



Brussels, 11.12.2014
C(2014) 9574 final

COMMISSION IMPLEMENTING DECISION

of 11.12.2014

adopting a Cross-border cooperation Programme Albania – Kosovo* for the years 2014-2020 and a Cross-border cooperation Action Programme Albania – Kosovo for the year 2014

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

COMMISSION IMPLEMENTING DECISION

of 11.12.2014

adopting a Cross-border cooperation Programme Albania – Kosovo* for the years 2014-2020 and a Cross-border cooperation Action Programme Albania – Kosovo for the year 2014

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures of the implementation of the Union's instruments for financing external action¹ and in particular Article 2(1) 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 1605/2002², and in particular Article 84(2) thereof,

Whereas:

- (1) Regulation (EU) No 231/2014³ lays down the objectives and main principles for pre-accession assistance to beneficiaries listed in Annex 1 of that Regulation.
- (2) In accordance with Article 7 of the Regulation (EU) No 231/2014 the assistance should be provided through annual or multi-annual programmes, country specific or multi-country programmes, as well as cross-border cooperation programmes. These programmes should be drawn up in accordance with the framework for assistance referred to in Article 4 of the Regulation (EU) No 231/2014 and the relevant country or multi-country indicative strategy papers referred to in Article 6 of that Regulation.
- (3) The Council established an Accession Partnership or a European Partnership for all beneficiaries listed in Annex 1 of the Regulation (EU) No 231/2014. The Commission adopted an indicative multi-country strategy paper for 2014 – 2020 which provides indicative allocations for the 2014-2020 territorial cooperation programmes⁴.
- (4) The responsible authorities of Albania and Kosovo submitted to the Commission on 7/05/2014 a proposal for a cross-border cooperation programme between Albania and Kosovo for the period 2014-2020. This programme has been drawn up in accordance with Article 49 of Commission Implementing Regulation (EU) No 447/2014⁵. It aims

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

¹ OJ L 77, 15.03.2014, p. 95.

² OJ L 298, 26.10.2012, p.1.

³ Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II), OJ L 77, 15.03.2014, p. 11.

⁴ OJ C(2014) 4293 of 30 June 2014.

⁵ Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for Implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II), OJ L 132, 3.5.2014, p. 32.

at providing assistance for cross-border cooperation in the following thematic priorities: (i) environment protection, climate change adaptation and mitigation, risk prevention and management; (ii) tourism and cultural and natural heritage; (iii) youth and education with a focus on employment generation, and sets out the indicative allocations for the period 2014-2020. In accordance with Article 31(4) of the Commission Implementing Regulation (EU) No 447/2014, the Commission shall approve such programme.

- (5) The cross-border cooperation programme between Albania and Kosovo for the period 2014-2020, annexed to the present decision, will serve as a reference for the adoption of the relevant financing decisions, without constituting a financial commitment itself.
- (6) It is necessary to adopt a financing decision, the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012⁶.
- (7) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of the Regulation (EU, Euratom) No 966/2012 and Article 111(4) of the Commission Delegated Regulation (EU) No 1268/2012.
- (8) Pursuant to Article 94(4) of Commission Delegated Regulation (EU) No 1268/2012, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (9) The action programmes or measures provided for by this Decision are in accordance with the opinion of the IPA II Committee referred set up by Article 13 of the Regulation (EU) No 231/2014⁷.

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the programme

The cross-border cooperation action programme between Albania and Kosovo under the Instrument for Pre-accession Assistance (IPA II) for the year 2014 as set out in Annex 1, is hereby approved.

The 2014-2020 cross-border cooperation programme between Albania and Kosovo under the Instrument for Pre-accession Assistance (IPA II) as set out in Annex 2, is hereby approved.

⁶ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, OJ L 362, 31.12.2012, p. 1.

⁷ The Member States have declared, recalling the Council Conclusions of 18 February 2008 that the adoption of this programme does not prejudice the position of each individual Member State on the status of Kosovo, which will be decided in accordance with their national practice and international law.

Article 2

Financial contribution

The maximum amount of the European Union contribution for the implementation of the cross-border cooperation action programme Albania - Kosovo under the Instrument for Pre-accession Assistance (IPA II) for the year 2014 referred to in Article 1 is set at EUR 840,000 to be financed from budget line 22.02.04.01. of the general budget of the EU for year 2014.

The financial contribution referred to in the first sub-paragraph may also cover interest due for late payment.

Article 3

Implementation modalities

This programme shall be implemented by direct management.

A Financing Agreement shall be concluded between the Commission and the Governments of Albania and Kosovo **in conformity with the Framework Agreement concluded between the Commission and Albania and Kosovo respectively.**

Article 4

Non-substantial changes

The following changes shall not be considered substantial provided that they do not significantly affect the nature and objectives of the actions:

- (a) increases or decreases for not more than 20% of the maximum contribution set in the first paragraph of Article 2 and not exceeding 10 million;
- (b) cumulated reassignments of funds between specific actions not exceeding 20% of the maximum contribution set in the first paragraph of Article 2;
- (c) extensions of the implementation and closure period;
- (d) within the limits of 20% referred to in points a) and b) above, up to 5 % of the contribution referred to in the first paragraph of Article 2 of this financing decision may serve to finance actions which were not foreseeable at the time the present financing decision was adopted, provided that those actions are necessary to implement the objectives and the results set out in the programme.

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

Done at Brussels, 11.12.2014

For the Commission
Johannes HAHN
Member of the Commission