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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26/IV/2007  
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NOT TO BE PUBLISHED

**COMMISSION DECISION**

**of 26/IV/2007**

**relating to the respective responsibilities of the Member States, the Commission and the National Agencies in implementation of the Lifelong Learning Programme (2007-2013)**

**(Text with EEA relevance) on**

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**relating to the respective responsibilities of the Member States, the Commission and the National Agencies in implementation of the Lifelong Learning Programme (2007-2013)**

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### **THE COMMISSION OF THE EUROPEAN COMMUNITIES,**

Having regard to the Treaty establishing the European Community,

Having regard to the Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning<sup>1</sup> and in particular Article 9 paragraph 1 f) thereof,

Having regard to 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>2</sup> and in particular Articles 54 and 56 on indirect centralised management of Community funds,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup> on the Financial Regulation applicable to the general budget of the European Communities, as last amended by Regulation No 1248/2006 of 7 August 2006 and in particular Articles 35, 38, 39 and 41 thereof,

Whereas:

- (1) Indirect centralised management with the assistance of the National Agencies will be a predominant aspect of the Lifelong Learning Programme, with almost 85% of the annual appropriations allocated to the Programme being directly administered by the different National Agencies set up in the Member States.
- (2) The principle that National Agencies should be designated by Member States and involved in implementation of the Programme is established by Article 6 of Decision No 1720/2006/EC of the European Parliament and of the Council.
- (3) Member States should consider, where appropriate, a single National Agency for management of the Lifelong Learning Programme and, in order to ensure complementarity as provided for by Article 13(1) of Decision No 1720/2006/EC of the European Parliament and of the Council, where appropriate, a single National Agency

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<sup>1</sup> OJ L 327, 24.11.2006 p. 45

<sup>2</sup> OJ L 248, 16.9.2002, p. 1.

<sup>3</sup> OJ L 357, 31.12.2002, p. 1.

for management of the Lifelong Learning Programme and of the Youth in Action Programme established by Decision No 1719/2006/EC of the European Parliament and of the Council.

- (4) Indirect centralised management of certain actions in the Programme is laid down in the Annex to Decision 1720/2006/EC of the European Parliament and of the Council. It is necessary to clarify the role and responsibilities of the National Agencies and those of the Commission and the Member States in particular as regards the designation and revocation of the national agencies, the ex-ante and yearly declaration of assurance by the national authorities, the audit and control framework, the corrective measures applicable by the Commission, the legal and operational relationships between the national authorities, the National agencies and the Commission
- (5) The National Agencies are essential players in promotion and implementation of the Programme and are fully involved throughout the life cycle of the projects.
- (6) At its meeting on 14 December 2006 the committee set up under Article 10 of Decision 1720/2006/EC of the European Parliament and of the Council and in conformity with Article 9, delivered a favourable opinion on the draft text concerning the respective responsibilities of the Member States, the Commission and the National Agencies in implementation of the Lifelong Learning Programme.
- (7) The concept of irregularity is defined in point 14 of the Annex to Decision n° 1720/2006/CE. The concept of fraud is defined in Article 1 of the Convention concerning the protection of the financial interests of the European Communities<sup>4</sup>.
- (8) The single audit model is laid down in the Opinion of the European Court of Auditors n° 2/2004<sup>5</sup>.

HAS ADOPTED THIS DECISION:

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<sup>4</sup> OJ C 316 of 27.11.1995, page 49 (OLAF)

<sup>5</sup> OJ C 107 of 30.04.2004 page 1

## *Article 1*

### *Subject*

1. This decision sets out the respective responsibilities of the Member States, the Commission and the National Agencies with regard to implementation at national level of certain actions in the Lifelong Learning Programme, hereinafter referred to as “the Programme”, in accordance with section A.1 of the Annex to the Decision on the Programme<sup>6</sup>. The actions are listed in Annex 1 hereafter. The mission of the National Agency includes budget implementation tasks.
2. In addition, the organisation hosting the National Agency may fulfil other missions as specified in article 10(2) of this document.

## *Article 2*

### *Establishment or designation of the National Agency*

1. The Member State shall establish or designate the National Agency (NA) in their country for the whole duration of the Programme in accordance with the conditions laid down in Article 6(2)(b) of the Programme Decision. The national authority appointed in accordance with Article 2 (6) of this Commission Decision shall notify the Commission of this establishment or designation.
2. At the same time the national authority shall guarantee that the NA fulfils the abovementioned conditions. To that end, the national authority shall issue and submit to the Commission the ex ante declaration referred to in Article 6(2)(d)(i) of the programme Decision using the model issued by the Commission services. The declaration shall be accompanied by a description of the underlying systems and procedures.
3. In the event of major changes in the systems and procedures, the national authority shall forward to the Commission an updated version of the ex ante declaration which shall be assessed in accordance with articles 2(4) and 2(5) below.
4. The Commission shall conduct an assessment of the ex ante declaration and of the supporting documents provided by the national authority. The Commission shall accept, conditionally accept or reject the declaration.
5. The Commission shall not enter into a contractual relationship with the NA until after completion of the abovementioned assessment process. In the case of conditional acceptance, the Commission may decide to take proportionate precautionary measures applying to its contractual relationship with the NA.
6. Each Member State shall communicate to the Commission the name(s) of the person(s) legally authorised to act on its behalf as the “national authority” for the purposes of this Decision within two months of its entry into force.

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<sup>6</sup> Decision n° 1720/2006/CE of the European Parliament and the Council of 15 November 2006 OJ L 327, 24/11/2006 p. 45

*Article 3*  
*Revocation*

1. In the event of any irregularity, negligence or fraud attributable to the NA the authorities of the Member State may revoke the act of designation of the NA either on the initiative of the national authority or upon a request from the Commission.
2. In the event of repeated serious shortcomings or underperformance in the management of the NA the Commission may ask the national authority to revoke the act of designation of the NA with a period of notice of six months.
3. The authorities of the Member State may wish to revoke the act of designation of the NA for other justified reasons. In this case the national authority shall notify the Commission, stating the reasons, at least six months before the envisaged date of termination of the mandate of the NA.
4. The process of designation or establishment of a new NA shall be subject to the procedures referred to in article 2.
5. The national authority, in cooperation with the Commission, shall make sure that the necessary measures are taken to avoid disruption to implementation of the Programme. To this end, both sides shall formally agree a timetable with specific transition measures.

*Article 4*  
*Tasks of the National Agency*

1. The NA shall be responsible for the management of the life cycle of the projects in its country financed under the actions listed in Annex 1 and shall contribute to monitoring and evaluating the actions in the Programme. The tasks of the NA are listed in Annex 2 hereafter.
2. The NA may not delegate any task of budget implementation.
3. The NA shall carry out its tasks in accordance with the "Guide for National Agencies" which shall contain the minimum requirements with regard to internal control standards applicable to NAs and to their management of the projects financed under the actions listed in Annex 1. The Guide for National Agencies shall be an integral part of the contractual obligations of the NA towards both the Commission and the national authority.
4. The Commission shall issue the Guide for National Agencies. The Commission shall consult the National Agencies as appropriate.

*Article 5*  
*Relationship between the Commission and the National Agency*

1. Contractual relationship
  - a) Every year the Commission shall sign a financial agreement with the NA, hereinafter referred to as the "Commission-NA Agreement", by which the following funds shall be made available to the NA:

- Community funds targeted at the projects selected for grant support in its country under the actions listed in Annex 1;

- Community financial assistance to support the management and implementation tasks of the NA. This will be provided in the form of a flat-rate contribution to the costs of the NA.

b) The amounts to be transferred by the Commission to the NA shall be decided by the Commission after hearing the opinion of the Programme Committee in accordance with Article 10(2) of the Programme Decision.

c) The Commission-NA Agreement shall comprise a work programme of the NA. The work programme shall describe the activities to be carried out in the period concerned and set out the objectives and priorities of the Programme in the country covered. The work programme shall be established in accordance with the Specifications issued by the Commission. The National Agency shall draft the work programme and, in agreement with the national authority, submit it to the Commission for approval by the date established by the Commission.

## 2. Corrective measures

a) The Commission may decide financial corrections in accordance with Article 6(3)(b) of the Programme Decision by cancelling all or part of the Community contribution under a specific Commission-NA agreement when:

- the checks by the national authority and the Commission detect serious weaknesses in the management and control system that have not been addressed by the NA and this puts at risk the Community contribution, in particular failure to perform key controls as specified in the Guide for National Agencies;

- the checks by the Commission detect irregular expenditure in the statement of expenditure which has not been corrected by the national authority;

- the Member State failed to comply with its obligations under Article 6(2)(b), (c) and (d) of the Programme Decision prior to opening the procedure under this Article.

b) The financial correction may apply either to the funds intended to cover grants to final beneficiaries under the Programme actions or to the Community flat rate contribution to support the management and implementation tasks of the NA, or to both, depending on the nature and impact of the deficiencies found. When deciding the amount of any correction, the Commission shall take due account of the importance of the irregularity and of the extent and financial implications of the deficiencies found.

c) The Commission shall conduct an adversary procedure by informing the national authority and the NA of its provisional conclusions and requesting them to submit their comments by a reasonable deadline. In case of disagreement the national authority and the NA shall be invited to a hearing.

## 3. Monitoring and follow-up

a) The Commission shall regularly convene meetings of the National Agencies with a view to consistent implementation of the Programme actions across participating countries and for the purpose of reinforcing coordination and networking.

- b) The Commission shall regularly visit the NAs for the purpose of monitoring and counselling.
- c) The Commission may consult the NAs on any aspect of implementation of the Programme actions as appropriate.

#### *Article 6*

##### *Relationship between the national authority and the National Agency*

1. The national authority shall take responsibility for proper management of the Community funds transferred to the NA to support projects as provided for in Article 6(2)(c) of the Programme Decision.
2. The national authority shall formalise its relationship with the NA in accordance with the national legislation and the legal status of the NA. The document governing this relationship shall include at least provisions on: the structure in charge of monitoring and supervising the work of the NA; the national control and audit system in accordance with article 8(3) ; the national financial contribution to support the activities of the NA in accordance with article 4(1) and any other financial contribution for other projects or activities of the NA in relation to the Programme in accordance with article 10(1); the mechanisms for defining national priorities for the Programme actions. The national priorities shall respect those established at European level; the measures for monitoring and assessing projects by the NA with a view to the Programme achieving its objectives at national level and, in particular, to contribute to modernisation of the lifelong learning systems and practices; the conditions for termination of the relationship.
3. The national authority shall make available a copy of the abovementioned document upon request by the Commission.
4. The national authority shall ensure adequate and timely funding of the NA so that it can satisfactorily carry out the activities and achieve the objectives of its work programme in accordance with article 5(1) as well as comply with the requirements laid down in the Guide for National Agencies throughout the duration of the Programme.

#### *Article 7*

##### *Relationship between the national authority and the Commission*

1. The national authority shall communicate to the Commission at the start of the Programme the names of the persons authorised to represent it in dealings with the Commission for implementation of the components of the Programme. It shall update this information whenever necessary.
2. The national authority and the Commission shall cooperate in monitoring and supervising the NA, in particular in setting up a system for reporting and following up irregularities and fraud, and shall keep each other informed of their activities in this area. They shall hold periodic consultations on the operation of the NA.
3. Each year the national authority shall issue and provide the Commission by 30 April with a declaration of assurance as to:
  - the reliability of the financial systems and procedures of the NA;



- the probity of their accounts, as provided for in Article 6(2)(d)(ii) of the Programme Decision; and
- the reasonable assurance that the resources have been used for their intended purpose and in accordance with the principles of sound financial management, and that the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.

4. The Commission shall issue the model and the minimum requirements for the yearly declaration of assurance.

5. The declaration shall take due account of the results of the controls carried out under article 8. After assessing the declaration the Commission may take proportionate precautionary measures applying to its contractual relationship with the NA.

6. In the event of irregularity, negligence or fraud attributable to the National Agency, where this gives rise to claims by the Commission against the NA which are not completely recovered, the national authority shall be responsible for the funds not recovered.

#### *Article 8* *Control and audit*

1. The control and audit system shall be based on a chain of controls operating on the basis of common standards set out in the Guide for National Agencies.

2. The National Agency shall be responsible for the primary controls.

a) The NA shall operate a system of checks on the projects funded in its country.

b) The standards and minimum requirements for this system are specified in the Guide for National Agencies.

c) Each year the NA shall draw up a report on the primary controls performed. It shall be addressed to the national authority.

3. The national authority shall be responsible for the national controls. For this purpose the national authority shall establish the system of secondary controls whose objective is to give reasonable assurance that the systems and primary controls are effective. It may entrust performance of secondary controls to an external audit body. The results of these controls shall be used for the purpose of the yearly declaration of assurance to the Commission.

4. The Commission shall be responsible for the supervisory controls. To this end it shall oversee and coordinate operation of the whole system.

a) The Commission shall review the system of national controls, in particular through the assessment of the yearly declaration of assurance, and reserves the right to perform direct checks and audits on the NA and the beneficiaries of the Programme actions.

b) The Commission shall have access to all documents and reports produced by the national controls.

5. The arrangements set out in this section in no way preclude the rights of the European Court of Auditors and of the Anti-Fraud Office (OLAF) to carry out checks and controls at any stage on the beneficiaries, the NAs and the controlling and supervising bodies involved.

*Article 9*  
*Particular configurations at national level*

1. The authorities in each Member State shall endeavour to establish where appropriate a single National Agency. Should they decide to establish more than one NA:

a) They will decide on the distribution of responsibilities between the NAs for the action listed in Annex 1. Responsibility for the actions of the same sectoral programme may not be shared between two or more NAs.

b) The national authority shall take the necessary measures to ensure that the actions are managed in a fully coordinated way. To this end it shall either appoint one of the NAs as coordinating NA or set up a system of coordination with clear lines of responsibility. The coordination arrangements shall be included in the document referred to in article 6(2).

c) With regard to contractual relationships, the Commission will either sign a Commission-NA Agreement with the coordinating NA or sign separate Commission-NA Agreements with the different NAs.

d) The national authority may issue separate declarations for each NA.

2. In the event that the authorities of the Member State decide to establish regional structures directly subordinated to the National Agency :

a) The NA may not delegate any task of budget implementation to the regional structures. The NA shall be solely responsible to the Commission for grant award decisions and for the contractual commitments and financial operations and also for fulfilling any contractual obligations arising from the Commission-NA Agreement.

b) The national authority shall ensure that the NA abides by the principles set out above. It shall make sure that the contractual relationships between the NA and the regional structures are appropriate and that their work is properly coordinated.

c) The national authority shall include a description of the arrangements and measures taken with regard to the two preceding paragraphs in the document mentioned in article 6(2).

d) The Commission shall sign the Commission-NA Agreement exclusively with the NA.

e) The yearly declaration of assurance from the national authority to the Commission shall also cover its activities on supervision of the regional structures and their interrelations with the NA.

*Article 10*  
*Other activities and missions of the organisation hosting the National Agency*

1. Other activities of the NA

- a) The NA may carry out projects or activities for the benefit of the network of National Agencies or in support of a Community policy or action included in the Programme.
- b) The Commission, after hearing the opinion of the Programme Committee in accordance with Article 10(3) of the Programme Decision, shall define the type of projects or activities, the conditions for participation and the grant allocation system.
- c) The Community funding shall be provided under specific financial agreements and may not be used for the items of expenditure covered by the Community flat rate contribution to support the management and implementation tasks of the NA under the Commission-NA Agreement.

## 2. Other missions of the organisation hosting the NA

- a) The organisation hosting the NA may be entrusted by the authorities of the Member State with the responsibility of national unit of the Naric network, the Eurydice network, the Euroguidance network, the National Support Services for the eTwinning Action and the Europass National Centres. In this case, the missions of the organisation hosting the NA do not include budget implementation tasks.
- b) The allocation of funds for the missions concerned shall be decided by the Commission after hearing the opinion of the Programme Committee in accordance with Article 10(3) of the Programme Decision.
- c) The Community funding for the missions referred to in this section shall be provided under specific financial agreements and may not be used for the items of expenditure covered by the Community flat rate contribution to support the management and implementation tasks of the NA under the Commission-NA Agreement.

## 3. Liaison with the Youth in Action Programme

- a) In the event that the organisation hosting the NA is entrusted with the mission of National Agency for the Youth in Action Programme the national authorities shall endeavour to issue joint declarations for the two Programmes.

### *Article 11 Transitional provisions*

1. The NA shall be responsible for continuing and closing the operations arising from implementation of the Socrates II and Leonardo da Vinci II programmes. The work programme of the NA shall include the related NA activities.
2. Where a different organisation is designated as NA for the Programme than for Socrates II and Leonardo da Vinci II, the national authority shall take all measures required to ensure sound and efficient management of the handover between the NAs concerned, uninterrupted implementation of the action in the Programme and proper closure of contractual arrangements between the Commission and the NA. In view of formalizing the responsibility of the NA with regard to agreements on Socrates II and Leonardo da Vinci II decentralised actions still open at the start of the Programme, the Commission shall issue the necessary contractual amendments to the NA upon acceptance of the ex-ante declaration of assurance.

*Article 12*  
*Final provisions*

1. By derogation from this Commission Decision and having regard to the specific institutional set-up in Belgium, where matters relating to the Programme fall exclusively under the powers of the federated entities, the words "Member State" are replaced by "each Community of the Federal Belgian State". The competent national authorities of Belgium shall inform the Commission, at the start of each budgetary period, of the percentage to be allocated to each of the Communities of the Federal Belgian State under the Agreement referred to in article 5(1).

2. Article 7(1) of the Decision on the Programme provides that the Programme shall be open to the participation of EFTA countries which are members of the EEA, the candidate countries benefiting from a pre-accession strategy, the countries of the Western Balkans and the Swiss Confederation. This Commission Decision shall also apply to participation in the Programme by these countries.

*Article 13*

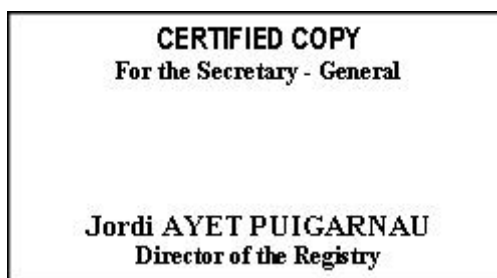
Annex 1 "Actions managed by the National Agency and annex 2 "Tasks of the National Agency" form an integral part of this Commission Decision.

*Article 14*

This Decision is addressed to the Member States.

Done at Brussels, 26/IV/2007.

*For the Commission*  
*Ján FIGEL*  
*Member of the Commission*



## ANNEX I

### **Actions managed by the National Agency**

#### Actions of the Comenius programme

1. mobility of individuals. In arranging for or supporting the organisation of such mobility, the necessary preparatory measures shall be adopted and care shall be taken to ensure that adequate supervision, advice and support is available for people in mobility. Such mobility may include:

- exchanges of pupils and staff;
- mobility to schools for pupils and placements in schools or enterprises for educational staff;
- participation in training courses for teachers and other educational staff;
- study and preparatory visits for mobility, partnership, project or network activities;
- assistantships for teachers and potential teachers.

2. development of partnerships between:

a) schools, with a view to developing joint learning projects for pupils and their teachers ('Comenius school partnerships');

b) organisations responsible for any aspect of school education, with a view to fostering inter-regional cooperation, including border region cooperation ('Comenius-Regio partnerships');

#### Actions of the Erasmus programme

1. mobility of individuals. Such mobility may include:

i. mobility of students for the purposes of studying or training in Member States in higher education institutions, as well as placements in enterprises, training centres, research centres or other organisations;

ii. mobility of teaching staff in higher education institutions in order to teach or receive training in a partner institution abroad;

iii. mobility of other staff in higher education institutions and staff of enterprises for purposes of training or teaching;

iv. Erasmus intensive programmes organised on a multilateral basis.

2. Support may also be awarded to the home and host higher education institutions or enterprises for action to ensure quality at all stages of the mobility arrangements, including preparatory and refresher language courses.

#### Actions of the Leonardo programme

1. mobility of individuals. In arranging for or supporting the organisation of such mobility, the necessary preparatory measures, including language preparation, shall be adopted and care shall be taken to ensure that adequate supervision and support is available for people in mobility. Such mobility may include:

i. transnational placements in enterprises or in training institutions;

ii. placements and exchanges aimed at the further professional development of trainers and guidance counsellors, and at those responsible for training establishments and for training planning and career guidance within enterprises;

2. partnerships focusing on themes of mutual interest to the participating organisations;

3. multilateral projects, in particular those aimed at improving training systems by focusing on the transfer of innovation involving the linguistic, cultural and legal adaptation to national needs of innovative products and processes developed in different contexts).

#### Actions of the Grundtvig programme

1. mobility of individuals. In arranging for or supporting the organisation of such mobility, the necessary preparatory measures shall be adopted and care shall be taken to ensure that adequate supervision and support is available for people in mobility. Such mobility may include visits, assistantships and exchanges for participants in formal and non-formal adult education, including the training and professional development of adult education staff, especially in synergy with partnerships and projects;

2. partnerships, known as 'Grundtvig learning partnerships', focusing on themes of mutual interest to the participating organisations.

#### Actions of the transversal programme

Under the key activity of policy cooperation and innovation:

1. individual mobility, including study visits for experts and officials designated by national, regional and local authorities, for directors of education and training establishments and guidance and experience accreditation services, and for social partners. Under the key activity of dissemination and exploitation of results (valorisation).

2. unilateral and national projects.

#### Other actions

Preparatory visit grants related to the above mentioned actions

## ANNEX II

### Tasks of the National Agency\*

#### **I. Management of the project life cycle of the decentralised actions of the Programme**

Information and publicity at national level on the Programme and, where applicable, the calls for proposals

Information and counselling of potential applicants

Receipt and evaluation of grant applications

Establishment and supervision of evaluation committees

Decision on the award of grants

Publication of information on supported projects

Commitment of funds for projects and signing of contracts with project beneficiaries

Prefinancing payments to beneficiaries

Monitoring projects, including visits to projects and thematic monitoring meetings

Analysis and control of final activity and final financial reports

Balance payments and recovery of funds

On-the-spot checks on projects

Reporting to the Commission and to the National authority

#### **II. Monitoring and evaluating the decentralised actions of the Programme**

Organisation of national thematic monitoring meetings between projects and of national participation in European thematic monitoring meetings

Organisation of national valorisation meetings bringing together project coordinators and potential users and of national participation in European valorisation events

Reporting on the impact of the Programme actions at national level

Studies, analyses and surveys on the Programme actions at national level

Contribution to national reports on implementation of the Programme and to evaluation of the Programme

Contribution to achieving synergies at national level with other Community programmes

#### **III. Continuation and winding up of the actions from the Socrates (2000-06) and Leonardo da Vinci (2000-06) programmes**

\* The detailed rules for implementation of the tasks are set out in the Guide for National Agencies.