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***Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 5 March 2008 laying down rules for the implementation of Decision No 574/2007/EC of the European Parliament and of the Council establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (notified under document number C(2008) 789) (Only the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic) (2008/456/EC), CHAPTER 1. (See end of Document for details)*

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## **PART II**

### **PROVISIONS COMMON TO THE FOUR FUNDS**

#### **CHAPTER 1**

##### **Designated authorities**

###### *Article 3*

##### **Common authorities**

Member States may designate the same responsible authority, audit authority or certifying authority for two or more of the four Funds.

###### *Article 4*

##### **Delegated authority**

1 Any delegation of tasks shall comply with the principle of sound financial management, which requires effective and efficient internal control, and shall ensure compliance with the principle of non-discrimination and the visibility of Community funding. No implementing tasks delegated may give rise to conflicts of interest.

2 The scope of the tasks delegated by the responsible authority to the delegated authority and the detailed procedures for implementation of the delegated tasks shall be formally recorded in writing.

The act of delegation shall mention at least:

- a the references of the relevant Community legislation;
- b the task entrusted to the delegated authority;
- c the rights and duties of the delegated authority and the responsibilities it assumes;
- d the obligation for the delegated authority to put in place and to maintain an organisational structure and a management and control system adapted to performance of its duties;

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3 The handling of communication with the Commission referred to in Article 27(1)(a) of the basic act shall not be delegated. The delegated authority shall communicate with the Commission via the responsible authority.

4 If the delegated authority is not a public administration or a body governed by the private law of the Member State which has a public-service mission, the responsible authority may not delegate to that authority any executive powers which involve a large measure of discretion implying political choices.

5 Delegation of tasks to the delegated authorities shall not affect the liability of the responsible authority, which shall remain answerable for the tasks it has delegated.

6 Where the responsible authority has delegated tasks to the delegated authority, all provisions of this Decision relating to the responsible authority shall apply *mutatis mutandis* to the delegated authority.

#### Article 5

#### Outsourcing of tasks

Designated authorities may outsource some of their tasks but they shall remain answerable for the outsourced tasks in accordance with the responsibilities defined in Articles 29, 31 and 32 of the basic act.

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