



EUROPEAN COMMISSION

Brussels, 9 March 2010
C(2010)1318

COMMISSION DECISION

C(2010)1318 of 9 March 2010

**amending the Multi-Beneficiary Programme 1 under the IPA Transition Assistance and
Institution Building Component for the year 2009**

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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)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) The Multi-beneficiary Programme 1 under the IPA Transition Assistance and Institution Building Component for the year 2009 was adopted on 24 July 2009 by Commission Decision².
- (3) The aforementioned Decision foresees that, for the implementation of component II of project 3 – Support to the Regional School of Public Administration (ReSPA), a call for proposals for a value of EUR 400 000 will be launched. However, it seems more appropriate to implement this component by means of a service contract with the European Institute of Public Administration (EIPA) following a negotiated procedure for the assistance to ReSPA in accordance with Article 242(1)(b) of Commission Regulation (EC, Euratom) No 2342/2002³ of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities. EIPA is a non profit institution and the services it will provide will be directed to institutional support of ReSPA and to the benefit of the civil servants and consequently of their administrations. In addition, a reallocation of funds within the two components is envisaged to take into account the delays in the institutionalisation process of ReSPA. Therefore the Decision has to be amended.
- (4) 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 (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 Regulation applicable to the general budget of the European Communities⁴ (hereafter: “Financial Regulation”).

¹ OJ L 210, 31.7.2006, p. 82.

² C(2009)5762.

³ OJ L 357, 31.12.2002, p.1.

⁴ OJ L 248, 16.9.2002, p.1.

(5) This Decision will be notified to the IPA Committee⁵,

HAS ADOPTED THIS DECISION:

Article 1

The annex to the Commission Decision C(2009)5762 of 24 July 2009 is replaced by the text annexed to the present Decision.

Article 2

This Decision is addressed to the delegated authorising officer.

Done at Brussels,

*For the Commission,
On behalf of the President*

Member of the Commission

⁵ Recalling the Council Conclusions of 18 February 2008, Member States declare that the adoption of the amendment to the Multi-Beneficiary Programme 1 under the IPA Transition Assistance and Institution Building Component for the year 2009 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: THE MULTI-BENEFICIARY PROGRAMME 1 UNDER THE IPA
TRANSITION ASSISTANCE AND INSTITUTION BUILDING COMPONENT
FOR THE YEAR 2009¹**

1. IDENTIFICATION

Beneficiaries	Western Balkans: Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Kosovo ² . Turkey Albania and the former Yugoslav Republic of Macedonia are not included in project 1. Turkey is not included in projects 1 and 3.
CRIS number	2009/021-178
Year	2009
Cost	EUR 19 300 000
Implementing Authority	European Commission except for the project Regional Refugee Return which will be implemented by the European Commission in joint management with the UNHCR.
Final date for concluding the financing agreements	The programme is implemented without financing agreements
Final dates for contracting	30 November 2010. This date applies also to the national co-financing.
Final dates for execution	30 November 2012. This date applies also to the national co-financing.
Sector Code	(1) Regional Programme for refugee return and provision of durable solutions for refugees and Internally Displaced Persons in the Western Balkans: 72030 (2) Training in Public Procurement in the Western Balkans and Turkey: 99810 (3) Support to the Regional School of Public Administration (ReSPA): 15140 (4) Civil Protection Cooperation for the candidate countries and potential candidates: 74010 (5) Regional Environmental Network for Accession (RENA): 41010
Budget line(s) concerned	22.020701: Regional and Horizontal Programmes
Programming Task Manager	Unit D3, Regional Programmes, DG Enlargement

¹ The adoption of the Multi-Beneficiary Programme 1 under the IPA Transition Assistance and Institution Building Component for the year 2009 does not prejudice the position of each individual Member State on the status of Kosovo (under UNSCR 1244/99), which will be decided in accordance with their national practice and international law.

² under UNSCR 1244/99

Implementation Task Manager	Unit D3, Regional Programmes, DG Enlargement DG Environment for projects (4) and (5).
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2. PRIORITY AXES / PROJECTS

2.1. Priority axes

This Multi-beneficiary IPA Programme is designed to respond to Multi-beneficiary priority needs as indicated in the IPA Multi-beneficiary Multi-annual Indicative Planning Document (MIPD) 2009-2011, taking into account activities implemented under the National Programmes, the guidance provided in EU strategic documents, the lessons learned from the programming and implementation of previous EU assistance and the findings from consultations with, *inter alia*, the beneficiaries, International Financial Institutions, the Regional Cooperation Council, EU Member States, civil society organisations and European Commission services.

This programme is the first of two in 2009. The total planned amount for the Multi-beneficiary programmes for 2009 is approximately EUR 178 000 000. This amount includes transfers from National Programmes for Education and Nuclear Safety and Radiation Protection as well as the use of carried over assigned revenues. The objective of assistance to be provided under this Multi-beneficiary Programme is to address the following priority areas as identified in the IPA Multi-beneficiary MIPD 2009-2011:

2.1.1 Priority Axis 1 - Political criteria

- Foster and enhance durable and sustainable solutions, namely voluntary repatriation and reintegration including local integration for the remaining persons in displacement in Bosnia and Herzegovina, Croatia, Montenegro, Serbia as well as Kosovo (*Minority rights, protection of minorities and refugee return, Section 2.3.1.2.1 of the Multi-beneficiary MIPD 2009-2011*)
- Contribute towards upgrading the operational performance and professionalism of public procurement systems in the Western Balkans and Turkey by putting in place sustainable training systems in public procurement that are in compliance with EU public procurement legislation and practices and with related national legislation (*Public Administration, Section 2.3.1.1.1 of the Multi-beneficiary MIPD 2009-2011*)
- Assist ReSPA in delivering professional training and other activities related to the strengthening of the capacity of public servants in order to up-grade the professionalism of the civil service and to promote European Integration in South Eastern Europe (*Public Administration (ReSPA), Section 2.3.1.3.2 of the Multi-beneficiary MIPD 2009-2011*)
- Bring the Beneficiaries closer to the Community Civil Protection Mechanism and contribute to the development of their civil protection capacities (*Disaster Risk Reduction, Section 2.3.1.3.4 of the Multi-beneficiary MIPD 2009-2011*)

2.1.2 Priority Axis 3 - Assumption of the obligations of membership and approximation to European Standards

- Support the establishment of RENA, whilst establishing tools to assist the Beneficiaries in harmonising legal frameworks, improving capacity and designing appropriate intervention mechanisms in line with the EC environmental *acquis*. (*Environment, Section 2.3.3.9 of the Multi-beneficiary MIPD 2009-2011*)

2.2. Description of projects grouped per priority axis

Priority Axis 1 - Political criteria EUR 13.4 million
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Project 1 Regional Programme for refugee return and provision of durable solutions for refugees and Internally Displaced Persons in the Western Balkans – EUR 1 million

This project is designed to enhance voluntary return movements from Croatia, Serbia, Montenegro and Bosnia and Herzegovina and the subsequent re-integration in the regions and countries of origin; to ensure access to property/housing rights/assistance in Croatia; to achieve non-discriminatory access to rights, including acquired rights such as pensions; to produce impartial quality information for internally displaced persons from Kosovo on return related issues and about their places of origin and to facilitate local integration of refugees in Serbia through inputs to economic self-reliance. The project will be implemented through joint management with the UNHCR. A contribution agreement will be concluded in Q2 2009.

Project 2 Training in Public Procurement in the Western Balkans and Turkey – EUR 4 million

This project is designed to develop a sustainable procurement training strategy at regional and national levels in the Beneficiaries that is in compliance with EU public procurement legislation and practices and with related legislation in the Beneficiaries. The project will be implemented through a service contract following a restricted call for tender. The procurement procedure should be launched in Q2 2009.

Project 3 Support to the Regional School of Public Administration (ReSPA) – EUR 4.4 million

This project is designed to assist ReSPA in delivering professional training and other activities related to the strengthening of the capacity of public servants in order to upgrade the professionalism of the civil service and to promote European Integration in South Eastern Europe. The project is divided into two components:

- *Component I*- Running of ReSPA and organisation of ReSPA activities which will be implemented through an action grant to ReSPA for a value of EUR 2 400 000, in line with Article 168(1)(c) of the Implementing rules of the Financial Regulation. ReSPA constitutes a de facto monopoly, being an International Organisation created by all beneficiaries to deliver regional training activities for Public Administration. The grant contract should be signed in Q3 2010, pending the ratification of the International Agreement for the establishment of ReSPA by at least five out of the seven parties. Parallel co-financing will be used for Component I.

- *Component II* - Strengthening of the administrative capacity of ReSPA and support to ReSPA activities will be implemented by means of a service contract following a

negotiated procedure with the European Institute of Public Administration (EIPA), in accordance with Article 242 (1)(b) of the Implementing rules of the Financing Regulation. The service contract will be concluded for an implementation period of 18 months, a value of EUR 2 000 000. EIPA will be in charge of ensuring a successful handover to ReSPA when it becomes a fully-fledged organisation, including assistance in the completion of the institutionalisation process, support to the programme of work in 2010 and 2011, i.e. training and other corporate events, etc. The procurement procedure should be launched in Q1 2010.

Project 4 Civil Protection Cooperation for the candidate countries and potential candidates – EUR 4 million

This project is designed to bring the Beneficiaries closer to the Community Civil Protection Mechanism and to contribute to the development of their civil protection capacities. Up to five service contracts, each covering a group of related activities, will be awarded to successful tenderers after restricted calls for tender. The procurement procedure should be launched in Q2 2009. The implementation of this project will be sub-delegated to DG Environment as it is coordinating the Community Civil Protection mechanism.

Priority Axis 3 – Ability to assume the obligations of membership EUR 5.9 million

Project 5 Regional Environmental Network for Accession (RENA) - EUR 5.9 million

This project is designed to support the establishment of RENA, whilst establishing tools to assist the Beneficiaries in harmonising legal frameworks, improving capacity and designing appropriate intervention mechanisms in line with the EC environmental *acquis*. The project will be implemented through one service contract awarded to the successful tenderer after a restricted call for tender for the whole project amount. The procurement procedure should be launched in Q2 2009. The implementation of this programme will be sub-delegated to DG Environment.

2.3. Overview of past and on going assistance (EU / IFI / Bilateral and national assistance) including lessons learned and donor coordination

2.3.1 Past and ongoing assistance

From 2000 to 2008, EUR 801.1 million has been provided in assistance to candidate and potential candidate countries through the CARDS Regional, Phare Multi-Country and IPA Multi-beneficiary programmes. In financial terms, assistance provided under these programmes has addressed, in particular, socio-economic development through extensive and close collaboration with International Financial Institutions, which have helped the development of a functioning financial sector capable of supporting the expansion of the private sector and the needs of municipalities.

Equally important is the support that has been given to the regional cooperation process in the Western Balkans and certain areas of key importance for the European integration, such as tax and customs, statistics, public administration (SIGMA) and horizontal support via TAIEX. Additional details on the assistance allocated under the CARDS, Phare and IPA programmes are provided in the table below:

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
CARDS	20.2	20.0	43.5	31.5	22	47.5	57.5			242.2
Phare					28.4	91.1	194.7			314.2
IPA								109.0	135.7	244.7
Overall Total	20.2	20.0	43.5	31.5	50.4	138.6	252.2	109.0	135.7	801.1

Table 1: Total European Community allocations to the CARDS Regional, Phare Multi-Country Programmes and IPA Multi-beneficiary Programme (*amounts in Euro millions*)³

2.3.2. Lessons learned

In designing the Multi-beneficiary IPA 2009 programme, particular note has been taken of the results of projects programmed in previous years. The lessons learned build upon the experience in the implementation of previous projects in the specific areas.

In the management of previous and ongoing Multi-beneficiary IPA, CARDS Regional and Phare Multi-Country projects and programmes a number of applicable lessons have emerged through the project monitoring and evaluation reports as well as the evaluation report on the implementation of CARDS assistance to the Western Balkans which are applicable to this programme. These include:

- *Programme Coordination:* Beneficiaries have emphasized the importance of regular and timely communications regarding the Financing Proposals to facilitate their involvement and ownership of the programme. Consequently, detailed programme plans, which include timelines and the process for the distribution of draft documents for comment have been drafted, discussed and communicated to the Beneficiaries Multi-beneficiary coordination meetings which take place regularly throughout the year, allowing for discussion on the status of programming and project implementation.
- *Donor Coordination:* In light of the number of players involved in the area, donor coordination is a notable challenge which must continue to be addressed;
- *Complementarities:* EU Multi-beneficiary assistance must complement and be consistent with the National programmes;

³ Note: The CARDS figures indicated include assistance from Phare and Obnova where relevant in 2000 and from CARDS 2001 and onwards. In 2005 and 2006, the amounts indicated for Phare include those allocated to multi-country programmes from the Turkey pre-accession instrument. The CARDS Regional Programmes of 2004, 2005 and 2006 include respectively EUR 15 000 000, EUR 15 000 000 and EUR 11 900 000 for Cross-Border Cooperation.

- *Local Ownership*: Increasing local ownership is essential for the effective targeting of the support and achieving the agreed results. Significant efforts are being made to involve the Beneficiaries and the Regional Cooperation Council;
- *Absorption Capacity*: The absorption capacity and past achievement record of Beneficiary organisations is an important consideration.

2.3.3. Donor Coordination

Coordination and coherence of assistance and activities is particularly important, given the large number of players involved. The need for improved coordination and coherence has been highlighted to the Commission during consultations as a continuing concern by the authorities of the region.

Efforts are being made by DG Enlargement to improve coordination in this area. Regular meetings are organised throughout the year for example with Beneficiaries, Delegations and stakeholders (including for example an International Financial Institutions (IFI) days, Donor Coordination days).

The Commission organised a Donor Coordination conference in October 2008 where the Commission and Member States, together with the IFIs and non-EU donors, agreed to an active and affirmative approach concerning the need for enhanced donor coordination. It was agreed that the MIPDs could become a strategic instrument for donor coordination and that the consultation on the 2009-2011 MIPDs will be used as a key tool to determine areas of common interest and possibilities for sector coordination and division of labour. The results and plans for action stemming from such consultations will be reported during the next donor conference scheduled for April 2009 in Albania.

The Commission has endeavoured to establish a transparent consultation process with in particular the Beneficiaries. This process is aimed at enhancing, as far as possible, local ownership of the choices, content and design of the programmes. Consultations take place at a regular interval during the programming phase with the Beneficiaries and other stakeholders. Special importance should be given to the role of the Regional Cooperation Council as the interlocutor for the Beneficiaries in particular for the Regional Cooperation Process in the Western Balkans. Other coordination activities include:

- European Commission will play an active role in the Regional Cooperation Council;
- European Commission maintains bilateral relations with governments to ensure their actions complement and build on national efforts;
- European Commission Delegations organise regular meetings between Member States, Beneficiaries and other involved organisations (such as IFIs) to ensure monitoring and coordination throughout the programming cycle;
- DG Enlargement staff responsible for the implementation of the Multi-beneficiary programmes participate in regional networks and structures to facilitate coordination amongst the stakeholders and donors active in the region.

2.4. Horizontal issues

Cross cutting issues, such as equal opportunities and non-discrimination, support to minorities and vulnerable groups, environmental protection and good governance with particular attention to fight against corruption, have, as appropriate, become an integral part of each project. The mainstreaming of the cross cutting issues in each project shall ensure that strategies, policies, structures and operating procedures of the Beneficiary are in conformity with the principles defined in the various projects.

2.5. Conditions

N/A

2.6. Indicative Benchmarks

	2009		2010 (cumulative)	
	EU	NF	EU	NF
Number of tenders launched Training in Public Procurement in the Western Balkans and Turkey (1) Civil Protection Cooperation for the candidate countries and potential candidates (1) Regional Environmental Network for Accession (RENA) (1) Support to the Regional School of Public Administration (ReSPA) (1)	3		4	
Number of Direct Grants Support to the Regional School of Public Administration (ReSPA) (1)	0		1	
Number of Contribution Agreements in joint management Regional Programme for refugee return and provision of durable solutions for refugees and Internally Displaced Persons in the Western Balkans (1)	1		1	
Contracting Rate(%)	66.6		100	

3. BUDGET (AMOUNTS IN EUR)

3.1. Indicative budget table

Centralised management	Institution Building (IB)					Investment (INV)					Total (IB + INV)	Total IPA Community contribution	
	Total expenditure	IPA Community contribution		Other contribution*		Total expenditure	IPA Community contribution		Other 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 1:	15 450 000	13 400 000	86.73	2 050 000	13.27						15 450 400	13 400 000	69
Refugee return	1 250 000	1 000 000	80	250 000	20						1 250 000	1 000 000	
Public Procurement	4 000 000	4 000 000	100								4 000 000	4 000 000	
ReSPA	6 200 000	4 400 000	70.97	1 800 000	29.03						6 200 000	4 400 000	
Component I	4 200 000	2 400 000	57.14	1 800 000	42.86						4 200 000	2 400 000	
Component II	2 000 000	2 000 000	100								2 000 000	2 000 000	
Civil Protection	4 000 000	4 000 000	100								4 000 000	4 000 000	
Activity 1	1 260 000	1 260 000	100								1 260 000	1 260 000	
Activity 2	1 370 000	1 370 000	100								1 370 000	1 370 000	
Activity 3	1 370 000	1 370 000	100								1 370 000	1 370 000	
Priority axis 3:	5 900 000	5 900 000	100								5 900 000	5 900 000	31
RENA	5 900 000	5 900 000	100								5 900 000	5 900 000	
TOTAL	21 350 000	19 300 000	90.40	2 050 000	9.60						21 350 000	19 300 000	100

* Other contribution (public and private national and/or international contribution) provided by national counterparts and/or international organisations and/or grant beneficiaries

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

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

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

The Community contribution, which represents 90.40% of the total budget allocated to this programme, has been calculated in relation to the **eligible expenditure**, which in the case of centralised and joint management is based on the **total expenditure**. Parallel co-financing will be used.

Due to its regional character it is not possible to require national co-financing for all the projects in this Programme. Only in the case of ReSPA has parallel co-financing of 42.86% been secured for Component I.

UNHCR will contribute 20% of the total cost of the project Regional Programme for Refugee Return through a contribution agreement.

In the case of grants, final grant beneficiaries should contribute with a minimum of 10% of the eligible expenditure of the project, both for investment and institution building projects, and a minimum of 5% of the eligible expenditure in case of twinning.

4. IMPLEMENTATION ARRANGEMENTS

4.1. Method of implementation

The programme will be implemented on a centralised basis by the European Commission in accordance with Article 53a of the Financial Regulation⁴ and the corresponding provisions of the Implementing Rules⁵, except for the project Regional Refugee Return which will be implemented by the European Commission in joint management with the UNHCR, following Article 53d of the Financial Regulation and the corresponding provisions of the Implementing Rules.

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.

The Commission shall also use the procedural guidelines and standard templates and models facilitating the application of the above rules provided for in the "Practical Guide to contract procedures for EC external actions" ("Practical Guide") as published on the EuropeAid website⁶ at the date of the initiation of the procurement or grant award procedure.

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

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

⁶ http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm

For sub-delegated programmes, AOSDs can use their own templates and guidelines, as long as these are in line with the provisions of Part Two Title IV of the Financial Regulation.

The general rules for procurement and grant award procedures shall be defined in the Contribution Agreement between the Commission and the UNHCR, implementing the Regional Refugee Return in the Western Balkans project.

5. MONITORING AND EVALUATION

5.1. Monitoring

The Commission may undertake any actions it deems necessary to monitor the programmes concerned. These actions may be carried out jointly with the international organisation(s) concerned by this programme.

5.2. Evaluation

Programmes shall be subject to ex ante evaluations, as well as interim and, where relevant, ex post evaluations in accordance with Articles 57 and 82 of IPA Implementing Regulation, with the aim of improving the quality, effectiveness and consistency of the assistance from Community funds and the strategy and implementation of the programmes.

The results of ex ante and interim evaluation shall be taken into account in the programming and implementation cycle.

The Commission may also carry out strategic evaluations.

6. AUDIT, FINANCIAL CONTROL AND ANTI-FRAUD MEASURES

The accounts and operations of all parties involved in the implementation of this programme, as well as all contracts and agreements implementing this programme, are subject to, on the one hand, the supervision and financial control by the Commission (including the European Anti-Fraud Office), which may carry out checks at its discretion, either by itself or through an outside auditor and, on the other hand, audits by the European Court of Auditors. This includes measures such as ex-ante verification of tendering and contracting carried out by the Delegation in the Beneficiary Country.

In order to ensure the efficient protection of the financial interests of the Community, the Commission (including the European Anti-Fraud Office) may conduct on-the-spot checks and inspections in accordance with the procedures foreseen in Council Regulation (EC, Euratom) 2185/96⁷.

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

⁷ OJ L 292; 15.11.1996; p. 2

7. NON SUBSTANTIAL REALLOCATION OF FUNDS

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

8. LIMITED ADJUSTMENTS IN THE IMPLEMENTATION OF THE PROGRAMME

Limited adjustments in the implementation of this programme affecting elements listed under Article 90 of the Implementing Rules to the Financial Regulation, which are of an indicative nature⁸, 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.

⁸ 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.