



EUROPEAN COMMISSION

Brussels, 22/12/2009  
C(2009)10623

**COMMISSION DECISION**

**of 22/12/2009**

**concerning the adoption of a financing decision, work programme and grant award  
decision for 2010  
in the framework of ERDF and Cohesion Fund for the use of administrative and  
operational technical assistance at the initiative of or on behalf of the Commission**

## COMMISSION DECISION

of 22/12/2009

**concerning the adoption of a financing decision, work programme and grant award decision for 2010  
in the framework of ERDF and Cohesion Fund for the use of administrative and operational technical assistance at the initiative of or on behalf of the Commission**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999<sup>1</sup>, and in particular Article 45(2) 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> (hereinafter referred to as the 'Financial Regulation'), and in particular Article 75 and 110 thereof,

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 on the Financial Regulation applicable to the general budget of the European Communities<sup>3</sup> (hereinafter referred to as the 'Implementing Rules'), and in particular Article 90 and 166 thereof,

Whereas:

- (1) Article 45(1) of Regulation (EC) No 1083/2006 defines the technical assistance actions at the initiative of or on behalf of the Commission which can be financed by the European Regional and Development Fund (ERDF) or the Cohesion Fund.
- (2) For the ERDF technical assistance is covered on available credits from budgetary line 13 01 04 01 (ERDF) – expenditure on administrative management) and 13 03 20 (ERDF) — operational technical Assistance). For the Cohesion Fund technical assistance is covered on administrative credits on the budgetary lines 13 01 04 03 (Cohesion Fund — expenditure on administrative management) and 13 04 02 (Cohesion Fund).

---

<sup>1</sup> OJ L 210, 31.07.2006, p. 25.

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

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

- (3) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Community budget should be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.
- (4) In accordance with Article 110 of the Financial Regulation, grants are subject to an annual work programme which, according to Article 166 of the Implementing Rules, specifies the basic act, the objectives, the schedule of calls for proposals with the indicative amount and the expected results.
- (5) This Decision constitutes both a financing decision and a work programme. This work programme implements Article 45(1) of Regulation (EC) No 1083/2006.
- (6) Under Article 181 of the Implementing Rules, the Commission may authorise the use, in the area of grants, of lump sums to cover one or more different categories of eligible costs, or of flat-rate financing to cover accommodation costs and daily allowances for mission costs.
- (7) Under Article 168(1)(c) of the Implementing Rules, grants may be awarded without a call for proposals in the case(s) of bodies with a *de jure* or *de facto* monopoly, duly substantiated in the award decision. A grant without call for proposals may be awarded for the action entitled. Because of the treatment and exchange of confidential and sensitive information during the 19<sup>th</sup> meeting of the Homologue Group between the representatives of the Ministries of Finance of the Member States, the European Court of Auditors and the European Commission, the organisation of this meeting is limited to the national bodies of control and audit. These entities have decided to designate annually (during the meeting of year n-1) the body amongst them that will assure the organisation of the meeting for year n. Therefore a *de facto* monopoly has been established.
- (8) Under Article 168(1)(d) of the Implementing Rules, grants may be awarded without a call for proposals in the case(s) of bodies identified by a basic act, within the meaning of Article 49 of the Financial Regulation, as beneficiaries of a grant. According to Article 36(5) of Council Regulation (EC) No 1083/2006, a grant may be awarded to the European Investment Bank and the European Investment Fund for the actions falling under the scope of Article 36.
- (9) This Decision constitutes a grant award decision for the grants without calls for proposal.
- (10) This Decision may also cover the payment of interest due for late payment on the basis of Articles 83 of the Financial Regulation and of Article 106(5) of the Implementing Rules.
- (11) It is appropriate to define the terms 'substantial change' within the meaning of Article 90(4) of the Implementing Rules for the application of this Decision.
- (12) In accordance with Article 103(2) of Regulation (EC) No 1083/2006, the Coordination Committee of the Funds was consulted and delivered a favourable opinion on the work programme for 2010,

HAS ADOPTED THE FOLLOWING DECISION:

*Article 1*

The work programme for the implementation of the grants and contracts, as set out in the Annexes I to IV, is hereby adopted.

This work programme constitutes a financing decision in the meaning of Article 75 of the Financial Regulation.

*Article 2*

The financing of the measures as described in Annexes I to IV is hereby approved.

In the budget year 2010, the following maximum amounts may be committed:

- (1) A maximum amount of 11 135 000 EUR on budget line 13 01 04 01 (Annex I),
- (2) a maximum amount of 49 822 621 EUR on budget line 13 03 20 (Annex II),
- (3) a maximum amount of 4 950 000 EUR on budget line 13 01 04 03 (Annex III),
- (4) a maximum amount of 14 965 000 EUR on budget line 13 04 02 (Annex IV).

These appropriations may also cover interest due for late payment.

The implementation of this Decision is subject to the availability of the appropriations foreseen in the preliminary draft budget for 2010 after the adoption of the budget for 2010 by the budgetary authority.

*Article 3*

Cumulated changes of the allocations to the specific measures not exceeding 20 % of the maximum contribution authorised per budget line by this Decision shall not be considered to be substantial, provided that they do not significantly affect the nature and objective of the work programme.

The authorising officer may adopt such changes in accordance with the principles of sound financial management and of proportionality.

*Article 4*

The Commission authorizes grants in the forms of lump sums or flat-rate financing, in accordance with the conditions detailed in the annexed work programme.

*Article 5*

Grants may be awarded without a call for proposals to bodies with a *de jure* or *de facto* monopoly and to bodies identified by Regulation (EC) No 1083/2006 as beneficiaries of a grant, in accordance with the conditions detailed in the annexed work programme.

*Article 6*

This Decision is addressed to The Authorising Officer of the Directorate General for Regional Policy.

Done at Brussels, 22/12/2009

*For the Commission*  
*Pawel Samecki*  
*Member of the Commission*

## **ANNEX I**

### **Work programme**

#### **1. INTRODUCTION:**

This Annex contains the list of measures planned in 2010 by DG REGIO concerning the budget line 13 01 04 01: European Regional Development Fund (ERDF) — Expenditure on administrative management. The types of actions and the types of procedures followed are indicated.

#### **2. FORECAST ADMINISTRATIVE TECHNICAL ASSISTANCE TO BE FINANCED FROM THE ERDF IN 2010**

**(Article 45 of Council Regulation No 1083/2006)**

**Budget line 13 01 04 01**

(See attached table I)

## **ANNEXES IIA and IIB**

### **Work programme**

#### **1. INTRODUCTION:**

These annexes contain the list of measures planned in 2010 by DG REGIO concerning the budget 13 03 20: European Regional Development Fund (ERDF) — Operational technical assistance.

ANNEX IIA contains the list of measures that are implemented by procedures other than grants. ANNEX IIB contains the list of grants through direct management and contribution agreements through joint management; the selection and award criteria, as well as the reason for an exception to a call for proposals, and the maximum co-financing rates are indicated.

The indicative actions marked by an asterisk (\*) are the actions financed by both ERDF and CF. Therefore, the total cost of these actions is split between 70% ERDF (budget line 13 03 20) and 30% CF (budget line 13 04 02). This ratio corresponds to the volume of the work represented for the management of an ERDF programme or a CF project.

#### **2. FORECAST OPERATIONAL TECHNICAL ASSISTANCE TO BE FINANCED FROM THE ERDF IN 2010**

**(Article 45 of Council Regulation No 1083/2006)**

**Budget line 13 03 20**

(See attached tables IIA and IIB)

## **ANNEX III**

### **Work programme**

#### 1. INTRODUCTION:

This annex contains the list of measures planned in 2010 by DG REGIO concerning the budget line 13 01 04 03: Cohesion Fund (CF) — Expenditure on administrative management.

The types of measures and the types of procedures followed are indicated.

#### 2. FORECAST ADMINISTRATIVE TECHNICAL ASSISTANCE TO BE FINANCED FROM THE CF IN 2010

**(Article 45 of Council Regulation No 1083/2006)**

**Budget line 13 01 04 03**

(See attached table III)



## **ANNEXES IVA and IV B**

### **Work programme**

#### **1. INTRODUCTION:**

These annexes contain the list of measures planned in 2010 by DG REGIO concerning the budget line 13 04 02: Cohesion Fund.

ANNEX IVA contains the list of measures that are implemented by procedures other than grants. ANNEX IVB contains the list of grants through direct management and contribution agreements through joint management; the selection and award criteria, as well as the reason for an exception to a call for proposals, and the maximum co-financing rates are indicated.

The indicative actions marked by an asterisk (\*) are the actions financed by both ERDF and CF. Therefore, the total cost of these actions is split between 70% ERDF (budget line 13 03 20) and 30% CF (budget line 13 04 02). This ratio corresponds to the volume of the work represented for the management of an ERDF programme or a CF project.

#### **2. FORECAST OPERATIONAL TECHNICAL ASSISTANCE TO BE FINANCED FROM THE CF IN 2010**

**(Article 45 of Council Regulation No 1083/2006)**

**Budget line 13 04 02**

(See attached tables IVA and IVB)