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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,
C(2009) 8351

COMMISSION DECISION

of 3 November 2009

on the adoption of a work programme in the Environment policy area for 2009 for the pilot project covered by budget line 07 02 03, serving as financing decision

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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, Euratom) No 1605/2002 of 25 June 2002¹ on the Financial Regulation applicable to the general budget of the European Communities, and in particular Article 49(6), letters (a) and (b) thereof,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002² laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities,

Whereas:

- (1) Under Article 49(6) (a) and (b) of the Financial Regulation, appropriations for pilot schemes of an experimental nature designed to test the feasibility of an action and its usefulness may be implemented without a basic act provided the actions which they are intended to finance fall within the powers of the Communities or the European Union.
- (2) Under Article 75, paragraph 2 of the Financial Regulation, the commitment of the expenditure shall be preceded by a financing decision adopted by the institution or the authorities to which powers have been delegated by the institution.
- (3) Under Article 90, paragraph 2 of Regulation (EC, Euratom) No 2342/2002 of 23 December 2002³ laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (hereinafter referred to as "detailed rules for implementation of the Financial Regulation"), where the implementation appropriations is provided for by an annual work programme constituting a sufficiently detailed framework, the work programme shall be considered to be the financing decision for the grants and procurement contracts involved.
- (4) Under Article 168(1)(c) of the detailed rules for implementation of the Financial Regulation, the Commission can decide to award grants without a call for proposals to bodies with a duly substantiated de facto or de jure monopoly.
- (5) The budgetary authority has earmarked specific funding in the budget of the EU for 2009, namely on budget line 07 02 03 for a pilot project on the environmental

¹ OJ L 248, 16.09.2002, p. 48.

² OJ L 357, 31.12.2002, p. 1.

³ OJ L 357, 31.12.2002, p. 1.

monitoring of the Black Sea Basin and a common European framework programme for the development of the Black Sea region.

- (6) This decision constitutes a financing decision within the meaning of Article 75 of the Financial Regulation and Article 90 of detailed rules for implementation of the Financial Regulation,

HAS DECIDED AS FOLLOWS:

Article 1

The work programme set out in the Annex to this decision is hereby adopted as annual work programme serving as the financing decision for a direct grant for the financial year 2009 on the budget article 07 02 03 for a maximum amount of EUR 1 000 000.

Article 2

The Director-General for Environment is responsible for ensuring the publication and implementation of the work programme set out in Annex.

Article 3

The appropriations covered by the work programme may be used to pay default interest in accordance with Article 83 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002.

Done at Brussels,

For the Commission
Stavros DIMAS
Member of the Commission

ANNEX

1. PILOT PROJECT: ENVIRONMENTAL MONITORING OF THE BLACK SEA BASIN AND A COMMON EUROPEAN FRAMEWORK PROGRAMME FOR THE DEVELOPMENT OF THE BLACK SEA REGION (BUDGET ARTICLE 07 02 03)

1.1. Introduction

1.1.1. Budget line: 07 02 03

1.1.2. Basic Act :

Pilot project within the meaning of Article 49(6) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1), as last amended by Council Regulation (EC) No 1525/2007 of 17 December 2007 (OJ L 343, 27.12.2007, p.9).

1.1.3. General objectives of the pilot project:

As per the budgetary remark voted by the Budgetary Authority, the project is intended:

- to ground the research and to assess pollution of the marine and coastline environment, including its impact on biodiversity and on jobs, supported by the marine and coastline environment,
- to develop a platform for environmental protection and emergency pollution clean-up based on an regional data base that include a real time information,
- to design and put in place an integrated marine and coastline dynamic remote sensing monitoring system in the region, establishing a network of facilities and training people for its actual implementation.

Taking into account the amount of funding, the Commission approach is focused on the development, at regional scale in the Black Sea (BS) area, of information and monitoring capabilities to enable riparian countries to better address the pollution provoked by oil, including on Black Sea biota. The risk and possible consequences of a serious oil spill at sea have been recognized for the Black Sea region.

1.1.4. Specific priorities for 2009

Under 2008 budget, 1 M€ was already committed through a grant awarded to the Commission on the Protection of the Black Sea Against Pollution (Black Sea Commission). The grant agreement was signed in December 2008 and the action, which started in January 2009, will last 24 months.

The success of the project is highly dependent upon the support of third countries (Russia, Georgia, Ukraine, Turkey) and of external organisations and bodies with technical expertise on the issue of oil pollution and monitoring. Therefore, the first phase is aimed at strengthening the institutional cooperation in view of building up the consensus for addressing oil pollution problems and at preparing the implementation of a monitoring and information platform on oil pollution.

In this context, one of the major problems encountered is that the integration and cross-check of information on the monitoring of oil spills coming from different sources e.g. national Maritime Coordinating Centres, regional Automatic Identification System (AIS), blue box, Vessel Traffic System (VTS), the Civil

Protection Monitoring and Information Center (MIC) for some satellite imagery, Long Range Identification & Tracking (LRIT) system.

This is the reason why it is proposed that the second phase of the pilot project focuses on the harmonisation of the existing information and monitoring data coming from national and/or international bodies to make possible their sharing, thus establishing an operational basis for a long lasting cooperation among interested parties, as well as contributing to better coverage of the Black Sea biota in existing publicly available information systems.

1.2 Type of intervention: award of grant without a call for proposals to a body with a de jure monopoly (article 168.1.c of the implementing rules)

1.2.1 Name of the beneficiary

The beneficiary of the grant will be the Permanent Secretariat of the Commission on the Protection of the Black Sea Against Pollution.

1.2.2 Objectives of the action

The action is intended to enhance the capacity of the competent authorities to share and manage the relevant information and data for dealing with the risks of oil spill accidents, for improving the safety of oil transfer and increasing the efficiency in the response to accidents and common interventions.

1.2.3 Expected results

The expected results of this new action are the following:

- (i) to set up a platform for sharing existing information and monitoring data coming from national and/or international bodies and harmonizing them, contributing to better coverage of the Black Sea biota affected by oil spills and other pollution, and
- (ii) to ensure, within the platform, the establishment of procedures for ship surveillance using Vessel Traffic oil Pollution Information System (VTOPIS) and other existing international systems as the Regional Automatic Identification System (AIS).

1.2.4 Procedure & justification for de jure monopoly

The Bucharest Convention is the only International Agreement which provides a regional platform for the definition and the adoption of legal instruments to protect the Black Sea environment. The Black Sea Commission is its executive body. The Black Sea Commission has a unique role as the executive body of the Bucharest Convention, and the related Protocol on Cooperation in Combating Pollution by Oil and other Harmful Substances in Emergency Situations.

It is therefore considered that the Permanent Secretariat of the Commission on the Protection of the Black Sea Against Pollution has a de facto monopoly on the proposed action, in accordance with the provisions of article 168.1.c of the implementing rules to the Financial Regulation.

It is strategic to continue to focus its financing as the Black Sea Commission is the sole organisation that for its competence and structure, might guarantee the dialogue on pollution among the riparian countries.

1.2.5 Indicative budget and timetable

The maximum amount for the grant is €1.000.000.

The award decision will be taken in November 2009 and the grant agreement will be finalised in December 2009. The grant agreement will specify the contents mentioned in Art 164 of the detailed rules for implementation of the Financial Regulation. The project should be completed by the end of 2011.

1.2.6 Maximum co-financing rate.

The maximum of co-financing to be applied to the grant to be awarded to the Black Sea Commission Permanent Secretariat is 90%.