

## **FINANCING MEMORANDUM**

The European Commission, hereinafter referred to as "THE COMMISSION", acting for and on behalf of the European Community, hereinafter referred to as "**THE COMMUNITY**"

on the one part, and

The Government of **LATVIA** hereinafter referred to as "THE RECIPIENT"

on the other part,

HAVE AGREED AS FOLLOWS:

The measure referred to in Article 1 below shall be executed and financed out of the budget resources of THE COMMUNITY in accordance with the provisions set out in this Memorandum. The technical, legal, and administrative framework within which the measure referred to in Article 1 below shall be implemented is set out in the General Conditions annexed to the Framework Agreement of **November 1991** between THE COMMISSION and THE RECIPIENT, and supplemented by the terms of this Memorandum and the Special Provisions annexed hereto.

### **ARTICLE 1 - NATURE AND SUBJECT**

As part of its aid programme, THE COMMUNITY shall contribute, by way of grant, towards the financing of the following MEASURE:

Programme number: **LV 2003/005-876**

Title: **Cross Border Co-operation Programme in the Baltic Sea Region in 2003**

Duration: **Until 30 November 2005**

### **ARTICLE 2 - COMMITMENT OF THE COMMUNITY**

The financial contribution of THE COMMUNITY is fixed at a maximum of **€3million** hereinafter referred to as "THE EC GRANT".

### **ARTICLE 3 - DURATION AND EXPIRY**

For the present MEASURE, THE EC GRANT is hereby available for contracting until **30 November 2005** subject to the provisions of this Memorandum. All contracts must be signed by this date. Any balance of funds of the EC GRANT which have not been contracted by this date shall be cancelled. The deadline for execution of contracts of THE EC GRANT is **30 November 2006**. Execution of all contracts must end by the deadline for execution of contracts. THE COMMISSION may however, in exceptional circumstances, agree to an appropriate extension of the contracting period or of the contract execution period, should this be requested in due time and properly justified by THE RECIPIENT. This Memorandum shall expire at the expiry date for execution of contracts of the EC GRANT. All the funds which have not been disbursed shall be returned to the Commission.

### **ARTICLE 4 - ADDRESSES**

Correspondence relating to the execution of THE MEASURE, stating THE MEASURE'S number and title, shall be addressed to the following:

*DK*

**for THE COMMUNITY:**

Delegation of the European Commission  
Jacob's Barracks  
Tornu 4, Block 1C  
1050 Riga, Latvia  
Telex: +371-732 72 50  
Fax: +371-732 52 79

**for THE RECIPIENT:**

Government of Latvia  
Mr. Valdis Dombrovskis, National Aid Co-ordinator  
Minister of Finance  
Ministry of Finance  
Smilšu Street 1  
LV-1919 Riga  
Tel.: +371-709 5690  
Fax: +371-709 5693

ARTICLE 5 - NUMBER OF ORIGINALS

This Memorandum is drawn up in duplicate in the English language.

ARTICLE 6 - ENTRY INTO FORCE

This Memorandum shall enter into force on the date on which it has been signed by both parties.  
No expenditure incurred before this date is eligible for the EC GRANT.

The Annexes shall be deemed an integral part of this Memorandum.

Done at Riga  
Date 28 -01- 2004

Done at Riga  
Date 28 -01- 2004

for THE RECIPIENT

for THE COMMUNITY

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National Aid Co-ordinator  
Minister of Finance  
Valdis DOMBROVSKIS



Head of EC Delegation in Latvia  
Andrew RSBASH

Annex 1      Framework Agreement (Annexes A & B)  
Annex 2      Special Provisions (Annex C)  
Annex 3      Visibility/Publicity (Annex D)

Special Provisions

**1. DESCRIPTION - JOINT SMALL and MEDIUM SIZED PROJECTS FUND -**

The total appropriation is implemented at the level of each country and therefore each of the countries (Estonia, Latvia, Lithuania and Poland) is allocated an equal amount of €3 million in the Phare budget for 2003.

Both soft and infrastructure projects are eligible, but a special emphasis is placed on supporting the human resources development projects and, in particular, the development of and co-operation between NGOs in the Baltic Sea Region. Therefore, a significant part of the Institution Building part of this Financing Proposal will be addressed to the development of NGOs in the Baltic Sea Region. Infrastructure projects can only be supported provided they have a strong and demonstrable CBC content.

Projects within these Grant Schemes may not be financed simultaneously from other EU funds.

Under Phare, projects are catered for at two levels:

- A Small Project Fund for 'soft' projects between €20,000 and €50,000 building on previous years' structures and works within an allocation of €1 million per country. The minimum PHARE support per project is €20,000 and the maximum PHARE support per project is €50,000.
- A Medium Sized Project Fund for both 'soft' and 'hard infrastructure' projects between €50,000 and €300,000, which operates within an allocation of €2 million per country. The minimum PHARE support per project is €50,000 and the maximum PHARE support per project is €300,000.

Both funds shall be implemented in accordance with the implementation framework for External Actions (currently PraG – Practical Guide to contract procedures financed from the General Budget of the European Communities in the context of external actions) to which the following precisions or adjustments shall apply:

1. Guidelines will be drawn up in accordance with the above-mentioned framework (see also point 6.a)) and based on those established for the Phare 2000, 2001 and 2002 SPF Baltic Sea Region exercise.
2. The minimum co-financing contribution shall be 20% (25% in case of investment);
3. One Steering Committee per Phare partner country will be established. However, if appropriate, more than one may be established, especially if already existing regional co-operation structures can be used. Steering Committees must include members from various countries of the Region representing regional and local authorities and relevant non-government organisations. It is intended that as a result of the co-ordination between the countries harmonised Guidelines both for the Small Project Fund and the Medium Sized Project Fund will be produced. There will be therefore a harmonised call for proposals and a harmonised application form. For each country an "assessor" will be

nominated to take the long list of projects selected and discuss with colleagues in the framework of the BJCC so as to provide for the final project list decided by the BJCC<sup>1</sup>.

4. At least two partner countries must take part in each project, with the emphasis on the contribution of the project to harmonisation of the Interreg, Phare and Tacis joint approach – drawing on the Joint Programming Document developed by the BJCC. There will be no formal requirement of foreign partner involvement for ‘hard infrastructure’ projects. However, projects with financial contribution of foreign partners will be given priority in project selection.

Each country has to establish the structures to implement its actions, including i.e. establishing the Steering Committee and drawing up its Special Guidelines. Before starting operations, the composition of the Steering Committees and the Special Guidelines for each action has to be approved by the Commission (Delegation). The Steering Committee will issue calls for proposals and select projects. The Commission must be invited, as observer, to the meetings of the Steering Committee and has a right of control of the activities as described in the General Guidelines.

## 2. Budget

The budget in € million is as follows:

Country / CRIS N°.	Phare contribution		Total Phare
	Investment	Institution Building	
<b>ESTONIA 2003/005-875</b>	1.5	1.5	3
<b>LATVIA 2003/005-876</b>	1.5	1.5	3
<b>LITHUANIA 2003/005-877</b>	1.5	1.5	3
<b>POLAND 2003/005-873</b>	1.5	1.5	3
<b>TOTALS</b>	<b>6.0</b>	<b>6.0</b>	<b>12</b>

\*) figures are indicative only.

In accordance with the Phare Guidelines of 1999 and Revised Guidelines of 2002, all investment projects supported by Phare must receive co-financing from national public funds.

The Community contribution may amount to up to 75% of the total eligible<sup>2</sup> public expenditure.

Co-financing for Institution Building projects is provided by the beneficiary bearing certain infrastructure and operational implementation costs, through financing the human and other resources, required for effective and efficient absorption of PHARE assistance.

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<sup>1</sup> the BJCC may confirm by written procedure the Phare project allocation decisions of the bilateral MS/CC Interreg Monitoring Committee

<sup>2</sup> Taxes are not an element eligible for co-financing

### **3. Implementation Arrangements**

#### **a.) Financial and Project Management by the Candidate Country**

The programme will be managed in accordance with the Phare Extended Decentralised Implementation System (EDIS) procedures as set down in the EDIS Accreditation Decision concluded between Estonia, Latvia, Lithuania and Poland and the Commission respectively<sup>3</sup>. Prior to the conclusion of EDIS Accreditation Decision, implementation will exceptionally follow Phare Decentralised Implementation System (DIS) procedures<sup>4</sup>. Extended Decentralisation will, however, apply from the date of accession at the latest.

The National Aid Co-ordinator (NAC) will have overall responsibility for programming and monitoring of Phare programmes, in each of the beneficiary countries (Estonia, Latvia, Lithuania, Poland). The National Authorising Officer (NAO) and the Project Authorising Officers (PAO) will ensure that the programmes are implemented in line with the procedures in the EDIS Accreditation Decision and/or the *DIS Manual* as well as the other instructions of the Commission, and that all contracts required to implement the Financing Memorandum are awarded using the procedures and standard documents defined and most recently published by the European Commission for the implementation of External Actions. The NAC and the NAO shall be jointly responsible for co-ordination between Phare (including Phare CBC), ISPA and SAPARD as well as the Structural and Cohesion Funds.

The National Fund (NF) in the Ministry of Finance, headed by the NAO, will supervise the financial management of the Programme, and will be responsible for reporting to the European Commission. The NAO shall have overall responsibility for financial management of the Phare funds. He shall ensure that the Phare rules, regulations and procedures pertaining to procurement, reporting and financial management as well as Community state aid rules are respected, and that a reporting and project information system is functioning. This includes the responsibility of reporting all suspected and actual cases of fraud and irregularity. The NAO shall have the full overall accountability for the Phare funds of a programme until the closure of the programme.

#### **b.) Project size**

As this programme is entirely covered by a grant scheme, both for small and for medium sized projects, none of them will be greater than €2 million.

#### **c.) Deadline for contracting and execution of contracts; programming deadline**

All contracts must be concluded by 30 November 2005. Execution of contracts must end by 30 November 2006. Budgetary commitments which have not given rise to payments during three years counted from the date of the legal commitment will be de-committed.

#### **d.) Clearance of Accounts Procedure and Recovery of Funds**

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<sup>3</sup> in accordance with the rules set down in the Council Regulation 1605/2002 (Financial Regulation), in particular Art. 164, Commission Regulation 2342/2002 (Implementing Rules of the Financial Regulation) and the annex of Council Regulation 1266/1999

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A clearance-of-accounts procedure in line with Art. 53 para 5 of the Financial Regulation<sup>5</sup> and Art. 42 of the Implementing Rules to the Financial Regulation<sup>6</sup> will be put in place.

Any proven irregularity or fraud<sup>7</sup> discovered at any time during the implementation of the programme will lead to the recovery of funds by the Commission.

If the implementation of a measure appears not to justify either a part or the whole of the assistance allocated, the Commission is to conduct an appropriate examination of the case, in particular requesting the beneficiary country to submit its comments within a specified period of time and to correct any irregularity.

Following the examination referred to in the previous paragraph, the Commission may reduce, suspend or cancel assistance in respect of the measures concerned if the examination reveals irregularity, an improper combination of funds or a failure to comply with one of the conditions in the financing memorandum and in particular any significant change affecting the nature or conditions of implementation of the measure for which the Commission's approval has not been sought. Any reduction or cancellation of the assistance is to give rise to recovery of the sums paid.

Where the Commission considers that an irregularity has not been corrected or that all or part of an operation does not justify either all or part of the assistance granted to it, the Commission is to conduct a suitable examination of the case and request the beneficiary country to submit its comments within a specified period. After the examination, if the beneficiary country has undertaken no corrective measures, the Commission may:

- (a) reduce or cancel any advance;
- (b) cancel all or part of the assistance granted to the measure.

The Commission is to determine the size of a correction taking into account the nature of the irregularity and the extent of any failures in the management and control systems.

Any funds not used by the expiry date of the programme will be recovered by the Commission. A final written declaration with supporting documentation shall be issued by the NAO two months after all payments have been made, showing the total amount contracted and disbursed. A final bank reconciliation showing the existing balances in the NF/IA/CFCU shall also be enclosed.

Notwithstanding the recovery of unused and ineligible funds after expiry of the Financing Memorandum, a complementary recovery order may be issued after the final audit of the reliability and consistency of contracts and disbursements as well as their compliance with the provisions of the Financing Memorandum has been carried out, taking into account the independent opinion of the final audit.

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<sup>5</sup> Council Regulation 1605/2002 of 25 June 2002

<sup>6</sup> Commission Regulation 2342/2002 of 23 December 2002

<sup>7</sup> As defined under number 8a (Audit and Anti-fraud Measures by the Candidate Countries) of this document

The National Authorising Officer will ensure the reimbursement of any unused funds or any sum wrongly paid within sixty calendar days of the date of notification. If the NAO does not repay the amount due to the Community, the beneficiary country shall refund this amount to the Commission. Interest on account of late payments shall be charged on sums not repaid by applying the rules specified in the Financial Regulation governing the Community Budget.

#### **e.) Financial Flows**

The Commission will transfer funds to the NF in accordance with the Memorandum of Understanding signed between the Commission and each of the beneficiary countries (Estonia, Lithuania, Latvia, Poland) in December 1998. Funds will be transferred following requests from the NAO onto a separate bank account, denominated in €, which will be opened and managed by the NF in the Central Bank.

##### **aa) Transfer of Funds to the National Fund**

A first transfer of up to 20% of the funds to be managed locally, representing pre-financing<sup>8</sup> will be sent to the NF following signature of the Financing Memorandum and the Financing Agreements (FAs) between the NF and the Implementing Agencies (IAs)/Central Finance and Contracts Unit (CFCU). The provisions foreseen in articles 2 and 13 of the MoU on the NF must also be met. Furthermore, the NAO must submit to the Commission the designation of the PAOs and a description of the system put in place, highlighting the flow of information between the NF and the IA/CFCU and the manner in which the payment function will be carried out.

Two further transfers of up to 30 % each of the funds to be managed locally will be made. The second transfer will be triggered when 5% of the budget has been disbursed by the IAs and the CFCU. The third transfer may be requested when 35% of the total budget in force has been disbursed. A fourth transfer will be made when 70% of the total budget in force is disbursed and when all expenditure has been incurred (i.e. fully contracted). No later than 2 months after all payments have been made the National Fund will submit a final declaration of expenditure, which will trigger a balancing operation of all transfers against final certified expenditure incurred, which at that point will be equal to payments made. (closure of expenditure)<sup>9</sup>.

Exceptionally the NAO may request payment of more than the percentages mentioned above in accordance with the procedures laid down in the aforesaid Memorandum of Understanding. Save for express prior authorisation from the Commission HQs, no interim payments may be made if the trigger points mentioned above have not been respected.

##### **bb.) Transfer of Funds to the Implementing Agencies**

The National Fund will transfer funds to IAs, including the Central Financing and Contracting Unit (CFCU), in accordance with Financing Agreements (FAs) signed between the NFs and the IAs/CFCU where applicable. Bank accounts for sub-programmes shall be opened in the name of the relevant Implementing Agency/CFCU in

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<sup>8</sup> as defined in Art. 81.1.b.i of the Financial Regulation

<sup>9</sup> as defined in Art.105 of the Implementing Rules

charge of the financial administration of the sub-programme in line with Art. 13 of the MoU on the Establishment of the National Fund.

Under DIS, each individual FA will be endorsed in advance by the European Commission. In cases where the NF is itself the paying agent for the CFCU/IA there will be no transfer of funds from the NF to the CFCU/IA. The CFCU and the IAs must each be headed by a Programme Authorising Officer (PAO) appointed by the NAO after consultation with the NAC. The PAO will be responsible for all the operations carried out by the relevant CFCU/IA.

For those contracts with funds retained for a warranty period, the overall total of funds related to those contracts, as calculated by the PAO and established by the Commission, will be paid to the Implementing Agency before the official closure of the programme. The Implementing Agency assumes full responsibility of depositing the funds until final payment is due and for ensuring that said funds will only be used to make payments related to the retention clauses.

The Implementing Agency further assumes full responsibility towards the contractors for fulfilling the obligations related to the retention clauses. Funds not paid out to the contractors after final payments have been settled shall be reimbursed to the Commission. An overview of the use of funds deposited on warranty accounts - and notably of the payments made out of them - and of interests accrued will annually be provided by the NAO to the Commission.

cc.) Interest

In principle, all bank accounts<sup>10</sup> will be interest bearing. Interest will be reported to the European Commission. If the Commission so decides, on the basis of a proposal from the NAO, interest may be reinvested in the Programme.

**f.) Implementing Agencies will be responsible for sub-programmes as follows:**

Poland: Implementing Authority for Phare Cross Border Co-operation Programme, Ministry of Internal Affairs and Administration

Latvia: Central Finance and Contracting Unit (CFCU)

Lithuania: Central Project Management Agency (CPMA), Ministry of Finance

Estonia: Central Finance and Contracting Unit (CFCU), Ministry of Finance

**g.) Environmental Impact Assessment and Nature Conservation**

The procedures for environmental impact assessment as set down in the EIA-directive<sup>11</sup> are fully applicable for all investment projects under PHARE. If the EIA-directive has not yet been fully transposed, the procedures should be similar to the ones established in the

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<sup>10</sup> in particular, but not exclusively, accounts run by the NF, the CFCU and IAs

<sup>11</sup> DIR 85/337/EEC; OJ L 175/40; 5.7.1985; as amended by DIR 97/11/EEC; OJ L 73/5; 14.3.1997



above-mentioned directive. If a project would fall within the scope of annex I or annex II of the EIA Directive, the carrying out of the EIA-procedure must be documented<sup>12</sup>.

If a project is likely to affect sites of nature conservation importance, an appropriate assessment according to Art. 6 of the Habitats-Directive<sup>13</sup> must be documented<sup>14</sup>.

All investment projects shall be carried out in compliance with the relevant Community environmental legislation. The Project Fiches will contain specific clauses on compliance with the relevant EU-legislation in the field of the environment according to the type of activity carried out under each investment project.

## **h.) Special rules for certain components for the programme**

### Grant Schemes

For Grant Schemes in the field of Economic and Social Cohesion (*both within PHARE National Programme or PHARE CBC*) the precise implementation arrangements will be specified in the relevant project fiches in line with the following principles:

- The procedures and formats to be used in the implementation of the schemes and award of the grants will follow the provisions of the Practical Guide. In particular, due care will be given to the selection process of the beneficiary projects, which has to be done at technical level through selection committees composed of experts appointed by the authorities which are co-financing the schemes as well as by the relevant administrations and interest groups involved in the schemes.
- The competent PAO for the programme under which the grant scheme is financed has to retain his/her contractual and financial responsibility for the implementation of the schemes. In particular, the PAO has to formally approve the call for proposals, application forms, evaluation criteria, as well as the selection process and results. The PAO has also to sign the grant contracts with the beneficiaries and to ensure adequate monitoring and financial control under his/her authority and responsibility. With this reservation, the management of the schemes can be decentralised from the PAO to the appropriate bodies at sectoral or regional level.
- Prior to EDIS accreditation, the ex-ante approval of the Commission (Delegation in the beneficiary countries: Estonia, Latvia, Lithuania, Poland) will be required, in conformity with the provisions of chapter 6 of the Practical Guide (decentralised ex-ante control).
- The implementation of selected projects through provision of works, supplies and services, sub-contracted by the final beneficiaries of the individual grants, shall be subject to the procurement regulations in the Practical Guide. For Poland, implementation will follow the national public procurement law.
- Following a positive assessment of the Implementing Agency's capacity to operationally and financially manage the schemes in a sound and efficient manner (*cf.*

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<sup>12</sup> in Annex EIA to the corresponding investment project fiche

<sup>13</sup> DIR 92/43/EEC; OJ 206/7; 22.7.1992

<sup>14</sup> in Annex Nature Conservation to the corresponding investment project fiche

*Section 11 and Annex 4 of the 2003 PHARE Programming Guide*), the Commission Delegation may decide to waive its ex-ante approval of sub-contracting carried out by final beneficiaries of individual grants. The detailed provisions governing the role of the Delegation in the above mentioned sub-contracting phase will be specified, as appropriate, in the exchange of letters between the Delegation and the National Authorities following the above mentioned assessment exercise.

- Grant schemes will not involve projects for which PHARE contribution is more than € 2 million and less than €50,000. This lower limit may be waived as a result of the above-mentioned assessment of the Implementing Agency's capacity of giving assurance of sound financial management. This lower limit is not applicable in the case of NGOs.

The financial commitments in Phare terms will be effected at the date of signature of the grant contracts by the competent PAO. The projects should be fully implemented before the expiry date for contract execution of the present Financing Memorandum.

#### CBC Small Projects Fund

The Small Projects Fund will finance projects below €50,000 (PHARE contribution). It will not include physical investments other than small infrastructure not generating substantial net revenue.

For the CBC Small Project Fund, up to 7% of the PHARE contribution may be used for expenditure relating to the preparation, selection, appraisal and monitoring of the assistance.

#### **4. Monitoring and Evaluation**

Project implementation of this programme will be monitored through the Joint Monitoring Committee (JMC). It includes the NAO, the NAC and the Commission services. The JMC will meet at least once a year to review all Phare funded programmes in order to assess their progress towards meeting the objectives set out in Financing Memoranda and the Accession Partnership. The JMC may recommend a change of priorities and/or the re-allocation of Phare funds. Furthermore the JMC will review the progress of all pre-accession EU-funded assistance programmes once a year (PHARE, ISPA and SAPARD).

For the PHARE programme, the JMC will be assisted by Sectoral Monitoring Sub-Committees (SMSC) which will include the NAC, the PAO of each Implementing Agency (and of the CFCU where applicable) and the Commission Services. The SMSC will review in detail the progress of each programme, including its components and contracts, assembled by the JMC into suitable monitoring sectors. Each sector will be supervised by one SMSC on the basis of regular monitoring reports produced by the Implementing Agency, and interim evaluations undertaken by independent evaluators. The SMSC will put forward recommendations on aspects of management and design, ensuring these are effected. The SMSC will report to the JMC, to which it will submit overall detailed opinions on all Phare financed programmes in its sector.

The Commission services shall ensure that an ex-post evaluation is carried out after completion of the Programme.

#### **5.) Audit and Anti-Fraud Measures**

#### **a.) By the Candidate Countries<sup>15</sup>**

Each year an audit plan and a summary of the findings of the audits carried out shall be sent to the Commission. Audit reports shall be at the disposal of the Commission.

Appropriate financial control shall be carried out by the competent national financial control authority with respect to the implementation of the programme.

Beneficiary countries shall ensure investigation and satisfactory treatment of suspected and actual cases of fraud and irregularity following national or Community controls.

Irregularity shall mean any infringement of a provision of national or Community law<sup>16</sup>, this Financing Memorandum or ensuing contracts or resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the Communities or budgets managed by them, either by reducing or losing revenue accruing from own resources collected directly on behalf of the Communities, or by an unjustified item of expenditure.

Fraud shall mean any intentional act or omission relating to:

(i) the use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of funds from the general budget of the European Communities or budgets managed by, or on behalf of, the European Communities,

(ii) non-disclosure of information in violation of a specific obligation, with the same effect,

(iii) the misapplication of such funds for purposes other than those for which they are originally granted.

The national authorities shall ensure the functioning of a control and reporting mechanism equivalent to the one foreseen in Commission Regulation 1681/94<sup>17</sup>.

In particular, all suspected and actual cases of fraud and irregularity as well as all measures related thereto taken by the national authority must be reported to the Commission services without delay. Should there be no suspected or actual cases of fraud and irregularity to report, the beneficiary country shall inform the Commission of this fact within two months following the end of each quarter.

#### **b.) By the Commission**

All Financing Memoranda as well as the resulting contracts are subject to supervision and financial control by the Commission (including the European Anti-fraud Office) and audits by the Court of Auditors. This includes on-the-spot checks and, as long as the Extended Decentralisation System is not yet applicable to the Implementing Agencies in

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<sup>15</sup> in accordance with the rules set down in Art. 54 of the Financial Regulation

<sup>16</sup> defined as the entirety of Community rules applicable between the Parties of the Financing Memorandum (for example the Europe Agreements, the Framework Agreement, the Memorandum of Understanding on the Establishment of the National Fund etc.).

<sup>17</sup> OJ L 178; 12.7.94; p. 43-46

the Candidate Country concerned, measures such as ex-ante verification of tendering and contracting carried out by the Delegation in the Candidate Country concerned.

In order to ensure efficient protection of the financial interests of the Community, the Commission may conduct on-the-spot checks and inspections in accordance with the procedures foreseen in Council Regulation (Euratom, EC) No. 2185/96<sup>18</sup>.

The accounts and operations of the National Fund, and, where applicable, the CFCU and all relevant Implementing Agencies may be checked at the Commission's discretion by an outside auditor contracted by the Commission without prejudice to the responsibilities of the Commission and the European Union's Court of Auditors as referred to in the "General Conditions relating to the Financing Memorandum" attached to the Framework Agreement.

## **6. Visibility/Publicity**

The appropriate Programme Authorising Officer will be responsible for ensuring that the necessary measures are taken to ensure appropriate publicity for all activities financed from the programme. This will be done in close liaison with the Commission Delegation. Further details are set down in the Annex "Visibility/Publicity".

## **7. Special conditions**

In the event that agreed commitments are not met for reasons which are within the control of the Government of Poland, of Latvia, of Lithuania and of Estonia, the Commission may review the programme with a view, at the Commission's discretion, to cancelling all or part of it and/or to reallocate unused funds for other purposes consistent with the objectives of the Phare programme.

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<sup>18</sup> OJ L 292; 15.11.1996; p. 2-5