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## COMMISSION DECISION

**C/2007/6350 of 11/12/2007**

### **adopting the Cross-border programme between Bosnia and Herzegovina and the Republic of Montenegro under the IPA-Cross-border Co-operation component, for the year 2007**

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)<sup>1</sup>, and in particular Article 14(2)(a) thereof,

Whereas:

- (1) Regulation (EC) No 1085/2006 lays down the objectives and main principles for pre-accession assistance to candidates and potential candidate countries.
- (2) In accordance with Article 7 of Regulation (EC) No 1085/2006, the assistance should be provided through multi-annual or annual programmes, which can be established by country, by group of countries or by component. These programmes should be drawn up in accordance with the general policy framework referred to in Article 4 of Regulation (EC) No 1085/2006 and the relevant multi-annual indicative planning documents referred to in Article 6 of that Regulation.
- (3) The Council has established a European Partnership for Bosnia and Herzegovina<sup>2</sup>, and a European Partnership for the Republic of Montenegro<sup>3</sup>. The Commission has adopted on 24/05/2007 the Multi-annual Indicative Planning Document 2007 - 2009 for Bosnia and Herzegovina and on 01/06/2007 the Multi-annual Indicative Planning Document 2007 - 2009 for the Republic of Montenegro which present the main priorities for pre-accession assistance to those countries<sup>4</sup>.
- (4) The responsible authorities of Bosnia and Herzegovina and the Republic of Montenegro submitted to the Commission on 30 May 2007 a proposal for a multi-annual cross-border programme between the two countries. This draft programme contains all the elements referred to in Article 94 of Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006

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<sup>1</sup> OJ L 210, 31.7.2006, p. 82.

<sup>2</sup> Council Decision (2006/55/EC) of 30 January 2006, OJ L 35, 2.2.2006, p. 19.

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

<sup>4</sup> For Bosnia and Herzegovina C (2007) 2255; for the Republic of Montenegro C (2007) 2269.

establishing an instrument for pre-accession assistance (IPA)<sup>5</sup> (hereinafter referred to as the "IPA Implementing Regulation") and is consistent with the goals and priorities of the Multi-annual Indicative Planning Documents of the countries concerned. The draft programme contains, in particular, a description of priorities and the measures chosen for assistance and an indicative financing plan based on the multi-annual indicative financial framework comprising a table for each participating country specifying for each year covered by the multi-annual indicative financial framework and for each priority axis, the indicative amount of the Community contribution and its rate, as well as the amount financed by the national counterparts. The draft programme should therefore be adopted by the Commission, in accordance with Article 91 (6) of the IPA Implementing Regulation.

- (5) The multi-annual cross-border programme between Bosnia and Herzegovina and the Republic of Montenegro aims at providing assistance to foster the joint development of the cross-border area and its economic, natural, cultural and human resources, and its potentials.
- (6) For the year 2007, this decision meets the requirements of Article 90 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation No 1605/2002<sup>6</sup> and constitutes thus a financing decision within the meaning of Article 75 (2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>7</sup>.
- (7) The measures provided for by this Decision are in accordance with the opinion of the IPA Committee,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

The "Cross-border programme Bosnia and Herzegovina – Montenegro", as set out in Annex 2 to this Decision, is hereby adopted.

The Financing proposal for the year 2007 of the "Cross-border programme Bosnia and Herzegovina – Montenegro", as set out in Annex 1 to this Decision, is hereby adopted.

The programme shall be implemented by centralised management in both beneficiary countries.

The programme corresponding to budget year 2007 shall be implemented by means of Financing Agreements to be concluded between the Commission and the Government of each of the participating Countries. Each such Financing Agreement shall cover the Community contribution for the beneficiary country and the year concerned.

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

<sup>6</sup> OJ L 357, 31.12.2002, p. 1 Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L111, 28.04.2007 p. 1).

<sup>7</sup> OJ L 248, 16.9.2002, p.1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p.1).

*Article 2*

The maximum amount of Community contribution shall be EUR 0.5 million for Bosnia and Herzegovina and EUR 0.6 million for the Republic of Montenegro to be financed through Item 22.02.04.01 of the general budget of the European Communities for the year 2007.

Done at Brussels, [...]

*For the Commission*

[...]

*Member of the Commission*

**ANNEX 1**  
**FINANCING PROPOSAL FOR THE YEAR 2007**  
**OF THE CROSS-BORDER PROGRAMME BOSNIA AND HERZEGOVINA –**  
**MONTENEGRO**

**1. IDENTIFICATION**

Beneficiaries	<b>Bosnia and Herzegovina and the Republic of Montenegro</b>
CRIS number	Bosnia and Herzegovina 2007/019-362 Republic of Montenegro 2007/019-362
Year	2007
Cost	Bosnia and Herzegovina: €0.5 million Republic of Montenegro: €0.6 million Total value of IPA contribution: €1.1 million
Operating structures	Bosnia and Herzegovina: Directorate for European Integration Republic of Montenegro: Secretariat for European Integration
Implementing Authorities	For Bosnia and Herzegovina and for the Republic of Montenegro: European Commission
Final date for concluding the Financing Agreements	at the latest by 31 December 2008
Final date for contracting	2 years following the date of conclusion of the Financing Agreement.  No deadline for audit and evaluation projects covered by this Financing Agreement, as referred to in Article 166(2) of the Financial Regulation.  These dates apply also to the national co-financing.
Final date for execution	2 years following the end date for contracting.  These dates apply also to the national co-financing.
Sector Code	33210, 43040, 14010

Budget lines concerned	22.02.04.01
Programming Task Manager	For Bosnia and Herzegovina: DG ELARG Unit C.1, Albania and Bosnia and Herzegovina  For Montenegro: DG ELARG.C.2, Montenegro and Serbia
Implementation Task Manager	For Bosnia and Herzegovina: EC Delegation to Bosnia and Herzegovina, Operation Section II  For Montenegro: EC Delegation to the Republic of Montenegro

## **2. SUMMARY**

### **2.1. Introduction**

#### *2.1.1. Programming process*

The cross-border programme between Bosnia and Herzegovina and the Republic of Montenegro will be implemented during the 2007-2013 period. This strategic document is based on a joint strategic planning effort between the two countries and is also the result of a large consultation process with the local stakeholders and potential beneficiaries.

The programme will be implemented in both countries under centralised management. The national authorities in the two countries are building capacities and working on the accreditation of the implementing structures in order to shift to decentralized management as soon as possible during the programming period.

The programming process took place from December 2006 to May 2007. The national authorities and operational structures were assisted in the programming by the Cross Border Institution Building project (CBIB), a regional project funded by the European Union.

#### *2.1.2. List of eligible areas*

The eligible area in Bosnia and Herzegovina covers 14.032.82 km<sup>2</sup> and has 593.148 inhabitants in 33 municipalities. This represents 27.24 % of the territory of Bosnia and Herzegovina and 49.19 % of population.

The eligible area in the Republic of Montenegro covers 8.784 km<sup>2</sup> and has 301,489 inhabitants in 12 municipalities. This represents 63.60% of Montenegro territory and 48.6 % of population.

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

To foster the joint sustainable development of the cross-border area, its economic, cultural, natural and human resources and potentials by strengthening the capacities of human resources and joint institutional networks among local communities and local private and public actors.

### **2.3. Priority axis, the related measures and their specific aspects concerning the implementation of the 2007 budget**

The priorities and measures defined in this cross-border programme are structured in such a manner so as to respect and provide for the implementation of the specific objectives.

#### **Priority I. To support the creation of a common socio-economic environment for people, communities and economies of the eligible area**

##### *Measure I.1 Cross-border economic development initiatives with an emphasis on tourism and rural development*

An increase in the economic development of the eligible area requires, as demonstrated in the SWOT, the setting up of coordinated activities fostering human resources collaboration in all sectors and the creation of basic mechanisms and facilities promoting investments and fostering economic development. Most of the interventions enhancing economic cooperation will be related to the tourism, agricultural, and environmental sector and will be aimed at exploiting local cross-border opportunities. In addition, the overall interventions will have effect also on the increase of the employment potentials in the private sector and the mobility of labour force. This has to be sustained by an increased capacity of both private and public entities that will be involved in the analysis of the local situation during the elaboration of new strategies and also in the decision making process. Finally, the economic development has to be sustained by small scale investments improving the existing infrastructure that would have a concrete impact on services, tourism, business, trade and transport in the eligible area.

The following is a tentative list of the interventions that could be eligible under this measure:

- Creating business networks and know-how transfer mechanisms mainly in the tourism and agricultural sector;
- Development of new tourist products/services with clear cross-border identity;
- Development of business information strategies, services and supporting activities (such as data bases, internet sites) addressed to the entrepreneurs active in the eligible area;
- Development of consultancy services in business start up, business planning, technology transfer, patents, certifications, legal affairs, finances and marketing strategies (e.g. new products, labelling and quality);
- Development of appropriate and sustainable forms of tourism and environment-friendly agriculture;
- Identification and development of alternative economic activities (ecological production, traditional crafts);
- Establishment and maintenance of mutual traineeship programmes through training sessions, conferences and seminars and development of joint curricula and training standards;

- Improvement of regional labour skills and vocational qualification services relevant to the economic development of the border region;
- Development of small scale infrastructure for modernising and outfitting marketplaces, premises and facilities for setting up small businesses;
- Networking of SMEs and establishment of cross-border clusters;
- Development of small scale infrastructure improving the accessibility to the area;
- Improvement of public utilities supporting the tourism sector;
- Transfer of know-how and integration of institutional/capacity building mainly on social and economic issues;
- Development of joint strategies, cross-border transport plans, studies and concepts serving as the basis for large investments.

*Measure I.2 Environmental development initiatives, mainly for protection, promotion and management of natural resources.*

The aim of this measure is to sustain joint interventions for the protection of natural resources and the improvement of the environment with a view to ensure sustainable development of the entire eligible area. These activities will be closely linked with the development of tourism as an alternative economic activity.

A non-exhaustive list of tentative eligible actions is the following:

- Joint research projects, studies, concepts and awareness raising/training activities related to the protection, promotion and management of natural resources;
- Education and transfer of know-how in environment protection;
- Conservation and enhancement of natural and cultural heritage;
- Improvement of the joint management and supporting facilities in water and waste management;
- Development of pollution prevention plans for the border area and effective monitoring systems for air, water and soil quality;
- Develop and increase capacities for the prevention of potential natural disasters (including fires and floods);
- Design and implementation of the policy for the utilization of renewable energy sources.

*Measure I.3 Social cohesion and cultural exchange through institutional and people-to-people interventions.*

The goal of this measure is to get communities closer through long term partnerships and networking between civil society organizations, professional associations, local authorities

and institutions like schools, faculties and research centres. The measure will contribute to the creation of contacts at different levels and sectors of activities encouraging the cross-border cooperation in the fields of economy, culture, education and sports.

The following list is just a summary tentatively indicating the main eligible activities:

- actions supporting the social and cultural flow of information and communication between the communities in the eligible area;
- cultural exchanges among young people, artist, sports activities, folk events and similar actions;
- education and training initiatives, including a wide range of actions, such as promoting the mobility of citizens, academic networks innovative education projects, promoting life-long learning for all citizens as well;
- promotional events in social and economic fields like fairs and exhibitions;
- other actions promoting social inclusion, including exchange of information, joint studies, and researches.

Potential beneficiaries of the three measures could be:

- national authorities/institutions with operations in the eligible area;
- local governments and their institutions;
- development agencies;
- tourism and cultural organisations/associations;
- local business support organisations;
- SMEs
- organisations (including NGOs) for nature protection;
- cultural associations,
- non-governmental organisations;
- public and private entities supporting the work force; public bodies responsible for water management;
- schools, colleges, universities, including vocational and technical training institutions.

The measures will be implemented through grant schemes.

### **Priority II: Technical assistance**

Technical assistance will be provided through two measures.

### *Measure II.1 Programme administration, monitoring and evaluation*

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

### *Measure II.2 Programme Information and Publicity*

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

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

Measures I.1, I.2 and I.3 will be implemented through grants schemes. The detailed selection and award criteria for the award of grants will be laid down in the Call for proposals–Application Pack (Guidelines for applicants). It is foreseen that the calls for proposals, for a total amount of IPA and national co-financing of around €1,164,705 million, will be launched in the fourth quarter of 2008.

Measures II.1 and II.2 consisting in technical assistance will be implemented through individual direct grant agreements without call for proposals to be established between the European Commission and the respective national authorities, in accordance with article 168 1. (c) of the Implementing Rules to the Financial Regulation, considering that the relevant national authorities, i.e. the CBC coordinator in the meaning of Art. 22 (2) (b) of the IPA Implementing Regulation and the Operating structures, enjoy a de facto monopoly situation for the implementation of the cross-border programme. Subcontracting of the activities covered by the direct grant agreements is possible. The direct grant agreements, for a total amount of €129,412 can be signed as soon as the Financing Agreements are concluded. The IPA allocation for measures II.1 and II.2 will be completed by a total amount of €19,412 of national co-financing provided by the authorities of both countries.

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

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

The activities foreseen under this programme have been designed on the basis of the SWOT (Strengths, Weaknesses, Opportunities and Threats) in Annex 2 of this Financing Decision and taking into account the limited financial allocations. The co-financing guarantees that the EU principle of additionality will be respected.

## **2.4. Overview of past and on-going CBC experience, including lessons learned and donor coordination (as appropriate)**

### *2.4.1. Past experience*

Having been a part of the State Union of Serbia and Montenegro, the Republic of Montenegro had limited experience with cross-border cooperation. Bosnia has limited experience having participated only in the Adriatic neighborhood programme with Italy.

### *2.4.2. Lessons learned*

Experience with border region cooperation so far indicates that a solid preparatory phase is of utmost importance prior to the launching of specific activities. For the cross-border cooperation to be effective, it is crucial that there is good understanding of the rules and procedures, adequate capacity and functioning management bodies. The results of the thematic evaluation of the Phare Cross-Border Cooperation Programmes 1999-2003 will be duly taken into account.

### *2.4.3. Donor co-ordination*

In line with Article 20 of the IPA Regulation and Article 6 (3) of the IPA Implementing Regulation, the EC has asked the representatives of member States and local International Financial Institutions in Bosnia and Herzegovina and Montenegro to provide their comments regarding the draft cross-border programme submitted to the Commission.

## **2.5. Horizontal issues**

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

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

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

## **2.6. Conditions**

- Re-organisation of the Operating Structures (OSs) in each country: the existing OSs were established for the purpose of preparation of the cross-border programme. The implementation of the programme may require a different set-up;
- Establishment of the Joint Monitoring Committee;

- Establishment and organisation of the Joint Technical Secretariat in Bosnia and Herzegovina and of its antenna in Montenegro;
- Appointment of relevant staff to participate in training activities, INFO days and monitoring activities.

## 2.7. Benchmarks

	N	N+1 (cumulative)	N+2 (cumulative)
Direct grant agreement in Bosnia and Herzegovina	1		
Direct grant agreement in Montenegro	1		
Number of joint calls for proposals launched in Bosnia and Herzegovina and Montenegro	3		
Contracting Rate (%) in Bosnia and Herzegovina	10	100	
Contracting Rate (%) in Montenegro	10	100	

\* N being the date of conclusion of the Financing Agreement

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

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

The Council of Ministers of BiH has adopted a Strategy for the Implementation of the Decentralised Implementation System in BiH. Some necessary steps have been determined and followed by a time schedule for implementation of the strategy. This strategy needs to be updated with the new IPA requirements on DIS, followed by a clear and detailed work and action plan. A DIS working group under the chairmanship of the NIPAC/NAO is planned to be set up and will include representatives of the relevant BiH bodies involved in the DIS in order to implement the DIS Strategy. The Council of Minister has decided to set up a National Fund and a Central Financial and Contracting Unit (CFCU) in the Ministry of Finance and Treasury. Recruitment of initial staff should be completed by end September 2007 and technical assistance is being provided by the EC. The target date for decentralised implementation has not been decided yet and is not likely before 2009.

In Montenegro work leading to granting decentralisation with ex-ante controls is at a very preliminary phase. A detailed specific plan and timetable for decentralisation with ex-ante

controls shall be established by the beneficiary country, in accordance with the Commission's guidance "Roadmap for DIS".

For the time being, under non-EU multilateral assistance, a checklist was prepared on expected qualifications/results in the preparation and implementation of DIS. It's intended to serve as an indicator for all the future training of the public administration bodies designated to deal with IPA A SIGMA mission took place in June 2007 to cover the DIS gap assessment. Following that mission, the National Authorities are expected to make decisions on the organisation and location of the relevant public bodies.

### 3. BUDGET FOR 2007

#### 3.1. Indicative 2007 financial table for Bosnia and Herzegovina

	EU – IPA assistance		National Contribution		Total (IPA plus National Contribution)	
	EUR	%	EUR	(%)	EUR	(%)
<b>Economic &amp; Social Development</b>	450,000	85	79,411	15	529,411	100
<b>Technical assistance</b>	50,000	85	8,824	15	58,824	100
<b>TOTAL</b>	<b>500,000</b>	<b>85</b>	<b>88,235</b>	<b>15</b>	<b>588,235</b>	<b>100</b>

#### 3.2. Indicative 2007 financial table for Montenegro

	EU – IPA assistance		National Contribution		Total (IPA plus National Contribution)	
	EUR	%	EUR	(%)	EUR	(%)
<b>Economic &amp; Social Development</b>	540,000	85	95,294	15	635,294	100
<b>Technical assistance</b>	60,000	85	10,588	15	70,588	100
<b>TOTAL</b>	<b>600,000</b>	<b>85</b>	<b>105,882</b>	<b>15</b>	<b>705,882</b>	<b>100</b>

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

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

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

The provisions of Article 90 of Commission Regulation (EC) No. 718/2007 (OJ L170 29.06.2007) (IPA Implementing Regulation) apply.

#### **4. IMPLEMENTATION ARRANGEMENTS**

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

This programme shall be implemented on a centralised basis by the European Commission in accordance with Article 53a of the Financial Regulation<sup>8</sup> and the corresponding provisions of the Implementing Rules.

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

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

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

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

Where appropriate, the Contracting Authorities shall also use the standard templates and models facilitating the application of the above rules provided for in the "Practical Guide to contract procedures for EC external actions" ("Practical Guide") as published on the EuropeAid website<sup>9</sup> at the date of the initiation of the procurement or grant award procedure.

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

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

The procedures for environmental impact assessment as set down in the EIA-directive<sup>10</sup> fully apply to all investment projects under IPA. If the EIA-directive has not yet been fully

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<sup>8</sup> OJ L 248, 16.9.2002, p.1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p.1) and OJ L 357, 31.12.2002, p. 1 Regulation as last amended by Regulation (EC, Euratom) No 478/2007, (OJ L111, 28.04.2007 p. 1).

<sup>9</sup> current address:

[http://ec.europa.eu/europeaid/work/procedures/implementation/practical\\_guide/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm)

<sup>10</sup> Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ L 175, 5.7.1985, p. 40). Directive as last amended by Directive 2003/35/EC (OJ L 156, 25.6.2003, p. 17).

transposed, the procedures should be similar to the ones established in the above-mentioned directive.

If a project is likely to affect sites of nature conservation importance, an appropriate nature conservation assessment shall be made, equivalent to that provided for in Article 6 of the Habitats Directive must be documented<sup>11</sup>.

## **5. MONITORING AND EVALUATION**

### **5.1. Monitoring**

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

In the participating countries the Commission may undertake any actions it deems necessary to monitor the programme concerned.

### **5.2. Evaluation**

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

## **6. AUDIT, FINANCIAL CONTROL, ANTIFRAUD MEASURES**

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

In order to ensure the efficient protection of the financial interests of the 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) 2185/96<sup>12</sup>.

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

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<sup>11</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L206, 22.7.1992). Directive as last amended by Regulation (EC) No 1882/2003 (OJ L284, 31.10.2003, p. 1).

<sup>12</sup> Council Regulation (EC, Euratom) 2185/96 of 11. November 1996, OJ L 292; 15.11.1996; p. 2.

## 7. 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 nature<sup>13</sup>, may be undertaken by the Commission's authorising officer by delegation (AOD), or by the Commission's authorising officer by sub-delegation (AOSD), in line with the delegation of powers conferred upon him by the AOD, in accordance with the principles of sound financial management without an amending financing decision being necessary.

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<sup>13</sup> These essential elements of an indicative nature are, for grants, the indicative amount of the call for proposals and, for procurement, the indicative number and type of contracts envisaged and the indicative time frame for launching the procurement procedures.

**ANNEX 2**  
**Cross-border programme**  
**Bosnia and Herzegovina - Montenegro**