



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10 September 2009
C(2009) 6770

COMMISSION DECISION

of **10 SEP. 2009**

on amending Commission Decision C(2008)690 of 25 February 2008 approving the Programme for Agriculture and Rural Development of the Republic of Croatia under the instrument for pre-accession assistance (IPA)

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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 Article 7(3) thereof,

Whereas:

- (1) Article 7 of Regulation (EC) No 1085/2006 lays down the conditions for drawing up and adopting multi-annual programmes under the instrument for pre-accession assistance ("IPA").
- (2) Article 184 of Commission Regulation (EC) No 718/2007 of 12 June 2007² implementing Regulation (EC) No 1085/2006 lays down the detailed provisions for drawing up the multi-annual programme for agriculture and rural development under IPA.
- (3) On 25 February 2008 the Commission adopted Decision C(2008)690 approving the IPARD Programme for agriculture and rural development for Croatia as provided for in Article 7(3) of Regulation (EC) No 1085/2006 and in Article 184 of Regulation (EC) No 718/2007 including a plan for the annual Community contributions as well as financing agreement (hereinafter refer to as "the Programme").
- (4) On 5 May 2009 the Monitoring Committee for the IPARD Programme for agriculture and rural development for Croatia considered and approved the proposal to amend the IPARD Programme for Croatia.
- (5) On 2 June 2009 the Croatian National Authorities submitted an application to the Commission (Working Document n° 35-315-09) to amend the Programme. A final version of the Programme was submitted to the Commission on 24 June 2009.
- (6) The Multi-annual Indicative Planning Document (MIPD) for Croatia for the period 2009 – 2011 was adopted by Commission Decision C(2009)5371 of 9 July 2009. The priorities set out in the annual review of the MIPD components, establishing the basis

¹ OJ L 210, 31.7.2006, p. 82.

² OJ L 170, 29.6.2007, p. 1.

for assistance under IPA for the period 2009 - 2011, include the indicative financial allocation per component.

- (7) Article 8 of Regulation (EC) No 718/2007 provides that Commission decisions adopting multi-annual or annual programmes shall meet the requirements necessary to constitute financing decisions in accordance with 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 Communities³.
- (8) The main amendments proposed are of pure technical nature in order to clarify various issues and facilitate the implementation of the Programme and the accreditation of the implementing system. Moreover, one financial year for 2011 has been added in accordance with the MIPD 2009 - 2011. This amendment is considered as substantial change requiring the opinion of the Rural Development Committee, as it includes changes of the financial breakdown among the priority axes.
- (9) The Commission has appraised the proposed amendments to the Programme, taking into account the provisions of Article 185 of Regulation (EC) No 718/2007 and considers that they are duly justified. Consequently, it is appropriate for the Programme to be modified.
- (10) It is therefore necessary to modify the plan for the annual Community contributions as well as the Multi-annual Financing Agreement concluded between the European Community and Croatia on [xxx].
- (11) The measures provided for in this Decision are in accordance with the opinion of the Rural Development Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The proposed amendments to the IPARD Programme for agriculture and rural development for Croatia, as submitted to the Commission on 24 June 2009 (Working Document n° 35-315-09), are hereby approved.

Article 2

The maximum amounts of the Community contribution under the rural development component of IPA for the financing period 2007-2011 are set out in the financing plan in Annex I. The amounts indicated therein are subject to the availability of funds under line 05.0502 of the general budget of the European Communities for the years concerned.

³ OJ L 248, 16.9.2002, p. 1.

Article 3

1. The amendment of the Multi-annual Financing Agreement between the European Community and the Republic of Croatia providing for the conclusion of multi-annual legal commitments under IPA for 2007-2011, as attached in Annex II, is hereby approved on behalf of the Community.
2. The Director-General for Agriculture and Rural Development is hereby designated to sign the amended Financing Agreement with the Republic of Croatia in order to bind the Community.

Done at Brussels, 10 SEP. 2009

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Maximum amounts of the annual Community contribution under the rural development component of IPA for 2007 - 2011 (IPARD) (in EUR) (budget-line 05.0502)

Annual Contribution from IPARD (in EUR)

Year	2007	2008	2009	2010	2011
Total IPARD	25.500.000	25.600.000	25.800.000	26.000.000	26.500.000

Financial plan by axis (in EUR total period):

Axis	Public contribution		
	Total public	IPARD contribution rate (%)	IPARD amount
Axis 1	112.094.667	75%	84.071.000
Axis 2	3.612.500	80%	2.890.000
Axis 3	51.424.000	75%	38.568.000
Technical Assistance	4.838.750	80%	3.871.000
Total	171.969.917		129.400.000

ANNEX II

**Agreement amending the Multi-annual Financing Agreement between
European Community and the Republic of Croatia providing for the conclusion of
multi-annual legal commitments under IPA for 2007 - 2010**

***IPARD ASSISTANCE UNDER COMPONENT V OF THE
INSTRUMENT FOR PRE-ACCESSION IPA***

AGREEMENT

between

***THE COMMISSION OF THE EUROPEAN COMMUNITIES
ON BEHALF OF THE EUROPEAN COMMUNITY***

and

THE REPUBLIC OF CROATIA

amending the

MULTI-ANNUAL FINANCING AGREEMENT 2007 - 2010

**AMENDMENT TO THE
MULTI-ANNUAL FINANCING AGREEMENT 2007 - 2010**

The Commission of the European Communities, hereinafter referred to as “the Commission”, acting for and on behalf of the European Community, hereinafter referred to as “the Community”

of the one part, and

The Government of the Republic of Croatia acting for and on behalf of the Republic of Croatia, hereinafter referred to as “Croatia”

of the other part,

and together jointly referred to as “the Contracting Parties”,

Whereas:

- (1) The Instrument for Pre-Accession Assistance was established by Council Regulation (EC) No 1085/2006⁴ (hereinafter referred to as "IPA Regulation"). Under its component V (hereinafter referred to as "IPARD") it provides for a Community financial contribution to support pre-accession measures for rural development in candidate countries.
- (2) According to Annex I of the IPA Regulation Croatia is eligible to be a beneficiary under IPARD.
- (3) Under Article 7(1) of the IPA Regulation assistance under this Regulation shall be provided through multi-annual programmes, established by country and by component in accordance with the priorities defined in the multi-annual indicative planning documents.
- (4) On 9 July 2009 the Commission adopted the Multi-annual Indicative Planning Document (MIPD) for Croatia following a three year perspective 2009 - 2011 in accordance with Article 6(5) and (6) of the IPA Regulation.
- (5) The multi-annual Programme for Agriculture and Rural Development for Croatia was approved by Commission Decision C(2008)690 of 25 February 2008 (hereinafter referred to as "the Programme"). The Programme was (last) amended by Decision C(2009)xxxx of [xxx].
- (6) According to Article 8(1) of Commission Regulation (EC) No 718/2007⁵ implementing the IPA Regulation (hereinafter referred to as "Implementing Regulation") this decision constitutes the financing decision in accordance with 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 Communities⁶ (hereinafter referred to as "Financial Regulation").
- (7) The Framework Agreement, concluded between the European Community and Croatia on 17 December 2007, is setting out the rules for cooperation concerning EC financial assistance to Croatia. The Sectoral Agreement, concluded between the Commission and Croatia on 12 January 2009, complements the provisions of the Framework Agreement and covers the specific provisions applicable for the implementation of the Programme.
- (8) The Multi-annual Financing Agreement (MFA) as adopted by Commission Decision C(2008)6123 of 27 October 2008 approving the amendments to the Programme, was concluded between the European Community and Croatia on [xxx]. This MFA set out the Community financial commitments for the execution of the Programme and any amendments thereof, for Croatia for the years 2007 – 2010 and stated the period of validity of these commitments in accordance with Article 166(3)(a) of the Financial Regulation.

⁴ OJ L 210, 31.7.2006, p. 82.

⁵ OJ L 170, 29.6.2007, p. 1.

⁶ OJ L 248, 16.9.2002, p. 1.

- (9) It is therefore necessary to replace the Annex of that MFA by the Annex to this Agreement covering the financing period 2007 - 2011,

HAVE AGREED AS FOLLOWS:

Article 1

Objective

This Agreement sets out in the attached Annex the Community financial commitments for Croatia for the years 2007 to 2011. The attached Annex replaces the Annex to the Multi-annual Financing Agreement concluded between the European Community and Croatia on [xxx].

Article 2

Entry into force

This Agreement shall enter into force on the date when both Contracting Parties have notified each other of the completion of all necessary formalities for its entry into force.

Article 3

Signature

This Agreement shall be drawn up in duplicate in English and in Croatian languages, each of these texts being authentic. However, in the event of divergence between versions, the English version shall prevail.

Done at, this(date) day of.....(month) in the year two thousand and

For the Commission of the European Communities:

.....

Jean-Luc DEMARTY

Director General for Agriculture and Rural Development

For the Government of the Republic of Croatia:

.....

ANNEX

Maximum annual amounts of Community contribution under the rural development component of IPA for 2007-2011 (IPARD) (in EUR) (budget-line 05.0502)

Annual Contribution from IPARD (in EUR)

Year	2007	2008	2009	2010	2011
Total IPARD	25.500.000	25.600.000	25.800.000	26.000.000	26.500.000