



EUROPEAN COMMISSION

Brussels, 11.11.2011
C(2011) 8164 final

COMMISSION IMPLEMENTING DECISION

of 11.11.2011

**adopting a horizontal programme on Nuclear Safety and Radiation Protection under the
IPA -Transition Assistance and Institution Building Component for the year 2011**

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adopting a horizontal programme on Nuclear Safety and Radiation Protection under the IPA -Transition Assistance and Institution Building Component for the year 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)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 candidates and potential candidates.
- (2) In accordance with Article 7 of Regulation (EC) No 1085/2006, the assistance should be provided through multi-annual or annual programmes. These programmes should be drawn up in accordance with the general policy framework referred to in Article 4 of Regulation (EC) No 1085/2006 and the relevant multi-annual indicative planning document referred to in Article 6 of that Regulation.
- (3) The Council established an Accession Partnership or a European Partnership for all candidates and potential candidates. The Commission has adopted on 20 June 2011 a Multi-beneficiary Multi-annual Indicative Planning Document 2011-2013² which presents indicative allocations for the main priorities for multi-beneficiary pre-accession assistance to all relevant candidate countries and potential candidates.
- (4) Therefore, the horizontal programme on Nuclear Safety and Radiation Protection under the IPA-Transition Assistance and Institution Building Component for the year 2011 aims at providing assistance for the further approximation of the legislations/regulations of the Beneficiaries with the EU *acquis* in the field of nuclear safety and radiation protection; the enhancement of the technical capacity of the national nuclear regulatory bodies and their Technical Support Organisations, monitoring of the radioactivity into the environment, emergency preparedness and reduction of medical exposure.
- (5) This Decision meets the requirements of Article 90 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the

¹ OJ L 210, 31.7.2006, p. 82.

² C(2011)4179

implementation of Council Regulation No 1605/2002³ (hereafter: “Implementing Rules”) and constitutes thus a financing decision within the meaning of Article 75 (2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁴ (hereafter: “Financial Regulation”).

- (6) The administrative capacity of Croatia is sufficiently developed to allow for implementation of this programme by decentralised management, as provided for in Article 53c of Regulation (EC, Euratom) No 1605/2002.
- (7) The Commission concluded on 27 August 2007 a Framework Agreement with the Government of the Republic of Croatia on the rules for co-operation and implementation of pre-accession assistance.
- (8) It is appropriate to implement parts of this programme by joint management with the International Atomic Energy Agency since a number of projects in the field of regulatory assistance are currently being implemented by this Agency in the Beneficiaries.
- (9) The measures provided for by this Decision are in accordance with the opinion of the IPA Committee⁵,

HAS DECIDED AS FOLLOWS:

Article 1

The horizontal programme on Nuclear Safety and Radiation Protection under the IPA Transition Assistance and Institution Building Component for the year 2011, as set out in the Annex, is hereby adopted.

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

The programme shall be implemented by means of financing agreements to be concluded between the Commission and the Governments of the Beneficiaries.

Article 2

The maximum amount of European Union contribution shall be **EUR 4 613 750**, to be financed through Item 22.020701 of the general budget of the European Union for 2011.

³ OJ L 357, 31.12.2002, p. 1

⁴ OJ L 248, 16.9.2002, p.1

⁵ Recalling the Council Conclusions of 18 February 2008, Member States declare that the adoption of the horizontal programme on Nuclear Safety and Radiation Protection under the IPA Transition Assistance and Institution Building Component for the year 2011 does not prejudice the position of each individual Member State on the status of Kosovo, which will be decided in accordance with their national practice and international law.

Done at Brussels,

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

ANNEX: Horizontal Programme on Nuclear Safety and Radiation Protection under the IPA-Transition Assistance and Institution Building Component for the year 2011

1 IDENTIFICATION

Beneficiaries	Albania, Bosnia and, Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, as well as Kosovo ¹
CRIS decision number (centralised management/joint management)	2011/023-384 – <i>Projects No 1, 2 and 6</i> 2011/023-388 – <i>Project No 3</i>
CRIS decision number (decentralised management)	2011/023-389 – <i>Projects no 4 and 5</i>
Year	2011
EU contribution	EUR 4 613 750
Implementing Authority	Project No 1 by the European Commission in joint management with the International Atomic Energy Agency (IAEA); Projects No 2, 3 and 6 by the European Commission on behalf of the Beneficiaries in centralised management; and Projects No 4 and 5 by the Central Finance and Contracting Agency (CFCA) of Croatia in decentralised management.
Final date for concluding the financing agreements	At the latest by 31 December 2012
Final dates for contracting	3 years following the date of conclusion of the financing agreements. These dates apply also to the national co-financing.
Final dates for execution	2 years following the end date for contracting. These dates apply also to the national co-financing.
Budget line(s) concerned	22.020701 – Regional and horizontal programmes
Programming Unit	Unit D3 - Regional Programmes DG Enlargement
Implementation Unit/ EU Delegation	Project No 1 will be implemented by Unit D3 - Regional Programmes DG Enlargement in joint management with the IAEA. Projects No 2, 3 and 6 will be implemented by Unit D3 -

¹ under UNSCR 1244/1999.

	<p>Regional Programmes DG Enlargement in centralised management.</p> <p>Project No 4 and 5 will be implemented in decentralised management by the CFCA of Croatia.</p>
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2. THE PROGRAMME

2.a Priorities selected under this programme

The IPA horizontal programme on nuclear safety and radiation protection is implemented in the context of the priorities for IPA support covered under sector 5 - Transport and energy infrastructure, including nuclear safety which have been identified in the IPA Multi-Beneficiary Multi-annual Indicative Planning Document (MIPD) for the years 2011-2013².

As mentioned in the Multi-Beneficiary MIPD “in the area of nuclear safety and radiation protection, full transposition of the EU *acquis* remains an objective for most of the IPA Beneficiaries. This transposition would require the full operation of the national regulatory bodies which, for some of them, has not yet been accomplished.

In addition, there are a number of issues that need to be addressed in all Beneficiaries such as the establishment of an appropriate regulatory framework, the reduction of medical or occupational exposure and the radioactive contamination of the environment (including by depleted uranium).

Much remains to be done also for emergency preparedness and early warning systems, training of personnel confronted with ionising radiation and public information. The prevention of illicit trafficking of nuclear materials and radiation sources as well as the management of radioactive waste (including radioactive lightning rods) and the storage in licensed facilities remains a major concern.

All these issues may require funding for supplying equipment, providing technical assistance and possibly carrying out works.

It should be pointed out that for Serbia, which has operated nuclear research reactors in the past, specific actions must be undertaken in order to decommission these reactors according to best EU practices. In this regard, security of radioactive sources and fissile materials should be treated as an issue of highest importance.

Two Beneficiaries (Turkey and Albania) have declared their intention to eventually construct nuclear power plants. In those cases, particular attention should be paid to ensure that all provisions, especially those regarding safety and security, comply with international conventions, with the IAEA Safety Standards, with international (including bilateral) agreements and the EU *acquis*.”

The actions foreseen under this sector will aim at achieving the following:

- (1) Technical capacity of the national regulatory agencies enhanced to comply with EU *acquis* and regulations on nuclear safety and radiation protection.

² C(2011)4179, 20.06.2011.

- (2) Further contribution to the development of emergency plans and strengthening of capacity for emergency preparedness and response in several Beneficiaries.
- (3) Implementation of monitoring programmes for measuring the occurrence of radioactivity in the environment and establishing of methodologies for public dose assessment.
- (4) Actions to decrease occupational and patients' exposure in the medical sector.
- (5) Public awareness campaigns run and early warning systems established.

This programme focuses on a set of two regional projects, and three national projects that are covering the Multi-Beneficiary MIPD priorities and addressing a number of issues, i.e. approximation of the legislations/regulations with the EU *acquis* in the field of nuclear safety and radiation protection, enhancement of the technical capacity of the national nuclear regulatory bodies and their Technical Support Organisations, monitoring of the radioactivity in the environment, emergency preparedness, reduction of medical exposure. In addition the programme includes one administrative arrangement with the Joint Research Centre - Institute for Energy (Petten) that should provide the necessary technical back-up to DG Enlargement to launch, monitor and evaluate the results of all these projects.

2.b Past assistance, lessons learned and donor coordination in the sector nuclear safety and radiation protection

With the exception of Kosovo, all Beneficiaries have established nuclear regulatory bodies during the last few years. Although one 2008 IPA-funded regional project is being performed in order to enhance the regulatory infrastructure and to assess the degree of transposition of the EU *acquis*, this action appears quite insufficient to align the legislation and regulations of all Beneficiaries with the EU *acquis*. Further regulatory assistance in order to enhance the technical capacity of the regulatory bodies and wherever possible their Technical Support Organisations (TSOs) is needed and this is precisely the main aim of this programme which focuses on Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, as well as Kosovo.

As part of the enhancement of the technical capacity of the TSO in the field of medical exposure and monitoring of the radioactivity in the environment, it is considered worthwhile to support a Montenegrin organisation named CETI through the delivery of equipment. Actually this project takes over a former 2008 IPA-funded project for which - for various reasons - the tendering procedure failed.

Croatia is now close to accession to the EU and its regulatory framework is in line with the EU *acquis*. However the implementation of the regulations needs further support in two specific domains: emergency preparedness and monitoring of the radioactivity in the environment. Both domains were identified as priority in the IPA-funded assessment study on the regulatory infrastructure that was concluded in 2010. They are also clearly identified as priority domains in the Multi-Beneficiary MIPD.

This programme constitutes a logical continuation of the past and running IPA-funded projects. It should help to solve most of the outstanding radiological issues in the Western Balkans by 2015-2016.

It is important to underline that all these projects are part of a coherent strategy for external assistance to the Western Balkans in the nuclear domain that was drawn up together with each Beneficiary in 2010 and 2011. This strategy sets out in detail the needs for external assistance, supply of equipment and works until 2015-2016. The IAEA has been associated to the drafting of the corresponding roadmaps until 2013.

Although in the recent past, most emphasis of the IPA horizontal programme was placed on tackling the Vinča nuclear issues and in particular on the repatriation of the Serbian spent nuclear fuel to the Russian Federation, it was decided to put on hold the support for at least one year due to the delays that were recorded in the implementation of IPA-funded projects on radioactive waste management at Vinča. However, it is worth highlighting the successful repatriation project which absorbed approximately one third of the resources of this programme over the years 2007 - 2010.

All projects directly connected with technical assistance to the Western Balkans are closely coordinated with the IAEA.

Since 2007 the IPA horizontal programme on nuclear safety and radiation protection is providing the Western Balkans with a significant support in order to solve a number of important nuclear and radiological issues. Although some political problems somewhat delayed the implementation of these successive programmes, in particular concerning the rather late establishment of nuclear regulatory bodies in some of the Beneficiaries, the overall appraisal of past and on going assistance is very positive.

The lessons learnt mainly concern the insufficient involvement of the beneficiary organisations of these programmes in the tendering procedures for contracting. Most of them - including Croatia - need technical support from DG Enlargement and the JRC-Petten so that Terms of Reference are detailed enough and neutral. This led to late contracting for most of the projects. Another important lesson is that improvement of the regulatory infrastructure in each of the Beneficiaries faces political difficulties. Most of the regulatory bodies are not in line with their sister organisations in the EU and their further alignment is very difficult to achieve. A third lesson is that licensing of storage facilities for radioactive waste - which is a key-issue in nuclear safety - experienced many difficulties again for political reasons. Also,, the implementation of projects in joint management with the IAEA proved to be a rather complex task due to the high turn-over of staff within the IAEA and the different policies followed for technical assistance. Anyway the coordination is performed through regular contacts with the IAEA and joint missions in the Beneficiaries of concern.

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

2.c Description

Project No 1: “Further enhancement of the technical capacity of nuclear regulatory bodies in Bosnia and Herzegovina and Montenegro” aims at providing a direct support to the nuclear regulatory bodies of Bosnia and Herzegovina and Montenegro to further contribute to the transposition of the EU *acquis* in the field of nuclear safety

and radiation protection, and to align their functioning with their sister organisations in the EU.

This project covers two Beneficiaries of the Western Balkans for which the needs for regulatory assistance are currently similar. The project will mainly aim at finalising the transposition of the EU *acquis* into the national legislation and regulations, at defining implementing procedures for regulations, at reducing medical exposure, at improving dosimetry control, at delivering some equipment in particular for Quality Assurance/Quality Control (QA/QC) in diagnostic radiology, at reviewing national emergency plans and at contributing to the setting-up of public information campaigns.

Enhancement of the technical capacity of the national regulatory bodies in the nuclear area is fully compliant with the basic objectives of the Multi-Beneficiary MIPD.

Due to the fact that the IAEA is currently implementing a number of projects in the field of regulatory assistance in Bosnia and Herzegovina as well as in Montenegro, and that this assistance will continue over the next years, it is considered worthwhile to implement this project in joint management with the IAEA. In this way, risks of duplication of external assistance will be avoided and synergies can be developed.

A contribution agreement with the IAEA for an amount of EUR 850 000 will be concluded in Q2 2013 for the implementation of this project in accordance with the terms of the Financial and Administrative Framework Agreement (FAFA) between the European Union and the United Nations, signed on 29 April 2003, to which the IAEA adhered on 17 September 2004.

Project No 2: “Further enhancement of the technical capacity of nuclear regulatory bodies in Albania, the former Yugoslav Republic of Macedonia, Serbia, as well as Kosovo” aims at providing a direct support to the nuclear regulatory bodies of the Beneficiaries to further contribute to the transposition of the EU *acquis* in the field of nuclear safety and radiation protection, and to align their functioning with their sister organisations in the EU.

This is a regional project in scope. It will aim at enhancing the technical capacity of the regulatory bodies of the Beneficiaries in the field of nuclear safety and radiation protection and therefore is fully compliant with the MIPD’s objectives. Many regulatory topics should be addressed within the framework of this project e.g. finalisation of the transposition of the EU *acquis* into the national legislation and regulations in Serbia and Kosovo; definition of criteria to establish TSOs to the national regulatory bodies in Albania, establishment of Quality Management System in Albania and Serbia; establishment of QA/QC procedures in the medical sector in the former Yugoslav Republic of Macedonia; reviewing of response plans in case of a radiological emergency in Albania; drawing-up of a national strategy for radioactive waste management and decommissioning activities in Serbia.

Despite the fact that similar activities are being supported by the IAEA, it has not been possible to reach an agreement with the Agency regarding the implementation of this project in joint management. Therefore a close coordination with IAEA activities will be required in order to avoid any overlapping.

One service contract for an amount of EUR 2.1 million and one supply contract for an amount of EUR 200 000 will be concluded following two calls for tenders that will be launched in the second quarter of 2013 and in the fourth quarter of 2014, respectively.

Project No 3: “Strengthening Radiation Protection and Nuclear Safety in Montenegro through Capability Upgrading of Technical Support Institution” is a supply project with aims at providing various types of equipment to upgrade the technical capabilities of the Centre for Ecotoxicological Research of Montenegro (CETI) that is acting as TSO to the Montenegrin regulatory body. The areas covered by this supply project are: monitoring of the radioactivity in the environment, including response to radiological/nuclear emergency situations, management of low and medium radioactivity, radioactive waste storage and transportation of radioactive materials, professional, patient, public and environmental exposure control and Quality assurance/ Quality control (QA/QC) of medical radiation source.

The Multi-Beneficiary MIPD specifies that actions should be undertaken on the development of emergency plans and strengthening of capacity for emergency preparedness and response in all Beneficiaries, the implementation of monitoring programmes for measuring the occurrence of radioactivity in the environment and establishing of methodologies for public dose assessment, and actions to decrease occupational and patients' exposure in the medical and industrial sectors. All these issues may require funding for supplying equipment, providing technical assistance and possibly carrying out works.

The project will be implemented through one to four supply contracts for a total amount of EUR 300 000 that will be concluded following a call for tenders (4 lots) launched in the first quarter of 2012. Additional supply contracts for an estimated amount of EUR 95 000 fully financed by the beneficiary organization will be concluded by CETI following a call for tenders to be launched in the first quarter of 2012 (parallel co-financing) by the beneficiary organisation.

Project No 4: “Upgrading of the emergency preparedness system in the Republic of Croatia” provides support to the State Office for Radiological and Nuclear Safety in Croatia mainly to harmonize radiological emergency response procedures with neighbouring countries, in particular with Slovenia and Hungary. It also aims at upgrading the national radiological emergency response capabilities to face incidents and accidents of different levels, as well as the national emergency plan that will enable rapid implementation of protective measures within the first few hours and in the days after the accident through a coordinated response of the emergency services and other agencies.

The Multi-Beneficiary MIPD's objectives include an action on emergency preparedness and therefore this project is fully compliant.

The following two contracts are expected to be concluded to implement this project: one service contract for an EU contribution of EUR 171 000 following a call for tenders launched in the third quarter of 2012 (a national co-financing is foreseen for an amount of EUR 19 000); and one supply contract for an EU contribution of EUR 263 500 following a call for tender launched in the fourth quarter of 2013 (a national co-financing is foreseen for an amount of EUR 46 500).

The implementation of this project will be decentralised.

Project No 5: “Upgrading the systems for the on- and off-line monitoring of radioactivity in environment in Croatia in regular and emergency situations”. The project focuses on the upgrading of the system for on- and off-line monitoring of the environment in the Republic of Croatia necessary to comply with the Article 35 of the Euratom Treaty under regular and emergency situations, and in particular, ambient dose rate network, on-line monitoring in surface waters, off-line monitoring and

mobile systems. It consists of two components: component 1 for the purchase, installation and commissioning of additional equipment for upgrading the existing technical infrastructure; and component 2 for the verification of existing gamma dose rate (GDR) stations regarding standard site criteria and generation of corrective/deviation factors if needed to standardize GDR station measurements with EU requirements for environmental monitoring.

The project responds to some of the conclusions of IPA 2007 Project “Assessment of the needs and proposed actions in order to perform the monitoring of the radioactivity in the environment in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, as well as Kosovo” with regards to Croatia.

It is also fully compliant with the MIPD's objectives as far as monitoring of the radioactivity in the environment is concerned.

The following two contracts are expected to be concluded to implement this project: one supply contract for an EU contribution of EUR 310 250 following a call for tender launched in the third quarter of 2012 (a national co-financing is foreseen for an amount of EUR 54 750); and one service contract for an EU contribution of EUR 64 000 following a call for tender launched in the second quarter of 2013 (a national co-financing is foreseen for an amount of EUR 6 000).

The implementation of this project will be decentralised.

Project No 6: “Technical back-up to the IPA horizontal programme on nuclear safety and radiation protection” should enable DG Enlargement to better manage all the IPA-funded projects thanks to the technical expertise given by the Joint Research Centre - Institute for Energy (JRC-IE) in Petten. This support will mainly consist of preparing or reviewing terms of reference of nuclear projects, participation in evaluation committees for tenders, kick-off, progress and concluding meetings during project implementation and evaluation of the results achieved. It will also include the verification of the requests for payment that DG Enlargement regularly receives from the Beneficiaries of the IPA nuclear projects.

An administrative arrangement for an amount of EUR 355 000 will be concluded with the JRC-IE in the first quarter of 2012.

2.d Horizontal issues

The implementation of projects 1 to 6 will contribute to significantly decrease exposure to and improve the protection of people and environment from ionising radiation in the Western Balkans. As a general rule, enhancement of the capacity of nuclear safety authorities is a prerequisite to improve nuclear safety and radiation protection in the whole Western Balkans.

2.e Risks and Assumptions

The implementation of projects No 1 to 5 under this programme is subject to the following prerequisite:

- National regulatory bodies in the field of nuclear safety and radiation protection are fully operational and sufficiently staffed in order to be able to absorb the transfer of know-how in particular in Kosovo.

3. BUDGET (AMOUNTS IN EUR MILLION)

3.a Indicative budget

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

Joint management	Institution Building (IB)					Investment (INV)					Total (IB + INV)	Total IPA EU contribution	
	Total expenditure		IPA EU contribution		National contribution*	Total expenditure		IPA EU contribution		National contribution*			
	EUR (a)=(b)+(c)	EUR (b)	% ⁽¹⁾	EUR (c)	% ⁽¹⁾	EUR (d)=(e)+(f)	EUR (e)	% ⁽¹⁾	EUR (f)	% ⁽¹⁾	EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	% ⁽²⁾
Sector 5 – Transport and Energy Infrastructure, incl. nuclear safety													
<i>Project No 1: Further enhancement of the technical capacity of nuclear regulatory bodies in Bosnia and Herzegovina and Montenegro</i>	850 000	850 000	100	-	-	-	-	-	-	-	850 000	850 000	-
TOTAL	850 000	850 000	100	-	-	-	-	-	-	-	850 000	850 000	19

Amounts net of VAT

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

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

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

3.a.b

Table for centralised projects

Centralised management	Institution Building (IB)					Investment (INV)					Total (IB + INV)	Total IPA EU contribution		
	Total expenditure	IPA EU contribution		National contribution*		Total expenditure	IPA EU contribution		National contribution*		EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	% ⁽²⁾	
		EUR (a)=(b)+(c)	EUR (b)	% ⁽¹⁾	EUR (c)		% ⁽¹⁾	EUR (d)=(e)+(f)	EUR (e)	% ⁽¹⁾				EUR (f)
Sector 5 – Transport and Energy Infrastructure, incl. nuclear safety														
<i>Project No 2:</i> “Further enhancement of the TC of nuclear regulatory bodies in AL, MK, RS, as well as XK”	2 100 000	2 100 000	100	-	-	200 000	200 000	100	-	-	2 300 000	2 300 000		
<i>Project No 3:</i> “Strengthening Radiation Protection and Nuclear Safety in ME through Capability Upgrading of TSI”	-	-	-	-	-	395 000	300 000	76	95 000	24	395 000	300 000		
<i>Project No 6:</i> Technical back-up to the IPA horizontal programme	355 000	355 000	100	-	-	-	-	-	-	-	355 000	355 000		
TOTAL	2 455 000	2 455 000	100	-	-	595 000	500 000	84	95 000	16	3 095 000	2 955 000	64	

Amounts net of VAT

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

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

(2) Sector rows only and for Centralised only. Expressed in % of the grand total of column (h). It indicates the relative weight of the sector with reference to the total IPA EU contribution of the entire FP.

3.a.c Table for decentralised projects

Decentralised management	Institution Building (IB)					Investment (INV)					Total (IB + INV)	Total IPA EU contribution	
	Total public expenditure	IPA EU contribution		National public contribution*		Total public expenditure	IPA EU contribution		National public contribution*				
	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⁾
Sector 5 – Transport and Energy Infrastructure, incl. nuclear safety													
<i>Project No 4:</i> Upgrading of emergency preparedness system in Croatia	190 000	171 000	90	19 000	10	310 000	263 500	85	46 500	15	500 000	434 500	
<i>Project No5:</i> “Upgrading the systems for the on- and off-line monitoring of radioactivity in the env. in Croatia in regular and emergency situations	70 000	64 000	91	6 000	9	365 000	310 250	85	54 750	15	435 000	374 250	–
TOTAL	260 000	235 000	90	25 000	10	675 000	573 750	85	101 250	15	935 000	808 750	17

Amounts net of VAT

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

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

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

3.a.d

Table summarising the IPA support according to the management mode adopted

	Institution Building (IB)					Investment (INV)					Total (IB + INV)	Total IPA EU contribution		
	Total expenditure		IPA EU contribution		National contribution*		Total expenditure		IPA EU contribution		National contribution*			
	EUR (a)=(b)+(c)	EUR (b)	% ⁽¹⁾	EUR (c)	% ⁽¹⁾	EUR (d)=(e)+(f)	EUR (e)	% ⁽¹⁾	EUR (f)	% ⁽¹⁾	EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	% ⁽²⁾	
<i>Joint management</i>	850 000	850 000	100	-	-	-	-	-	-	-	850 000	850 000	19	
<i>Centralised management</i>	2 455 000	2 455 000	100	-	-	595 000	500 000	84	95 000	16	3 050 000	2 955 000	64	
<i>Decentralised management</i>	260 000	235 000	90	25 000	10	675 000	573 750	85	101 250	15	935 000	808 750	17	
TOTAL	3 565 000	3 540 000	99.3	25 000	0.7	1 270 000	1 073 750	84.5	196 250	15.5	4 835 000	4 613 750	100	

Amounts net of VAT

* contribution (public and private national and/or international contribution) provided by national counterparts for centralised management; public contribution (private contributions are not taken into account (Article 67(1) IPA IR) under decentralised management)

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

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

3.b Principle of Co-Financing applying to the programme

For project No 1 in joint management with the IAEA, the IPA EU contribution represents 100% of the total budget allocated to this part of the programme. This has been calculated in relation to the eligible expenditure, which is based on the total expenditure. On account of its regional character, project No 1 is not co-financed.

For projects to be implemented by centralised management (projects No 2, 3 and 6) the IPA EU contribution represents 95% of the total budget allocated to this part of the programme. This has been calculated in relation to the eligible expenditure, which is based on the total expenditure. Parallel co-financing will be used. The requirements of co-financing for INV at project level have been complied with for project No 3. No co-financing is planned for project No 2 which is a regional project. Project No 6 refers to an administrative arrangement with the Joint Research Centre. No co-financing is required for this activity.

For projects to be implemented by decentralised management (projects No 4 and 5), the IPA EU contribution represents 86% of the total budget allocated to this part of the programme. This has been calculated in relation to the eligible expenditure, which is based on the public expenditure. Joint co-financing will be used as a rule. The requirements of co-financing for Institution Building (IB) and Investment (INV) at project level have been complied with.

4. IMPLEMENTATION

4.a Management modes and Implementation modalities

For project No 1, the programme will be implemented by the European Commission by joint management with the International Atomic Energy Agency following Article 53d of the Financial Regulation³ and the corresponding provisions of the Implementing Rules⁴. To this end, the Commission and the IAEA will conclude one Contribution Agreement in accordance with the Financial and Administrative Framework Agreement (FAFA).

Joint management will be used to delegate implementation of tasks to international organisations. Only the IAEA is concerned by this management mode and it is currently subject to an assessment in relation to Article 53d of the Financial Regulation. In anticipation of the results of the assessment, the authorising officer deems that, based on the longstanding and problem free cooperation with the IAEA, joint management mode can be proposed and a Convention can be signed in accordance with the provisions laid down in Article 43 of the Implementing Rules to the Financial Regulation.

Projects No 2, 3 and 6 will be implemented on a centralised basis by the European Commission in accordance with Article 53a of the Financial Regulation and the corresponding provisions of the Implementing Rules.

Projects No 4 and 5 shall be implemented by decentralised management, in accordance with Article 53c of the Financial Regulation and the corresponding provisions of the Implementing

³ OJ L 248, 16.9.2002, p.1.

⁴ OJ L 357, 31.12.2002, p. 1.

Rules. The Beneficiary will continue to ensure that the conditions laid down in Article 56 of the Financial Regulation are respected at all times.

The ex-ante control by the European Commission shall apply to the tendering of contract, launch of call for proposals and the award of contracts and grants until the European Commission allows for decentralised management without ex-ante controls as referred in Article 18 of the IPA Implementing Regulation⁵.

4.b General rules for procurement and grant award procedures

For project No 1, the general rules for procurement and grant award procedures shall be defined in the Contribution Agreements between the Commission and the IAEA implementing such programme/activity.

For projects No 2, No 3, No 4, No 5 and No 6 procurement shall follow the provisions of Part Two, Title IV of the Financial Regulation and Part Two, Title III, Chapter 3 of its Implementing Rules as well as the rules and procedures for service, supply and works contracts financed from the general budget of the European Union 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 Contracting authorities shall also use the procedural guidelines and standard templates and models facilitating the application of the above rules provided for in the "Practical Guide to contract procedures for EU external actions" ("Practical Guide") as published on the DEVCO website at the date of the initiation of the procurement or grant award procedure. The essential selection and award criteria for the award of grants are laid down in the Practical Guide. The detailed selection and award criteria will be laid down in the Calls for proposals – Guidelines for applicants.

5. MONITORING AND EVALUATION

5.a Monitoring

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

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

They shall assess the effectiveness, quality and coherence of the implementation of this programme. They may make proposals to the European Commission and the national IPA coordinator, with a copy to the national authorising officer, for decisions on any corrective

⁵ OJ L 170, 29.6.2007, p. 1.

measures to ensure the achievements of programme objectives and enhance the efficiency of the assistance provided.

5.b Evaluation

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

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

The results of evaluations shall be taken into account in the programming and implementation cycle.

The Commission may also carry out strategic evaluations.

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

6.a 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 European 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 EU Delegation in the Beneficiary.

In order to ensure the efficient protection of the financial interests of the European Union, the European 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) 2185/96⁶.

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

6.b Financial adjustments

For decentralised projects, the national authorising officer, who bears in the first instance the responsibility for investigating all irregularities, shall make the financial adjustments where irregularities or negligence are detected in connection with the implementation of this programme, by cancelling all or part of the EU assistance. The national authorising officer

⁶ OJ L 292; 15.11.1996; p. 2.

shall take into account the nature and gravity of the irregularities and the financial loss to the EU assistance.

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

6.c Audit trail

For decentralised projects, the national authorising officer shall ensure that all the relevant information is available to ensure at all times a sufficiently detailed audit trail. This information shall include documentary evidence of the authorisation of payment applications, of the accounting and payment of such applications, and of the treatment of advances, guarantees and debts.

6.d Preventive Measures

For decentralised projects, Beneficiaries shall ensure investigation and effective treatment of suspected cases of fraud and irregularities and shall ensure the functioning of a control and reporting mechanism equivalent to that provided for in Commission Regulation 1828/2006⁷. All suspected or actual cases of fraud and irregularity as well as all measures related thereto taken must be reported to the European Commission services without delay. Should there be no suspected or actual cases of fraud or irregularity to report, the Beneficiary shall inform the European Commission of this fact within two months following the end of each quarter.

Irregularity shall mean any infringement of a provision of applicable rules and contracts, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Union by charging an unjustified item of expenditure to the general budget.

Fraud shall mean any intentional act or omission relating to: the use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of funds from the general budget of the European Union or budgets managed by, or on behalf of, the European Union; non disclosure of information in violation of a specific obligation with the same effect; the misapplication of such funds for purposes other than those for which they are originally granted.

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

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

Passive corruption is defined as the deliberate action of an official, who, directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or a third party, or accepts a promise of such advantage, to act or to refrain from acting in

⁷ OJ L371, 27.12.2006, p. 1.

accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the European Union's financial interests.

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

6.e Financial corrections

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

A financial correction may arise following:

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

If the European Commission finds that expenditure under this programme has been incurred in a way that has infringed applicable rules, it shall decide what amounts are to be excluded from EU financing.

The calculation and establishment of any such corrections, as well as the related recoveries, shall be made by the European Commission following the criteria and procedures provided for in the IPA Implementing Regulation.

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/her 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 CHANGES

Limited changes in the implementation of this programme affecting essential elements listed under Article 90 of the Implementing Rules to the Financial Regulation, which are of an

indicative 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.