COMMISSION IMPLEMENTING DECISION (EU) 2019/1855

of 5 November 2019

amending Implementing Decision 2013/776/EU establishing the Education, Audiovisual and Culture Executive Agency

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes ([1]), and in particular Article 3 thereof,

Whereas:

(1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans' ([2]) adopted under Regulation (EU) No 231/2014 of the European Parliament and of the Council ([3]) provides for an action plan to, inter alia, enhance cooperation in education, youth, and sport, including work to protect the Western Balkans cultural heritage, to fight the illicit traffic in cultural goods, and promote its cultural and creative industries, including cooperation in culture, audiovisual policies.

(2) By Commission Implementing Decision 2013/776/EU ([4]) the Education, Audiovisual and Culture Executive Agency ('the Agency') was entrusted with the management of the Creative Europe programme. Providing funding to enable participation in the same type of actions as those under programmes already being managed by the Agency is an effective and efficient way to reach the groups targeted by the international cooperation instruments. Such actions continue to be funded by international cooperation instruments, however the implementation modalities are the same as in the programmes managed by the Agency.

(3) The Agency has demonstrated an effective approach to managing Union programmes. Over several years it has built up competence, skills and capacity in the management of the programmes delegated to it.

(4) The Joint Communication to the European Parliament and the Council: 'Towards an EU Strategy For International Cultural Relations' ([5]) highlighted the role of people-to-people contacts as part of the EU public and cultural diplomacy and explicitly referred to the programmes managed by EACEA.

(5) The cost-benefit analyses carried out in accordance with Article 3(1) of Regulation (EC) No 58/2003 highlighted both the quantitative savings and qualitative advantages of delegating to the Agency the management of funding which is intended to enable participation in such actions. In addition, this delegation has no financial impact on the administrative budget of the Agency.

([1]) OJ L 11, 16.1.2003, p. 1.
([2]) COM(2018) 65 final.
([3]) Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) (OJ L 77, 15.3.2014, p. 11).
([4]) Commission Implementing Decision 2013/776/EU of 18 December 2013 establishing the 'Education, Audiovisual and Culture Executive Agency' and repealing Decision 2009/336/EC (OJ L 343, 19.12.2013, p. 46).
([5]) JOIN/2016/029 Final.

(6) The activities being carried out by the Agency are in line with its current mandate and mission. They represent a continuation of its existing activities by simply widening calls to enable participation of beneficiaries targeted by the international cooperation instruments. Conversely, an in-house arrangement would be disruptive as the activities envisaged for delegation have never been managed internally by the parent directorates-general, which lack the capacity to manage them in-house.

(7) Therefore, the responsibility for implementing funding from the international cooperation instruments to enable participation in the same actions as those under its already entrusted programmes should be conferred on the Agency and Implementing Decision 2013/776/EU should therefore be amended accordingly.

(8) In the first subparagraph of Article 3(1), point (e) specifies that the Agency is entrusted with 'projects in the field of higher education' under the external cooperation instruments. In order to be consistent with enabling the Agency to manage participation of the international cooperation instruments in education, training, youth and sport and support to the culture and audiovisual sectors, this text should be amended.

(9) The measures provided for by this Implementing Decision are in accordance with the opinion of the Committee for Executive Agencies,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision 2013/776/EU is amended as follows:

1. In recital 10, indent:

   — 'projects in the field of higher education falling under external cooperation instruments (…)'

   to be replaced by the following:

   — 'projects in the field of education, audiovisual, culture, citizenship and youth falling under external cooperation instruments (…)'.

2. In the first subparagraph of Article 3(1), point (e) to be replaced by the following:

   '(e) Projects in the field of education, audiovisual, culture, citizenship and youth under the following external cooperation instruments:

   — Regulation of the European Parliament and of the Council on the Instrument for Pre-accession Assistance (IPA II) (*),

   — Regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument (**),

   — Regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation (***),

   — Regulation of the European Parliament and of the Council establishing a Partnership Instrument for cooperation with third countries (****),

   — Council Regulation on the implementation of the 11th European Development Fund (*****);

(*) Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) (OJ L 77, 15.3.2014, p. 11).

(**) Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

(***) Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financial instrument for development cooperation for the period 2014-2020 (OJ L 77, 15.3.2014, p. 44).

(****) Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries (OJ L 77, 15.3.2014, p. 77).

(*****) Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund (OJ L 58, 3.3.2015, p. 1).'.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 5 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

COST BENEFIT ANALYSIS

Quantitative analysis

As part of the 4th Interim Evaluation of the Agency a retrospective analysis of the evaluation period has shown clear realised cost savings made thanks to delegation to the Agency.

The overall actual costs of the executive agency delegation ([1]) constituted EUR 146,0 million in 2015-2017. These costs were much lower than the estimated costs of the in-house scenario. In 2015-2017 the actual cost savings deriving from cost difference of the executive agency scenario and the in-house scenario constituted EUR 57,1 million (or 28,1 % of the estimated costs under the in-house scenario). Comparing the savings initially estimated with the actual savings from the delegation of tasks to EACEA, it has been found that the actual savings during 2015-2017 period were 6,5 % higher compared to the initial estimates (EUR 57,1 million compared to EUR 53,6 million). As forecast in the *ex ante* CBA, savings of the executive agency scenario primarily resulted from a higher share of lower cost external personnel (CAs) employed within the executive agency and lower overall number of staff.

Qualtitative analysis

The funding by the international cooperation instruments to enable participation in education, youth, cultural and audiovisual policies takes advantage of a number of important synergies. By adopting an existing framework of actions and an existing infrastructure of modalities to reach the target beneficiaries, maximum leverage is made of the existing actions already managed by the Agency. Delegation to the Agency takes advantage of the long-developed expertise and in particular economies of scale, which would not be available via an in-house solution. Even without the considerable cost savings described above due to the cost of personnel, their greater experience in the subject matter enables the international cooperation instruments to reach operational objectives in a manner that would not be possible if the Commission carried out these actions in-house.

SIMPLIFIED FINANCIAL STATEMENT

Operational Commitment Appropriations managed by the Agency (EUR 000)	**2019**	**2020**
Current situation	**829 111**	**881 151**
International cooperation instruments contributing to youth, cultural and audiovisual policies	**10 500**	**10 500**
Total	**839 611**	**891 651**
Percentage	**1,3 %**	**1,2 %**
Staff (Head count) at the Agency	**2019**	**2020**
Current situation (no change)	438	438
Administrative budget ceiling of the Agency (EU-28)	**2019**	**2020**
Current situation (no change)	48 574	47 549

([1]) Including cost of coordination and monitoring by the Commission and costs covered from EEA/EFTA, third countries' and EDF contributions.