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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.12.1998 COM(1998) 750 final

98/0352 (CNS)

Proposal for a

COUNCIL DECISION

concerning the Community position within the Association Council
on the participation of Bulgaria in Community programmes in the fields of
vocational training and education

(presented by the Commission)



Explanatory Memorandum

The importance of the participation of applicant countries in Community programmes as part of the enhanced preaccession strategy which was stressed by the Commission in its "Agenda 2000" Communication of 14 July 1997, was reiterated by the European Council at its meeting of 12 and 13 December 1997 in Luxembourg. This participation will indeed help representatives from these countries to familiarise themselves with the Union's policies and working methods and with adopting the Acquis, in view of future accession.

The Europe Agreements or their Additional Protocols concerning the participation in Community programmes explicitly mention the fields of vocational training and education as an eligible area. Moreover, they convey the task to define terms and conditions for participation to the Association Council.

So far, the CEC's confirmed to the Commission in writing their willingness to participate in the Leonardo da Vinci and Socrates programmes. For some countries Association Council decisions were taken to this effect. Bulgaria recently also provided required information on the way it intends to finance its participation throughout the remaining life time of the Leonardo da Vinci and Socrates programmes, i.e. 1999.

In view of this participation, a number of preparatory actions have been undertaken, such as the establishment of decentralised management structures in Sofia for the community programmes in the fields of vocational training (Leonardo da Vinci) and education (Socrates), which should help making this participation a success.

The main issues addressed in the annexed draft Decision of the EC-Bulgaria Association Council adopting the terms and conditions for the participation of Bulgaria in the Community programme in the field of vocational training and education, are the following:

- Bulgaria shall participate in all actions of the vocational training and education in conformity with the objectives, criteria and procedures of the programme (Annex I, paragraph 1).
- terms and conditions for the submission, assessment and selection of applications shall be the same as for Member States (Annex I, paragraph 2).
- a minimum number of partners from EC Member States shall be required for all transnational projects proposed by Bulgaria (Annex I, paragraph 3).
- Bulgaria shall set up or make available national structures and mechanisms in order to implement the programme (Annex I, paragraph 4)
- the financial contribution of Bulgaria is defined in Annex I, paragraph 5 and in the Annex II; bearing in mind that Bulgaria, according to article 3 of the additional protocol, shall pay the cost of its participation and that the Community may decide a financial support, the breakdown between the contribution from Bulgaria's own budget and from Phare has been indicated

- best efforts shall be made to facilitate the free movement and residence of students, teachers and university administrators (Annex I, paragraph 6)
- Bulgaria shall participate in the monitoring of its participation in the Programmes (Annex I, paragraph 7)
- Bulgaria shall be invited to co-ordination meetings prior to meetings of the programmes Committees; it shall also be invited about its results (Annex I, paragraph 8)
- the language to be used in all administrative arrangements for the programme shall be one of the official languages of the Community (Annex I, paragraph 9)
- the Decision shall apply for the duration of the Programmes (Article 2 of the Decision)

The adoption of Association Council decision to allow Bulgaria to participate in the Community programmes namely in Leonardo da Vinci and Socrates in 1999 will offer the country the opportunity to participate actively in this internal Community instrument, as part of the re-inforced pre-accession strategy. It is, therefore, of considerable political importance.

Subject to its capacity to fulfil in time relevant administrative and budgetary requirements, Bulgaria should also be able to join other programmes in 1999.

In order to allow Bulgaria to join the community programmes concerned in 1999, the Council is requested to adopt the annexed proposal for a Council decision.

Proposal for a

COUNCIL DECISION

of

concerning the Community position within the Association Council

on the participation of Bulgaria in Community programmes in the fields of vocational training and education

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 126 and 127, in conjunction with Article 228(3) first paragraph thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Bulgaria, of the other part, has been concluded by decision of the Council and the Commission of 4 December 1995.

Whereas, according to Article 1 of the Additional Protocol, Bulgaria may participate in Community framework programmes, specific programmes, projects or other actions notably in the fields of vocational training and education, and pursuant to Article 2, the terms and conditions for the participation of Bulgaria in the activities referred to in Article 1 shall be decided by the Association Council,

Whereas Council Decision (94/819/EC) of 6 December 1994 establishing an action programme for the implementation of a European Community vocational training policy, (hereinafter called "Leonardo da Vinci"), and in particular Article 9,1 thereof, and Decision (819/95/EC) of 14 March 1995 of the European Parliament and of the Council establishing the Community action programme in the fields of vocational training and education (hereinafter called "Socrates")² and in particular article 7,3 thereof, provide that these programmes shall be open to the participation of associated Central European countries in accordance with the conditions set out in the Additional Protocols to the Association Agreements on participation in Community programmes,

¹ O.J. n° L 340 of 29.12.1994

² O.J. no. L87 of 20.04.1995

HAS DECIDED AS FOLLOWS:

The position to be taken by the Community within the Association Council established by the Europe Agreement between the European Communities and their Member States, of the one part, and Bulgaria, of the other part, concerning the participation of Bulgaria in Community programmes in the fields of vocational training and education, is the attached draft decision of the Association Council.

Done at Brussels

For the Council

Draft Decision n°..../98 of the EC-Bulgaria Association Council of1999 adopting the terms and conditions for the participation of Bulgaria in Community programmes in the fields of vocational training and education

The ASSOCIATION COUNCIL

Having regard to the Europe Agreement between the European Communities and their Member States, of the one part, and Bulgaria, of the other part,³

Having regard to the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Bulgaria, of the other part concerning Bulgaria's participation in Community programmes⁴, and in particular Article 1 and 2 thereof;

Whereas according to Article 1 of the said Additional Protocol, Bulgaria may participate in Community framework programmes, specific programmes, projects or other actions notably in the fields of vocational training and education;

Whereas pursuant to Article 2 of the said Additional Protocol the terms and conditions for the participation of Bulgaria in the activities referred to in Article 1 are to be decided by the Association Council;

HAS DECIDED AS FOLLOWS:

Article 1

Bulgaria shall participate in the European Community programmes Leonardo da Vinci and Socrates according to the terms and conditions set out in Annexes I and II which shall form an integral part of this Decision.

Article 2

This Decision shall apply for the duration of Leonardo da Vinci and Socrates programmes.

Article 3

This Decision shall enter into force the first day of the month following its adoption.

Done at

For the Association Council
The Chairman

³ O.J. N° L 358 of 31.12.1994

⁴ O.J. N° L 317 of 30.12.1995

Annex I

Terms and conditions for the participation of Bulgaria in the Leonardo da Vinci and Socrates programmes

- 1. Bulgaria will participate in all activities of the Leonardo da Vinci and Socrates (hereinafter called "the Programmes") in conformity, unless otherwise provided in this Decision, with the objectives, criteria, procedures and time limits laid down in Council Decision (94/819/EC) establishing an action programme for the implementation of a European Community vocational training policy and Decision n° 819/95/EC of the European Parliament and of the Council establishing the European Community action programme Socrates.
- 2. The terms and conditions for the submission, assessment and selection of applications by eligible institutions, organisations and individuals of Bulgaria shall be the same as those applicable to eligible institutions, organisations and individuals of the Community.
 - Language preparation and vocational training activities concern the official languages of the Community. In exceptional circumstances, other languages could be accepted if the implementation of the programmes so requires.
- 3. To ensure the Community dimension of the Programmes, transnational projects and activities proposed by Bulgaria will be required to include a minimum number of partners from the Member States of the Community. This minimum number will be decided in the framework of the implementation of the Programmes, taking into account the nature of the various activities, the number of partners in a given project, and the number of countries participating in the Programme. Projects and activities carried out solely between Bulgaria and EFTA States which are parties to the EEA agreement or any other third countries, including those with an association agreement with the Community, to which participation in the programme is open, are not eligible for Community financial support.
- 4. In conformity with the terms of the relevant provisions of the Decisions on the Leonardo da Vinci and Socrates, Bulgaria will lay down the appropriate structures and mechanisms at national level and will take all other necessary steps to ensure national coordination and organisation of the implementation of the Programmes.
- 5. Bulgaria will pay each year a contribution to the general budget of the European Union to cover the costs resulting from its participation in the Programmes. (see Annex II)

The Association Committee is entitled to adapt this contribution whenever necessary.

6. The Member States of the Community and Bulgaria will make every effort within the framework of the existing provisions, to facilitate the free movement and residence of students, teachers, university administrators and other eligible persons moving between Bulgaria and the Member States of the Community for the purpose of participating in activities covered by this Decision.

- 7. Without prejudice to the responsibilities of the Commission and the Court of Auditors of the European Community in relation to the monitoring and evaluation of the programmes pursuant to the Decisions concerning Leonardo da Vinci and Socrates (Articles 10 and 8 respectively), the participation of Bulgaria in the programmes will be continuously monitored on a partnership basis involving Bulgaria and the Commission of the European Communities. Bulgaria will submit the necessary reports to the Commission and take part in other specific activities undertaken by the Community in that context.
- 8. Without prejudice to the procedures referred to in Article 6 of the Decision on Leonardo da Vinci and article 4 of the Decision on Socrates, Bulgaria will be invited to co-ordination meetings on any question concerning the implementation of this Decision prior to the regular meetings of the Committees. The Commission will inform Bulgaria about the results of such regular meetings.
- 9. The language to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the programmes, will be one of the official languages of the Community.

Annex 2

FINANCIAL CONTRIBUTION OF BULGARIA TO THE LEONARDO DA VINCI AND SOCRATES PROGRAMME

1. The financial contribution of Bulgaria will cover:

subsidies or any other financial support from the programmes to Bulgarian participants;

financial support from the Leonardo da Vinci programme to the functioning of the national agency;

supplementary administrative costs related to the management of the programmes by the Commission stemming from Bulgaria's participation.

2. For every financial year, the aggregated amount of subsidies or any other financial support received from the programmes by the Bulgarian beneficiaries and by the Leonardo da Vinci national agencies of Bulgaria will not exceed the contribution paid by Bulgaria, after deduction of the supplementary administrative costs.

Should the contribution paid by Bulgaria to the general budget of the European Union, after deduction of the supplementary administrative costs, be higher than the aggregated amount of the subsidies or other financial support received from the programmes by the Bulgarian beneficiaries and by the Leonardo da Vinci national agency, the Commission of the European Communities will transfer the balance to the next budgetary exercise, and it will be deducted from the following year's contribution. Should such a balance be left when the programmes come to an end, the corresponding amount will be reimbursed to Bulgaria.

3. Leonardo da Vinci

Bulgaria's contribution for participating in 1999 will be ECU 1 114 000. From this sum, an amount of ECU 72 000 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Bulgaria's participation.

4. Socrates

Bulgaria's contribution will be ECU 4 140 000 in 1999 for its participation in the entire Leonardo da Vinci and Socrates, including Chapter I (Erasmus). From this sum, an amount of ECU 270 000 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Bulgaria's participation.

5. The financial regulation applicable to the general budget of the European Union will apply, notably to the management of the contribution of Bulgaria.

After the entry into force of this Decision, and at the beginning of each following year, the Commission will send to Bulgaria a call for funds corresponding to its contribution to the costs under this Decision.

This contribution shall be expressed in ECU and paid into an ECU bank account of the Commission.

The calculation of the annual contribution is based on a participation during a full financial year. Should the Association Council Decision enter into force in the course of a year, the contribution for that year will be adapted taking into account the state of implementation of the Programmes for that particular year.

Bulgaria will pay its contribution to the annual costs under this Decision according to the call for funds, at the latest three months after the call for funds is sent. Any delay in the payment of the contribution shall give rise to the payment of interest by Bulgaria on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Monetary Co-operation Fund, for the month of the due date, for its operations in ECU², increased by 1,5 percentage points.

- 6. Bulgaria will pay the supplementary administrative costs referred to in paragraphs 3 and 4 from its national budget.
- 7. Of the remainder of its annual contribution to the *Leonardo da Vinci* programme, referred to in paragraph 3, Bulgaria will pay ECU 31 000 from its national budget in 1999. Subject to regular PHARE programming procedures, ECU 1 011 000 will be paid from Bulgaria's PHARE National Programme of 1999.

Of the remainder of its annual contribution to the *Socrates*, referred to in paragraph 4, Bulgaria will pay ECU 116 000 from its national budget in 1999. Subject to regular PHARE programming procedures, ECU 3 754 000 will be paid from Bulgaria's PHARE national programme of 1999.

² Rate published monthly in the Official Journal of the European Communities - C Series

FINANCIAL STATEMENT

1. TITLE OF OPERATION

Participation of Bulgaria in the Leonardo da Vinci and Socrates programmes

2. BUDGET HEADING INVOLVED

B7-503 - Opening of Community Programmes to the associated countries of Central and Eastern Europe

3. LEGAL BASIS

Treaty establishing the European Community, and in particular Article 126 and 127, in conjunction with Article 228(3) thereof.

Additional Protocol to the Europe Agreement with Bulgaria of 4 December 1995, providing for the opening-up of Community programmes (OJ No L 317/24)

Council Decision (819/94/EC) of 6 December 1994 establishing the Leonardo da Vinci programme, and in particular Article 9(1) thereof,

Decision of the European Parliament and of the Council (819/95/EC) of 14 March 1995 establishing the Leonardo da Vinci and Socrates, and in particular Article 7(3) thereof,

4. DESCRIPTION OF OPERATION:

4.1 General objective

The Additional Protocol with Bulgaria entered into force on 1 August 1996 and provides for Bulgaria's participation in Community programmes in a wide range of areas, among which vocational training and education.

In line with the Commission communication "Agenda 2000" of 16.07.1997 and of the conclusions of the European Council in Luxembourg, Bulgaria's participation in the Leonardo da Vinci and Socrates programmes will be part of the reinforced preaccession strategy which will assist this country in its preparation for future accession to the Union. Its participation will not only contribute towards the implementation of the provisions relating to economic and cultural co-operation in the Europe Agreements but will also enable Bulgaria to familiarise itself with the procedures and methods used in Community programmes.

The decision-making process for the opening-up of programmes involves a decision by the Association Council between the Union and the associated country. This decision also lays down the practical arrangements for the opening up of the programmes.

The above-mentioned programmes are not intended to form an exhaustive list as the process for opening them up has only recently begun. Other Community programmes, notably in the fields of culture, health and social policy, energy, the environment, etc., have been opened up to the countries of Central and Eastern Europe.

4.2 Period covered and arrangements for renewal

Until the end of the Community programmes concerned, i.e. 31.12.1999.

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

- 5.1 Non-compulsory expenditure
- 5.2 Differentiated appropriations
- 5.3 Type of revenue involved:

Since the first paragraph of Article 3 of the Additional Protocol stipulates that Bulgaria itself will meet the costs resulting from its participation, it will be invited to transfer its contribution to item 6091 of the EU's budget receipts. However, as the second paragraph of Article 3 states that the Community may supplement Bulgaria's contribution (by up to 10% of the National Indicative Programme), Bulgaria will contribute only part from its national budget, with the remainder being charged to heading B7-503 following a transfer from heading B7-500.

6. TYPE OF EXPENDITURE OR REVENUE

- 100% subsidy
- subsidy for joint financing with other sources in the public and/or private sector
- no provision for all or part of the Community contribution to be reimbursed

As far as revenue is concerned, provision for Bulgaria's contribution to cover the cost of its participation is made under item 6091. The revenue will be allocated to the items for expenditure on the programmes in question and, where appropriate, to the relevant items of operating expenditure.

The total revenue expected is given under item 7.4.

7. FINANCIAL IMPACT

7.1 Method of calculating total cost of operation for 1999 financial year (link between individual costs and total cost)

The calculation is based on the following preconditions:

- each partner country's contribution to the financing of the activities referred to in the Protocol is calculated according to the principle that the country bears the cost of participation itself. Heading 6091 has been created in the statement of budget revenue for that purpose;

- the Community may decide on a case-by-case basis to pay a supplement to the partner country's contribution. The supplement may be in the form of a contribution under the PHARE programme, but the amount cannot exceed 10% of its National Indicative Programme.

Based on the Additional Protocol with Bulgaria, the financial and budgetary arrangements for the programme concerned are as follows: the costs have been calculated on the basis of various parameters inherent in the programme, i.e. GDP, young population, distances involved.

The cost of Bulgaria's participation in the Leonardo da Vinci programme will amount to ECU 1 114 000 in 1999.

For Socrates, the cost will be ECU 4 140 000 in 1999.

The above-mentioned figures, from which the supplementary administrative costs - to be borne exclusively by Bulgaria - have to be deducted, are divided as follows: Bulgaria will pay ECU 31 000 and ECU 116 000 of the operational costs of its participation in the Leonardo et Leonardo da Vinci and Socrates respectively from its national budget of 1999; subject to regular PHARE programming procedures, the remaining ECU 1 011 000 and ECU 3 754 000 will be paid from Bulgaria's annual PHARE National Indicative Programme of 1999.

7.2 Itemised breakdown of cost in ECU

Programme	1999	of which Bulgaria	of which Phare
Leonardo da Vinci	1 042 000	31 000	1 011 000
Socrates	3 870 000	116 000	3 754 000
Total	4 912 000	147 000	4 765 000

in ecu

7.3 Operational expenditure on studies, expert meetings, etc., included in Part B:

7.4 Schedule for multiannual operations

Amounts to be charged to item B7-503

	1999	TOTAL
Commitment appropriations	4 765 00	0 4 765 000
payment appropriations		
1999	4 180 00	0
subsequent years	585 00	0
Total	4 765 00	0 4 765 000

(*) Schedule based on the method of payment currently applying to the Leonardo da Vinci and Socrates programmes.

The foreseeable annual receipts are as follows:

Item 6091	1999	subsequent years	TOTAL
operational part	147 000		147 000
administrative part	342 000		342 000
Total	489 000		489 000

8. FRAUD PREVENTION MEASURES; RESULTS OF MEASURES TAKEN

All the Commission's contracts, agreements and other legal commitments provide for onthe-spot checks by the Commission and Court of Auditors. Among other things, the beneficiaries of the operations are obliged to file reports and financial statements. These are analysed from the point of view of their content and the eligibility of the expenditure in line with the objective of Community financing.

The anti-fraud provisions of the basic budget headings apply to this heading too when adapted to the case of the countries of Central and Eastern Europe.

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1. Specific and quantified objectives; target population

The aim of opening up the Leonardo da Vinci and Socrates programmes to Bulgaria is to bring it the same benefits as the Member States of the Community already enjoy from these programmes. The essential aim of Community action on education and vocational training should be to enable all European citizens to achieve their full potential and display initiative and creativity so that they can participate fully in society and in the building of Europe. This objective is based on the gradual establishment of an open European area for education and vocational training.

In the fields of vocational training and education, the principal aim of the Leonardo da Vinci and Socrates is to contribute to the development of quality education by encouraging co-operation between Member States.

The specific aims of the Socrates programme are:

- to develop the European dimension in education at all levels so as to strengthen the spirit of European citizenship, drawing on the cultural heritage of each Member State:
- to promote a quantitative and qualitative improvement of the knowledge of the languages of the European Union, and in particular those which are least widely used and least taught, leading to greater understanding and solidarity between the peoples of the European Union, and to promote the intercultural dimension of education;
- to promote wide-ranging and intensive co-operation between institutions at all levels of education, enhancing their intellectual and teaching potential;
- to encourage the mobility of teachers, so as to promote a European dimension in studies and to contribute to the qualitative improvement of their skills;
- to encourage mobility for students, enabling them to complete part of their studies in another Member State, so as to contribute to the consolidation of the European dimension in education;
- to encourage contacts among pupils in the European Union, and to promote the European dimension in their education;
- to encourage the academic recognition of diplomas, periods of study and other qualifications, with the aim of facilitating the development of an open European area for education:
- to encourage open and distance education in the context of the activities of this programme;
- to foster exchanges of information and experience so that the diversity and specificity of the educational systems in the Member States become a source of enrichment and of mutual stimulation.

In the field of vocational training, the principal aim of the Leonardo da Vinci programme is to implement a vocational training policy which supports and supplements the action of the Member States. The main objectives of the programme are to:

- support the improvement of the vocational-training systems and arrangements in the Member States by: improving the quality of initial vocational training and the transition of young people to working life, improving the quality of the Member States' continuing vocational training arrangements, supporting vocational information and guidance, promoting equal opportunities for men and women in vocational training, improving the quality of vocational training arrangements for persons disadvantaged on the labour market, for example owing to socio-economic, geographical or ethnic factors or by physical or mental disabilities or a lack of qualifications or insufficient qualifications such that they are at risk of social exclusion;
- support for the improvement of vocational training measures including university/industry co-operation, concerning undertakings and workers: innovation in vocational training, with a view to taking into account technological change and its impact on work and the necessary qualifications and skills, investment in continuing vocational training for workers, the transfer of technological innovation

in the context of co-operation between undertakings and universities in the field of continuing vocational training, the promotion of equal opportunities for men and women:

• support for the development of language skills, knowledge and the dissemination of innovation in the field of vocational training.

9.2. Grounds for the operation

- Need for Community financial aid

In view of the high cost of participation in the programmes and Bulgaria's precarious budgetary situation, assistance from PHARE as provided for in Article 3(2) of the Additional Protocol is essential.

- Choice of ways and means

With a contribution from PHARE, supplemented by one from the national budget, Bulgaria's integration in the programmes concerned will put it on an equal footing with the current EU Member States. The integration of Bulgarian nationals in Community networks will make a definite contribution to preparing Bulgaria for future membership.

- Main factors of uncertainty which could affect the specific results of the operation

Since projects will be selected according to qualitative criteria, it will only be possible to measure the real impact on the basis of Bulgarian firms' capacity to respond to the calls for proposal to be launched by the Commission under the programmes.

9.3 Monitoring and evaluation of the operation

The monitoring and evaluation procedures included in the Leonardo da Vinci and Socrates programmes (notably in respect of evaluation, as included in the decisions establishing the programmes) will also cover operations financed for Bulgarian beneficiaries.

10. ADMINISTRATIVE EXPENDITURE

The administrative resources required will actually be mobilised following the annual Commission Decision on the allocation of resources, taking account in particular of manpower and additional amounts granted by the budgetary authority.

- a) the request of new posts in the framework of APB,
- b) the resources allocation.

10.1 Impact on the number of posts

Type of post		Staff required to manage the operation		including		duration
		Permanent posts	Temporary posts	Using existing resources of the departments concerned	using additional resources	1999
Officials temporary staff A B C	or	1 1	·	1 1		
Other resources (A-7002)			2,98		2,98	
TOTAL		2	2,98 -	2	2,98	

10.2 Overall financial impact of the additional human resources

(in ecu)

	Total	Method of calculation
Temporary staff Other resources (A-7002)	298 000	2,98 man x 100.000 ECU x 1 year = 298 000 ECU
TOTAL	298 000	

(*) Calculations based on titles A1, A2, A4, A5 and A7.

For item A-7002 the additional expenditure will be met from the receipts (article 4 par. 2, third indent of the financial regulation) received from Bulgaria's participation in Community programmes (see point 5.3 of the financial statement)

The expenses concerning the human resources needed to carry out this task that will be met through the allocation of the existing resources (calculations based on titles A1, A2, A4, A5 and A7) are estimated to 216 000 ECU (1 A post and 1 B post in 1999)

10.3 Increase in other operating expenses as a result of the operation

(in ecu)

Budget heading (No and title)	Total	Method of calculation (total cost of the operation in 1999)
A7010 -missions	7 000	1 166 ECU x 3 missions x 2 programmes = 6.996 ECU (roundup to 7.000 ECU)
A7030 - meetings	37 000	2 Bulgarian representatives x 1.166 ECU x 8 meetings x 2 programmes = 37 312 ECU (round down to 37 000 ECU)
Total	44.000	·

The above expenditure will be met from the receipts (article 4 par. 2, third indent of the financial regulation) received from Bulgaria's participation in Community programmes (see point 5.3 of the financial statement).

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