



Estonia  
Latvia  
Russia



ENPI cross border  
cooperation programme

part-financed by  
the European Union

26 November, 2013  
Tartu, ESTONIA

united by borders

## **Estonia-Latvia-Russia**

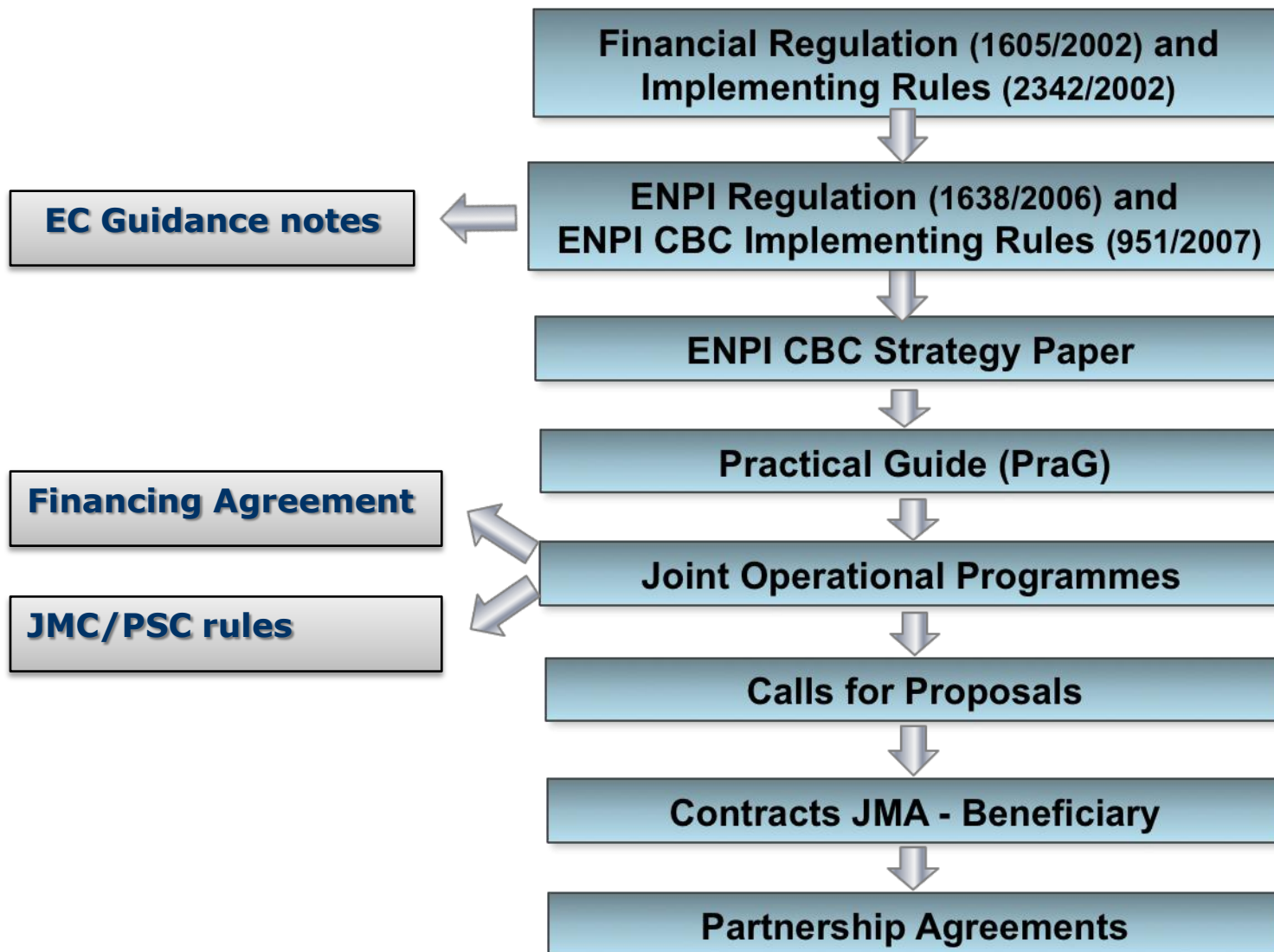
Cross-border Cooperation Programme within European Neighbourhood and  
Partnership Instrument 2007 – 2013

# **Legal Framework**

Joint Technical Secretariat

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# Overview of ENPI CBC legal framework



# Financial Regulation (1605/2002) and Implementing Rules (2342/2002)

***Set the scope of grants, the procedure for awarding them and the arrangements for payment and controls.***

**Grants are direct financial contributions, by way of donation, from the budget in order to finance:**

- either an action intended to help achieve an objective forming part of an EU policy;
- or the functioning of a body which pursues an aim of general European interest or has an objective forming part of an EU policy.

**Grants are awarded subject to the principles of transparency and equal treatment.**

**They may not be cumulative or awarded retrospectively and they must involve co-financing.**

**Nor may the grant have the purpose or effect of producing a profit for the beneficiary.**

**All grants awarded must be published annually with due observance of the requirements of confidentiality and security.**



# Financial Regulation (1605/2002) and Implementing Rules (2342/2002)

## TITLE VI Grants

### Chapter 2: Award principles

**art. 165 Non profit rule:** *in the case of a grant for an action, profit means a surplus of receipts over the costs incurred by the beneficiary when the request is made for final payment;*

**Art. 165a Co-financing principle;**

**Art. 172 External co-financing**

**Art. 172a Eligible costs**

**Art. 175a Eligibility criteria**



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# Financial Regulation (1605/2002) and Implementing Rules (2342/2002)

## TITLE VI Grants

### Chapter 4 Payments and control

#### Art. 180 Supporting documents for requests for payment

*A certificate on the financial statements and underlying accounts, produced by an approved auditor, or, in the case of public bodies, by a competent and independent public officer, may be demanded by the authorizing officer responsible in support of any payment on the basis of his risk assessment.*

*In the case of a grant for an action or of an operating grant, the certificate shall be attached to the request for payment. The certificate shall certify, in accordance with a methodology approved by the authorizing officer responsible, that the costs declared by the beneficiary in the financial statements on which the request for payment is based are real, accurately recorded and eligible in accordance with the grant agreement.*

# ENPI Regulation (1638/2006) and Implementing Rules (951/2007)

## ENPI Regulation (1638/2006)

**Art. 21: participation in tenders and contracts (rule of origin and nationality, procurement rules);**  
**Art. 22: pre-financing (interest).**

## Implementing Rules (951/2007)

**Art. 23: contractual procedures;**  
**Art. 36: eligibility of costs for projects;**  
**Art. 39: national control systems;**  
**Art. 40: bodies participating in projects;**  
**Art. 41: nature or projects;**  
**Art. 43: duration of JOP;**  
**Art. 45: keeping of documents.**



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# What is 'PraG'?

- Working tool
- Describes procedures and related standard documents and contract templates to be used for ENPI CBC
- Specificities of the Programme to be taken into account (e.g. Special Conditions to the contract , specific rules defined in the JOP)




[http://ec.europa.eu/europeaid/work/procedures/implementation/practical\\_guide/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm)





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## Practical Guide and General annexes

The Practical Guide is the first sole working tool, which explains the contracting procedures applying to all EU external aid contracts financed from the European Union general budget (Budget) and the 10th European Development Fund (EDF).

**2008 Practical Guide and general annexes. Applicable for 1 January 2009. For 2007 annexes, please consult the archives.**

[Practical guide to contract procedures for EC external actions \(updated version after Lisbon Treaty\)](#)  [704 KB] [de](#) [es](#) [fr](#) [pt](#)

[Summary of changes to the PRAG 2008](#)  [505 KB] [fr](#)

[Corrigendum](#)  [57 KB]

### Contracting

- ▶ [Practical Guide](#)
- ▶ [Eligibility](#)
- ▶ [Per Diems](#)
- ▶ [General annexes](#)
- ▶ [Services annexes](#)
- ▶ [Supplies annexes](#)
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**General annexes as well as a specific set of annexes regarding grants**



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