

Brussels, 21.2.2017
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COMMISSION DECISION

of 21.2.2017

**authorising the reimbursement on the basis of unit costs and flat-rates in the framework
of Twinning projects implemented by Member States through peer-to-peer
administrative cooperation and for financing of Technical Assistance and Information
Exchange's activities**

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authorising the reimbursement on the basis of unit costs and flat-rates in the framework of Twinning projects implemented by Member States through peer-to-peer administrative cooperation and for financing of Technical Assistance and Information Exchange's activities

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC, 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 Union¹, and in particular Article 124 thereof,

Having regard to Commission delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU) No 966/2012 of the Parliament and of the Council on the financial rules applicable to the general budget of the Union² and in particular Article 182 thereof,

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 for the implementation of the Union's instruments for financing external action³, and in particular Article 4 paragraph (1) (a) and paragraph (10) (b) thereof,

Whereas:

- (1) Administrative cooperation organised in the framework of medium- to long-term Twinning projects and short-term Technical Assistance and Information Exchange (TAIEX) activities focuses on the provision of peer-to-peer assistance to partner countries via the mobilisation of Member States' officials and other public agents. Member States should be compensated for costs incurred in the implementation of the actions concerned.
- (2) In accordance with Article 124(1) of Regulation (EU, Euratom) No 966/2012, the use of lump sums, unit costs or flat-rate financing shall be authorised by way of a Commission Decision ensuring respect for the principle of equal treatment of beneficiaries for the same category of actions or work programmes.
- (3) In accordance with Article 124(2) Regulation (EU, Euratom) No 966/2012, that authorisation shall be supported by the justification of the forms chosen, the identification of the costs or categories of costs covered, the description of the methods for determining the amounts and the conditions for reasonably ensuring that the no-profit and co-financing principles are complied with and that double financing of costs is avoided.

¹ OJ L 298, 26.10.2012, p. 1–96.

² OJ L 347, 20.12.2013, p. 81–103.

³ OJ L 77, 15.3.2014, p. 95–108.

- (4) In the framework of the implementation of Regulation (EU) No 231/2014 of the European Parliament and of the Council⁴ and of Regulation (EU) No 232/2014 of the European Parliament and of the Council⁵, Union assistance is traditionally provided also through grants awarded to Member States for the implementation of Twinning projects as well as through short-term activities implemented via a service contract for the management of TAIEX.
- (5) Regulation (EU) No 233/2014 of the European Parliament and of the Council⁶, and in particular Annex I thereof, foresees the possibility to implement Twinning projects and TAIEX activities in specific areas of cooperation.
- (6) Regulation (EU) No 234/2014 of the European Parliament and of the Council⁷, and in particular Article 3(4) thereof, specifies that by deploying the Partnership Instrument the Union is to ensure coherence and consistency with other areas of its external action. Commission Implementing Decision of 22 June 2015, on the 2015 Partnership Instrument Annual Action Programme for cooperation with third countries to be financed from the general budget of the European Union⁸, and in particular Annex 6 thereof, fosters the use of TAIEX under the Partnership Instrument to promote the Union's interests abroad, provided that the expertise shared is mainly provided by the Union Member States public administration experts.
- (7) Commission Implementing Decision of 8 July 2016, amending Implementing Decision C(2016)17 concerning the adoption of the work programme for 2016 in the framework of ERDF and Cohesion Fund for the use of technical assistance, serving as financing decision⁹, and in particular Annex 1 thereof, allocates funds for the implementation of TAIEX activities in the framework of administrative cooperation, with the aim of providing further assistance to Member States
- (8) On 26 November 2015, the Commission adopted, inter alia on the basis of Article 197(2) of the Treaty, a proposal for a new financing instrument, the Structural Reform Support Programme (SRSP)¹⁰, which will constitute an additional source of financing for technical support to Member States in a wide range of thematic areas. Both TAIEX activities and Twinning projects could usefully contribute to the achievement of the objectives of the SRSP.
- (9) Notwithstanding the different form of financing and management of Twinning and TAIEX, compensations paid for the mobilisation of Member States' officials and other public agents should be identical under both tools, taking into account the analogy of expertise required and tasks performed.

⁴ 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, 15.3.2014, p. 11).

⁵ Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

⁶ Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020 (OJ L 77, 15.3.2014, p. 44).

⁷ Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries (OJ L 77, 15.3.2014, p. 77).

⁸ C(2015) 4109 final.

⁹ C(2016) 4239 final.

¹⁰ Proposal for a Regulation of the European Parliament and of the Council on the establishment of the Structural Reform Support Programme for the period 2017 to 2020 and amending Regulations (EU) No 1303/2013 and (EU) No 1305/2013, COM(2015) 701 final.

- (10) Since in the case of TAIEX some costs, in particular travel and accommodation of experts, are to be covered upfront in the framework of a service contract, compensation should only be paid for daily subsistence allowance and a flat daily allowance indemnifying the absence from duty of mobilised staff.
- (11) The use of unit costs and flat-rates simplifies significantly administrative procedures, reduces substantially the risk of error and shall therefore be applied in the case of Twinning and, with regard to daily subsistence allowance and flat daily allowance, of TAIEX.
- (12) In order to ensure that the principle of fair treatment is respected with regard to all Member States and in order to avoid the risk that quality of expertise provided in the framework of administrative cooperation is conditioned by national standards and levels of public sector remuneration, the values of unit costs and flat-rates applied in the implementation of Twinning projects and of TAIEX activities should be identical for all Member States.
- (13) The sound implementation of Twinning projects requires that the relevant procedures are clearly detailed in a guidebook (Twinning Manual), established by the services of the Commission coordinating the implementation of Twinning projects. The Twinning Manual will provide further instructions on the application of unit costs and flat-rates established in accordance with this Decision.

HAS DECIDED AS FOLLOWS:

Article 1

The use of grants in the form of reimbursement on the basis of unit costs and flat-rates is authorised for the implementation of Twinning projects, for the reasons and subject to the conditions set out in the Annex.

Certain unit costs authorised by this decision shall be used in the implementation of TAIEX activities, as provided for in the Annex.

The services of the Commission coordinating the implementation of Twinning projects are authorised to draft and keep updated a Twinning Manual which provides further instructions on the application of the flat rates and the unit costs in accordance with this decision.

Article 2

The present decision enters into force on the day of its adoption. It applies to Twinning grants awarded following calls for proposals published after 30 June 2017 and to TAIEX activities implemented as of the fifteenth day following its adoption.

Done at Brussels, 21.2.2017

For the Commission

Johannes HAHN

Member of the Commission

