



KUMMISSJONI TAL-KOMUNITAJIET EWROPEJ

Brussel 29.10.2004
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2004/0260 (CNS)

Proposta għal

REGOLAMENT TAL-KUNSILL

li jemenda r-Regolamenti (KEE) Nru 3906/1989, ir-Regolament (KE) Nru 1267/1999, ir-Regolament (KE) Nru 1268/1999 u r-Regolament (KE) Nru 2666/2000, sabiex jiġi kkunsidrat l-istat tal-kandidatura tal-Kroazja

(preżentata mill-Kummissjoni)

MEMORANDUM TA' SPJEGAZZJONI

Il-Kroazja ingħatat l-istat ta' kandidat waqt il-laqgħa tal-Kunsill Ewropew fi Brussell fis-17 u t-18 ta' Ġunju, 2004, u l-Kunsill Ewropew talab li l-Kummissjoni thejji strategija ta' qabel l-adeżjoni għal Kroazja, inkluż l-istrument finanzjarju neċessarju.

Il-Kummissjoni stabbilit li l-Kroazja għandha, bhala Pajjiż Kandidat, ikollha aċċess mhux biss għall-Phare, iżda li tista' ukoll tibbenefika minn aċċess għall-ISPA u s-SAPARD digà matul il-perspettiva finanzjarja prezenti, notevolment minħabba li tista' thejji għall-istrutturi ta' tmexxija, titgħallem ir-regoli u l-modalitajiet, u tistabilixxi proġetti għall-perspettivi finanzjarji li jmiss, meta jkollha aċċess komplet għall-Komponenti Strutturali u Agrikoli previsti taħt l-Istrument ta' Assistenza ta' Qabel l-Adeżjoni (IPA). Kien għalhekk deċiż li l-Kroazja tingħata aċċess lit-tliet strumenti kollha ta' qabel l-adeżjoni, u tipproponi li talloka ċertu amont ta' fondi taħt il-perspettiva finanzjarja li għaddejjja. Billi l-fondi jkunu limitati għal dak previst taħt il-perspettiva finanzjarja li għaddejjja, hija ukoll neċessarja deroga mill-kriterji li jiddeterminaw il-fondi fl-Artikolu 4 tar-Regolament ISPA. Għal dan il-għan, qiegħed jiġi propost li r-Regolamenti Phare, ISPA, SAPARD u CARDS jinbidlu kif xieraq.

Sabiex tiġi żgurata t-tkomplija ta' l-attivitajiet ta' sostenn għal kooperazzjoni reġjonali bejn il-Balkani tal-Punent kif mibdija taħt ir-Regolament CARDS, u b'kontribuzzjoni għall-Proċess ta' Stabbilizzazzjoni u Assoċjazzjoni bhala l-politika tal-Komunità għall-Balkani tal-Punent, l-emendi għar-Regolament CARDS jiċċara li l-Kroazja se tkun mistennija li tkompli tipparteċipa fil-Programm Reġjonali CARDS, sakemm dan jindirizza dawk il-kwistjonijiet li mhumiex inklużi taħt l-istrumenti ta' qabel l-adeżjoni.

Saru ukoll xi korrezzjonijiet żgħar fir-Regolament msemmi, biex it-terminologija tiġi adattata għal dik użata mir-Regolament Finanzjarju. F'dan il-kuntest wieħed għandu jkun jaf li d-deroga stabbilita mill-Artikolu 269 tar-Regoli ta' Implimentazzjoni tar-Regolament Finanzjarju, li jagħti eżenzjoni lill-għajjnuna ta' qabel l-adeżjoni¹ mir-rekwiżit stabbilit fl-Artikolu 164 FR, ikompli japplika għar-Rumanija u l-Bulgarija (ara ukoll l-Artikolu 155 FR), iżda ma japplikax għall-Kroazja. Minħabba l-fatt li din il-kwistjoni hija indirizzata b'mod eżawrjenti fir-Regolament Finanzjarju u r-Regoli ta' Implimentazzjoni, is-Servizzi kkonkludew li ma kienx hemm il-bżonn li terġa' tissemma mill-gdid fir-Regolament ISPA li, filwaqt li l-ebda evalwazzjoni ma kienet ser isseħħ għar-Rumanija u l-Bulgarija, din kienet fil-fatt rekwiżit għall-Kroazja qabel ma tkun tista' tersaq lejn tmexxija deċentralizzata.

¹ Art. 269 ma jsemmix b'mod esplicitu ir-Regolament SAPARD u ISPA, iżda jišhaq li "b'konnessjoni ma' l-għajjnuna ta' qabel l-adeżjoni msemmija fir-Regolament tal-Kunsill 3906/89 (...), ir-regoli li għandhom x'jaqsmu ma verifiki minn qabel (...) mhux ser jeffettwaw it-tmexxija deċentralizzata mal-Pajjiżi Kandidati in kwistjoni". Għalhekk ISPA u SAPARD huma koperti, għaliex hemm referenza għalihom fir-Regolament Phare (ara Artikolu 3(3) tar-Regolament 3906/89)

Proposta għal

REGOLAMENT TAL-KUNSILL

li jemenda r-Regolamenti (KEE) Nru 3906/1989, ir-Regolament (KE) Nru 1267/1999, ir-Regolament (KE) Nru 1268/1999 u r-Regolament (KE) Nru 2666/2000, sabiex jiġi kkunsidrat l-istat tal-kandidatura tal-Kroazja

IL-KUNSILL TA' L-UNJONI EWROPEA,

Wara li kkunsidra t-Trattat li jistabbilixxi l-Komunità Ewropea, u b'mod partikolari l-Artikolu 181a(2) tiegħu,

Wara li kkunsidra il-proposta mill-Kummissjoni²,

Wara li kkunsidra l-opinjoni tal-Parlament Ewropew³,

Billi:

- (1) Il-Kunsill Ewropew iddeċieda waqt il-laqgħa fi Brussell tas-17 u t-18 ta' Ġunju 2004 li l-Kroazja ser issir pajjiż kandidat għal sħubija, u talab lill-Kummissjoni thejji strategija ta' qabel l-adeżjoni għal Kroazja, inkluż l-istrumenti finanzjarji neċessarji.
- (2) Sabiex tippovdi assistenza ta' qabel l-adeżjoni lill-Kroazja huwa xieraq li tkun inkluża bħala benefiċċjarja taħt ir-Regolamenti tal-Kunsill (KEE) Nru 3906/1989 tat-18 ta' Diċembru 1989 dwar għajjnuna ekonomika lil ċerti pajjiżi ta' l-Ewropa Ċentrali u tal-Lvant (Phare)⁴, ir-Regolament tal-Kunsill (KE) 1267/99 li jistabbilixxi strument għal politika strutturali għal qabel l-adeżjoni (ISPA)⁵ u r-Regolament tal-Kunsill (KE) 1268/99 tal-21 ta' Ġunju 1999 dwar appoġġ mill-Komunità għal miżuri ta' qabel l-adeżjoni għall-iżvilupp agrikolu u rurali fil-pajjiżi applikanti ta' l-Ewropa Ċentrali u tal-Lvant fil-perjodu ta' qabel l-adeżjoni⁶ (SAPARD);
- (3) Il-Ftehim ta' Stabilizzazzjoni u Assoċjazzjoni bejn il-Komunitajiet Ewropej u l-Istati Membri u r-Repubblika tal-Kroazja, iffirmit fid-29 ta' Ottobru 2001, fit-titolu III tiegħu jirrikjedi li l-Kroazja tippromwovi b'mod attiv il-kooperazzjoni reġjonali fil-Balkani tal-Punent;

² ĠU C [...], [...], p. [...].

³ ĠU C [...], [...], p. [...].

⁴ ĠU L 375, tat-23.12.1989, p. 11, Ir-Regolament kif emendat l-aħħar bir-Regolament (KE) Nru 769/2004 (ĠU L 123, tas-27.4.2004, p. 1).

⁵ ĠU L 161, tas-26.6.1999, p. 73. Ir-Regolament kif emendat l-aħħar bir-Regolament (KE) Nru 769/2004 (ĠU L 123, tas-27.4.2004, p. 1).

⁶ ĠU L 161, tas-26.6.1999, p. 87. Ir-Regolament kif emendat l-aħħar bir-Regolament (KE) Nru 769/2004 (ĠU L 123, tas-27.4.2004, p. 1).

- (4) Id-dimensjoni reġjonali ta' l-assistenza tal-Komunità lill-Balkani tal-Punent qiegħed jingħata attenzjoni speċjali permezz tar-Regolament tal-Kunsill (KE) 2666/2000 tal-5 ta' Diċembru 2000 (CARDS), sabiex tiġi promossa l-kooperazzjoni reġjonali, u l-Kroazja għandha tibqa' eligibbli għal proġetti u programmi b' dimensjoni reġjonali;
- (5) Id-Deċiżjoni tal-Kunsill 2004/648/KE tat-13 ta' Settembru 2004 jiddetermina l-prinċipji, il-prioritajiet u l-kundizzjonijiet li jinsabu fil-*Partnership* Ewropew mal-Kroazja⁷;
- (6) Il-Memorandum ta' Qbil dwar l-iżvilupp tas-Sistema ta' Trasport Reġjonali tal-Qalba ta' l-Ewropa tax-Xlokk għandu jiffaċilita l-proċess ta' l-għażla tal-miżuri ta' prijorità għall-iżvilupp ta' sistema ta' trasport pan-Ewropew waqt il-perjodu ta' qabel l-adeżjoni;"
- (7) Id-dhul fis-seħħ tar-Regolament (KE, Euratom) 1605/2002 (Regolament Finanzjarju) jehtieg ċertu adattazzjonijiet tar-Regolamenti biex it-terminoloġija u l-prattiċi tal-mument jiġu bi qbil mar-Regolamenti msemmija hawn fuq;
- (8) Għalkemm l-Istati l-Membri l-ġodda mhumiex imsemmija f'dan ir-Regolament, l-Artikolu 33 ta' l-Att ta' Adeżjoni jipprovdi għall-applikazzjoni tar-Regolament tal-Kunsill (KE) 3906/1989 u (KE) 1267/1999 għal dawk il-pajjiżi matul perjodu transizzjonali;
- (9) Il-Kummissjoni adottat ir-Regolament (KE) Nru 1419/2004 u r-Regolament (KE) Nru 447/2004 li jikkostitwixxu l-bażi legali għall-iffinanzjar ta' miżuri taħt SAPARD taħt l-impenji li kienu għadhom ma ġewx mitmuma sad-data ta' l-adeżjoni. Kull deċiżjoni mill-Kummissjoni li taf xorta tkun neċessarja sa l-iffinalizzar ta' tali impenji u li ma tistax tkun ibbażata fuq iż-żewġ Regolamenti hawn fuq imsemmija taf xorta tista' tkun ibbażata fuq ir-Regolament (KE) Nru 1268/1999 billi kienet fis-seħħ qabel l-emenda ta' dak ir-Regolament mir-Regolament preżenti."
- (10) Ir-Regolamenti (KEE) Nru 3906/89, (KE) Nru 1267/1999, (KE) Nru 1268/1999 u (KE) Nru 2666/2000, għandhom jiġu emendati kif xieraq

ADOTTAT DAN IR-REGOLAMENT:

Artikolu 1

Ir-Regolament tal-Kunsill (KEE) 3906/89 huwa emendat kif ġej:

- (1) L-Artikolu 3 huwa emendat kif ġej:
 - (a) Paragrafu 3 jiġi sostitwit minn dan li ġej:

“3. Għal pajjiżi applikanti b'*partnerships* ta' adeżjoni ma' l-Unjoni Ewropea, fondi taħt il-programm PHARE ser jiffokaw fuq il-prijoritajiet ewlenin għall-adozzjoni ta' l-*acquis communautaire*, jiġifieri holqien tal-kapaċitajiet amministrattivi u istituzzjonali ta' l-Istati applikanti u l-investment, hlief għat-tipi ta' investimenti finanzjati bi qbil mar-Regolamenti

⁷ ĠU L 297, tat-22.9. 2004, p. 19-28.

(KE) Nru 1267/1999 u (KE) Nru 1268/1999, sakemm il-kundizzjonijiet għal miżuri għall-iffinanzjar taħt iż-żewġ Regolamenti jintlaħqu. L-iffinanzjar tal-PHARE jista' ukoll jiġi użat biex jiġu ffinanzjati miżuri fl-oqsma ta' l-ambjent, it-trasport u l-iżvilupp agrikolu u rurali li jiffurmaw parti incidentali iżda parti indispensabbli tal-kostruzzjoni mill-ġdid ta' l-industrija jew programmi ta' żvilupp reġjonali.”

(b) Il-paragrafi 4 u 5 li jmiss huma miżjuda;

“4. Assistenza tista' tintuża biex tkopri l-parteciċipazzjoni ta' pajjiżi li qed jirċeiveu taħt dan ir-Regolament f'kooperazzjoni reġjonali, trans-nazzjonali, u fejn xieraq transnazzjonali u interreġjonali bejniethom u bejnhom u l-Istati Membri ta' l-UE.

5. Fejn meħtieġ, għajjnuna tista' tintuża biex tkopri l-parteciċipazzjoni ta' pajjiż li qed jirċeivi fi programmi reġjonali taħt strumenti oħra legali.”

(2) Fl-Artikolu 8 , il-paragrafu 2 li jmiss huwa miżjud:

“2. Il-Kummissjoni tista', fil-limiti stabbiliti fl-Artikolu 54 tar-Regolament tal-Kunsill (KE, Euratom) Nru 1605/2002⁸, tiddeciedi li tafda l-funzjonijiet ta' l-awtorità pubblika, u b'mod partikulari funzjonijiet dwar l-implimentazzjoni tal-baġit lill-korpi elenkati fl-Artikolu 54(2) tar-Regolament.. Il-korpi definiti fl-Artikolu 54(2)(c) tar-Regolament (KE, Euratom) Nru 1605/2002 jistgħu jiġu fdati b'funzjonijiet ta' awtorità pubblika jekk huma ta' reputazzjoni internazzjonali magħrufa, konformi mas-sistemi ta' tmexxija u kontroll magħrufa internazzjonalment, u huma kkontrollati minn awtorità pubblika.”

(3) Il-lista fl-anness hija mibdula bil-lista li ġejja:

“Il-Bulgarija

Il-Kroazja

Ir-Rumanija”

Artikolu 2

Ir-Regolament tal-Kunsill (KE) 1267/1999 huwa emendat kif ġej:

(1) Fl-Artikolu 1, paragrafu 1 jiġi sostitwit minn dan li ġej:

“1. L-Istrument għall-Politika Strutturali ta' Qabel l-Adeżjoni, minn hawn il-quddiem “ISPA” huwa hawnhekk mwaqqaf.

IPSA ser tipprovdi assistenza biex tikkontribwixxi għat-tnejjija għall-adeżjoni tal-Bulgarija, il-Kroazja u r-Rumanija ma' l-Unjoni Ewropea, minn hawn il-quddiem “il-pajjiżi benefiċjarji”, fill-qasam tal-koeżjoni ekonomika u soċjali, dwar il-politika ta' l-ambjent u t-trasport bi qbil mad-dispożizzjonijiet tar-Regolament.”

⁸ ĠU L 248, tas-16.9. 2002, p.1.

(2) Fl-aħħar ta' l-Artikolu 3 irid jizdied it-tielet paragrafu:

“3. Minkejja dak imsemmi hawn fuq, l-assistenza tal-Komunità għall-Kroazja ser tinghata matul il-perjodu 2005-2006.

(3) Fl-aħħar ta' l-Artikolu 4 irid jizdied it-tielet paragrafu:

3. Permezz ta' derogazzjoni mis-sentenza 1 u 2 ta' dan l-Artikolu, l-allokkazzjoni għal Kroazja għall-2005 u l-2006 taht dan l-istrument għandu jkun stabbilit mill-Kummissjoni a bażi ta' evalwazzjoni tal-kapaċità amministrattiva ta' assorbiment u l-bżonnijiet ta' investiment ta' dan il-pajjiż benefiċjarju li jirriżulta mill-adeżjoni.”

(4) Fl-Artikolu 9(1)(a), il-kliem “mill-1 ta' Jannar 2000 u f'kull każ mhux aktar tard mill-1 ta' Jannar 2002,” ser jiġi mħassar.

Artikolu 3

Ir-Regolament tal-Kunsill (KE) 1268/99 huwa emendat kif ġej:

(1) L-Artikolu 1(1) għandu jiġi sostitwit minn dan li ġej:

“1. Dan ir-Regolament jistabbilixxi l-qafas għall-appoġġ tal-Komunità għal agrikoltura sostenibbli u żvilupp rurali sostenibbli għall-perjodu ta' qabel l-adeżjoni għall-Bulgarija, il-Kroazja u r-Rumanija. Ir-Regolament ser jibqa' ukoll applikabbli għal finalizzazzjoni ta' kull programm mibdi minnu fir-Repubblika Ċeka, l-Estonja, l-Ungerija, il-Latvja, il-Litwanja, il-Polonja, is-Slovakkja u s-Slovenja qabel l-adeżjoni tagħhom bhala Stati Membri ma' l-Unjoni Ewropea.”

(2) Fl-aħħar ta' l-Artikolu 4(2) is-subparagrafu li jmiss huwa miżjud:

“Permezz ta' deroga mill-ewwel subparagrafu, għall-Kroazja il-pjan, taht l-istess kundizzjonijiet kif stipulati fl-ewwel sub-paragrafu, ser ikopri perjodu sa sentejn mis-sena 2005.”

(3) Fl-aħħar ta' l-Artikolu 5(1) is-sub-paragrafu li jmiss huwa miżjud:

Mandankollu, f'dak li għandu x'jaqsam mal-Kroazja, il-programm rispettiv mhux ser ikun sugġett għal verifika ta' nofs il-mandat.”

(4) L-Artikolu 7 huwa emendat kif ġej:

(a) Paragrafu 1 jiġi sostitwit minn dan li ġej:

“1. Assistenza Komunitarja taht ir-Regolament ser tiġi garantita waqt il-perjodu 2000 sa 2006, bl-eċċezzjoni ta' l-assistenza Komunitarja għall-Kroazja li ser tinghata matul il-perjodu bejn l-2005 u l-2006. L-approprijazzjonijiet annwali ser jiġi awtorizzati mill-awtorità tal-Baġit fil-limiti tal-perspettiva finanzjarja.

(b) Is-subparagrafu li jmiss huwa mizjud f'paragrafu 3;

“Madankollu, għall-Kroazja l-allokkazzjoni annwali finanzjarja ser tiġi determinata separatament.”

(5) L-Artikolu 11 ser jaqra kif ġej:

“Il-Kummissjoni ser talloka r-riżorsi disponibbli lill-pajjiżi applikanti għall-implimentazzjoni ta' l-Artikolu 7(2). Fi żmien tliet xhur mid-deċiżjoni biex pajjiż isir eliġibbli għall-assistenza taht dan ir-Regolament, il-Kummissjoni ser tikkomunika d-deċiżjoni tagħha dwar l-allokkazzjoni finanzjarja indikattiva għall-perspettiva finanzjarja preżenti għal dak il-pajjiż applikant.”

Artikolu 4

Ir-Regolament tal-Kunsill (KE) 2666/2000 huwa emendat kif ġej:

(1) Fl-aħħar ta' l-Artikolu 1(1) is-subparagrafu li jmiss huwa mizjud:

“Mill-2005 il-Kroazja ser issir eliġibbli bhala pajjiż li jirċievi biss għal proġetti u programmi b'dimensjoni reġjonali, kif delinejata fl-Artikolu 2(2). Minkejja s-sentenza preċedenti, il-Kroazja ser tibqa' eliġibbli għal proġetti u programmi taht id-Deċiżjoni tal-Kunsill 311/1999.”

(2) L-Artikolu 7 huwa emendat kif ġej:

(a) Paragrafu 1 jiġi sostitwit minn dan li ġej:

“1. Il-Kummissjoni ser timplimenta l-assistenza Komunitarja bi qbil mar-Regolament tal-Kunsill (KE) 1605/2002 tal-25 ta' Ġunju 2002.”

(b) Il-paragrafu 2a li jmiss huwa mizjud:

“2 a. Il-Kummissjoni tista', fil-limiti stabbiliti fl-Artikolu 54 tar-Regolament 1605/2002, tiddeċiedi li tafda l-funzjonijiet ta' l-awtorità pubblika, u b'mod partikulari funzjonijiet dwar l-implimentazzjoni tal-baġit lill-korpi elenkati fl-Artikolu 54(2) tar-Regolament imsemmi. Il-korpi definiti fl-Artikolu 54(2)(c) tar-Regolament imsemmi jistgħu jiġu fdati b'funzjonijiet ta' awtorità pubblika jekk huma ta' reputazzjoni internazzjonali magħrufa, konformi mas-sistemi ta' tmexxija u kontroll magħrufa internazzjonalment, u huma kkontrollati minn awtorità pubblika.”

Artikolu 5

Għall-implimentazzjoni ta' l-istrumenti ta' qabel l-adeżjoni, u għall-implimentazzjoni tar-Regolament tal-Kunsill (KE) Nru 1266/1999 dwar koordinament ta' l-għajnuna lill-pajjiżi applikanti fil-qafas ta' l-istrategija⁹ ta' qabel l-adeżjoni, fejn qed issir referenza għall-

⁹ ĠU L 161, tas-26.6.1999, p. 68

Partnership ta' Adeżżjoni¹⁰ u l-Ftehim ta' l-Ewropa, dan ser ikun miftiehem fil-każ tal-Kroazja li jirreferi għall-*Partnership* Ewropew¹¹ u għall-Ftehim ta' Stabilizzazzjoni u Assoċjazzjoni.

Artikolu 6

Dan ir-Regolament għandu jidhol fis-seħh fit-tielet jum wara l-pubblikazzjoni tiegħu fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea*.

Dan ir-Regolament għandu jorbot fl-intier tiegħu u japplika direttament fl-Istati Membri kollha.

Magħmul fi Brussell, [...]

Għall-Kunsill
Il-President

¹⁰ ĠU L 85, ta' 1-20.3.1998 p. 1.

¹¹ ĠU L 86, tat-23.3.2004, p. 1

LEGISLATIVE FINANCIAL STATEMENT

Policy areas: Enlargement

Activity: Pre-accession assistance for Croatia

TITLE OF ACTION: PRE-ACCESSION ASSISTANCE FOR CROATIA

1. BUDGET LINES + HEADINGS

05 01 04 03 The SAPARD pre-accession Instrument – Expenditure on administrative management

05 05 01 01 The SAPARD pre-accession Instrument

13 01 04 02 Instrument for structural policies for pre-accession (ISPA) – Expenditure on administrative management

13 05 01 01 Instrument for structural policies for pre-accession

22 01 04 01 Pre-accession assistance for countries of central and eastern Europe – Expenditure on administrative management

22 01 04 05 Technical Assistance Information Exchange Office (TAIEX) actions in the framework of the pre-accession instruments – Expenditure on administrative management

22 02 01 Pre-accession assistance for countries of central and eastern Europe

22 02 02 Cross-border co-operation for central and eastern Europe

22 02 06 Technical Assistance Information Exchange Office (TAIEX) actions in the framework of the pre-accession instruments

22 02 10 Pre-accession multi-country horizontal programmes

2. OVERALL FIGURES

2.1. Total allocation for action (Part B): € million for commitment

€ 245.0 million

2.2. Period of application:

(start and expiry years)

2005 - 2006

2.3. Overall multi-annual estimate of expenditure:

- (a) Schedule of commitment appropriations/payment appropriations (financial intervention) (see point 6.1.1)

€ million

	2005	2006	2007	2008	2009	2010 and subs. years	Total
Commitments							
Phare	77.5	77.1					154.6
ISPA	24.6	34.4					59.0
SAPARD	-	24.6					24.6
Total	102.1	136.1					238.2
Payments							
Phare	15.5	38.6	46.3	38.7	15.5		154.6
ISPA	-	14.3	17.7	15.2	11.8		59.0
SAPARD	-	4.9	7.4	7.4	4.9		24.6
Total	15.5	57.8	71.4	61.3	32.2		238.2

- (b.1) Technical and administrative assistance: of which staff (see point 6.1.2)

Commitments							
Total	2.1	2.1					4.2
Payments							
Total	2.1	2.1					4.2

- (b.2) Technical and administrative assistance: of which support expenditure (see point 6.1.2)

Commitments							
Phare	0.6	1.2					1.8
ISPA	0.2	0.4					0.6
SAPARD	-	0.2					0.2
Total	0.8	1.8					2.6

Payments							
Phare	0.6	1.2					1.8
ISPA	0.2	0.4					0.6
SAPARD	-	0.2					
Total	0.8	1.8					2.6

Subtotal a+b							
Commitments							
Phare	80.0	80.0					160.0
ISPA	25.0	35.0					60.0
SAPARD	-	25.0					25.0
Total	105.0	140.0					245.0
Payments							
Phare	18.0	41.5	46.3	38.7	15.5		160.0
ISPA	0.4	14.9	17.7	15.2	11.8		60.0
SAPARD	-	5.3	7.4	7.4	4.9		25.0
Total	18.4	61.7	71.4	61.3	32.2		245.0

(c) Overall financial impact of human resources and other administrative expenditure
(see points 7.2 and 7.3)

Commitments/ payments	5.0	5.0					10.0
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TOTAL a+b.2+c							
Commitments	107.9	142.9					250.8
Payments	21.3	64.6	71.4	61.3	32.2		250.8

2.4. Compatibility with financial programming and financial perspective

Proposal is compatible with existing financial programming, as set out in the Financial Perspective for 2000 -2006.

2.5. Financial impact on revenue

Proposal has no financial implications (involves technical aspects regarding implementation of a measure)

3. BUDGET CHARACTERISTICS

Type of expenditure		New	EFTA contribution	Contributions form applicant countries	Heading in financial perspective
Non-comp	Diff	NO	NO	YES	7

4. LEGAL BASIS

(Show main legal basis only.)

3906/1989

1267/1999

1268/1999

5. DESCRIPTION AND GROUNDS

5.1. Need for Community intervention

5.1.1. Objectives pursued

The European Council has decided to accept Croatia as a candidate country for membership, to launch the accession process, and to convene a bilateral intergovernmental conference with Croatia in early 2005 to begin negotiations, and has requested the Commission to prepare a pre-accession strategy, including the necessary financial instrument.

Further to that request, the Commission is proposing that Croatia should benefit from the current pre-accession instruments - Phare, ISPA and SAPARD – to finance the corresponding pre-accession strategy under heading 7 of the financial perspective. The proposed inclusion of Croatia under heading 7 is in accordance with the revision of the financial perspective of 19 May 2003 which states that “*The European Parliament and the Council may decide, on a proposal from the Commission, the inclusion of other candidate countries under heading 7*”.

These instruments – Phare, ISPA and SAPARD – will also help Croatia prepare for the unified Instrument for Pre-accession (IPA), which will apply from 2007.

The Phare allocation will build on the work already started under CARDS – i.e. to promote the Copenhagen political criteria, help Croatia align with the *acquis communautaire*, strengthen administrative and judicial capacity - and to start to prepare for Structural Funds after accession. The allocation for ISPA will co-finance technical assistance and infrastructure projects in the fields of transport and environment, and help Croatia prepare for Cohesion and Structural Funds after accession. The allocation for SAPARD will contribute to the

sustainable adaptation of the agricultural sector and rural areas in Croatia and to Croatia's preparations for the implementation of the acquis concerning the Common Agricultural Policy and related policies. A part of these appropriations will be used to cover the necessary administrative support expenditure entailed by these programmes.

5.1.2. Measures taken in connection with ex ante evaluation

5.1.3. Measures taken following ex post evaluation

5.2. Action envisaged and budget intervention arrangements

In 2004, under CARDS, the national programme to Croatia was € 76 million. Under Phare, in 2005 and 2006, it is proposed to maintain a programme of about € 80 million a year, to promote the Copenhagen political criteria, help Croatia align with the *acquis communautaire*, strengthen administrative and judicial capacity, and start to prepare for Structural Funds after accession.

Under ISPA, support will be given to align Croatia's infrastructure with Community standards in two key sectors, environment and transport, and to familiarise the Croatian authorities with the principles of structural policies. Through ISPA, Croatia will thus obtain the twin benefits of accelerated infrastructure investment and enhanced capacity for project preparation and implementation, which must commence without delay ("learning by doing") and of becoming acquainted with Commission procedures and rules, similar to those that apply to Member States.

A preliminary assessment of funding opportunities, involving IFIs, indicates that preparatory work is sufficiently advanced to allow the Commission to decide on a sufficient number of high-quality projects in both sectors already in 2005. About € 60 million in total, phased in over the two years, is considered a reasonable allocation for ISPA. This will allow for a real commitment towards core infrastructure investment, but also take account of administrative capacity.

In addition, and given the necessity for Croatia to strengthen its capacity as well as to catch up with other candidate countries, there is the need to launch under ISPA a number of technical assistance projects for institutional strengthening, including for sector planning, and project preparation for these two sectors for IPA.

In the case of SAPARD, € 25 million for 2006 seems appropriate, applying the same criteria which were applied for the current SAPARD countries provided for in Article 7(3) of the Regulation 1268/1999.

According to the information provided by Croatia there are 64 (industrial) establishments in the food processing sector not yet EU approved. On the basis of experiences from the current SAPARD countries the average project size is between € 250,000 and € 500,000. The size of rural infrastructure projects has been similar.

Farm investment projects tend to be smaller (average € 50,000). Croatia's farm structure (approx. 1million farms) is dominated by family farms, with 86% farming less than 5ha, and 22% of the rural population currently employed in agriculture. Increasing the competitiveness of the agri-food sector to enable it to prepare for participation in the EU single market will

require support for modernisation of farms, in particular to implement *acquis* standards in relation to health and hygiene and animal welfare.

The accreditation of the SAPARD agency is planned to be completed during 2005 to enable Croatia to start with project selection and disbursement under SAPARD in 2006.

5.3. Methods of implementation

The three pre-accession instruments employ a wide range of implementation methods (from centralised to partial or full decentralisation of financial management to the beneficiary countries, as well as joint management with international organisations). It is, nonetheless, important that the highest level of decentralisation possible for Croatia should be pursued as soon as feasible. A move to partially decentralised management will, therefore, be made in 2005, with full decentralisation (a requirement for SAPARD) planned for 2006.

6 FINANCIAL IMPACT

6.1. Total financial impact on Part B (over the entire programming period)

6.1.1. Financial intervention

Commitments (in € million)

Breakdown	2005	2006	2007	2008	2009	2010 and subs. years	Total
Phare	77.5	77.1					154.6
ISPA	24.6	34.4					59.0
SAPARD	-	24.6					24.6
TOTAL	102.1	136.1					238.2

6.1.2. Technical and administrative assistance, support expenditure and IT expenditure (commitment appropriations)

	2005	2006	2007	2008	2009	2010 and subs. years	Total
Phare	2.5	3.1					5.6
ISPA	0.4	0.6					1.0
SAPARD	-	0.2					0.2
TOTAL	2.9	3.9					6.8

7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

7.1. Impact on human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources		Total	Description of tasks deriving from the action
		Number of permanent posts	Number of temporary posts		
Officials or temporary staff	A			8	<i>If necessary, a fuller description of the tasks may be annexed.</i>
	B			8	
	C			8	
Other human resources				28	
Total				52	

	Headquarters (Statutory Staff)		Zagreb EC Delegation			
	Existing staff coming from RELEX (4) and AIDCO (12)	New or Redeployed staff	Statutory Staff		Other human resources (ALAT, etc)	
			Current staff	New staff	Current staff	New staff
Phare (Cards)	16		4		22	4
ISPA		2				2
SAPARD		2				
Total	16	4	4	0	22	6
Grand total	20		4		28	
"		24			28	
"			52			

The needs for human and administrative resources shall be covered within the allocation granted to the managing DG in the framework of the annual allocation procedure

7.2. Overall financial impact of human resources

Type of human resources	Amount (€)	Method of calculation *
Officials	2,592,000	24 x 108,000
Temporary staff		
Other human resources	2,141,720	28 x 76490
Total	4,733,720	

The amounts are total expenditure for twelve months.

7.3. Other administrative expenditure deriving from the action

	Amount €	Method of calculation
Overall allocation (Title A7)		
A0701 – Missions		
A07030 – Meetings		
A07031 – Compulsory committees		
A07032 – Non-compulsory committees		
A07040 – Conferences		
A0705 – Studies and consultations		
Other expenditure (specify)		
Information systems (A-5001/A-4300)		
Other expenditure - Part A (specify)		
Total	250,000	

The amounts are total expenditure for twelve months.

I.	Annual total (7.2 + 7.3)	€ 4,983,720
II.	Duration of action	2 years
III.	Total cost of action (I x II)	€ 9,967,440

8. FOLLOW-UP AND EVALUATION

8.1. Follow-up arrangements

Art. 27 (4) of the Financial Regulation obliges the Commission to undertake both ex ante and ex post evaluations, to be applied to all programmes and activities which entail significant spending. Evaluation results are to be disseminated to spending, legislative and budgetary authorities.

Provisions will be made within the Framework Agreement with Croatia to ensure the necessary arrangements to enable independent monitoring and evaluation. In outline, the system operates as follows:

- Project implementation will be monitored through a Joint Monitoring Committee (JMC). This includes the NAO, the NAC and the Commission services. The JMC will meet at least once a year to review all programmes to assess their progress towards meeting the objectives set out in the Financing Agreements and the Accession/European Partnership. The JMC may recommend a change of priorities and/or reallocation of funds.
- The JMC will be assisted by Sectoral Monitoring Sub-Committees (SMSC), which will include all relevant institutions and partners involved, including the Commission Services, in accordance with the specific monitoring arrangements established for each Instrument. The SMSC, *inter alia*, will, review in detail the progress made towards achieving the objectives set out in its relevant programme and will report to the JMC on all programmes in its sector.
- The Commission services shall ensure that an ex-post evaluation is carried out after completion of the programme.

8.2. Arrangements and schedule for the planned evaluation

In application of current rules, an evaluation system covering the different levels of intervention and types of instruments has been set up for each instrument.

Notably, the financial regulation, as well as the internal control standards, calls for regular evaluation of all (sizable) activities. This is translated into the evaluation of single operations (e.g. projects), of programmes (e.g. national programmes) and policy sectors or themes (e.g. transport or gender issues). Evaluations of are also necessary and ongoing of wider legal obligations such as the 3 Cs (Coherence, Complementarity, Coordination).

As set out above, project implementation will be monitored through the Joint Monitoring Committee (JMC), assisted by Sectoral Monitoring Sub-Committees (SMSC). Each Instrument has its own specific evaluation scheme. For Phare, there is an ongoing scheme of Interim Evaluation, and these interim evaluations, prepared by independent evaluators, are reviewed by the JMC. This Interim Evaluation scheme generates over 130 individual country, sectoral and thematic reports a year. Thematic reports covering such issues as nuclear issues, civil society, public administration, justice and home affairs, national aid coordination, twinning, SMEs, and statistics have been prepared.

These works will be complemented by relevant works on databases, meta-analyses, methodology and training.

9. ANTI-FRAUD MEASURES

The Framework Agreement with Croatia will contain provisions ensuring the protection of the Community's financial interests.

- (1) These Framework agreements expressly provide for the Commission and the Court of Auditors to have the power of audit, on the basis of documents and on the spot, over all contractors and subcontractors who have received

Community funds. They shall also expressly authorise the Commission to carry out on-the-spot checks and inspections as those set down in Council Regulation (EC, Euratom) 2185/96.

- (2) All contracts resulting from the implementation of pre-accession assistance shall ensure the right of the Commission and the Court of Auditors during and after the implementation of contracts.

In practise, this means that the Framework Agreement will contain provisions making reference notably to the following:

- Definitions of the notions of irregularity, fraud, active and passive corruption and conflict of interest;
- Measures in the field of financial control by the contracting authority, the Commission and the Court of Auditors;
- The possibility for OLAF to conduct on-the-spot checks equivalent to the ones foreseen by Regulation (EC) 2185/96
- The obligation of the contracting authority of the third country to take preventive measures in the field of corruption
- The procedure for the communication of cases of suspected fraud and irregularities to the Commission;
- The procedures for the clearance of accounts in the case of decentralised management
- The application of administrative and financial sanctions (including the exclusion of non-reliable candidates and tenderers)
- Enforceability of Commission decisions in the area of recovery in case of centralised management.