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COMMISSION IMPLEMENTING DECISION

of 13.12.2012

concerning the adoption of the work programme for 2012 in the framework of ERDF and Cohesion Fund for the use of technical assistance, serving as an *ad hoc* financing decision

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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 1260/1999¹, 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 Communities² (hereinafter referred to as the 'Financial Regulation'), and in particular Article 75 (2) and 110 (1) 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 Communities³ (hereinafter referred to as the 'Implementing Rules'), and in particular Article 90 and 181 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 03 20 (ERDF) — operational technical Assistance). For the Cohesion Fund technical assistance is covered on the budgetary line 13 04 02 (Cohesion Fund).
- (3) Following the requirements of the Memorandum between the Commission, the IMF and Greece, the Commission has responded with the creation of the Taskforce for Greece (TFGR) with a mandate, in close cooperation with the IMF and the Greek authorities, to provide technical assistance to the Greek authorities. This assistance will help, among other, the Greek authorities to proceed with the necessary legislative and administrative changes in order to achieve a better implementation of the Structural funds programmes. The actions proposed in the present financing decision aim namely the administrative changes that will help to improve the competitiveness environment in Greece.

¹ OJ L 210, 31.07.2006, p. 25

² OJ L 248, 16.9.2002, p. 1.

³ OJ L 357, 31.12.2002, p. 1

- (4) In accordance with Article 75 (2) of the Financial Regulation and Article 90 (1) of the Implementing Rules, the commitment of expenditure from the budget of the European Union shall 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.
- (5) In accordance with Article 110 of the Financial Regulation an annual work programme must be adopted for grants.
- (6) The 2012 work programme being a sufficiently detailed framework in the meaning of Article 90 (2) and (3) of the Implementing Rules, the present decision constitutes a financing decision for the expenditure provided for in the work programme for grants and procurement.
- (7) Under Article 168 (1) (f) of the Implementing Rules, grants may be awarded without a call for proposals for actions with specific characteristics that require a particular type of body on account of its technical competence, its high degree of specialisation or its administrative power, on condition that the actions concerned do not fall within the scope of a call for proposals.. A grant without call for proposals may be awarded for the action entitled "Renewable Energy Sources (RES)". Since renewable energy was identified as a key area for the Greek economic revival, technical assistance shall be provided to the Greek authorities in order to prepare a Road Map and the necessary strategy to implement a number of reforms in the renewable energy sector. The technical assistance will be implemented through a grant agreement, which will be concluded with the Federal Ministry of Environment of Germany as Domain Leader in Greece for RES as a main producer for renewable energy in the EU.
- (8) This decision is also a financing decision for the expenditure in the context of joint management chargeable to the Union budget.
- (9) In accordance with Article 53d of the Financial Regulation, evidence has been obtained that the international organisations to be entrusted by the Commission with the implementation of Union funds in joint management, apply standards which offer guarantees equivalent to internationally accepted standards in their accounting, audit, internal control and procurement procedures by the authorising officer by delegation.
- (10) This financing decision may also cover the payment of interest due for late payment on the basis of Articles 83 of the Financial Regulation and 106 (5) of the Implementing Rules.
- (11) For the application of this decision, it is appropriate to define the term 'substantial change' within the meaning of Article 90(4) of the Implementing Rules.
- (12) In accordance with the procedure referred to in Article 103 (2) of Regulation (EC) N° 1083/2006, the Coordination Committee of the Funds was consulted and delivered a favourable opinion on the work programme for 2012,

HAS DECIDED AS FOLLOWS:

Article 1

The annual work programme for the use of operational technical assistance at the initiative of or on behalf of the Commission for 2012 in the framework of ERDF and CF, as set out in the Annex, is hereby adopted. It constitutes an *ad hoc* financing decision in the meaning of Article 75 (2) of the Financial Regulation.

Article 2

The maximum contribution authorised by this Decision for the implementation of the Programme is set at EUR 3 550 000 to be financed from the following lines of the General Budget of the European Union for 2012:

1. budget line 13 03 20 : EUR 2 710 000
2. budget line 13 04 02: EUR 840 000

These appropriations may also cover interest due for late payment.

Article 3

Grants may be awarded without a call for proposals for actions with specific characteristics that require a particular type of body on account of its technical competence, its high degree of specialisation or its administrative power, on condition that the actions concerned do not fall within the scope of a call for proposals.

Article 4

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

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

Done at Brussels, 13.12.2012

For the Commission
Johannes HAHN
Member of the Commission

ANNEX

Work Programme for 2012 TA for the Taskforce for Greece

BUDGET LINES:

13 03 20- ERDF Operational Technical Assistance budget line
13 04 02- CF Operational Technical Assistance budget line

1. Introduction

This work programme contains implementing measures for the Taskforce for Greece for the year 2012. All actions will be implemented via a cross-subdelegation by DG EMPL. On the basis of the objectives given in the article 45 of Council regulation 1083/2006, the budget breakdown and main actions are as follows:

- for grants (implemented under direct centralised management and financed only under the 13 03 20 budget line: EUR 750 000

- for actions implemented under joint management through an agreement with an international organisation and financed under 13 03 20 and 13 04 02 budget lines: EUR 1 960 000 under 13 03 20 and EUR 840 000 under 13 04 02

TOTAL: EUR 3 550 000

2. Grants (to be financed under the ERDF budget line 13 03 20)

Grants shall be covered by a written agreement. The award criteria for the grant will be: a) efficiency and b) relevance.

Renewable energy sources (RES)

Priorities of the year, objectives to be fulfilled and expected results

In the context of this RES project, the role of the beneficiary (Domain Leader) is to assist Greek Authorities in preparing a Road Map and the necessary strategy to implement a number of reforms in the renewable energy sector. The Domain Leader should coordinate input which can be provided by other Member States and international Organisations.

Deliverables will be:

- (i) assistance in definition of the adequate technology and sustainable strategy for renewable energy to ensure its effectiveness and financial sustainability
- (ii) assistance in developing an adequate regulatory framework for electricity generation and transport infrastructures,
- (iii) assistance in devising the necessary infrastructure for renewable energy exploitation and transmission (also outside Greece)

The agreement to be concluded with the implementing entity will specify the deliverables in more detail, the timeline for the deliverables, the risks/assumptions and the consequences in case deliverables are not achieved

Implementation-maximum possible rate of co-financing-Form of the grant

Direct Grant. Having regard to Article 168(1)(f) of the EU Implementing Regulation 2342/2002 whereby it is possible to award grants without a call for proposals for actions

which require a particular type of body on account of, inter alia, its technical competence or administrative power. The Federal Ministry of Environment of Germany as a Domain Leader in this sector for the deployment of TA in Greece has both a high degree of specialisation and technical competence, as well as, the capacity to analyse developments in the sector and articulate policy. The maximum co-financing rate is 75%.

Indicative amount of the direct award: EUR 750 000

3. Actions implemented in joint management with International organisations

3.1 Business indicators

Indicative budget

From budget line 13 03 20: EUR 1.190.000,00

From budget line 13 04 02: EUR 510 000

Implementing entity

The implementing entity will be the World Bank. World Bank has developed the “Doing business indicators” and therefore could propose a more in-depth business reform monitoring and steering methodology. Its experience covers several MSs and is thus unique.

Deliverables will be:

- (i) assistance in enhancing the business environment using the Doing Business indicators to identify issues and propose reforms
- (ii) assistance in improving the performance of the trade logistics through regulatory reforms
- (iii) assistance in improving capacity to monitor economy, progress of reforms, and evaluate impact

The agreement with the implementing entity will specify the deliverables in more detail, the timeline for the deliverables, the risks/assumptions and the consequences in case deliverables are not achieved

Overall objective and purpose of the action

The capacity of the Greek economy to re-emerge from the current crisis depends in large on removing regulatory and administrative failings that hamper business activities. The technical assistance to use indicators to identify the reforms that are in most need of attention; provide a regulatory overview that comprehensively identifies barriers to investment, entrepreneurship and employment; propose how these barriers should be eliminated.

3.2 Support to trade facilitation strategy (2013-2014)

Indicative budget

From budget line 13 03 20: EUR 770.000,00

From budget line 13 04 02: EUR 330 000

Implementing entity

The implementing entity will be the UNECE (United Nations Economic Commission for Europe). UNECE is in a position to organise an in-depth diagnostic mission in the field of customs administration by mobilising organisations having specialised knowledge and experience in capacity building in customs administrations.

Delievrables will be:

(i) support from UNECE to the overall steering, monitoring and implementation of the trade facilitation roadmap

(ii) resident support to the project management team in steering, monitoring and implementing the trade facilitation strategy

(iii) customs capacity building (support for diagnostic of custom procedures and for implementation of priority action for strategic planning)

The agreement with the implementing entity will specify the deliverables in more detail, the timeline for the deliverables, the risks/assumptions and the consequences in case deliverables are not achieved

Overall objective and purpose of the action

Greece, in the framework of the Trade facilitation strategy, has undertaken to simplify export clearance and customs procedures as part of its drive to encourage exports and rebalance its economy. This action is intended to help the reforms in the fields of exports and customs formalities by providing assistance to the high level steering group that has been created to oversee and manage the reform process.