



EUROPEAN
COMMISSION

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COMMISSION DECISION

of 22.10.2008

adopting the programme on the additional administrative expenditure of the European Agency for Reconstruction in 2008 including closure expenditure in 2009

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)¹, and in particular Articles 14(3) and 25(2) thereof,

Having regard to Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia², and in particular Article 4(1) thereof,

Whereas:

- (1) In accordance with Regulation (EC) No 2667/2000 of 5 December 2000 on the European Agency for Reconstruction³, the Commission has delegated the implementation of most of the Community assistance to Serbia, including Kosovo as defined by UNSCR 1244, Montenegro and the former Yugoslav Republic of Macedonia, under Regulation (EC) No 2666/2000, to the European Agency for Reconstruction (“Agency”).
- (2) Regulation (EC) No 1085/2006 lays down the objectives and main principles for pre-accession assistance to candidate and potential candidate countries. Article 25(2) of Regulation (EC) No 1085/2006 provides for the adoption by the Commission of specific measures necessary to facilitate the transition from the system established by Regulation (EC) No 2666/2000 to the one established by Regulation (EC) 1085/2006.
- (3) In accordance with Article 16 of Regulation (EC) No 2667/2000 as last amended by Regulation (EC) No 1756/2006, the Agency will be discontinued after 31 December 2008. After that date, all rights and obligations of the Agency against third parties will be taken over by the Commission acting on behalf of the European Community.
- (4) The Commission adopted on 15 December 2006 Decision C(2006)6633 on the administrative expenditure of the Agency for the years 2007-2008 committing EUR 23.96 million and EUR 20 million for the budget of the Agency for 2007 and 2008 respectively. This decision was based on certain assumptions on the timing and the impact of the phasing out of the activities of the Agency and the transfer of the activities to the EC Delegations and the EC Liaison Office.

¹ OJ L 210, 31.7.2006, p.82.

² OJ L 306 of 07/12/2000, p.1 Regulation as last amended by Regulation (EC) No 2112/2005 of 21 November 2005 (OJ L 344, 27.12.2005, p.23)

³ OJ L 306 of 7/12/2000, p.7 Regulation as last amended by Regulation (EC) No 1756/2006 (OJ L 332, 30.11.2006, p.18)

- (5) Since the adoption of Decision C(2006)6633, the Commission and the Agency have agreed on the procedure and the timing for the transfer of the activities. This agreement provides the basis for a detailed calculation of the administrative expenditure that will be incurred.
- (6) An additional amount of EUR 2.8 million is necessary to cover specific costs related to the closure of the Agency. These are costs related in effect to (i) resettlement allowances, removal expenses, severance payments and other expenses in accordance with staff regulations and contracts signed by the Agency, and (ii) the operation of a “closure cell” in early 2009 dealing with the remaining administrative issues after the closure of the EAR on 31 December 2008, in particular the entitlements of former staff and other obligations the Commission will take over from the Agency; this “closure cell” will be managed by the Commission.
- (7) 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 1605/2002⁴ (hereafter: “Implementing Rules”) and constitutes thus a financing decision within the meaning of Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁵ (hereafter: “Financial Regulation”).
- (8) The measures provided for by this Decision are in accordance with the opinion of the IPA Committee referred to in Article 14(1) of Regulation (EC) No 1085/2006 and of the CARDS Committee referred to in Article 10 of Regulation (EC) No 2666/2000,

HAS DECIDED AS FOLLOWS:

Article 1

The programme on the additional administrative expenditure of the European Agency for Reconstruction in 2008 including closure expenditure in 2009, as set out in the Annex, is hereby adopted.

This programme shall be implemented by centralised management.

Article 2

The maximum amount of Community contribution shall be **EUR 2.8 million**, to be financed through Item 22.02.05.02 (Completion of CARDS assistance) of the general budget of the European Communities for 2008.

Done at Brussels, 22.10.2008

For the Commission

Olli REHN

Member of the Commission

⁴ OJ L 357, 31.12.2002, p. 1 Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.4.2007, p.13).

⁵ OJ L 248, 16.9.2002, p.1. Regulation as last amended by Regulation (EC, Euratom) No 1525/2007 (OJ L 343, 27.12.2007, p. 9).