

Commission Decision of 5 March 2008 laying down rules for the implementation of Decision No 575/2007/EC of the European Parliament and of the Council establishing the European Return Fund for the period 2008 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)796) (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) (2008/458/EC)

ANNEX I

MODEL DESCRIPTION OF MANAGEMENT AND CONTROL SYSTEMS

- # Initial version
- # Revised version (number, date dd/mm/year) following dialogue with the Commission
- # Version revised for other reasons

MEMBER STATE:

FUND(S):

MAIN CONTACT POINT:

THE INFORMATION PROVIDED DESCRIBES THE SITUATION ON:

1. IDENTIFICATION OF THE DESIGNATED AUTHORITIES
 - 1.1. General information on the designated authorities
 - 1.1.1. Short description of the choices made on the designation of the different authorities
 - 1.1.2. Indication of whether these management and control systems are operational
If not, indication of the date when they will be operational
 - 1.1.3. Indication of whether these management and control systems have been accredited by the Commission for other Community financial instruments (if applicable)
 - 1.2. Organisation chart(s) of the entire body(-ies) within which the designated authorities are functioning
 - 1.3. Responsible authority
 - 1.3.1. The date and form of the formal designation of the responsible authority
 - 1.3.2. Legal status of the responsible authority
 - 1.3.3. Specification of the functions carried out directly by the responsible authority and (if applicable and/or foreseen) by other bodies under the responsibility of the responsible authority (outsourcing of tasks, excluding the tasks entrusted to the delegated authority(ies) under point 1.4)
 - 1.3.4. Organisation chart and specification of the functions of the units (including the indicative number of posts allocated)
 - 1.3.5. Information whether the responsible authority can also act as executing body for the projects co-financed by the Fund
 - 1.3.6. If the responsible authority is the same for more than one of the four Funds, a description of the common functions and systems
 - 1.4. The delegated authority(ies)
 - 1.4.1. The reasons for establishing any delegated authority
 - 1.4.2. The date and form of the formal designation of the delegated authority(ies)
 - 1.4.3. Legal status of the delegated authority(ies)

- 1.4.4. Specification of the functions carried out directly by the delegated authority(ies) and (if applicable and/or foreseen) by other bodies under the responsibility of the delegated authority(ies) (outsourcing of tasks)
- 1.4.5. Organisation chart and specification of the functions of the units (including indicative number of posts allocated)
- 1.4.6. Information whether delegated authority(ies) can also act as executing body for the projects co-financed by the Fund
- 1.4.7. If the delegated authority(ies) is (are) the same for more than one of the four Funds, a description of the common functions and systems
- 1.5. Certifying authority
 - 1.5.1. The date and form of the formal designation of the certifying authority
 - 1.5.2. Legal status of the certifying authority
 - 1.5.3. Specification of the functions carried out directly by the certifying authority and (if applicable and/or foreseen) by other bodies under the responsibility of the certifying authority (outsourcing of tasks)
 - 1.5.4. Organisation chart and specification of the functions of the units (including indicative number of posts allocated)
 - 1.5.5. If the certifying authority is the same for more than one of the four Funds, a description of the common functions and systems
- 1.6. Audit authority
 - 1.6.1. The date and form of the formal designation of the audit authority
 - 1.6.2. Legal status of the audit authority
 - 1.6.3. Specification of the functions carried out directly by the audit authority and (if applicable and/or foreseen) by other bodies under the responsibility of the audit authority (outsourcing of tasks)
 - 1.6.4. Organisation chart and specification of the functions of the units (including indicative number of posts allocated)
 - 1.6.5. Staff qualifications for the audit authority and (if applicable and/or foreseen) of the other bodies expected to carry out audit work (outsourcing of tasks)
 - 1.6.6. If the audit authority is the same for more than one of the four Funds, a description of the common functions and systems
 - 1.6.7. If a responsible authority can also act as executing body for the projects co-financed by the Fund, a description of arrangements ensuring the independent position of the audit authority in accordance with article 8

Guidance for sections 2-4

1st part of each table

The description of the processes should include the tasks to be carried out by each of the designated authorities (or bodies under their responsibility) and the interaction between them.

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

The description should be concise but nevertheless allow a clear understanding of how the processes would work in practice.

2nd part of each table

The checklist should be completed by indicating whether each target has been achieved or not and providing any relevant information. If the target has not been achieved, please provide an explanation and, if relevant, indicate the expected date for completion.

If procedures are formalised, a reference to the document should be included.

2. FUNCTIONING OF DESIGNATED AUTHORITIES

2.1. Designation and supervision of the designated authorities

Short description of the process of setting up each of the designated authorities/[The description should include all authorities]

	Key targets	Achieved?	Comments
1	Rules governing the relations of the Member State with the designated authorities identify the respective responsibilities	Y/N	
2	Member State have provided guidance to the designated authorities to ensure sound financial management (through training and/or manuals)	Y/N	
3	Each authority will inform their staff of the mission statement of the organisation as well as their job description and expected results	Y/N	
4	Steps have been taken to ensure that the different authorities are adequately staffed in terms of numbers, seniority and experience in order to carry out their functions	Y/N	

2.2. Separation of functions

Short description of the arrangements defined to ensure a proper separation of functions*[The description should include all authorities]*

	Key targets	Achieved?	Comments
1	Rules are defined to ensure a proper separation of functions between actors within the responsible authority for the signature of contracts/grant agreements	Y/N	
2	Rules are defined to ensure a proper separation of functions between actors within the responsible authority for the initiation, verification and approval of financial transactions	Y/N	
3	The audit authority will be functionally independent of the responsible authority and the certifying authority.	Y/N	
4	The certifying authority will not be involved in the selection, implementation and financial transactions related to Community resources	Y/N	

2.3. Monitoring of delegated authority(ies) — if applicable**Short description of the process***[This description should include the responsible authority and the delegated authority(ies)]*

	Key targets	Achieved?	Comments
1	The tasks to be delegated are clearly defined	Y/N	
2	Procedures are established concerning the delegated tasks and their compliance	Y/N	

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

	with the rules defined in the basic act/ implementing rules has been checked		
3	Supervisory controls will take place to ensure that the tasks are carried out according to established procedures	Y/N	

2.4. Monitoring of other tasks not carried out by the authorities themselves — if applicable

Short description of the process/*This description should include all authorities*

	Key targets	Achieved?	Comments
1	In case of bodies acting under the responsibility of the responsible authority (and not considered as delegated authorities), supervisory mechanisms are in place to ensure sound financial management	Y/N	
2	In case of outsourcing of audit activities and in case of bodies acting under the responsibility of the audit authority, supervisory mechanisms are in place to ensure a common audit methodology and consistency of the audit work	Y/N	
3	In case of outsourcing of certifying activities and in case of bodies acting under the responsibility of the certifying authority, supervisory mechanisms are in place to ensure a	Y/N	

	common approach to certification		
4	In case of outsourcing to private bodies without a public-service mission, mechanisms are defined to ensure that the tasks which may be entrusted do not include the exercise of public authority or require the use of discretionary powers of judgment	Y/N	

3. OPERATIONAL AND FINANCIAL PROCESSES

3.1. Establishing multi-annual programmes

Short description of the process*[This description should include the responsible authority and the delegated authority(ies)]*

	Key targets	Achieved?	Comments
1	Arrangements are foreseen to ensure the implementation of the principle of partnership in accordance with current national rules and practices	Y/N	
2	Procedures are defined to check that the multi-annual programme is consistent with the strategic guidelines and complies with Community law, in particular with Community law aiming at ensuring the free movement of persons in conjunction with the directly related flanking measures with respect to external border	Y/N	

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

	controls, asylum and immigration		
3	The multi-annual programme will be approved by a duly authorised person	Y/N	

3.2. Establishing annual programmes

Short description of the process*[This description should include the responsible authority and the delegated authority(ies)]*

	Key targets	Achieved?	Comments
1	<p>Procedures are established to ensure:</p> <ul style="list-style-type: none"> — consistency between the annual programmes and the multi-annual programme — the eligibility of the actions envisaged in the annual programmes — consistency and complementarity of these actions with other national and Community instruments — the compliance with the rules concerning co-financing percentage — consistency with the priorities/ specific priorities stated in the 	Y/N	

	strategic guidelines		
2	Procedures are established to enable the revision of an annual programme in case of duly substantiated emergency situations as described in the basic act, if applicable	Y/N	
3	Procedures are established to enable the submission of a revision of an annual programme when required under Article 23(1) of this decision	Y/N	
4	Any modification to the financial breakdown of an annual programme and the reasons for it is documented	Y/N	
5.	Any modification in the implementation of the annual programme not relating to the financial breakdown (e.g. on nature and timing of the calls for proposals or the scope of technical assistance) and the reason for it is documented	Y/N	

3.3. Establishing the audit strategy and the annual audit plans

Short description of the process/*This description concerns the audit authority*

	Key targets	Achieved?	Comments
1	Rules are defined to ensure a transparent and appropriate communication from the responsible authority to the audit authority	Y/N	

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

	on management procedures implemented and on projects prior to and throughout the programming period		
2	Procedures are established to define annual audit plans (to be annexed each year to the audit strategy) and to send them to the Commission in time (if applicable)	Y/N	
3	The audit strategy and the annual audit plans are approved by a duly authorised person	Y/N	

3.4. Responsible authority acting as an executing body — if applicable

Short description of the reasons leading the responsible authority to implement projects directly and the specific arrangements foreseen to strengthen the management and control systems/This description should include all authorities]

	Key targets	Achieved?	Comments
1	The justification of the need for the responsible authority to implement projects will be documented and endorsed at the appropriate level	Y/N	
2	Specific arrangements are put in place to ensure that the nature and the objectives of the projects comply with the provisions defined for the Fund		
3	Specific arrangements are put in place in order to prevent conflict of interest for the projects implemented by the responsible authority	Y/N	

4	Specific arrangements are put in place to ensure the principle of value for money is respected in the implementation of projects by the responsible authority	Y/N	
5	Procedures are defined to ensure that the contractual terms governing these projects are clear and complete in particular with regard to the financing conditions, the payment terms, the eligibility rules and the obligations regarding operational and financial reporting	Y/N	
6	Specific arrangements are put in place in order to ensure that the main functions of the responsible authority as provided for in the basic act are not affected in relation to the projects implemented by the responsible authority	Y/N	
7	When the responsible authority acts as an executing body, the audit authority is located in another body than the responsible authority (if not, please describe the additional guarantees put in place to ensure the proper independence of the audit authority)	Y/N	

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

8	The audit strategy will cover the specific risks which may be related to the implementation of projects by the responsible authority	Y/N	
---	--	-----	--

3.5. Selection and implementation of the projects (Responsible authority acting as an awarding body)

Short description of the process/[This description should include the responsible authority and the delegated authority(ies)]

	Key targets	Achieved?	Comments
1	In the case of call for proposals (or tenders), rules are defined to ensure open competition and adequate publicity	Y/N	
2	Selection criteria will comply with the minimum criteria defined in the basic act	Y/N	
3	Procedures are defined for the receipt of proposals (or tenders)	Y/N	
4	Procedures are defined to ensure that the proposals (or tenders) are assessed against the predefined rules and criteria in a transparent and non-discriminatory manner	Y/N	
5	The award decisions and the contracts/ grant agreements will be approved by a duly authorised person	Y/N	
6	Procedures are defined to ensure adequate ex-post information on the results of the	Y/N	

	selection process to the applicants		
7	Procedures are defined to ensure the monitoring of the implementation of grant agreements/ contracts according to the contractual terms	Y/N	

3.6. Monitoring of the projects implemented by the final beneficiaries**Short description of the process***[This description should include the responsible authority and the delegated authority(ies)]*

	Key targets	Achieved?	Comments
1	Key operational and financial indicators will be established, monitored and communicated to the responsible authority for each project	Y/N	
2	On-the-spot verifications by the responsible authority are foreseen to allow monitoring (of both the operational and financial aspects) of the projects	Y/N	
3	The responsible authority will ensure that final beneficiaries make use of an appropriate accounting system in computerised form	Y/N	
4	The responsible authority will ensure that final beneficiaries implement the provisions on the visibility of the EU funding	Y/N	

3.7. Financial management of the project**Short description of the process***[involves the responsible authority and the delegated authority(ies)]*

	Key targets	Achieved?	Comments
--	--------------------	------------------	-----------------

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

1	Financial transactions will be approved by duly authorised persons	Y/N	
2	<p>Prior to making any payments/recoveries, verifications will be carried out in particular in order to monitor:</p> <ul style="list-style-type: none"> — the accuracy and the regularity of the payment request, with regard to the eligibility rules for the Fund(s) — that products and/or services co-financed by the project have actually been delivered — the accuracy, completeness and effective payment of other contributions received from public or private resources — that the results of any audit activity have been taken into account 	Y/N	
3	Verifications will be carried out in order	Y/N	

	to have a reasonable assurance of the legality and regularity of the underlying transactions		
4	Supervisory controls will be carried out throughout the programming period to ensure that the established financial procedures are respected.	Y/N	
5	Verifications will be performed on the complementarity with other Community financial programmes in order to avoid double funding	Y/N	

3.8. Irregularities, corrections and recoveries

Short description of the process*[This description should include the responsible authority, the delegated authority(ies) and the certifying authority]*

	Key targets	Achieved?	Comments
1	Definitions of irregularities are established and comply with the Community requirements	Y/N	
2	Mechanisms are in place to ensure that irregularities can be detected in due time and immediate corrective measures are taken	Y/N	
3	Procedures are in place to ensure that the Commission is kept informed of irregularities detected, and if appropriate, of any corrective measure taken in accordance with the	Y/N	

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

	obligations set out in this decision		
4	Procedures are in place to ensure a proper follow-up of recovery orders issued and, if applicable, of default interest	Y/N	
5	In case recovery orders cannot be cashed in, causes will be identified to evaluate whether Member States should reimburse the funds to the Community Budget or not	Y/N	

3.9. Preparation and implementation of audit missions

Short description of the process*[This description should include the audit authority and, as potential auditees, the responsible authority and the delegated authority(ies) and, as recipient of the conclusions, the certifying authority]*

	Key targets	Achieved?	Comments
1	The audit practice is in line with internationally accepted standards	Y/N	
2	An audit manual is established for use by the auditors on the basis of the requirements defined in the basic act	Y/N	
3	Audits will be carried out to verify the effective functioning of the management and control systems	Y/N	
4	The checks to be carried on the eligible expenditure will be based on an appropriate sample, and will consist of at least 10 % of eligible expenses	Y/N	

5	The verifications on eligible expenses will verify at least the compliance, effectiveness and efficiency of the following elements: selection procedure, objectives of the project, reality of the achievements, eligibility of the expenses, valid supporting documents for the expenses, national co-financing, audit trail	Y/N	
6	A follow-up of earlier recommendations will take place on a regular basis	Y/N	
7	The projects implemented by the responsible authority will be subject to robust scrutiny	Y/N	

3.10. Audit report on annual programmes and related declarations**Short description of the process/This description should involve the audit authority]**

	Key targets	Achieved?	Comments
1	Procedures are established to consolidate the conclusions of the systems audit and the audit of projects for each annual programme	Y/N	
2	Checks will be performed to assess the validity of the requests for payment	Y/N	
3	Further examination will be launched in case of systemic errors or errors over the materiality threshold are detected	Y/N	

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

4	The report and the related declarations will be approved by a duly authorised person	Y/N	
---	--	-----	--

3.11. Certification of expenditure

Short description of the process [involves primarily the certifying authority but also the responsible authority and the delegated authority(ies)]

	Key targets	Achieved?	Comments
1	Procedures are established to ensure that the necessary information is received from the responsible authority for the purpose of certification	Y/N	
2	Procedures are established to ensure that the audit report on each annual programme and the related declarations are received from the audit authority	Y/N	
3	Procedures are established to ensure that recoveries are taken into account for the final declaration of expenditure and to follow on-going legal proceedings or administrative appeals with suspensive effect regarding recoveries	Y/N	
4	Verifications will be performed to ensure the accuracy and completeness of the declaration of expenditure (in particular, on any interest generated by the pre-financing received from the Commission as well	Y/N	

	as its effective use as national contribution)		
5	In case of local currency, the methods used for the calculation in EUR comply with the rules defined by the Commission	Y/N	

3.12. Evaluation of the programme**Short description of the process [involves the responsible authority and the delegated authority(ies)]**

	Key targets	Achieved?	Comments
1	The guidance documents from the Commission on evaluations are disseminated widely and made available to all potential final beneficiaries and other interested parties	Y/N	
2	The key operational and financial indicators provided by the final beneficiaries to measure the achievements of the project will be recorded	Y/N	
3	The responsible authority (and/or delegated authorities) will ensure that the indicators provided are appropriate to measure the outcome and results of each project	Y/N	
4	Procedures are in place to ensure that the necessary evaluation will be carried out as required by the basic act	Y/N	

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

4. INFORMATION MANAGEMENT

4.1. Documentation on the procedures

Short description of the process [involves all authorities]

	Key targets	Achieved?	Comments
1	The authorities will ensure that the established procedures referred to in Article 7 of this decision comply with national and Community law (e.g. public procurement, accounting rules, etc.)	Y/N	
2	The procedures are approved by a duly authorised person	Y/N	
3	The established procedures set out clear instructions concerning each of the main operations and explain the decision-making circuits concerning the performance of functions	Y/N	
4	Arrangements are in place to ensure that all relevant staff is informed of the established procedures	Y/N	
5	Where appropriate, these procedures include the use of check-lists summarising the key controls to be performed	Y/N	
6	Arrangements are in place to ensure the protection of personal data	Y/N	

4.2. Accounting and book keeping

Short description of the process/involves the responsible authority, the delegated authority(ies) and the certifying authority]

	Key targets	Achieved?	Comments
1	<p>Arrangements are in place to ensure that accounting data is complete, reliable and correct. In particular, the accounting system will allow:</p> <ul style="list-style-type: none"> — a full traceability of the Community resources at the level of the final beneficiaries and projects — the identification of any interest generated by the pre-financing received from the Commission — the identification of recovery orders issued and if applicable, whether they have been cashed 	Y/N	
2	The accounting and financial reporting system complies with the national data protection legislation	Y/N	
3	The accounting and financial reporting system to be used will be in computerised form	Y/N	

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

4	A back-up system exists to guarantee the continuity of operations should the need arise	Y/N	
5	In case of local currency, the methods used for the calculation in Euro comply with the rules defined by the Commission	Y/N	

4.3. Reporting to the Commission

Short description of the process/involves all authorities]

	Key targets	Achieved?	Comments
1	Reporting obligations have been identified as well as the implications for resources	Y/N	
2	The established procedures allow proper, timely and complete input by the designated authorities	Y/N	
3	Reports are approved by a duly authorised person	Y/N	

4.4. Audit trail

Short description of the process/involves all authorities]

Where are the following documents kept?	Body/Unit in charge	How long for?
Description of the management and control systems including manual(s) of procedures		
Audit strategy		
National multi-annual programme and possible revisions		
National annual programmes and possible revisions		
European Commission Decisions on multi-annual and annual programmes		

Calls for proposals/Calls for tender		
Applicant files/Contract files		
Administrative, technical and financial analysis of proposals/tenders received (evaluation grids) and evaluation committee reports		
Funding decisions or rejections		
Project funding agreements		
Financial commitment decisions for each of the projects		
Progress reports and final reports submitted by funding recipients		
Financial reports and payment applications submitted by funded Project		
Supporting documents for expenditure and revenue for funded Project		
Payments/recovery authorisations for funding (proof of verifications performed)		
Payments/recovery orders for funding		
Proof of payments/recovery of funding		
Documentation related to the sampling methodology for the audit activity		
Reports on audits carried out on projects		
Reports on audits carried out at national level on management and control systems		
Audit reports on annual programmes		

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

Audit opinions on the management and control systems		
Audit declarations on the validity of the requests for payment		
Requests for payment sent to the European Commission		
Certification of expenditure sent to the European Commission		
Progress implementation reports sent to the European Commission		
Final implementation reports sent to the European Commission		
Proof of payment received from the European Commission		
Evaluation reports sent to the European Commission		

5. APPROVAL OF THE DESCRIPTION OF THE MANAGEMENT AND CONTROL SYSTEMS

Authority	Declaration	Date and signature
Responsible Authority	I certify the accuracy and completeness of the information about the identification and internal control systems of the Responsible Authority	Name: Function: Date:
		<i>signature</i>
Certifying Authority	I certify the accuracy and completeness of the information about the identification and internal control systems of the Certifying Authority	Name: Function: Date:
		<i>signature</i>
Audit Authority	I certify the accuracy and completeness of the information about the identification and internal	Name: Function: Date:

	control systems of the Audit Authority <i>and</i> I can confirm that what has been described provides a reliable picture of all the management and control systems	
		<i>signature</i>

ANNEX II

MODEL MULTI-ANNUAL PROGRAMME

- # Initial version
- # Revised version (number, date dd/mm/year) following dialogue with the Commission
- # Version revised in the light of evaluations and/or following implementation difficulties
- # Version revised following the revision of the strategic guidelines

MEMBER STATE:

FUND:

RESPONSIBLE AUTHORITY:

PERIOD COVERED:

1. SITUATION IN THE MEMBER STATE

A description of the baseline situation in the Member State in the policy field covered by the Fund's objectives

- 1.1. The national situation and the migratory flows affecting it
- 1.2. The measures undertaken by the Member State so far
- 1.3. The total national resources allocated

2. ANALYSIS OF REQUIREMENTS IN THE MEMBER STATE

- 2.1. The requirements in the Member State in relation to the baseline situation
- 2.2. The operational objectives of the Member State designed to meet its requirements

3. STRATEGY TO ACHIEVE THE OBJECTIVES

A description of how the Fund contributes to meeting the requirements, which priorities have been chosen and why

- 3.1. Priority 1
- 3.2. Priority 2
- 3.3. Etc.

Breakdown when presenting the information on the priorities chosen

- a) The objective(s) of the strategy and examples of key actions
- b) Description of target(s) concerned and the indicator(s) used
- c) If appropriate, an indication of which key actions are considered as implementing specific priorities under the chosen priority

4. COMPATIBILITY WITH OTHER INSTRUMENTS

An indication of how this strategy is compatible with other regional, national and Community instruments

4.1. Priority 1

4.2. Priority 2

4.3. Etc.

5. FRAMEWORK FOR IMPLEMENTATION OF THE STRATEGY

5.1. The publication of the programme

5.2. The approach chosen to implement the principle of partnership

6. INDICATIVE FINANCING PLAN

6.1. Community Contribution

6.1.1. Table

Multiannual Programme — Draft Financial Plan							
Table 1 Community Contribution							
Member State: [...]							
Fund: [...]							
<i>(in 000' EUR — current prices)</i>	2008	2009	2010	2011	2012	2013	Total
Priority 1: [...]							0
Priority 2: [...]							0
Priority 3: [...]							0
Priority ...: [...]							0
Technical Assistance							0
Total	0	0	0	0	0	0	0

6.1.2. Comments on the figures/trends

6.2. Overall financing plan

6.2.1. Table

Multiannual Programme — Draft Financial Plan							
Table 2 Overall Financing Plan							
Member State: [...]							
Fund: [...]							
<i>(in 000' EUR — current prices)</i>	2008	2009	2010	2011	2012	2013	Total
Community Contribution							
Public cofinancing							
Private cofinancing							
Total	0	0	0	0	0	0	0
% Community Contribution	%	%	%	%	%	%	%

6.2.2. Comments on the figures/trends

[signature of the responsible person]

ANNEX III

MODEL ANNUAL PROGRAMME

- # Initial version
- # Revised version (number, date dd/mm/year) following dialogue with the Commission
- # Version revised for other reasons

MEMBER STATE:

FUND:

RESPONSIBLE AUTHORITY:

YEAR COVERED:

1. GENERAL RULES FOR SELECTION OF PROJECTS TO BE FINANCED UNDER THE PROGRAMME
2. CHANGES IN THE MANAGEMENT AND CONTROL SYSTEMS (if appropriate)

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

3. ACTIONS TO BE SUPPORTED BY THE PROGRAMME UNDER THE PRIORITIES CHOSEN

3.1. Actions implementing priority 1

3.2. Actions implementing priority 2

3.3. Etc.

When presenting the actions under points 3.1 to etc., where relevant, provide a breakdown according to the description of categories of actions in the basic act

Aspects of the action presented when describing each action under points 3.1 to etc.

1. Purpose and scope of the action
2. Expected grant recipients
3. Where appropriate, justification regarding project(s) implemented directly by the responsible authority acting as an executing body
4. Expected quantified results and indicators to be used
5. Visibility of EC funding
6. Complementarity with similar actions financed by other EC instruments, if appropriate
7. Financial information
4. TECHNICAL ASSISTANCE
 - 4.1. Purpose of the technical assistance
 - 4.2. Expected quantified results
 - 4.3. Visibility of EC funding
5. DRAFT FINANCING PLAN

Annual Programme — Draft Financial Plan

Table 1 Overview table

Member State: [...]

Annual programme concerned: [...]

Fund: [...]

	Ref. priority	Ref. specific priority ^a	Community Contribution	Public Allocation	Private Allocation	Total	% CE	Share of total
<i>(all figures in EUR)</i>			(a)	(b)	(c)	(d = a + b + c)	(e = a/d)	(d/total d)
Action 1: [...]						0		

a If applicable.

b If applicable.

Action 2: [...]						0		
Action 3: [...]						0		
Action 4: [...]						0		
Action 5: [...]						0		
Action ...: [...]						0		
Action N: [...]						0		
Technical assistance						0		
Other operations ^b						0		
Total			0	0	0	0	%	100 %

a If applicable.

b If applicable.

[signature of the responsible person]

ANNEX IV

MODEL PROGRESS REPORT ON IMPLEMENTATION OF THE ANNUAL PROGRAMME

MEMBER STATE:

FUND:

RESPONSIBLE AUTHORITY:

YEAR COVERED:

A. Technical report

1. OPERATIONAL IMPLEMENTATION

1.1. Time table for the implementation of the programme

1.2. Description of the organisation of the selection of projects and tenders and their outcomes

1.3. Progress made in implementing the actions of the programme under the priorities chosen

1.3.1. Actions implementing Priority 1

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

1.3.2. Actions implementing Priority 2

Etc.

1.4. Use of technical assistance

1.5. Problems encountered and measures taken

2. FINANCIAL IMPLEMENTATION

Progress report on the implementation of the annual programme

Table 1 Financial report

Member State: [...]

Annual programme concerned: [...]

Situation at: [day/month/year]

Pre-financing payment(s) received from EC: [amount]

(all figures in EUR)	Ref. priority	Ref. specific priority	Programmed MS priority ^a			Committed at the level of the MS			EC contribution by MS final beneficiaries	Total eligible costs incurred to date by final beneficiaries
			Total programmed costs	EC contribution	% EC contribution	Total eligible costs	EC contribution	% EC contribution		
			(a)	(b)	(c = b/a)	(d)	(e)	(f = e/d)		
Action 1: [...]										
Action 2: [...]										
Action 3: [...]										
Action 4: [...]										
Action 5: [...]										
Action N: [...]										
Technical assistance										
Other operations ^b										
Total			0	0	0	0	0	0	0	0

a If applicable.

b If applicable.

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

B. Request for the second pre-financing payment

I, the undersigned [name in capitals of the person in charge],

representing the responsible authority for managing and implementing the [name of the Fund] request payment of the following amount as the second pre-financing payment.

EUR ^a	
a	Total amount requested to complement the first pre-financing.

[exact figure to two decimal places]

This request for payment is admissible because:

- a) a progress report on implementation of the annual programme has been submitted to the Commission or is attached;
- b) a certified declaration of expenditure drawn up accounting for at least 60 % of the amount of the first pre-financing has been submitted or is attached;
- c) the annual programme has been implemented according to the principle of sound financial management and there is a reasonable assurance that the underlying transactions are legal and regular;
- d) there is no reasoned opinion by the Commission in respect of an infringement under Article 226 of the Treaty, as regards the actions for which the expenditure is declared in the request.

Payment should be made by the Commission to:

Authority responsible for receiving payments	
Bank	
Bank account No	
Account holder (if not the same as the authority responsible for receiving payments)	
Date	Name in capital letters, stamp, position and signature of competent authority

ANNEX V

MODEL FINAL REPORT ON IMPLEMENTATION OF THE ANNUAL PROGRAMME

MEMBER STATE:

FUND:

RESPONSIBLE AUTHORITY:

YEAR COVERED:

- A. Technical report
 - 1. OPERATIONAL IMPLEMENTATION
 - 1.1. Time table on the implementation of the programme
 - 1.2. Update from the progress report on the description of the organisation of the selection of projects and tenders and their outcomes, if appropriate
 - 1.3. The achievements in implementing the actions of the programme under the priorities chosen
 - 1.3.1. Actions implementing priority 1
 - 1.3.2. Actions implementing priority 2
 - 1.3.3. Etc.

Aspects of the action presented when describing each action under point 1.3 to etc.

- 1. Purpose and scope of the action
- 2. Changes from the programme as approved by the Commission (if appropriate)
- 3. Monitoring activities undertaken during and after the implementation
- 4. Actual results
- 5. Assessment of the actual results in comparison to the targets and indicators set in the programme
- 1.4. The results of the technical assistance
- 1.5. Problems encountered and measures taken on the implementation of the programme
- 1.6. Procedures applied when the responsible authority implemented project(s) directly acting as an executing body (if appropriate)
- 1.7. Coherence and complementarity with other instruments
- 2. ASSESSMENT OF THE PROGRESS MADE IN IMPLEMENTING THE MULTI-ANNUAL PROGRAMME
- 3. MEASURES TAKEN TO PROVIDE INFORMATION ON THE PROGRAMME
 - 3.1. Measures taken to make the multi-annual⁽¹⁾ and annual programme public
 - 3.2. Implementation of the visibility principle
- 4. FINANCIAL IMPLEMENTATION

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

Final report on the implementation of the annual programme														
Table 1 Detailed financial report														
Member State: [...]														
Annual programme concerned: [...]														
Priority/other actions: [...]														
Situation at: [day/month/year]														
<i>(all figures in EUR)</i>			Programmed by MS			Committed at the level of the MS			Actual figures accepted by the Responsible Authority (costs incurred by the beneficiaries and final EC contribution)					
Action	Project	Ref. priority	Ref. specific priority	Total programme costs	EC contribution	% contribution	Total eligible costs	EC contribution	% contribution	Total eligible costs due	EC contribution paid	% contribution	EC contribution	EC contribution to pay/ to recover by the RA
				(a)	(b)	(c = b/a)	(d)	(e)	(f = e/d)	(g)	(h)	(i = h/g)	(j)	(k = h - j)
Action 1: [...]	project 1: [...]													
	project N: [...]													
Total Action 1														
Action [...]	project 1: [...]													
	project N: [...]													
Total Action...: [...]														
Action N: [...]	project 1: [...]													
	project N: [...]													
Total Action N														

a If applicable.

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

Technical assistance											
Other operations ^a											
Total	0	0	0 %	0	0	0 %	0	0	0 %	0	0

^a If applicable.

4.1. List of all pending recoveries at 30 June of the year N + 2 (N = year of this annual programme)

Final report on the implementation of the annual programme

Table 2 List of pending recovery orders

Member State: [...]

Fund: [...]

Situation at: [day/month/year]

Reference	Annual Programme	Project	Total amount to be recovered	EC contribution to be recovered	Deducted from the related financial report (Y/N)	Reasons for recovery

4.2. List of recovery orders **not** included in the financial reports of the previous annual programmes (if appropriate)

Final report on the implementation of the annual programme

Table 3 List of recovery orders not already deducted from previous declarations of expenditure

Member State: [...]

Fund: [...]

Situation at: [day/month/year]

Reference	Annual Programme	Project	Total amount recovered	EC contribution recovered	Date of recovery	Reasons for recovery

5. REPORTING ON IRREGULARITIES

Notification of new irregularities ^a ?	No	Yes (if Yes, fill in table 4)
---	----	-------------------------------

^a Since the last progress/final report sent to the Commission.

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

Final report on the implementation of the annual programme

Table 4 Initial reporting on irregularity

Member State: [...]

Situation at: [day/month/year]

Fund: [...]

Reference	Annual Programme	Project	Provision infringed of	Type of irregularity	Date/Source of first information	Method of detection	Possibility of fraud (Y/N)	Amount concerned in EUR (Community contribution)

a Since the last progress/final report sent to the Commission.

Follow-up of previous irregularities?

No

Yes (if Yes, fill in table 5)

Final report on the implementation of the annual programme

Table 5 Reporting of follow-up of irregularities

Member State: [...]

Situation at: [day/month/year]

Fund: [...]

Reference	Annual Programme	Project	Provision infringed of	Amount concerned (EC contrib.) in EUR	Follow-up actions	Recovery order (amounts in €)				Cancellation of EC contrib.
						Issued	Paid	Default interest	Waived	

6. ANNEXES

Summary description of individual projects (one page per project) presenting objectives, achievements, relevant indicators, financial table.

Final report on the implementation of the annual programme

Table 6

Report per project

Project reference and title: [...]	Priority: [...]
Final Beneficiary: [...]	Specific priority: [...]

Situation at: [day/month/year]	Action: [...]
--------------------------------	---------------

TECHNICAL SUMMARY

Objectives/achievements:

Relevant indicators:

Justification (in case of a specific priority):

FINANCIAL SUMMARY

<i>(all figures in EUR)</i>	Committed by the responsible authority	Requested by the final beneficiary	Accepted by the responsible authority	EC Contribution paid by the responsible authority	
a: Direct Costs				1st Pre-financing payment	
b: Indirect Costs				2nd Pre-financing payment	
c: Costs covered by assigned income (if applicable)				Final payment	
a + b + c: Total Eligible Costs	0	0	0	Recovery order	
d: EC contribution					
e: Contribution from final beneficiary and partners (public bodies)					
of which assigned income					
f: Contribution from final beneficiary and partners					

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

(non public bodies)						
g: Contribution from third parties						
h: Receipts generated by the project					EC contribution due	
d + e + f + g + h: Total Income	0	0	0		EC contribution still to pay/ to recover	
% EC Contribution/ Total Costs (d/(a + b + c))	%	%	%			

B. Request for payment of the balance/Statement of reimbursement

I, the undersigned [name in capitals of the person in charge],

representing the responsible authority for the [name of the Fund]

— request payment of the following amount:

EUR ^a	+
a Total amount requested to complement the pre-financing payment(s).	

[exact figure to two decimal places]

OR

— declare for reimbursement the following amount:

EUR ^a	—
a Total amount to be reimbursed after the clearing of the pre-financing payment(s).	

[exact figure to two decimal places]

This amount results from the balance between the total amount of pre-financing payment(s) received for this annual programme and the actual expenditure declared.

This request for payment is admissible because:

- a) a final report on implementation of the annual programme has been submitted to the Commission or is attached;
- b) a certified declaration of expenditure has been submitted or is attached;

- c) an annual audit report, an opinion on the functioning of the management and control system and a declaration on the validity of the payment request prepared by the audit authority have been submitted or are attached;
- d) any interest generated by the pre-financing payments has been posted to the annual programme, being regarded as national contribution and has been taken into account in the declaration of expenditure;
- e) the annual programme has been implemented according to the principle of sound financial management and there is a reasonable assurance that the underlying transactions are legal and regular;
- f) there is no reasoned opinion by the Commission in respect of an infringement under Article 226 of the Treaty, as regards the actions for which the expenditure is declared in the request.

Payment should be made by the Commission to:

Authority responsible for receiving payments	
Bank	
Bank account No	
Account holder (if not the same as the authority responsible for receiving payments)	
Date,	Name in capital letters, stamp, position and signature of competent authority

ANNEX VI

MODEL AUDIT STRATEGY

MEMBER STATE:

FUND(S):

RESPONSIBLE AUTHORITY:

1. THE AUDIT UNIVERSE
 - 1.1. Scope of the strategy (Funds covered)
 - 1.2. Period covered by the strategy
 - 1.3. Audit standards applied
2. RISK ASSESSMENT
 - 2.1. Risk identification and assessment
 - 2.2. Risk response and residual risk
3. OBJECTIVES AND PRIORITIES

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

- 3.1. Objectives of the audits
- 3.2. Priorities for the audits
- 4. AUDIT APPROACH
- 4.1. System audits
 - 4.1.1. The responsible body/-ies for the audit work
 - 4.1.2. The authorities to be audited
 - 4.1.3. Horizontal issues to be covered by the system audits
 - 4.1.4. Indicative multi-annual plan for system audits (if possible)
- 4.2. Audits of projects
 - 4.2.1. The responsible body/-ies for the audit work
 - 4.2.2. Description of the sampling methodology
- 5. AUDIT PLANS COVERING CALENDAR YEARS 2007 AND 2008
- 5.1. Year 2007⁽²⁾

Year 2007

System audits

Funds	Authorities concerned	Processes concerned	Scope of the audit	Man-days	Planning

Audits of projects

Funds	Programme Year	Priority	Project	Final Beneficiaries	Total eligible costs of the project	Costs to be audited	Man-days	Planning

5.2. Year 2008

Insert data using the model table defined for year 2007

Annex(es) to the audit strategy⁽³⁾: Annual plans

MEMBER STATE:

FUND:

RESPONSIBLE AUTHORITY:

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

CALENDAR YEAR COVERED:

1. CHANGES TO THE AUDIT STRATEGY, WHERE APPLICABLE
2. MAIN RESULTS OF AUDITS OF THE PREVIOUS YEAR
3. AUDIT PLAN YEAR 20XX

Insert data using the model table defined for year 2007

ANNEX VII

MODEL REPORT BY THE AUDIT AUTHORITY

MEMBER STATE:

FUND:

RESPONSIBLE AUTHORITY:

ANNUAL PROGRAMME COVERED BY THE REPORT:

- A. Annual audit report
 1. GENERAL INFORMATION
 - 1.1. The bodies that have been involved in preparing the report
 - 1.2. Identification and justification of major changes in the implementation of the audit plans related to the annual programme concerned
 - 1.3. Summary table of the results of the audits

Audit report

Member State: [...]

Annual programme concerned: [...]

Situation at: [day/month/year]

System audits closed since last report

Fund(s)	Authorities concerned	Processes concerned	Scope of the audit	Man-days spent	Date of final report

Audits of projects linked to annual programme 20xx

Fund(s)	Project	Final Beneficiary	Total Eligible Costs	Eligible Costs audited	Financial correction	Error rate
			(a)	(b)	(c)	(d = c/b)

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

Total		0	0	0		%
Total annual programme		(e)	(f)			Coverage rate: (=f/e)

2. SYSTEMS AUDITS

2.1. The bodies that carried out audits

2.2. A summary list of the audits carried out

2.3. The principal findings, recommendations and the conclusions drawn from the audit work for the management and control systems

2.4. Financial impact of the audit findings

2.5. Additional work, where appropriate

2.6. Indication whether any problems identified were considered to be systemic in nature and the measures taken, including a quantification of any financial corrections

2.7. Information on the follow-up of the audit recommendations

3. AUDITS ON PROJECTS

3.1. The bodies that carried out the audits

3.2. A summary list of audits carried out and the percentage of expenditure checked in relation to total eligible expenditure declared to the Commission

3.3. The principal findings, recommendations and conclusions of the audits with regard to the projects implemented

3.4. The conclusions drawn from the results of the audits with regard to the effectiveness of the management and control system

3.5. Financial impact of the audit findings

3.6. Additional work, where appropriate

3.7. Information on the follow-up of audit recommendations

3.8. Indication whether any problems identified were considered to be systemic in nature and the measures taken, including a quantification of any financial corrections

4. FOLLOW UP OF AUDIT ACTIVITY COVERED BY PREVIOUS REPORTS, IF APPROPRIATE

- 4.1. Information on the follow-up to previous system audit recommendations
- 4.2. Information on results of audits of actions of a systemic nature from previous annual programmes

[signature of the responsible person]

B. Opinion on the functioning of the management and control systems

To the European Commission

1. INTRODUCTION

I, the undersigned, representing the [name of audit authority designated by Member State], have examined the functioning of the management and control systems in the [name of the Fund] regarding the actions implemented under the Annual Programme for the year [20XX], in order to issue an opinion on whether the systems functioned effectively so as to provide reasonable assurance that declarations of expenditure presented to the Commission are correct and, as a consequence, reasonable assurance that the underlying transactions are legal and regular.

2. SCOPE OF THE EXAMINATION

The examination was carried out in accordance with the audit strategy in respect of this Fund during the period [dd/mm/year] to [dd/mm/year] and reported in the annual audit report under section A.

Either

There were no limitations on the scope of the examination.

Or

The scope of the examination was limited by the following factors:

- a) [...]
- b) [...]
- c) Etc.

(Indicate any limitation on the scope of the examination, for example any systemic problems, weaknesses in the management and control system, lack of supporting documentation, cases under legal proceedings, etc., and estimate the amounts of expenditure and the Community contribution affected. If the audit authority does not consider that the limitations have an impact on the expenditure declared, this should be stated.)

3. OPINION

Either (Unqualified opinion)

Based on the examination referred to above, it is my opinion that, for the above-mentioned Annual Programme, the management and control systems established for the [name of the Fund] complied with the applicable requirements of the basic act Decision No 575/2007/EC [and Commission Decision 2008/458/EC] and functioned effectively so as to provide reasonable assurance that declarations of expenditure presented to the Commission are correct and, as a consequence, reasonable assurance that the underlying transactions are legal and regular.

Or (Qualified opinion)

Based on the examination referred to above, it is my opinion that, for the above-mentioned Annual Programme, the management and control systems established for the [name of the Fund] complied with the applicable requirements of the basic act Decision No 575/2007/EC [and Commission Decision 2008/458/EC] and functioned effectively so as to provide reasonable assurance that declarations of expenditure presented to the Commission are correct and, as a consequence, reasonable assurance that the underlying transactions are legal and regular, except in the following respects:

- a) [...]
- b) [...]
- c) Etc.

My reasons for considering that this (these) aspect(s) of the systems did not comply with the requirements and/or did not operate in such a way as to give a reasonable assurance on the correctness of the declarations of expenditure presented to the Commission are as follows:

- a) [...]
- b) [...]
- c) Etc.

I estimate the impact of the qualification(s) to be [...] % of the total expenditure declared. The Community contribution affected is thus [...]

Or (Adverse opinion)

Based on the examination referred to above, it is my opinion that, for the above-mentioned Annual Programme, the management and control system established for the [name of the Fund] did not comply with the requirements of Articles [...] of the basic act Decision No 575/2007/EC [and Commission Decision 2008/458/EC] and did not function effectively so as to provide reasonable assurance that declarations of expenditure presented to the Commission are correct and, as a consequence, does not provide reasonable assurance that the underlying transactions are legal and regular.

This adverse opinion is based on:

- a) [...]
- b) [...]
- c) Etc.

Date

Signature

[signature of the responsible person]

C. Validation of the payment request

To the European Commission

1. INTRODUCTION

I, the undersigned, representing the (name of the Audit Authority designated by Member State), have, for the annual programme [20xx] of the [name of the Fund], examined the results of the

audit work carried out on this annual programme [and have carried out the additional work I judged necessary as set out in the report].

I have planned and performed this work with a view to assessing whether the request for payment of the balance of the Community contribution to the annual programme [20xx] is valid and the underlying transactions covered by the declarations of expenditure regarding this annual programme are legal and regular.

2. SCOPE OF THE EXAMINATION

Either

There were no limitations on the scope of the examination.

Or

The scope of the examination was limited by the following factors:

- a) [...]
- b) [...]
- c) Etc.

3. OPINION

Either (Unqualified opinion)

Based on the examination referred to above, it is my opinion that the declarations of expenditure present fairly, in all material respects, the expenditure paid under the annual programme and that the request for payment of the balance of the Community contribution to this annual programme is valid.

Or (Qualified opinion)

Based on the examination referred to above, it is my opinion that the declarations of expenditure present fairly, in all material respects, the expenditure paid under the annual programme and that the request for payment of the balance of the Community contribution to this annual programme is valid, except with regard to the following points:

- a) [...]
- b) [...]
- c) Etc.

I estimate the impact of these qualifications to be ... of the total expenditure declared. The Community contribution affected is thus.....

Or (Adverse opinion)

Based on the examination referred to above, it is my opinion that the declarations of expenditure do not present fairly, in all material respects, the expenditure paid under the annual programme and that, as a consequence, the request for payment of the balance of the Community contribution to this annual programme is not valid.

Date

Signature

[signature of the responsible person]

ANNEX VIII

MODEL DECLARATION OF EXPENDITURE FOR THE SECOND PRE-FINANCING
MEMBER STATE:

FUND:

CERTIFYING AUTHORITY:

ANNUAL PROGRAMME COVERED BY THE CERTIFICATION:

I, the undersigned, [name of the person in charge]

representing the certifying authority designated for the [name of the Fund]

hereby certify that all expenditure included in the progress report on the implementation of the annual programme amounts to:

EUR ^a	
a	Total amount of eligible expenditure paid by final beneficiaries or used for the technical assistance.

[exact figure to two decimal places]

I also certify that actions are progressing in pursuance with the objectives laid down in the Commission Decision adopting the annual programme and in accordance with the basic act and its implementing rules, and in particular, that:

- 1) the declaration of expenditure is accurate, results from reliable accounting systems and is based on verifiable supporting documents;
- 2) the expenditure declared complies with the applicable Community and national rules and has been incurred in respect of actions selected for funding in accordance with the criteria applicable to the annual programme and the applicable Community and national rules, in particular with public procurement rules;
- 3) for the purpose of certification, I have received adequate information from the Responsible Authority on the procedures and verifications carried out in relation to expenditure included in statements of expenditure;
- 4) the declaration of expenditure and the request for the second pre-financing payment take account, where applicable, of any amounts recovered and of any interest received under the annual programme.

This declaration of expenditure is based on accounts provisionally closed on [dd/mm/20yy].

In accordance with Article 43 of the basic act, the supporting documents are and will continue to be available for at least five years following the closure of the annual programme by the Commission.

Date	Name in capital letters, stamp, position and signature of certifying authority
------	--

ANNEX IX

MODEL DECLARATION OF EXPENDITURE FOR PAYMENT OF THE BALANCE

MEMBER STATE:

FUND:

CERTIFYING AUTHORITY:

ANNUAL PROGRAMME COVERED BY THE CERTIFICATION:

I, the undersigned, [name of the person in charge]

representing the certifying authority designated for the [name of the Fund]

hereby certify that all expenditure included in the final report on the implementation of the annual programme amounts to:

EUR ^a	
a	Total amount of eligible expenditure paid by final beneficiaries or used for the technical assistance.

[exact figure to two decimal places]

I also certify that actions are progressing in pursuance with the objectives laid down in the Commission Decision adopting the annual programme and in accordance with the basic act, and in particular that:

- 1) the declaration of expenditure is accurate, results from reliable accounting systems and is based on verifiable supporting documents;
- 2) the expenditure declared complies with the applicable Community and national rules and has been incurred in respect of actions selected for funding in accordance with the criteria applicable to the annual programme and the applicable Community and national rules, in particular with public procurement rules;
- 3) I have a reasonable assurance that the underlying transactions are legal and regular;
- 4) for the purpose of certification, I have received adequate information from the Responsible Authority on the procedures and verifications carried out in relation to expenditure included in statements of expenditure;
- 5) the results of all audits carried out by or under the responsibility of the audit authority have been duly taken into account;
- 6) the declaration of expenditure and the request for the balance payment take account, where applicable, of any amounts recovered and of any interest received under the annual programme.

This declaration of expenditure is based on accounts closed on [dd/mm/20yy].

In accordance with Article 43 of the basic act, the supporting documents are and will continue to be available for at least five years following the closure of the annual programme by the Commission.

Date	Name in capital letters, stamp, position and signature of certifying authority
------	--

ANNEX X

INSTRUCTIONS CONCERNING THE EMBLEM
AND DEFINITION OF THE STANDARD COLOURS

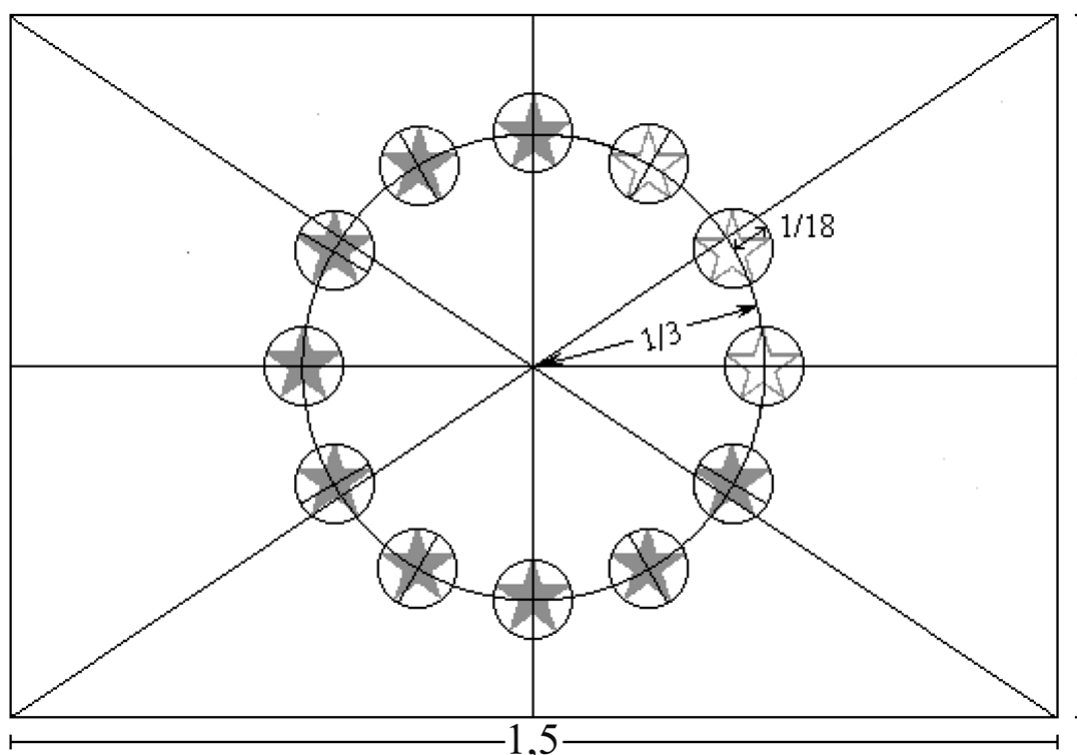
Symbolic description

Against a background of blue sky, twelve golden stars form a circle representing the union of the peoples of Europe. The number of stars is fixed, twelve being the symbol of perfection and unity.

Heraldic description

On an azure field a circle of twelve golden mullets, their points not touching.

Geometric description



The emblem has the form of a blue rectangular flag of which the fly is one and a half times the length of the hoist. Twelve gold stars situated at equal intervals form an invisible circle whose centre is the point of intersection of the diagonals of the rectangle. The radius of the circle is equal to one third of the height of the hoist. Each of the stars has five points which are situated on the circumference of an invisible circle whose radius is equal to one eighteenth of the height of the hoist. All the stars are upright, i.e. with one point vertical and two points in a straight line at right angles to the mast. The circle is arranged so that the stars appear in the position of the hours on the face of a clock. Their number is invariable.

Regulation colours

The emblem is in the following colours: PANTONE REFLEX BLUE for the surface of the rectangle; PANTONE YELLOW for the stars.

Four-colour process

If the four-colour process is used, recreate the two standard colours by using the four colours of the four-colour process.

PANTONE YELLOW is obtained by using 100 % 'Process Yellow'.

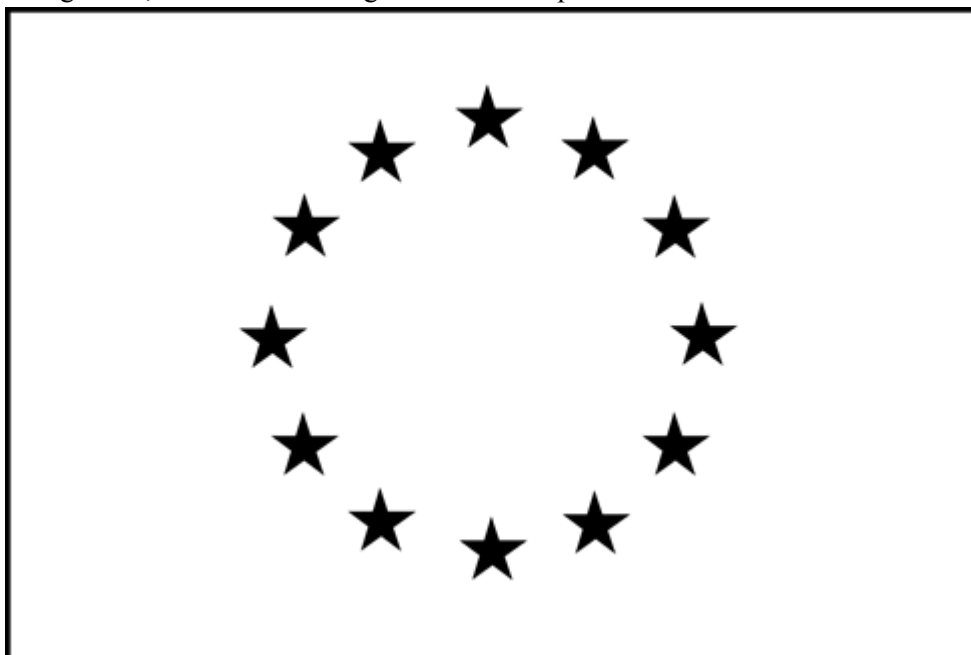
PANTONE REFLEX BLUE is obtained by mixing 100 % 'Process Cyan' and 80 % 'Process Magenta'.

Internet

In the web-palette PANTONE REFLEX BLUE corresponds to colour RGB:0/0/153 (hexadecimal: 000099) and PANTONE YELLOW to colour RGB:255/204/0 (hexadecimal: FFCC00).

Monochrome reproduction process

Using black, outline the rectangle in black and print the stars in black on white.



Using blue (Reflex Blue), use 100 % with the stars reproduced in negative white.



Reproduction on a coloured background

If there is no alternative to a coloured background, put a white border around the rectangle, the width of the border being 1/25th of the height of the rectangle.



ANNEX XI

RULES ON THE ELIGIBILITY OF EXPENDITURE — EUROPEAN RETURN FUND

I. General principles

I.1. Basic Principles

1. In accordance with the basic act, for it to be eligible, expenditure must be:
 - a) within the scope of the Fund and within its objectives, as described in Articles 1, 2 and 3 of the basic act;
 - b) within the eligible actions and measures listed in Articles 4 and 5 of the basic act;
 - c) needed to carry out the activities covered by the project, forming part of the multiannual and annual programmes, as approved by the Commission;
 - d) reasonable and comply with the principles of sound financial management, in particular, value for money and cost-effectiveness;

- e) incurred by the final beneficiary and/or the partners in the project, who shall be established and registered in a Member State, except in the case of international governmental organisations that pursue the same objectives laid down in the basic act. With regard to Article 39(2) of this Decision, the rules applicable to the final beneficiary shall apply *mutatis mutandis* to the partners in the project;
- f) linked to the target groups defined in Article 7 of the basic act;
- g) incurred in accordance with the specific provisions in the grant agreement.
2. In the case of multiannual actions within the meaning of Article 15(6) of the basic act, only the part of the action co-financed by an annual programme is considered to be a project for the application of these eligibility rules.
3. Projects supported by the Fund shall not be financed by other sources covered by the Community budget. Projects supported by the Fund shall be co-financed by public or private sources.

I.2. Budget of a project

The budget of a project shall be presented as follows:

Expenditure		Income	
+	Direct costs (<i>DC</i>)	+	contribution from the EC (<i>defined as the lowest of the three amounts indicated in Article 12 of this Decision</i>)
+	Indirect costs (<i>fixed percentage of DC, defined in the grant agreement</i>)	+	contribution from the final beneficiary and the partners in the project ¹ ^a
+	Costs covered by assigned income (if applicable)	+	contribution from third parties
		+	receipts generated by the project
= Total Eligible Cost (TEC)		= Total Income	

^a Including assigned income as described in point IV.

The budget shall be balanced: Total Eligible Cost shall be equal to Total Income.

I.3. Income and Non-Profit Principle

1. Projects supported by the Fund must be of a non-profit-making nature. If, at the end of the project, the sources of income, including receipts, exceed expenditure, the contribution to the project from the Fund shall be reduced accordingly. All sources of income for the project must be recorded in the final beneficiary's accounts or tax documents, and must be identifiable and controllable.
2. Project income shall come from all financial contributions granted to the project by the Fund, from public or private sources, including the final beneficiary's own contribution, and from any receipts generated by the project. 'Receipts' for the purpose of this rule covers revenue received by a project during the eligibility period as described in point I.4, from sales, rentals, services, enrolment/fees or other equivalent income.

3. The Community contribution resulting from the application of the principle of non-profit, as referred to under Article 12(c) of this Decision, will be the ‘total eligible cost’ minus the ‘contribution from third parties’ and ‘receipts generated by the project’.
- I.4. Eligibility Period
 1. Costs relating to a project must be incurred and the respective payments (except for depreciation) made after 1 January of the year referred to in the financing decision approving the annual programmes of the Member States. The eligibility period is until 31 December of the year N⁽⁴⁾ +1, meaning that the costs relating to a project must be incurred before this date.
 2. An exception to the above-mentioned eligibility period is made for technical assistance for Member States (refer to point V(3)).
- I.5. Record of expenditure
 1. Expenditure shall correspond to payments made by the final beneficiary. These must be in the form of financial (cash) transactions, with the exception of depreciation.
 2. As a rule, expenditure shall be justified by official invoices. Where this cannot be done, expenditure shall be supported by accounting documents or supporting documents of equivalent evidential value.
 3. Expenditure must be identifiable and verifiable. In particular,
 - a) it must be recorded in the accounting records of the final beneficiary;
 - b) it must be determined in accordance with the applicable accounting standards of the country where the final beneficiary is established and with the usual cost accounting practices of the final beneficiary; and
 - c) it must be declared in accordance with the requirements of applicable tax and social legislation.
 4. Where applicable, the final beneficiaries are obliged to keep certified copies of the accounting documents justifying income and expenditure incurred by the partners in relation to the project concerned.
 5. The storage and processing of such records must comply with the national data protection legislation.
- I.6. Territorial scope
 1. Expenditure for actions and measures described in Articles 4 and 5 of the basic act must be:
 - a) incurred by the final beneficiaries defined in point I.1(e); and
 - b) incurred in the territory of the Member States or of third countries.
 2. Partners in the project registered and established in third countries may participate in projects on a no-cost basis, except in the case of international governmental organisations. Therefore, costs incurred by these partners are ineligible.
- II. Categories of eligible costs (at project level)
 - II.1. Direct eligible costs

The direct eligible costs of the project are costs that, with due regard to the general conditions of eligibility set out in part I above, are identifiable as specific costs directly linked to the implementation of the project. Direct costs shall be included in the estimated overall budget of the project.

The following direct costs are eligible:

II.1.1. *Staff costs*

II.1.1.1. General rules

1. Direct costs for staff are eligible only for persons that have a key and direct role in the project, such as project managers and other staff operationally involved in the project, for example planning project activities, implementing (or monitoring) operational activities, delivering services to the final recipients of the project, etc.

Costs for other members of staff in the final beneficiary organisation who only provide a supporting role (such as the general manager, accountant, procurement support, human resources support, information technology support, administrative assistant, receptionist, etc.) are not eligible as direct costs and are considered to be indirect costs (see point II.2).

2. Staff costs shall be detailed in the forward budget, indicating functions, number of staff and names.

If the names of the persons are not yet known or cannot be disclosed, indication shall be provided of the professional and technical capacities of the persons set to implement the relevant functions/tasks within the project.

3. The cost of staff assigned to the project, i.e. salaries and social security contributions and other statutory costs, shall be eligible, provided that this does not exceed the average rates as regards the final beneficiary's usual policy on remuneration. Where applicable, this figure may include all the usual contributions paid by the employer, but it must exclude any bonuses, incentive payments or profit-sharing schemes. Levies, taxes or charges (in particular, direct taxes and social security contributions on wages) arising from projects co-financed by the Fund amount to eligible costs only where they are actually borne by the final beneficiary of the grant.

II.1.1.2. Specific conditions for staff costs of public bodies

Staff costs of public bodies implementing the project are considered to be direct eligible costs only in the following situations:

- a) a person contracted by the final beneficiary solely for the purpose of implementing the project;
- b) a person employed on a permanent basis by the final beneficiary who:
 - fulfils tasks specifically linked to the implementation of the project on the basis of overtime remuneration, or
 - is seconded by a duly documented decision of the organisation to tasks that are specifically linked to the implementation of the project which do not form part of his/her normal routine and he/she is replaced for his/her usual tasks by another person recruited by the organisation.

II.1.2. *Travel and subsistence costs*

1. Travel and subsistence costs are only eligible as direct costs for:

- a) staff of the final beneficiary whose costs are eligible as defined in point II.1.1;
 - b) in duly exceptional and justified cases, staff of the final beneficiary providing a supporting role as defined in point II.1.1;
 - c) other persons outside the final beneficiary who participate in the activities of the project. In this case, attendance lists should be kept as supporting evidence.
2. Travel costs shall be eligible on the basis of the actual costs incurred. Reimbursement rates shall be based on the cheapest form of public transport and flights shall, as a rule, be permitted only for journeys over 800 km (return trip), or where the geographical destination justifies travelling by air. Boarding passes must be kept. Where a private car is used, reimbursement is normally made either on the basis of the cost of public transport, or on the basis of mileage rates in accordance with published official rules in the Member State concerned or used by the final beneficiary.
 3. Subsistence costs shall be eligible on the basis of real costs or a daily allowance. Where an organisation has its own daily rates (subsistence allowances), they shall be applied within ceilings established by the Member State in accordance with national legislation and practice. Subsistence allowances are normally understood to cover local transport (including taxis), accommodation, meals, local telephone calls and sundries.

II.1.3. *Equipment*

II.1.3.1. General rules

1. Costs pertaining to the acquisition of equipment (based on depreciation of purchased assets, leasing or rental) are only eligible if they are essential to the implementation of the project. Equipment shall have the technical properties needed for the project and comply with applicable norms and standards.
2. Costs for day-to-day administrative equipment (such as printer, laptop, fax, copier, phone, cabling, etc.) are not eligible as direct costs and are to be considered as indirect costs (see point II.2).
3. The choice between leasing, rental or purchase must always be based on the least expensive option. However, if leasing or renting are not possible because of the short duration of the project or the rapid depreciation in value, purchase is accepted and the costs related to depreciation, as described below, may be eligible on the basis of national depreciation rules.

II.1.3.2. Renting and leasing

Expenditure in relation to renting and leasing operations is eligible for co-financing subject to the rules established in the Member State, national legislation and practice and the duration of the rental or lease for the purpose of the project.

II.1.3.3. Purchasing

1. Where equipment is purchased before or during the lifetime of the project, only the portion of equipment depreciation corresponding to the duration of use for the project and the rate of actual use for the project is eligible.
2. Equipment that was purchased before the lifetime of the project, but which is used for the purpose of the project, is eligible on the basis of depreciation. However these costs are ineligible if the equipment was originally purchased through a Community grant.

3. Purchase costs of equipment shall correspond to normal market costs and the value of the items concerned is written off in accordance with the tax and accounting rules applicable to the final beneficiary.
4. For individual items costing below 1 000 euros, the full purchase cost is eligible, provided that the equipment is purchased during the first three months of the project.

II.1.4. *Real estate*

II.1.4.1. General rules

In the case of either purchase of real estate, construction or renovation of real estate, or rental of real estate, it shall have the technical properties needed for the project and comply with the applicable norms and standards.

II.1.4.2. Purchase, construction or renovation

1. Where the acquisition of real estate is essential for implementation of the project and is clearly linked with its objectives, the purchase of real estate, i.e. buildings already constructed, or construction of real estate, is eligible for co-financing under the conditions set out below, without prejudice to the application of stricter national rules:
 - a) A certificate shall be obtained from an independent qualified valuer or duly authorised official body establishing that the price does not exceed the market value, either attesting that the real estate is in conformity with national regulations or specifying the points which are not in conformity that the final beneficiary plans to rectify as part of the project;
 - b) The real estate has not been purchased through a Community grant at any time prior to the implementation of the project;
 - c) The real estate is to be used solely for the purpose stated in the project for a period of at least five years after the end date of the project unless the Commission specifically authorises otherwise;
 - d) Only the portion of the depreciation of these assets corresponding to the duration of use for the project and the rate of actual use for the project is eligible. Depreciation shall be calculated according to national accounting rules.
2. In the case of renovation, only conditions (c) and (d) above apply.

II.1.4.3. Rental

Rental of real estate is eligible for co-financing where there is a clear link between the rental and the objectives of the project concerned, under the conditions set out below and without prejudice to the application of stricter national rules:

- a) The real estate shall not have been purchased through a Community grant;
- b) The real estate should only be used for implementation of the project. If not, only the portion of the costs corresponding to the use for the project is eligible.

II.1.4.4. Office space for the final beneficiary

Costs for the purchase, construction, renovation or rental of office space for the routine activities of the final beneficiary are not eligible. Such costs are considered to be indirect costs (see point II.2).

II.1.5. *Consumables, supplies and general services*

1. The costs of consumables, supplies and general services are eligible provided that they are identifiable and directly necessary for the implementation of the project.
2. However, office supplies as well as all kinds of small administrative consumables, supplies, hospitality costs and general services (such as telephone, internet, postage, office cleaning, utilities, insurance, staff training, recruitment, etc.) are not direct eligible costs; they are included in indirect costs, as referred to in point II.2.

II.1.6. *Subcontracting*

1. As a general rule, final beneficiaries must have the capacity to carry out the activities relating to the project themselves. Therefore, subcontracting must be limited and shall not exceed 40 % of the direct eligible costs of a project unless duly justified and approved in advance by the responsible authority.
2. Expenditure relating to the following subcontracts is ineligible for co-financing by the Fund:
 - a) subcontracting of tasks relating to the overall management of the project;
 - b) subcontracting that adds to the cost of the project without adding proportionate value to it;
 - c) subcontracting with intermediaries or consultants where payment is defined as a percentage of the total cost of the project, unless such payment is justified by the final beneficiary by reference to the actual value of the work or services provided.
3. For all subcontracts, subcontractors shall undertake to provide all audit and control bodies with all the necessary information relating to subcontracted activities.

II.1.7. *Costs deriving directly from the requirements linked to EU co-financing*

Costs needed to meet the requirements linked to EU co-financing, such as publicity, transparency, evaluation of the project, external audit, bank guarantees, translation costs, etc., are eligible as direct costs.

II.1.8. *Expert fees*

Legal consultancy fees, notarial fees and costs of technical and financial experts are eligible.

II.1.9. *Specific expenses in relation to the target groups*

1. Specific expenses for the target groups in accordance with the measures listed in Article 5 of the basic act will consist of full or partial support in the form of:
 - a) Costs incurred by the beneficiary for the target groups;
 - b) Costs incurred by returnees which are then reimbursed by the final beneficiary; or
 - c) Non-reimbursable lump sums (as in the case of limited start-up support for economic activities and cash incentives for returnees, as described in Article 5(8) and (9) of the basic act).
2. These costs are eligible under the following conditions:

- a) The final beneficiary shall keep the necessary information and evidence that the persons correspond to the specific target groups and situations defined in Article 5 of the basic act making them eligible to receive such assistance;
- b) The final beneficiary shall keep the necessary information on the returnees receiving this assistance to allow proper identification of these persons, the date of their return to their country, and evidence that these persons have received this assistance;
- c) The final beneficiary shall keep evidence of the support provided (such as invoices and receipts) and in the case of lump-sums evidence must be kept that the persons have received this support.

The storage and processing of the above-mentioned information must comply with national data protection legislation.

3. Assistance measures following the return to the third country, such as training and employment assistance, short-term measures necessary for the reintegration process and post-return assistance as described in Article 5(5), (8) and (9) of the basic act respectively shall not exceed the duration of six months following the date of the return of the third-country national.

II.2. Indirect eligible costs

1. Indirect costs relate to categories of expenditure that are not identifiable as specific costs directly linked to the project. A fixed percentage of the total amount of *direct eligible costs* may be eligible as indirect costs, provided that:
 - a) the indirect costs are kept to a minimum and the exact percentage of indirect costs is set by the Member State in relation to needs;
 - b) the indirect costs are anticipated in the forward budget of the project;
 - c) the indirect costs do not include costs assigned to another heading of the budget for the project;
 - d) the indirect costs are not financed from other sources. Organisations receiving an operating grant received from the EU budget and/or from the Member States cannot include indirect costs in their forward budget;
 - e) as a general rule, the fixed percentage of indirect costs in relation to the total amount of direct eligible costs does not exceed 20 %. However, the fixed percentage of indirect costs shall not exceed 10 %:
 - where the responsible authority acts as an executing body as defined in Article 7(3), or
 - where subcontracting exceeds 40 % of the eligible direct costs.
2. The percentage allocated to indirect costs shall cover the following costs in particular:
 - a) staff costs that are ineligible as direct costs as per point II.1.1.1 (1);
 - b) administration and management expenses, such as costs identified in II.1.5.2;
 - c) bank fees and charges (except bank guarantees as defined in section II.1.7);
 - d) depreciation of real estate and maintenance costs when linked to day-to-day administrative operations, such as costs identified in II.1.4.4;
 - e) all costs linked to the project but excluded from section II.1 — ‘Direct Eligible Costs’.

III. Ineligible expenditure

The following costs are not eligible:

- a) VAT, except where the final beneficiary can show that he is unable to recover it;
- b) return on capital, debt and debt service charges, debit interest, foreign exchange commissions and exchange losses, provisions for losses or potential future liabilities, interest owed, doubtful debts, fines, financial penalties, litigation costs, and excessive or reckless expenditure;
- c) entertainment costs exclusively for project staff. Reasonable hospitality costs at social events justified by the project, such as an event at the end of the project or meetings of the project steering group, are permitted;
- d) costs declared by the final beneficiary and covered by another project or work programme receiving a Community grant;
- e) purchase of land;
- f) staff costs for officials who contribute to project implementation by accomplishing tasks that are part of their normal routine;
- g) contributions in kind.

IV. Costs covered by assigned income

1. In duly substantiated cases, co-financing of the project as regards the contribution from the final beneficiary and the partners in the project may be made up in part of contributions in terms of work carried out by permanent officials employed by these bodies and involved in the project. In this case these costs are not eligible as direct or indirect staff costs as defined under points II.1.1 and II.2 but as costs covered by assigned income.
2. Such contributions shall not exceed 50 % of the total contribution given by the final beneficiary. In this case, the following rules shall apply:
 - a) tasks of public officials are specifically linked to implementation of the project and do not arise from the statutory responsibilities of the public authority;
 - b) public officials entrusted with implementing a project are seconded by a duly documented decision of the competent authority;
 - c) the value of these contributions can be audited and may not exceed the costs actually borne and duly supported by accounting documents of the public authority.

V. Technical assistance at the initiative of member states

1. At the initiative of each Member State, the following technical assistance measures are eligible for each annual programme, within the limits specified in Article 17 of the basic act:
 - a) expenditure relating to the preparation, selection, appraisal, management and monitoring of actions (including computer equipment and consumables);
 - b) expenditure relating to audits and on-the-spot checks of actions or projects;
 - c) expenditure relating to evaluations of actions or projects;

- d) expenditure relating to information, dissemination and transparency in relation to actions;
 - e) expenditure on the acquisition, installation and maintenance of computerised systems for the management, monitoring and evaluation of the Funds;
 - f) expenditure on meetings of monitoring committees and sub-committees relating to the implementation of actions. This expenditure may also include the costs of experts and other participants in these committees, including third-country participants, where their presence is essential to the effective implementation of actions;
 - g) expenditure on salaries, including social security contributions, although only in the following cases:
 - civil servants or other public officials seconded by duly documented decision of the competent authority to carry out tasks referred to in points a) to f),
 - other staff employed to carry out tasks referred to in points a) to f),
 - the period of secondment or employment may not exceed the final date for the eligibility of expenditure laid down in the decision approving the assistance.
2. Technical assistance may finance expenses incurred by any of the following bodies: responsible authority, delegated authority, audit authority, certifying authority.
3. Activities linked to technical assistance must be performed and the corresponding payments made after 1 January of the year referred to in the financing decision approving the annual programmes of Member States. The eligibility period lasts until the end of June of the year N⁽⁵⁾ +2 or any later date compatible with the deadline for the submission of the final report on implementation of the annual programme.
4. Any procurement must be carried out in accordance with national procurement rules established in the Member State.
5. Member States may implement technical assistance measures for this Fund together with technical assistance measures for some or all of the four Funds. However, in that case only the portion of the costs used to implement the common measure corresponding to this Fund shall be eligible for financing under this Fund, and Member States shall ensure that:
- a) the portion of costs for common measures is charged to the corresponding Fund in a reasonable and verifiable manner; and
 - b) there is no double financing of costs.

- (1) Applicable only for the final report on implementation of the first annual programme.
- (2) If applicable.
- (3) To be submitted after the audit strategy, in accordance with article 25(2).
- (4) Where 'N' is the year referred to in the financing decision approving the annual programmes of Member States.
- (5) Where 'N' is the year referred to in the financing decision approving the annual programmes of Member States.