



Brussels, 15.5.2013
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COMMISSION IMPLEMENTING DECISION

of 15.5.2013

concerning the adoption of a financing decision and of a work programme for 2013 in the framework of Component III ("Regional Development") of the Instrument for Pre-Accession Assistance (IPA) for the use of technical assistance under Joint Assistance for Supporting Projects in European Regions (JASPERS) facility for Montenegro and the former Yugoslav Republic of Macedonia candidate countries

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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) N° 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance¹, and in particular Article 14(3) thereof,

Having regard to Commission Regulation (EC) N°718/2007 of 12 June 2007 implementing Council Regulation (EC) N° 1085/2006 establishing an instrument for pre-accession assistance², and in particular Articles 10(2) and 147(2) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002³ (hereinafter referred to as the 'Financial Regulation'), and in particular Article 84(2) thereof,

Having regard to Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union⁴ (hereinafter referred to as the 'Rules of Application'), and in particular Article 94(1) thereof,

Whereas:

- (1) Article 16 of Regulation (EC) N° 1085/2006 defines types of actions that can be financed under the Instrument for Pre-Accession Assistance (IPA), including technical assistance.
- (2) In accordance with Article 10(2) of Regulation (EC) N° 718/2007, centralised management can be used for technical assistance for any of the IPA components.
- (3) In accordance with Article 147(2) of Regulation (EC) N° 718/2007, technical assistance under the regional component may finance actions to reinforce the administrative capacity and actions of technical support related to eligible activities.
- (4) For the IPA Component "Regional Development" technical assistance is covered on available credits from budgetary line 13 05 02- Instrument for Pre-Accession Assistance (IPA)- Regional development component.

¹ OJ L 210, 31.07.2006, p.82.

² OJ L 170, 29.06.2007, p.1.

³ OJ L 298, 26.10.2012, p. 1.

⁴ OJ L 362, 31.12.2012, p. 1.

- (5) In accordance with Article 128 of the Financial Regulation grants shall be subject to a work programme.
- (6) Under Article 124 of the Financial Regulation and Article 182 of the Rules of Application, the Commission may, in the area of grants, authorise the use of lump sums, unit costs or flat-rate financing to cover one or more different categories of eligible costs.
- (7) Under Article 125(7) of the Financial Regulation and Article 186 of the Rules of Application, grants may be awarded without a call for proposals to the European Investment Bank (EIB) for actions of technical assistance. The programme would be implemented by a direct grant awarded to the EIB for technical assistance to the candidate countries. In view of the experience developed within Joint Assistance for Supporting Projects in European Regions (JASPERS) since 2006, documented by a steep increase of approved projects having received support from JASPERS, the EIB will deliver the relevant support to Member States and candidate countries. A Contribution Agreement would be concluded by the European Commission and the EIB in the 1st quarter of 2013.
- (8) This financing decision should also allow for the payment of interest due for late payment on the basis of Article 92(6) of the Financial Regulation and Article 111(4) of the Rules of Application.
- (9) The measure provided for in the decision is in accordance with the opinion of the IPA Committee following the procedure referred to in Article 14(2), point a) of Regulation (EC) No 1085/2006,

HAS DECIDED AS FOLLOWS:

Article 1

The annual work programme for the use of technical assistance at the initiative of the Commission in the framework of component III of the Instrument for Pre-Accession Assistance (IPA) for 2013, as set out in the Annex is hereby adopted.

It constitutes a financing decision within the meaning of Article 84 of the Financial Regulation.

Article 2

The maximum contribution authorised by this Decision for the implementation of the Programme is set at EUR 1 000 000 to be financed from budget line 13 05 02.

These appropriations may also cover interest due for late payment.

Article 3

A grant shall be awarded to the EIB for the action as described in the Annex to the present decision. It will partially take the form of flat rate financing, in accordance with the conditions set out in the annexed work programme.

Done at Brussels, 15.5.2013

For the Commission
Johannes HAHN
Member of the Commission

ANNEX

BUDGET LINE:

13 05 02 - Instrument for Pre-Accession Assistance (IPA) — Regional development component budget line

WORK PROGRAMME FOR 2013 IN THE FRAMEWORK OF COMPONENT III ("REGIONAL DEVELOPMENT") OF THE INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA) FOR THE USE OF TECHNICAL ASSISTANCE UNDER JOINT ASSISTANCE FOR SUPPORTING PROJECTS IN EUROPEAN REGIONS (JASPERS) FACILITY FOR MONTENEGRO AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA CANDIDATE COUNTRIES

PRIORITIES OF THE YEAR, OBJECTIVES TO BE FULFILLED AND EXPECTED RESULTS

This action consists in providing funding to the European Investment Bank EIB in order to finance the Joint Assistance for Supporting Projects in European Regions (JASPERS) facility with the purpose of ensuring for the first time support to two candidate countries (i.e. Montenegro and the former Yugoslav Republic of Macedonia) with the objective to:

1. accelerate their preparations for the absorption of the EU funds in the corresponding Component III programmes by supporting the development of a project pipeline of infrastructure projects in the sectors of environment and transport and by building on the existing preparations already carried out for that purpose;
2. to reinforce their administrative capacity for implementing the assistance under the IPA Regulation provided through the regional development component.

JASPERS will provide assistance on infrastructure investments in the sector of water and waste water, waste and transport. JASPERS will also provide assistance on horizontal issues if the above areas of JASPERS intervention appear in more than one project (in particular environmental impact assessment, public procurement, state aid) and it may also include project implementation support for projects prepared with the assistance of JASPERS, if necessary: e.g. review of procurement strategy, review of modification proposals, assistance during implementation in order to follow standard requirements for contract management. JASPERS will also support development of strategies in environment and transport sector for the post-2013 period and with limited input also help the two candidate countries with development of strategy for knowledge economy / energy sector for future post-2013 programmes.

IMPLEMENTATION-MAXIMUM POSSIBLE RATE OF CO-FINANCING – FORM OF THE GRANT (FLAT RATES)

This action is being implemented through a direct grant to EIB.

Having regard to Article 125(7) of the Financial Regulation and Article 186 of the Rules of Application, grants may be awarded without a call for proposals to the European Investment Bank (EIB) for actions of technical assistance. The Commission is funding the costs of staff in the JASPERS unit within EIB in the form of a flat rate per month to cover salary and salary related costs as well as any direct or indirect cost. This simplified form of grant is being used for the EIB due to its institutional status and more specifically because it concerns staff costs which can be easily verified and calculated. The staff costs are based on the salary grid, publicly available on EIB website.

The flat rates set for this action are based on historical data as the same flat-rates are used since 2006 for JASPERS following a review in 2010 based on : (i) cost of living adjustment, (ii) merit (EIB staff moving up through salary bands as a result of the annual appraisal

exercise), and (iii) to reflect the higher expertise/seniority (and hence functional grade) of JASPERS staff recruited under the EU contribution, than was originally foreseen in the 2006 Memorandum of Understanding and Contribution Agreement and applied in the current rate used for JASPERS.

The methodology on the calculation of the flat rates provided by the EIB in 2010, at the moment of the review of the flat rates, was the same used since 2006 and was accepted by the Commission. The flat rates concern two types of staff: experts and support staff and the same methodology applies for the determination of both. The methodology used is based on a system of all-inclusive staff rates which are determined on the basis of: basic salaries, for every function the average grade; staff related costs for allowances, indemnities, contributions to pension funds and health schemes, social expenses etc (formula applied: 1EUR staff related costs/1EUR Basic Salaries); other direct or indirect costs for IT (formula applied: "IT costs" divided by the number of staff FTE-Full Time Equivalent), facilities (formula applied: "Facilities costs " divided by the number of staff FTE) and Corporate support (formula applied: "Corporate Support" costs divided by the total EIB's cost). The costs of staff in the JASPERS unit within EIB in the form of a flat rate per month is set as follows: EUR 26 142 per expert and EUR 14 667 for support staff. Mission costs will also be eligible on an actual cost basis, subject to a ceiling per expert per year. Other costs, such as external consultancy, translation, external audit and the costs of some events throughout the year will also be eligible on actual cost basis. Maximum possible co-financing rate 85 %. The non-profit rule is being observed at the level of the action. The EIB is contributing at a rate of 15% with its own staff ensuring therefore, the co-financing principle.

Indicative amount of the grant:

EUR 1 000 000