing opportunities for economic partnerships and exchanges of common interest across the border. The actions to be implemented are expected to enhance the quality of services, to generate work and entrepreneurial opportunities, to improve environmental protection and to foster cultural exchanges. They will also facilitate the strengthening of local communities and civil society organisations and promote social cohesion.

This priority consists of three specific measures.

#### **2.3.1.1. Measure I.1: Economic development with an emphasis on tourism**

The specific objective of this measure is to promote the economic development of the programming areas through their tourism and cultural potential. The expected results are the joint management of tourism activities and the enhanced quality of services, competitiveness and attractiveness of the tourism sector.

This measure will encourage initiatives to modernise tourism services by developing joint business advisory services and stimulating regular interaction between businesses located across the cross-border region via: business-to-business networks; joint marketing on domestic and EU markets; cooperation with educational organisations for innovation and vocational training services; selected investments in business infrastructures; promotion of the area's image to potential investors and visitors.



### 2.3.1.2. Measure I.2: Environment protection and promotion

The specific objective of this measure is to support joint initiatives aimed at protecting, promoting and managing sensitive ecosystems and the sustainable environmental development of the programming area. It is expected to result in joint management of protected areas and increased awareness of the population about environmental issues.

This measure will support cooperation between environmental protection organisations active in the programming area to prepare and implement management plans for eco-tourism sites with the main focus on the Shkodra/Skadar Lake and its surroundings.

### 2.3.1.3. Measure I.3: Enhancing social cohesion through people-to-people actions

This specific objective of this measure is to encourage the citizens of the programming area to get involved in a wide range of opportunities for cooperation and partnership building and will result in the establishment of new networks and exchanges between local stakeholders.

The people-to-people actions are expected to directly enhance the flow of information and communication across the bordering area. The actions foreseen under this measure will bring people, local communities and civil society organisations of the border region closer to each other and, inter alia, support cultural exchanges, the promotion of craftsmanship, traditional production and local heritage.

People-to-people actions will also be financed under measure I.1 and I.2. Synergies between the three measures will be ensured.

## 2.3.2. *Priority axis II: Technical assistance for an efficient programme management and information flow*

Technical assistance will be provided through two measures.

### 2.3.2.1. Measure II.1: Programme administration, monitoring and evaluation

Technical assistance will be used to support the work of the two national Operating Structures (OSs) and of the Joint Monitoring Committee (JMC), ensuring the efficient implementation, monitoring and evaluation of the programme, as well as an optimal use of resources. This will be achieved through the establishment and operation of a Joint Technical Secretariat (JTS) in Albania and a JTS antenna in Montenegro. The JTS will be in charge of the day-to-day management of the programme and will be responsible to the OSs and the JMC.

### 2.3.2.2. Measure II.2: Programme Information and Publicity

The specific objective of this measure is to ensure programme awareness amongst national, regional and local communities and in general among the population in the programming area. It also supports awareness-raising activities at the country level in order to inform citizens in both countries about the programme.

## **Indicative timetable and amounts for the implementation of the measures**

Measures I.1, I.2 and I.3 will be implemented through grants schemes. The essential selection and award criteria for the award of grants as laid down in the practical guide (PRAG) to contract procedures for EC external aid should apply. The detailed selection and award criteria for the award of grants will be laid down in the Call for proposals –Application Pack (Guidelines for applicants). It is foreseen that the calls for proposals, for a total amount of IPA and national co-financing of around EUR 1.53 million will be launched in the second quarter of 2010.

Measures II.1 and II.2 consisting in technical assistance will be implemented through individual direct grant agreements without call for proposals to be established between the European Commission and the respective national authorities, in accordance with article 168 1. (c) of the Implementing Rules to the Financial Regulation, considering that the relevant national authorities, i.e. the cross-border cooperation (CBC) coordinator in the meaning of Art. 22 (2) (b) of the IPA Implementing Regulation or the Operating structures, enjoy a *de facto* monopoly situation for the implementation of the cross-border programme. Subcontracting of the activities covered by the direct grant agreements is possible in accordance with Article 120 of the Financial Regulation and Article 184 of the Implementing Rules to the Financial Regulation. The direct grant agreements can be signed as soon as the Financing Agreements have been concluded.

The calls for proposals will be prepared with the help of the technical assistance provided under Priority axis II of this programme. In particular, the technical assistance will fund the functioning of the Joint Technical Secretariat (JTS) which will draft the calls for proposals' Guidelines for applicants under the supervision of the Joint Monitoring Committee (JMC).

A potential concern could be the lack of absorption capacity in terms of project generation from local stakeholders. This will be addressed with outreaching activities under the technical assistance axis in order to explain the programme to potential beneficiaries.

#### **Tentative timetable and indicative amounts for the implementation of the measures:**

For Priority axis I, it is tentatively foreseen to launch two joint calls for proposals: one concerning the total amount of funds for the year 2010, to be tentatively launched in the second half of 2010; the second covering the total amount of funds for the year 2011, to be tentatively launched in the second half of 2011.

The essential selection and award criteria for the award of grants should be those laid down in the practical guide (PRAG) to contract procedures for EU external aid. The detailed selection and award criteria for the award of grants will be laid down in Call for proposals–Application Pack (Guidelines for applicants).

For grants awarded through Calls for proposals, the use of lump sums and/or flat rate financing is possible (in accordance with Art. 181 of the Implementing Rules to the Financial Regulation), up to an amount of EUR 25,000 per grant. Where relevant, the detailed conditions for the use of lump sums or flat rate financing shall be included in the Call for proposal/Guidelines for applicants.

For Priority axis II, considering that the relevant national authorities (Operating Structures in Albania and Montenegro) enjoy a *de facto* monopoly situation (in the sense of Art. 168, paragraph 1, sub-paragraph c of the Implementing Rules<sup>10</sup> to the Financial Regulation<sup>11</sup>) for the implementation of the cross-border programme, the relevant contracting authorities in both countries should establish individual direct grant agreements without call for proposals with the Operating Structures for amounts up to those provided under the TA Priority in each country. Subcontracting by the Operating Structures of the activities covered by the direct grant agreements (e.g. TA, evaluation, publicity etc.) is allowed in accordance with Article 120 of the Financial Regulation and Article 184 of the Implementing Rules to the Financial Regulation. The direct grant agreements can be signed as soon as the respective Financing

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<sup>10</sup> Regulation (EC, Euratom) No 2342/2002 (OJ L 357, 31.12.2002, p.1)

<sup>11</sup> Regulation (EC, Euratom) No 1605/2002 (OJ L 248, 16.09.2002, p.1)

Agreements have been concluded. For the purpose of an efficient use of TA funds, a close co-ordination between national authorities (Operating Structures, CBC coordinators) of the participating countries is required.

## **2.4. Overview of past and on-going CBC experience, including lessons learned and donor co-ordination**

### *2.4.1. Past and on-going CBC experience*

The cooperation between Albania and Montenegro is relatively recent. It has taken place more at the level of central institutions than in the bordering regions.

The cooperation between the two countries is based on the following existing protocols and agreements:

- Free-trade agreement between the two countries.
- The Protocol of Cooperation signed in December 2000 between the Ministry of Tourism of Montenegro and the Albanian Committee for the Development of Tourism.
- The Regional Forum of cooperation between Shkodra and Montenegro. Representatives of local government and the private sector participate in this forum.
- The Navigation Agreement of November 2004, according to which the parties agree with the operation of an international navigation line for Shkodra-Virpazar.
- The Strategic Action Plan for Shkodra/Skadar Lake of March 2007, established between the Ministry of Tourism and Environment of Montenegro and the Ministry of Environment, Forests and Water Administration of Albania.

This programme is also in line with the sectoral strategies of both countries: for Albania, the National Strategy for Social Economic Development (NSSD), the Decentralisation Strategy, the Regional Development Strategy – Millennium Development Goals (MDGs) 2003 for the Region of Shkodra and the document Promoting Local Development through the MDGs 2003 for the Region of Kukes; for Montenegro, the National Strategy of Sustainable Development of Montenegro (NSSD), the Master Plan for Tourism Development, the Spatial Plan, the Coastal Area Spatial Plan.

In addition, the cross-border programme, which was jointly drafted by the authorities of Albanian and Montenegro during the first half of 2007 following an extensive consultation process with stakeholders on both side of the border, provides the basis for multi-annual programming and implementation. It was revised in October-November 2009.

### *2.4.2. Lessons learned*

Most of the cross-border initiatives started only recently, making it premature to define “lessons learned”. However, the following points can be highlighted:

- The projects focusing on environment protection reflect the priorities defined by the national and regional institutions, providing for a sound embedding in local and national development priorities. However, it is important to strongly associate civil society and the private sector in programme development.
- The small calls for proposals for cross-border actions launched in previous cross-border programmes showed a low capacity in project preparation of most of the final beneficiaries. This could impede the implementation of the programme. Specific training of potential applicants will be essential throughout the programme.

- A few municipalities have had a leading role in the past and current cross-border initiatives. These municipalities should have a key role when implementing the programme (transfer of know-how, etc.).

In addition, an independent evaluation on the CBC programmes under PHARE was conducted by the MWH consortium. Experience has shown that the preconditions for effective implementation include, besides close co-ordination between participating countries at political and operational levels:

- cross-border cooperation between line ministries and effective working relationships between related organisations;
- functioning regional development authorities and local authorities, with appropriate staff in a stable environment;
- close working relationships between regional institutions and the respective Commission Delegations;
- functioning cross-border cooperation between respective organisations of the private sector, such as chambers of commerce, company associations and NGOs.

#### 2.4.3. Donor coordination

The Government of **Albania** is involved in the process of donor coordination through the Integrated Planning System (IPS), a mechanism aiming to reform the way public funds (domestic and foreign) are managed. The IPS was approved by the government in November 2005 in order to deploy a coherent strategic framework, ensuring that the Albanian core policy and financial processes function in a coherent, efficient and integrated manner. Under CARDS 2004, an EU contribution is provided to the World Bank trust fund for the implementation of the IPS.

The Government also expects to improve the consultation process with the donor community and to align international assistance with national priorities through the Department of Strategy and Donor Coordination, under the Council of Ministers. The Minister of European Integration has been appointed National IPA Co-ordinator.

The Donor Technical Secretariat has facilitated coordination hosting project data of all donors since 2003. The donor co-ordination role is in process of being gradually transferred to the authorities. Close working relations are maintained with the IFIs: EIB, EBRD, World Bank, KfW.

In **Montenegro**, donor coordination is substantially underpinned by sectoral strategies across the board as well as by overarching strategies on poverty reduction, sustainable development etc. The Montenegrin authorities have re-organised donor coordination and assigned senior government officials to coordinate donor assistance in all critical sectors. The European Agency for Reconstruction (EAR) in Podgorica participated regularly in coordination meetings with a range of EU and other bilateral donors. It had also developed a close and fruitful relationship with IFIs - especially the EIB, EBRD and World Bank; and with bilateral FIs such as the German KfW.

EU-funded activities, managed by the EAR and now by the European Commission Delegation, have catalysed substantial investment by these institutions in Montenegro's environment and transport infrastructure. The European Commission has also developed good working relationships with UN agencies, in particular with UNHCR on Refugee and IDP issues, and with UNICEF on child protection matters. It is also working closely with the

Council of Europe on public administration reform, and with the OSCE on justice, democracy and security issues.

As regards this cross-border programme, EU Member States and IFIs have been consulted on the draft programme during the programming process in order to identify complementarities between donors' assistance projects.

## 2.5. Horizontal issues

The joint applications will have to cover both parts of the project and fulfil the following criteria:

- benefit partners from both sides of the border;
- support links between relevant institutions and organisations from both sides of the border;
- encourage equal participation of women and marginalised groups;
- meet particular needs of ethnic minorities;
- be environmentally sustainable;

Project partners should establish agreed co-ordination mechanisms to synchronise the joint projects throughout their implementation.

## 2.6. Conditions

The successful implementation of the programme depends on adequate staffing and functioning of the Operating Structures, Joint Monitoring Committees, and Joint Technical Secretariat and its antenna.

## 2.7. Benchmarks

2010	N	N+1 (cumulative)	N+2 (cumulative)
Number of direct grant agreement in Albania	0	1	1
Number of direct grant agreement in Montenegro	0	1	1
Number of joint calls for proposals launched (in Albania and Montenegro)	0	1	1
Contracting Rate (%) in Albania	0	100	100
Contracting Rate (%) in Montenegro	0	100	100

"N" being the date of conclusion of the Financing Agreement

2011	N	N+1 (cumulative)	N+2 (cumulative)
Number of direct grant agreement in Albania	0	1	1
Number of direct grant agreement in Montenegro	0	1	1
Number of joint calls for proposals launched (in Albania and Montenegro)	0	1	1
Contracting Rate (%) in Albania	0	100	100
Contracting Rate (%) in Montenegro	0	100	100

"N" being the date of conclusion of the Financing Agreement

## **2.8. Roadmap for the decentralisation of the management of EU funds without ex ante controls by the Commission**

According to Article 8(4)c) of the IPA Implementing Regulation, the beneficiary countries shall establish a roadmap with indicative benchmarks and time limits to achieve decentralisation without ex ante controls by the Commission.

Concerning the indicative roadmap for decentralisation with ex-ante control (DIS), the situation is the following:

**In Albania**, the roadmap for the decentralised management process of IPA Component I was developed in December 2008 and reviewed in Summer 2009. The key actors for decentralised management have been appointed by a Government Decree of 5 September 2007: National IPA Coordinator (NIPAC), Competent Accrediting Officer (CAO), National Authorising Officer (NAO) and Programming Authorising Officer (PAO). The National Fund (NF) is not yet established within the Ministry of Finance but two persons are nominated in charge of all issues for the NF in this preparatory stage. The Contract and Finance Coordination Unit (CFCU) is established within the structure of the Ministry of Finance by Decree No. 93 of 13 June 2007 and was restructured in July 2008. A Steering Committee (SC) for decentralised management preparations has been established and is chaired by the NAO. Senior Programming Officers (SPOs) for IPA Component I in line ministries have been re-appointed in November 2009 after the summer 2009 legislative elections. The Audit Authority was established by Council of Minister's Decision of 14 October 2009.

The IPA 2007 project to support the Albanian administration to prepare for decentralised management for IPA Component I is currently ongoing and preparing for Stage 1 (gap assessment). A European Commission joint mission in January 2010 allowed the kick-off of preparations for the decentralised management process for components III, IV and V. While the structures have already been set-up, EU funded technical assistance to the Albanian authorities for the drafting of a roadmap for the decentralised management of IPA Component II is scheduled to start during spring 2010. The IPA 2009 project to support the Albanian

national authorities' further progress towards the decentralised management of IPA Components II, III, IV and V in Albania should start being implemented in winter 2010.

In **Montenegro**, preparations towards decentralised management for IPA are ongoing. Following elections and formation of a new government in spring 2009, a new National Authorising Officer (NAO) was nominated, the other key positions, like Competent Accrediting Officer (CAO) and Programme Authorising Officer (PAO) remained unchanged. The government updated in October 2009 the "Action Plan for the conferral of management of IPA funds for the Component I and II", which envisages the submission of application for conferral of management powers for Comp. I and II by end 2010/beginning of 2011. An implementing agreement (between newly appointed NAO and PAO) has been signed in October 2009. Out of the 16 Senior Programme officers (SPOs) 15 have been designated and Operational agreements with the PAO were signed. A formal gap assessment (stage 1 of the roadmap to decentralised management for IPA) for Comp I and II has been completed in March 2010.

A Strategic Coordinator (Deputy Minister for European Integration) has been designated for IPA Components III and IV and an "Overall Action Plan of the Government of Montenegro for IPA Comp III and IV" established, which outlines the main steps for elaborating the Strategic Coherence Framework (SCF), the Operational Programmes (OPs) and for the conferral of management.

Assistance in the process of preparing for conferral of EU funds management for IPA Comp I and II has been provided under a CARDS project which is to be followed-up by three IPA projects that will support the introduction of decentralised management of EU funds for all five IPA Components.

### 3. BUDGET FOR 2010 AND 2011

#### 3.1. Indicative 2010 financial table for Albania

	IPA EU contribution		National contribution		Total	
	EUR (a)	% <sup>(1)</sup>	EUR (b)	% <sup>(1)</sup>	EUR (c)=(a)+(b)	% <sup>(2)</sup>
Priority axis 1	765 000	85	135 000	15	900 000	90
Priority axis 2	85 000	85	15 000	15	100 000	10
<b>TOTAL</b>	850 000	85	150 000	15	1 000 000	<b>100</b>

<sup>(1)</sup> Expressed in % of the Total (IPA plus National contributions) (column (c))

<sup>(2)</sup> Expressed in % of the grand total of column (c). It indicates the relative weight of the each priority with reference to the total funds (IPA + National)

#### 3.2. Indicative 2010 financial table for Montenegro

	IPA EU contribution		National contribution		Total	
	EUR (a)	% <sup>(1)</sup>	EUR (b)	% <sup>(1)</sup>	EUR (c)=(a)+(b)	% <sup>(2)</sup>

<b>Priority axis 1</b>	540 000	85	95 294	15	635 294	90
<b>Priority axis 2</b>	60 000	85	10 588	15	70 588	10
<b>TOTAL</b>	600 000	85	105 882	15	705 882	<b>100</b>

<sup>(1)</sup> Expressed in % of the Total (IPA plus National contributions) (column (c))

<sup>(2)</sup> Expressed in % of the grand total of column (c). It indicates the relative weight of the each priority with reference to the total funds (IPA + National)

### 3.3. Indicative 2011 financial table for Albania

	IPA EU contribution		National contribution		Total	
	EUR (a)	% <sup>(1)</sup>	EUR (b)	% <sup>(1)</sup>	EUR (c)=(a)+(b)	% <sup>(2)</sup>
<b>Priority axis 1</b>	765 000	85	135 000	15	900 000	90
<b>Priority axis 2</b>	85 000	85	15 000	15	100 000	10
<b>TOTAL</b>	850 000	85	150 000	15	1 000 000	<b>100</b>

<sup>(1)</sup> Expressed in % of the Total (IPA plus National contributions) (column (c))

<sup>(2)</sup> Expressed in % of the grand total of column (c). It indicates the relative weight of the each priority with reference to the total funds (IPA + National)

### 3.4. Indicative 2011 financial table for Montenegro

	IPA EU contribution		National contribution		Total	
	EUR (a)	% <sup>(1)</sup>	EUR (b)	% <sup>(1)</sup>	EUR (c)=(a)+(b)	% <sup>(2)</sup>
<b>Priority axis 1</b>	540 000	85	95 294	15	635 294	90
<b>Priority axis 2</b>	60 000	85	10 588	15	70 588	10
<b>TOTAL</b>	600 000	85	105 882	15	705 882	<b>100</b>

<sup>(1)</sup> Expressed in % of the Total (IPA plus National contributions) (column (c))

<sup>(2)</sup> Expressed in % of the grand total of column (c). It indicates the relative weight of the each priority with reference to the total funds (IPA + National)

### 3.5. Principle of co-financing applying to the projects funded under the programme

The Union contribution has been calculated in relation to the eligible expenditure, which for the "Cross-border programme Albania – Montenegro" is based on the total expenditure, as agreed by the participating countries and laid down in the cross-border programme.

The Union contribution at the level of priority axis shall not exceed the ceiling of 85% of the eligible expenditure.



The Union contribution for each priority axis shall not be less than 20% of the eligible expenditures.

The provisions of Article 90 of the IPA Implementing Regulation apply.

The co-financing under Priority axis I will be provided by the final grant beneficiaries and can come from public or private funds. The co-financing under Priority axis II will be provided by national public funds.

## **4. IMPLEMENTATION ARRANGEMENTS**

### **4.1. Method of Implementation**

This programme shall be implemented on a centralised basis by the European Commission in accordance with Article 53a of the Financial Regulation<sup>12</sup> and the corresponding provisions of the Implementing Rules<sup>13</sup>.

In the event of centralised management the role of the Commission in the selection of operations under a cross-border programme among beneficiary countries is specified in Article 140 of the IPA Implementing Regulation.

### **4.2. General rules for Procurement and grant award procedures**

Procurement shall follow the provisions of Part Two, Title IV of the Financial Regulation and Part Two, Title III, Chapter 3 of its Implementing Rules as well as the rules and procedures for service, supply and works contracts financed from the general budget of the European Communities for the purposes of cooperation with third countries adopted by the Commission on 24 May 2007 (C(2007)2034).

Grant award procedures shall follow the provisions of Part One, Title VI of the Financial Regulation and Part One, Title VI of its Implementing Rules.

Where appropriate, the Contracting Authorities should also use the standard templates and models facilitating the application of the above rules provided for in the "Practical Guide to contract procedures for EC external actions" ("Practical Guide") as published on the EuropeAid website<sup>14</sup> at the date of the initiation of the procurement or grant award procedure.

### **4.3. Environmental Impact Assessment and Nature Conservation**

All investments shall be carried out in compliance with the relevant EU environmental legislation.

The procedures for environmental impact assessment as set down in the EIA-directive<sup>15</sup> fully apply to all investment projects under IPA. If the EIA-directive has not yet been fully transposed, the procedures should be similar to the ones established in the above-mentioned directive.

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<sup>12</sup> Regulation (EC, Euratom) No 1605/2002 (OJ L 248, 16.09.2002, p.1)

<sup>13</sup> Regulation (EC, Euratom) No 2342/2002 (OJ L 357, 31.12.2002, p.1)

<sup>14</sup> current address:

[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>15</sup> Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ L 175, 5.7.1985, p. 40).

If a project is likely to affect sites of nature conservation importance, an appropriate nature conservation assessment shall be made, equivalent to that provided for in Article 6 of the Habitats Directive<sup>16</sup>.

## **5. MONITORING AND EVALUATION**

### **5.1. Monitoring**

The implementation of the cross-border programme will be monitored by the joint monitoring committee referred to in Article 142 of the IPA Implementing Regulation, established by the participating beneficiary countries, which include representatives of the Commission.

In Albania and Montenegro, the Commission may undertake any actions it deems necessary to monitor the programme concerned.

### **5.2. Evaluation**

Programmes shall be subject to evaluations in accordance with Article 141 of the IPA Implementing Regulation, with an aim to improve the quality, effectiveness and consistency of the assistance from EU funds and the strategy and implementation of the cross-border programmes.

An interim evaluation of each of the 8 CBC programmes between candidate-potential candidate countries is being (2010) conducted by independent evaluators under the responsibility of the Commission (DG Enlargement). The final evaluation reports should be available end 2010, early 2011.

## **6. 6. AUDIT, FINANCIAL CONTROL, 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 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 Delegations in the Beneficiary Countries."

In order to ensure the efficient protection of the financial interests of the European Union, 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>17</sup>."

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

## **7. 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

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<sup>16</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L206, 22.7.1992).

<sup>17</sup> Council Regulation (EC, Euratom) No 2185/96 (OJ L 292; 15.11.1996, p. 2)

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

Limited changes in the implementation of this programme affecting essential elements listed under Article 90 of the Implementing Rules to the Financial Regulation, which are of an indicative nature<sup>18</sup>, may be undertaken by the Commission's authorising officer by delegation (AOD), or by the Commission's 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>18</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.

**ANNEX 2**

**Cross-border programme**

**Albania – Montenegro**