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COMMISSION IMPLEMENTING DECISION

of 26.11.2018

adopting a

Cross-border cooperation Action Programme

Serbia – the former Yugoslav Republic of Macedonia

for the years 2018, 2019 and 2020

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union¹, and in particular Article 110 thereof,

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014, laying down common rules and procedures of the implementation of the Union's instruments for financing external action² and in particular Article 2(1) thereof,

Whereas:

- (1) In order to ensure the implementation of Cross-border cooperation action Programme Serbia – the former Yugoslav Republic of Macedonia, it is necessary to adopt a multiannual³ financing decision, which constitutes the multiannual work programme, for 2018-2020. Article 110 of Regulation (EU) 2018/1046 establishes detailed rules on financing decisions.
- (2) The envisaged assistance is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU⁴.
- (3) Regulation No 231/2014⁵ lays down the objectives and main principles for pre-accession assistance to beneficiaries listed in Annex I to that Regulation
- (4) In accordance with Article 7 of the Regulation (EU) No 231/2014 the assistance should be implemented through annual or multi-annual programmes, country specific

¹ Regulation (EU) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union and amending Regulation (EC) No 2012/2002, Regulations (EU) No 1296/2013, (EU) 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014 of the European Parliament and of the Council and Decision No 541/2014/EU of the European Parliament and of the Council and repealing Regulation (EU, Euratom) No 966/2012, OJ L193 30 July

² OJ L 77, 15.03.2014, p. 95.

³ Multiannual financing decision shall always constitute a multiannual action programme.

⁴ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

⁵ Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II), OJ L 77, 15.03.2014, p. 11.

or multi-country programmes, as well as cross-border cooperation programmes. These programmes should be drawn up in accordance with the Regulation (EU) No 231/2014 and the relevant country or multi-country indicative strategy papers referred to in Article 6 of that Regulation.

- (5) The Council established an Accession Partnership or a European Partnership for all beneficiaries listed in Annex I to Regulation (EU) No 231/2014. The Commission adopted an indicative multi-country strategy paper for 2014 – 2020 on 30 June 2014⁶, revised on 31 May 2018⁷, which provides indicative allocations for the 2014-2020 territorial cooperation programmes.
- (6) The cross-border cooperation programme between Serbia and the former Yugoslav Republic of Macedonia for the period 2016-2020, approved through Commission Decision C(2016) 8258 of 6 December 2016, provides the framework for the adoption of the cross-border cooperation action programmes and sets out the indicative allocations for the period 2016-2020 without constituting a financial commitment itself⁸.

The cross-border cooperation action programme between Serbia and the former Yugoslav Republic of Macedonia for the years 2018-2020 aims at providing assistance for cross-border cooperation in the following thematic priorities: i) promoting employment, labour mobility, and social and cultural inclusion across borders; ii) encouraging tourism and cultural and natural heritage.

- (7) Pursuant to Article 4(7) of Regulation (EU) 236/2014 indirect management is to be used for the implementation of the programme.
- (8) The Commission should be able to entrust budget-implementation tasks under indirect management to the IPA II beneficiary specified in this decision subject to the conclusion of a Financing Agreement. In accordance with Article 154(3) and (4) of Regulation (EU) 2018/1046 and first subparagraph of Article 14(3) of the Implementing Regulation (EU) No 447/2014⁹, the authorising officer responsible needs to ensure that the entrusted entity guarantees a level of protection of the financial interests of the Union equivalent to that required under Regulation (EU, Euratom) No 966/2012, when the Commission manages Union funds.
- (9) It is necessary allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU) 2018/1046.
- (10) In order to allow for flexibility in the implementation of the programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.

⁶ Commission Implementing Decision C(2014)4293 of 30.6.2014 adopting a Multi-country Indicative Strategy Paper for the period 2014-2020.

⁷ Commission Implementing Decision C(2018)3442 of 31.05.2018 amending Commission Implementing Decision C(2014)4293 of 30.6.2014

⁸ Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for Implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II), OJ L 132, 3.5.2014, p. 32.

⁹ Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II) (OJ L 132, 3.5.2014, p. 32).

- (11) The action programmes provided for by this Decision are in accordance with the opinion of the IPA II Committee set up by Article 13 of the Regulation (EU) No 231/2014.

HAS DECIDED AS FOLLOWS:

Article 1

The programme

The multi-annual financing decision, constituting the multi-annual work programme for the implementation of the cross-border cooperation action programme Serbia – the former Yugoslav Republic of Macedonia under the Instrument for Pre-accession Assistance (IPA II), for the years 201, 2019 and 2020 as set out in the Annex , is adopted

Article 2

Union contribution

The maximum amount of the European Union contribution for the implementation of the cross-border cooperation action programme Serbia - the former Yugoslav Republic of Macedonia for the years 2018, 2019, 2020 under the Instrument for Pre-accession Assistance (IPA II) is set at EUR 1,890,000.00 and shall be financed from the appropriations entered in the following line[s] of the general budget of the Union,

EUR 560,000.00 to be financed from budget line 22.020401 of the general budget of the EU for year 2018.

EUR 700,000.00 to be financed from budget line 22.020401 of the general budget of the EU for year 2019.

EUR 630,000.00 to be financed from budget line 22.020401 of the general budget of the EU for year 2020.

The financial contribution referred to in the first sub-paragraph may also cover interest due for late payment.

The implementation of this Decision is subject to the availability of the appropriations provided for in the general budget of the Union for financial years 2019 and 2020 as adopted by the budgetary authority.

Article 3

Methods of implementation and entrusted entities or persons

The implementation of the actions carried out by way of indirect management, as set out in the Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in the Annex.

Article 4

Non-substantial changes

The following changes shall not be considered substantial, within the meaning of Article 110(5) of Regulation (EU) 2018/1046, provided that they do not significantly affect the nature and objectives of the actions:

- (a) increases¹⁰ or decreases for not more than 20% of the maximum contribution set in the first paragraph of Article 2, and not exceeding EUR 10 million, considering each financial year separately;
- (b) cumulated reassignments of funds between specific actions not exceeding 20% of the maximum contribution set in the first paragraph of Article 2;
- (c) extensions of the implementation and closure period;
- (d) within the limits of 20% referred to in points (a) and (b) above, up to 5% of the contribution referred to in the first paragraph of Article 2 of this financing decision may serve to finance actions which were not foreseeable at the time the present financing decision was adopted, provided that those actions are necessary to implement the objectives and the results set out in the programme.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 26.11.2018

For the Commission
Johannes HAHN
Member of the Commission

¹⁰ These changes can come from external assigned revenue made available after the adoption of the financing decision.

ANNEX

COMMISSION IMPLEMENTING DECISION ADOPTING A CROSS-BORDER COOPERATION ACTION PROGRAMME SERBIA – THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA FOR THE YEARS 2018, 2019 AND 2020

Multi-annual Work Programme

This document constitutes the multi-annual work programme in the sense of Article 110(2) of Regulation (EU, Euratom) 2018/1046

1 IDENTIFICATION

Beneficiaries	Serbia and the former Yugoslav Republic of Macedonia
CRIS/ABAC Commitment references	IPA/2018/ 041-422 EUR 560,000.00 22.020401
Union Contribution Budget line	IPA/2019/ 041-423 EUR 700,000.00 22.020401 IPA/2020/041-424 EUR 630,000.00 22.020401
Management mode	Indirect management by the Republic of Serbia.
Responsible Structures	The Operating Structure responsible for the execution of the operations is: Ministry of European Integration The Contracting Authority is: the Department for Contracting and Financing of EU funded projects (CFCU) at the Ministry of Finance The partner Operating Structure in the former Yugoslav Republic of Macedonia is: the Ministry of Local Self Government

<p>Final date for concluding Financing Agreement(s) with the IPA II beneficiary countries (tripartite)</p>	<p>For the budgetary commitment of year 2018 at the latest by 31 December 2019. For the budgetary commitment of year 2019 at the latest by 31 December 2020. For the budgetary commitment of year 2020 at the latest by 31 December 2021.</p>
<p>Final date for concluding contracting including conclusion of contribution/delegation agreements</p>	<p>3 years following the date of conclusion of the Financing Agreement (signature of the last party) with the exception of the cases listed under Article 189(2) Financial Regulation</p>
<p>Indicative operational implementation period</p>	<p>6 years following the date of conclusion of the Financing Agreement (signature of the last party)</p>
<p>Final date for implementing the Financing Agreement (date by which this programme should be de-committed and closed) after the acceptance of the accounts</p>	<p>12 years following the conclusion of the Financing Agreement (signature of the last party)</p>

2 DESCRIPTION OF THE ACTION PROGRAMME

2.1 OVERVIEW OF THE 2014-2020 CROSS-BORDER COOPERATION PROGRAMME

The 2016-2020 cross-border cooperation CBC programme Serbia - the former Yugoslav Republic of Macedonia was approved by Commission Implementing Decision C(2016) 8258 of 6 December 2016. The adopted 2016-2020 programme constitutes the CBC cooperation strategy for the border region, setting out among others the list of geographical eligible areas, the area context, the programme thematic priorities and the indicative budget allocations for the 5 years period.

The 2016-2020 CBC programme also serves as a reference for the adoption of the CBC action programmes. The 2018-2020 CBC action programme aims at providing assistance for cross-border cooperation in the thematic areas spelled out in the 2016-2020 programme (as indicated in section 2.2). On 6 February 2018, the European Commission adopted a Communication on "A credible enlargement perspective for and enhanced EU engagement with the Western Balkans"¹¹. This Communication aims to generate renewed reform momentum in the Western Balkans and provide significantly enhanced EU engagement to better support their preparations on the European path. The Communication sets the new strategic orientations, in particular as regards the implementation of the six flagship initiatives (i.e. strengthening support to the rule of law; reinforcing engagement on security and on migration; supporting socio-economic development; increasing connectivity; implementing a Digital Agenda for the Western Balkans and supporting reconciliation and good neighbourly relations).

In particular, cross-border cooperation is a key vehicle for fostering reconciliation and dealing with the legacy of the past in the Western Balkans, in line with flagship 6 (supporting reconciliation and good neighbourly relations) and for sustainable local development, in line with flagship 3 (supporting socio-economic development).

List of geographical eligible areas

In Serbia, the eligible areas are:

- Jablanica district: City of Leskovac and municipalities of Bojnik, Lebane, Medveđa, Vlasotince and Crna Trava.
- Pčinja district: City of Vranje with two city municipalities: Vranje and Vranjska Banja, and municipalities of Vladičin Han, Surdulica, Bosilegrad, Trgovište, Bujanovac and Preševo.

In the former Yugoslav Republic of Macedonia the eligible areas are:

- North – East region: municipalities of Kratovo, Lipkovo, Kumanovo, Staro Nagoričane, Rankovce and Kriva Palanka.
- Skopje region: municipalities of Aračinovo, Čučer Sandevo, Ilinden, Petrovec, Sopište, Studeničani, Zelenikovo, and municipalities Butel, Gjorče Petrov and Saraj of the City of Skopje.

Cross-border cooperation (CBC) eligible area context

The situational analysis conducted for the preparation of the Programme pointed out several key challenges and opportunities to be addressed and supported through cross-border cooperation. In particular the Programme envisages addressing the following:

¹¹ COM(2018) 65 final, 6.2.2018

Establishing a sound foundation for cross border cooperation

As there has been no cross-border cooperation programme between the two countries so far, so the establishment of initial contacts, the mapping of human and organisational resources and the initial development of long-term partnerships are necessary. Although some cooperation agreements at local levels exist, these have so far not been explored due to various reasons, ranging from insufficient economic and administrative capacities, language barriers, political instability, and others.

Activation of resources for socio economic development

The programme area registers above average unemployment rates. Privatisation processes and economy restructuring resulted in the loss of jobs in traditional industries and caused skills mismatches in the labour market. Young generations lack practical experience to advance their employability. Disadvantaged categories are particularly at risk of high poverty. The border area was, and may continue to be, affected by the refugee crisis, which strained the capacity of local self-governments to provide sufficient social and health services. The multicultural and multi-ethnic diversity of the programme area is also an important asset.

Protection of nature and environment and strengthening of risk preparedness

The area is rich in bio diversity, landscape and geo diversity. However, uncontrolled use of natural resources and human activities represent a threat to the high-quality environment. Protection of waters and soil are the areas main challenges due to underdeveloped wastewater treatment and waste management. Monitoring of the waters and soil is insufficient. Low level of awareness of the population remains an important obstacle. The area is also at high risk of water erosion, and increased events of floods and fires.

Overview of past and on-going CBC experience including lessons learned

Key recommendations from interim evaluations and audits on the 2007-2013 CBC programmes have been taken on board in the development of this programme. Thus, the 2014-2020 CBC programmes are more focused as regards the number of thematic priorities addressed and the geographical eligibility, which will help to achieve better results and increased impact. Additionally the implementation of the CBC programmes has been simplified mainly by having a single contracting authority and a single financial envelope per programme. Although no cross-border cooperation between the two countries had existed so far, stakeholders on both sides of the border have accumulated significant experience in cross border cooperation programmes with Bulgaria in the period 2007-2013.

Key lessons learnt were also identified by the final evaluation of IPA CBC Programmes 2007-2013 that was carried out between 2016 and 2017. The lessons learnt and the recommendations were discussed with the CBC stakeholders in the Western Balkans and follow-up measures were identified for the short and medium term, both for the on-going 2014-2020 CBC programmes and for the future 2021-2027 CBC programmes. The main recommendations regarding all CBC programmes at intra- Western Balkans level include:

- The main objective of promoting good neighbourly relations should be clearly reflected in the CBC projects.
- The calls for proposal should be more focused on a few priority issues that have high cross-border content.

- The intervention logic of programmes and the reporting and monitoring systems must be improved as they are not structured to set out a clear basis for measuring the results at regional level.
- There is a need for continuing capacity building activities for Operating Structures and Joint Technical Secretariats/Antennas.
- There is a need for improving synergies with other policies and donors, capitalising and sharing experiences with the other CBC programmes (e.g CBC programmes with Member States, and European Neighbourhood Instrument CBC programmes).

2.2 DESCRIPTION AND IMPLEMENTATION OF THE ACTIONS

Action 1	Cross-Border Cooperation Operations	EUR 1,890,000
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The envisaged assistance to Serbia and the former Yugoslav republic of Macedonia is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU¹².

(1) Description of the action, objective, expected results

Description of the action: Cross-border cooperation operations in the border region in the fields of employment, labour mobility and social and cultural inclusion, tourism and cultural and natural heritage.

Objective: Socioeconomic development and strengthening of neighbourly relations in the cross border area through the implementation of cross-border cooperation operations aiming at:

- promoting employment, labour mobility, and social and cultural inclusion across borders through, inter alia, integrating cross-border labour markets, including cross-border mobility; joint local employment initiatives; information and advisory services and joint training; gender equality; equal opportunities; integration of immigrants' communities and vulnerable groups; investment in public employment services; and supporting investment in public health and social services;
- encouraging tourism and cultural and natural heritage.

Expected results:

Employment, labour mobility and social and cultural inclusion:

- Raised employability of the working age population;
- Organisational capacities to activate cross-border employment potentials strengthened;
- Capacities for social and cultural inclusion of disadvantaged groups improved.

Tourism and cultural and natural heritage.

- Development of sustainable cross-border tourist products and destinations initiated;
- Quality and visibility of tourist offers improved;

¹² https://eeas.europa.eu/headquarters/headquarters-homepage/8442/consolidated-list-sanctions_en

- Capacities for cross border risk management and intervention increased.

The objectives and expected results will be achieved over the period of implementation of this programme, from 2014 to 2020. The 2018-2020 CBC Action Programme will contribute to the achievement of the overall objectives and expected results as defined in the 2016-2020 CBC programme. For further details see section 3.2 of the 2016-2020 CBC programme (Annex 2 of the Commission Implementing Decision C(2016) 8258 of 6 December 2016).

(2) Assumptions and conditions

As a necessary condition for the effective management of the programme, the participating countries shall establish a Joint Monitoring Committee, and provide proper and functioning offices and staff for the Joint Technical Secretariat and the antenna. So far, the beneficiaries have complied with this condition by ensuring the smooth run of the Joint Technical Secretariat in Leskovac (Serbia). The Antenna Office is still to be set up in Kumanovo (the former Yugoslav Republic of Macedonia). These structures are fully financed by the Technical Assistance component of the programme. Further financial support has been programmed by the European Commission to continue to provide support to the Joint Technical Secretariat and the Antenna Office from 2019 onwards. Therefore, new arrangements will be established with the beneficiaries who have to ensure that the conditions under this paragraph are furtherly respected.

Under indirect management, the participating countries shall conclude, for the whole duration of the programme, a bilateral arrangement that sets out their respective responsibilities for implementation the programme.

Failure to comply with the requirements set out above may lead to a recovery of funds under this programme and/or the re-allocation of future funding.

(3) Implementation modalities

(3)(a) Indirect management with Serbia

Description of the tasks entrusted

The operating structures of Serbia and the former Yugoslav Republic of Macedonia have jointly prepared the 2016-2020 cross-border cooperation programme and agree on the necessary arrangements for the management and implementation of the programme, including establishing a system to monitor the implementation.

The operating structure of Serbia shall arrange for procurement and grant award procedures in the selected thematic priorities of the programme. As regards the call for proposals, the entrusted tasks include drafting guidelines for applicants, launching the calls, selecting the grant beneficiaries and signing grant contracts. The entrusted tasks also include activities linked with the implementation and financial management of the programmes such as monitoring, evaluation, payments, recoveries, expenditure verification, ensuring internal audit, irregularity reporting and the setup of appropriate anti-fraud measures.

Description of the call for proposals

Grant – Call for proposal: EUR 1,890,000

a) The essential eligibility criteria:

The list of eligible actions (activities) is set in section 3.2 of the 2016-2020 CBC Programme (Annex 2) in line with the objectives, specific objectives, and results set. They comprise among others: trainings and capacity building activities (including actions to address the digital literacy deficit) addressing identified skills gaps; promotion of employment opportunities; people to people activities, support to education, enhancement of health care facilities and social services, protection and promotion of natural and cultural heritage, joint touristic products and initiatives, joint risk management activities.

The beneficiaries shall be legal entities and be established in an IPA II beneficiary participating in the CBC programme.

Potential beneficiaries could be: local authorities, local governments and their institutions, associations of municipalities, development agencies, local business support organisations, economic factors such as small and medium sized enterprises (SMEs), tourism and cultural organisations, non-governmental organisations (NGOs), public and private bodies supporting the workforce, vocational and technical training institutions, bodies and organisation for nature protection, public bodies responsible for water management, fire/emergency services, schools, colleges, universities and research centers including vocations and technical training institutions.

- b) The essential selection criteria are the financial and operational capacity of the applicant.
- c) The essential award criteria are relevance, effectiveness and feasibility, sustainability and cost-effectiveness of the action.
- d) Maximum rate of EU co-financing for grants under the calls is 85 % of the eligible cost of the action.
- e) Indicative amount of the call(s): EUR 1,890,000

The responsible structures may decide to publish more than one call for proposals. Every call for proposals will have the same objectives, results, and essential eligibility, selection and award criteria as described above. Each grant contract will be funded from one budgetary commitment.

The responsible structures may decide to launch a call for proposals which will include the 2018 and /or the 2019 and /or the 2020 allocation. They may also decide to launch a call which will include prior or subsequent budget allocations.

- f) Indicative date for launch of the call(s) for proposals: 3rd quarter of 2020

3 BUDGET

2018				2019				2020				Total Financing Decision
	Union contribution*	Grant beneficiary/ies Co-financing**	Total expenditure		Union contribution	Grant beneficiary/ies Co-financing	Total expenditure		Union contribution	Grant beneficiary Co-financing	Total expenditure	
CBC operations	560,000	98,824	658,824	CBC operations	700,000	123,529	823,529	CBC operations	630,000	111,176	741,176	1,890,000
in %	85%	15%	100%		85%	15%	100%		85%	15%	100%	
TOTALS 2018	560,000	98,824	658,824	TOTALS 2019	700,000	123,529	823,529	TOTALS 2020	630,000	111,176	741,176	1,890,000

**The Union contribution has been calculated in relation to the eligible expenditure, which is based on the total eligible expenditure including public and private expenditure. The Union co-financing rate at the level of each thematic priority shall not be less than 20% and not higher than 85% of the eligible expenditure.*

***The co-financing of the thematic priorities will be provided by the grant beneficiaries. Grant beneficiaries should contribute with a minimum of 15% of the total eligible cost of the project*

4 PERFORMANCE MONITORING ARRANGEMENTS

As part of its performance measurement framework, the Commission shall monitor and assess progress towards achievement of the specific objectives set out in the IPA II Regulation on the basis of pre-defined, clear, transparent measurable indicators. The progress reports referred to in Article 4 of the IPA II Regulation shall be taken as a point of reference in the assessment of the results of IPA II assistance.

The Commission will collect performance data (process, output and outcome indicators) from all sources, which will be aggregated and analysed in terms of tracking the progress versus the targets and milestones established for each of the actions of this programme, as well as the indicative Strategy Papers.

In the specific context of indirect management the National IPA Co-ordinators (NIPACs) will collect information on the performance of the actions and programmes (process, output and outcome indicators) and coordinate the collection and production of indicators coming from national sources.

The overall progress will be monitored through the following means: a) Result Orientated Monitoring (ROM) system; b) IPA II beneficiaries' own monitoring; c) self-monitoring performed by the EU Delegations; d) joint monitoring by DG Neighbourhood and Enlargement Negotiations and the IPA II Beneficiaries, whereby the compliance, coherence, effectiveness, efficiency and coordination in implementation of financial assistance will be regularly monitored by an IPA II Monitoring committee, supported by the Joint Monitoring Committee, which will ensure a monitoring process at programme level.

