

Commission Decision of 5 March 2008 laying down rules for the implementation of Council Decision 2007/435/EC establishing the European Fund for the Integration of third-country nationals 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) 795) (Only the Bulgarian, Czech, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic) (2008/457/EC)

PART I

INTRODUCTION

CHAPTER I

Subject and definitions

Article 1

Subject matter

- 1 This Decision lays down rules for implementation of the Fund as regards:
 - a designated authorities;
 - b management and control systems;
 - c information to be provided by the Member States to the Commission regarding use of the Fund;
 - d reporting of irregularities;
 - e information and publicity;
 - f personal data;
 - g electronic exchange of documents.
- 2 The provisions set out below shall apply without prejudice to Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities⁽¹⁾.

Article 2

Definitions

For the purposes of this Decision the following definitions shall apply:

- ‘basic act’: Decision 2007/435/EC,
- ‘Fund’: the European Fund for the Integration of third-country nationals, as established by the basic act,

- ‘four Funds’: the European Refugee Fund, the External Borders Fund, the European Return Fund and the European Fund for the Integration of third-country nationals, as established by Decision of the European Parliament and of the Council No 573/2007/EC⁽²⁾, Decision of the European Parliament and of the Council No 574/2007/EC⁽³⁾, Decision of the European Parliament and of the Council No 575/2007/EC⁽⁴⁾ and Decision 2007/435/EC as part of the General programme ‘Solidarity and Management of Migration Flows’,
- ‘responsible authority’: the body designated by a Member State under Article 23(1) (a) of the basic act,
- ‘certifying authority’: the body designated by a Member State under Article 23(1)(b) of the basic act,
- ‘audit authority’: the body designated by a Member State under Article 23(1)(c) of the basic act,
- ‘delegated authority’: the body designated by a Member State under Article 23(1)(d) of the basic act,
- ‘designated authorities’: all the authorities designated by a Member State under Article 23 of the basic act,
- ‘action’: action under the Fund, as defined in Article 4 of the basic act,
- ‘project’: specific, practical means deployed to implement all or part of an action by the final beneficiaries of grants,
- ‘final beneficiary’: the legal entity responsible for implementing projects such as NGOs, federal, national, regional or local authorities, other non-profit organisations, private or public-law companies or international organisations,
- ‘partner in the project’: any legal entity which implements a project in cooperation with a final beneficiary by providing the project with resources and by receiving part of the Community contribution through the final beneficiary,
- ‘strategic guidelines’: the framework for intervention by the Fund, as adopted by Commission Decision No C(2007) 3926,
- ‘priority’: set of actions defined as a priority in the strategic guidelines,
- ‘specific priority’: set of actions defined as a specific priority in the strategic guidelines, allowing co-financing at a higher rate, in accordance with Article 13(4) of the basic act,
- ‘primary administrative or judicial finding’: first written assessment by a competent authority, either administrative or judicial, concluding on the basis of specific facts that an irregularity has been committed, without prejudice to the possibility that this conclusion may subsequently have to be revised or withdrawn as a result of developments in the course of the administrative or judicial procedure,
- ‘irregularity’: any infringement of a provision of Community law resulting from an act or omission by an economic operator which has, or would have, the effect of prejudicing the general budget of the European Union by charging an unjustified item of expenditure to the general budget,
- ‘suspected fraud’: an irregularity giving rise to the initiation of administrative or judicial proceedings at national level in order to establish the presence of intentional behaviour, in particular fraud, as referred to in point (a) of Article 1(1) of the convention drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests⁽⁵⁾,
- ‘bankruptcy’: insolvency proceedings, as defined in Article 2(a) of Council Regulation (EC) No 1346/2000⁽⁶⁾,

- ‘grant agreement’: an agreement or an equivalent form of legal instrument on the basis of which Member States provide grants to the final beneficiary for the purpose of implementing the project under the Fund.

Status: This is the original version (as it was originally adopted).

- (1) OJ L 292, 15.11.1996, p. 2.
- (2) OJ L 144, 6.6.2007, p. 1.
- (3) OJ L 144, 6.6.2007, p. 22.
- (4) OJ L 144, 6.6.2007, p. 45.
- (5) OJ C 316, 27.11.1995, p. 49.
- (6) OJ L 160, 30.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 681/2007 (OJ L 159, 20.6.2007, p. 1).