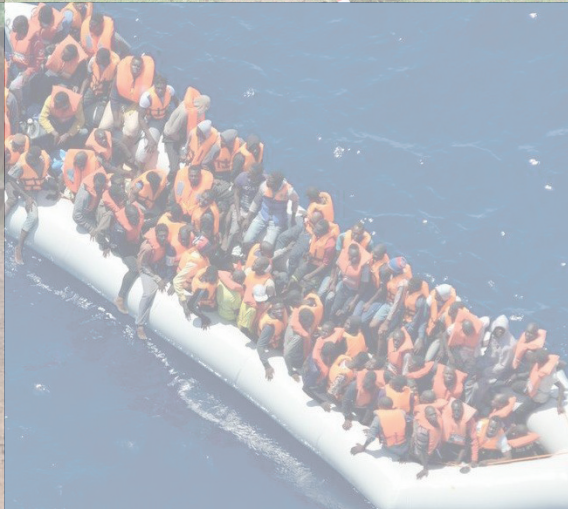




# ATHENA OPERATING MANUAL



Council of the  
European Union



# ATHENA OPERATING MANUAL

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# 1.1 ATHENA SUPPORT

## 1. KEY WORDS

Organization, EU military operations, exercises

## 2. SUMMARY

Athena's task is to support EU military operations and exercises through staffing/expertise (training, specific seconded officers). This has to be directly requested from the administrator's team: [athena.mechanism@consilium.europa.eu](mailto:athena.mechanism@consilium.europa.eu)

## 3. REFERENCES

- Athena Decision: Articles 16, 33 & 34; Annexes II, III (Parts B & C)

## 4. PRINCIPLES

- The future mission/operation HQ of a forthcoming EU operation, the EU Military Staff (EUMS) and the Athena administrator's team should undertake fact-finding missions together, notably to help estimate the reference amount (global estimate of the common costs of the future operation) and to identify items which should be financed in common for this particular operation.
- Training on Athena rules and procedures is organised as necessary for officers who are to deploy.

## 5. ACTIONS

- Identify and formalise your needs (training, advice, equipment, funds).
- Get in touch as soon as possible with Athena:  
[athena.mechanism@consilium.europa.eu](mailto:athena.mechanism@consilium.europa.eu)

**NB:** The earlier Athena is involved, the more support it can provide to the operation!

## 1.2 WORKFLOW - TIMELINES

### 1. KEY WORDS

Common costs, nation-borne costs, budget reporting, inventories

### 2. SUMMARY

The operation commander must provide the administrator, every month until a budget for the operation is adopted, and then every quarter, with implementation reports on expenditure financed through or pre-financed by Athena.

### 3. REFERENCES

- Athena Decision: Articles 17, 34, 35(1) & (2); Annexes I, II, III (Parts A, B & C), IV
- Athena Financial Rules: Chapter II of Part I
- Fiche 5.1 - Council Decision on the operation & reference amount
- Fiche 6.1 - Budget implementation

### 4. PRINCIPLES

- The preparatory phase starts when a crisis management concept has been approved by the Council of the European Union. It ends when the mission/operation commander is appointed, (usually through the Council Decision which creates the operation), unless Athena's Special Committee has modified the period.
- The EU legal text creating the legal basis for a new operation is a Decision adopted by the Council of the European Union. It includes a reference amount (estimate of the common costs for the duration of the operation) and authorises the operation commander to spend up to a given percentage of this reference amount. This Council Decision is the starting point of the active phase of the operation, notably for its accounting and inventories, which should be done through Athena's software.
- Contributions/funds are immediately called for from Member States to cover funding needs from adoption of the Council Decision until approximately 30 days after the planned adoption of the budget for the operation.
- The mission/operation commander must provide Athena's administrator with implementation reports using the same breakdown as the budget (budgetary commitments, legal commitments, payments, cash flow table):

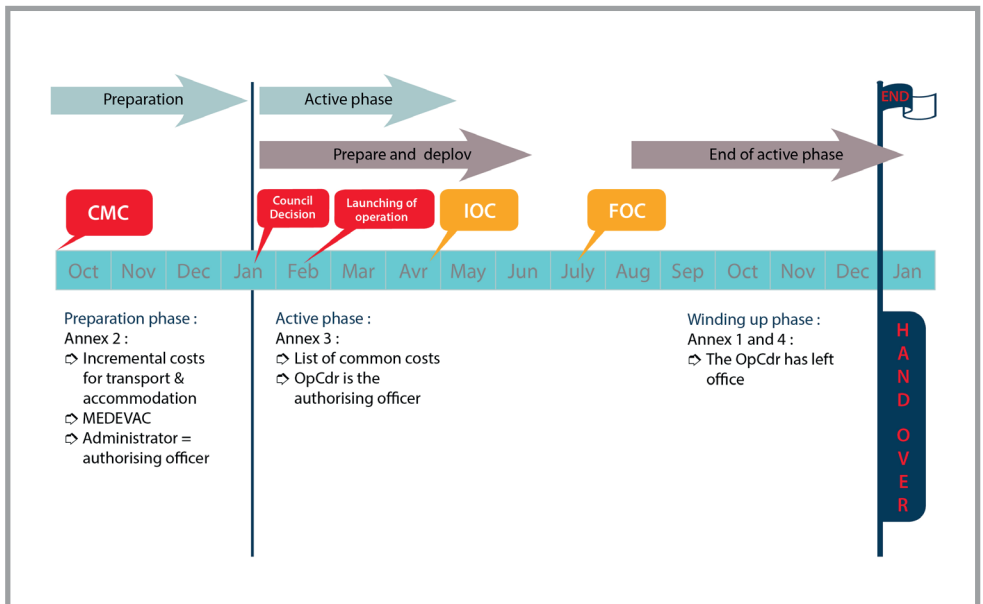
- o every month until a budget for the operation has been adopted;
- o then quarterly, within one month after the end of each quarter, i.e.:
  - by the end of April (period up to the end of March);
  - by the end of July (period up to the end of June);
  - by the end of October (period up to the end of September);
  - by the end of January (period up to the end of December).
- These reports must include expenditure during the previous period and since the beginning of the year and must be completed by commentaries to justify spending.
- The mission/operation commander must provide Athena's accountant with annual accounts every year, by 31 March of the following year (first draft to be delivered by the end of February).
- The end of the operation is usually split into two parts.
  - o The end of the active phase, where there is still an OpCdr, who is the authorising officer. The J8 tasks then are to:
    - settle the bills and claims in theatre;
    - propose and apply the Special Committee's decision regarding the final destination of equipment and infrastructure (sell, repatriate and store or give) bought with Athena funds;
    - leave the premises in theatre in agreement with the lessor;
    - draw the FHQ accounts, send remaining funds back and close bank accounts.
  - o The winding-up phase, when the Council Decision on the operation has been repealed by the Council, which terminates the M/OpCdr's time in office. The administrator is the authorising officer again and may delegate, e.g. to the former J8s, the following tasks:
    - settling the bills and claims (the necessary carryovers, budget, etc. must have been obtained in advance);
    - applying the Special Committee's decision regarding the final destination of equipment and infrastructure bought with Athena funds;
    - drawing up the accounts for the entire operation (annual accounts + quarterly reporting), sending remaining funds back and closing bank accounts.



## 5. ACTIONS

- Ensure that accounts for the preparatory phase are kept separately from accounts for the active phase, as these concern two different titles in Athena's budget.
- Ensure that the FHQ reports to the OHQ in due time, both on common costs and nation-borne costs.
- Consolidate OHQ and FHQ reports and add comments.
- Send the consolidated reports to Athena's administrator in due time.
- Prepare staffing and inventories in due time for the end of the operation (end of active phase + winding-up phase).

## 6. ATHENA OPERATIONAL TIMELINES SUMMARY



# 2.1 COMMON COSTS FINANCED BY ATHENA

## 1. KEY WORDS

Finance, common costs, budget

## 2. SUMMARY

The common costs of a European Union military operation are financed through Athena by 27 EU Member States based on their GNI keys. The common costs for each phase of the operation are defined in the Council Decision on Athena. The extent of funding is determined by a budget approved by the Athena Special Committee (SC). Common-cost funding applies only to incremental costs.

## 3. REFERENCES

- Athena Decision: Articles 15, 17, 33 and 34; Annexes I, II, III (Parts A, B & C), IV
- Athena Financial Rules: Chapters I & II of Part I

## 4. PRINCIPLES

- Check the eligibility of costs, taking into account the timelines of the operation.
- Incremental costs are those costs which would not have been incurred if the operation had not taken place. They exclude 'peace-time' costs and are limited to costs generated by the operation.

## 5. WHENEVER INCURRED: CERTAIN COSTS ARE BORNE BY ATHENA WHENEVER THEY ARE INCURRED (ANNEX I TO THE COUNCIL DECISION ON ATHENA)

### 5.1 Link to a specific operation/mission:

- a) mission expenditure related to submitting accounts to the SC
- b) indemnities for damage, claims and legal action
- c) storage of material.

### 5.2 As a general part of the annual budget:

- a) banking costs
- b) auditing costs
- c) common costs relative to the preparatory phase
- d) Athena accounting and asset management system

- e) costs related to administrative arrangements and framework contracts (Article 11).

## **6. PREPARATORY PHASE (ANNEX II TO THE COUNCIL DECISION ON ATHENA)**

Incremental costs for exploratory missions and preparations:

- a) Transport and accommodation.
- b) Use Communications.
- c) recruitment of local civilians (interpreters, drivers)
- d) Medical services (MEDEVAC)

## **7. ACTIVE PHASE (ANNEX III TO THE COUNCIL DECISION ON ATHENA)**

### **7.1 Always borne by Athena (Part A of Annex III)**

*7.1.1 Incremental costs for headquarters for Union-led operations:*

- a) transport to and from the theatre of operations to deploy, sustain and recover FHQs and CCHQs,
- b) travel and accommodation costs incurred by the OHQ for official missions, and by personnel from deployed HQs on official missions,
- c) transport/travel (excluding 'per diem') for HQs within the theatre of operations,
- d) administration, including additional office and accommodation equipment, contractual services and utilities, and maintenance costs of HQ buildings,
- e) civilian personnel recruited for operational requirements,
- f) communications between HQs and with directly subordinate forces,
- g) barracks and lodging/infrastructure for HQs in theatre,
- h) public information, info campaigns, media,
- i) representation and hospitality at HQ level.

*7.1.2 Incremental costs for providing support for the forces as a whole as a consequence of the force deployment:*

- a) works for deployment/infrastructure, for joint use,
- b) EU identification marking (excluding clothes, hats and uniforms),
- c) medical services and facilities (MEDEVAC, Role 2 and Role 3 at theatre level approved in the OPLAN);
- d) acquisition of information (satellite images for intelligence approved in the OPLAN).

7.1.3 *Incremental costs incurred by Union recourse to NATO common assets and capabilities made available for a Union-led operation.*

7.1.4 *Incremental costs incurred by the Union for goods, services or works included in the list of common costs and made available for a Union-led operation by a Member State, a Union institution, a third state or an international organisation pursuant to an arrangement. Reimbursement by a state, a Union institution or international organisation based on an arrangement.*

## **7.2 Borne by Athena when the Council so decides (Part B of Annex III)**

7.2.1 *Transport (deployment and redeployment of the forces to theatre of operations).*

7.2.2 *Multinational task force HQs (deployed in the area of operations).*

## **7.3 Borne by Athena when requested by the OpCdr and approved by the SC (Part C of Annex III)**

7.3.1 *Barracks and lodging/infrastructure for the forces deployed.*

7.3.2 *Essential additional equipment (unforeseen and essential for the execution of the operation; not to be repatriated at the end of the mission).*

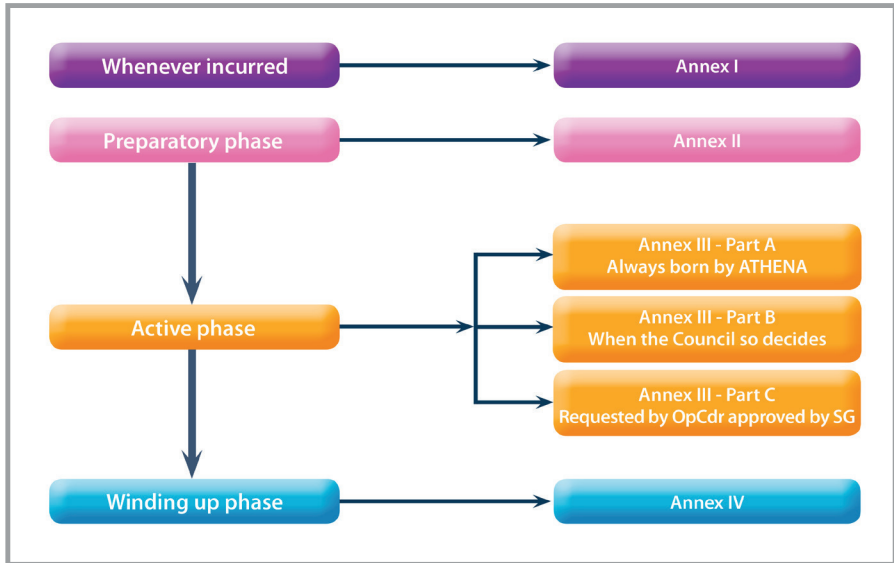
7.3.3 *Medical services and facilities (Role 2 services and facilities in theatre not in the OPLAN).*

7.3.4 *Acquisition of information, including satellite, theatre-level intelligence, HUMINT, reconnaissance and surveillance (ISR)(AGSR).*

7.3.5 *Other critical theatre-level capabilities (demining, CBRN protection, storage and destruction of weapons and ammunition collected in the area of operation).*

## 8. WINDING-UP PHASE OF AN OPERATION (ANNEX IV OF COUNCIL DECISION ON ATHENA)

- a) Costs incurred in finding the final destination for equipment and infrastructure financed in common.
- b) Incremental cost of drawing up accounts for the operation.



## 9. ACTIONS

HQs having no authority to contract in areas which are not common costs must:

- o check the eligibility of the common costs requested;
- o formalise the budgetary commitments to cover common-cost expenditure when eligible;
- o in case of doubt, confirm the potential eligibility of common costs at higher levels (FHQ, OHQ, Athena).

When in doubt on eligibility issues, please contact the administrator's team:  
[athena.mechanism@consilium.europa.eu](mailto:athena.mechanism@consilium.europa.eu)

## 2.2 NATION-BORNE COSTS (NBCS) & THIRD-PARTY EXPENSES

### 1. KEY WORDS

Active phase, list of NBCs, pre-financing, consumption, reimbursement, third parties

### 2. SUMMARY

The Special Committee approves a list of services and supplies to be managed by Athena as 'nation-borne costs' (NBCs). This covers expenses which are not eligible for common funding but which for operational reasons are best managed in common. However, each state must reimburse what it has used.

The same rules also apply to all participating states (EU and non-EU) that use the nation-borne costs mechanism.

The Special Committee usually decides that Member States and other participating states will be requested to make a 'deposit' to Athena to pre-finance NBCs based on estimated consumption.

NBCs differ from common costs in three respects:

- there is a list of items for each operation defined in the operation's NBCs Act;
- NBC expenditure is off budget;
- the financing by states is based on usage and not on the GNI key.

### 3. REFERENCES

- Athena Decision: Articles 28, 29
- Athena Financial Rules: Part I, Part II, Part III

## 4. PRINCIPLES

- The M/OpCdr should provide the administrator, at an early stage, with a draft NBC Act including a list of items he or she wishes to have managed as NBCs. The Act will be submitted to the Special Committee for approval.
- For either the FHQ or for forces as a whole, this can include the following, for example:
  - o accommodation/lodging
  - o messing, food, water
  - o laundry
  - o utilities (electricity, water)
  - o garbage removal
  - o welfare
  - o petroleum, oil and lubricants for aircraft and vehicles
  - o maps
  - o medical care
  - o communications for the forces.
- The exhaustive list of authorised expenses has to be set up in advance by an Act of the Athena Special Committee and reflected in clear Standard Operating Procedures (SOPs). Those SOPs must identify who is authorised, under what conditions, and at what price. The arrangements for invoicing and reimbursement must be agreed on by default.
- There is usually a gap between payment to suppliers and reimbursement by states. Therefore, even if no budget for NBCs is required from Athena, a global estimate of anticipated expenditure has to be produced to estimate cash-flow needs and the flow of funds. States will be required to pre-finance based on such estimates. To enable quick initial deployment, NBCs can exceptionally be pre-financed from the common-costs budget (Article 29 of the Athena Decision).
  - Procurement must comply with the same rules as for common costs (i.e. Athena's Financial Rules, notably Part II).
- The difficulty lies in collecting the information on usage necessary for billing the states. It requires the same accounting procedures as common costs for selecting, managing and paying suppliers, plus allocation of costs to participating states certified in theatre by the Senior National Representative (SNR) of each state. This

implies that SNRs should be made aware of the system and their cooperation should be sought. The expenses can only be contested in theatre - once SNRs approve the monthly bill, participating states have to pay.

- Athena Central Staff receives information from the FHQ or M/OHQ, then bills the states from Brussels every month and collects revenues. On request, Athena also provides the M/OHQ or FHQ with the necessary funds to pay suppliers of NBCs.

## 5. ACTIONS

Procedures for managing NBCs should be formalised in SOPs, ensuring that the Athena Financial Rules are followed.

- o Depending on the NBC burden, a second accounting section may be required (local personnel may be hired, but any additional associated costs are charged as NBCs).
- o The M/OpCdr must provide a monthly NBC report to the Athena administrator. Templates and guidelines can be found in Freshdesk: <https://athenamechanism.freshdesk.com>.
- o Practical procedures should encompass the following points.
  1. The EU FHQ or M/OHQ (depending on agreement per operation) accurately allocates of costs for each participating state as endorsed by the Senior National Representatives.
  2. The EU FHQ or M/OHQ sends the Athena administrator a detailed monthly statement of NBCs.
  3. The Athena administrator invoices each state monthly.
  4. The states concerned must pay Athena the funds required each month within 30 days following dispatch of the call for funds.
  6. Any state which does not fulfil its financial obligations will be subject to interest on late payment.
  7. Bills may only be contested in theatre.
  8. Each participating state must communicate its points of contact to the administrator and the M/OpCdr.
  9. NBC funds must be held in dedicated bank accounts, separate from the accounts used for common costs.



# 3.1 ORGANISATION OF THE FINANCIAL CHAIN (J8 ENVIRONMENT)

## 1. KEY WORDS

Organisation, common costs, authorising officer, delegations, J8 section

## 2. SUMMARY

For any mission/operation, the commander is the authorising officer for common costs and nation-borne costs for the duration of his or her term in office. Duties may be delegated by written decision to a member of the staff at an appropriate level, specifying the extent of the conferred powers and the scope for beneficiaries to sub-delegate their powers.

## 3. REFERENCES

- Athena Decision: Articles 8-10, 14, 32, 34, 36, 44
- Athena Financial Rules: Articles 1-6, 8-10, 53 of Part I

## 4. PRINCIPLES

- The J8 head of section is usually the authorising officer by delegation. The J8 section is responsible for budget implementation, contracting/purchases and accounting, and gives advice on these matters to other HQ sections (COS, J1, J4, J6, etc.).
- All other delegations and sub-delegations must be in writing and recorded in registers.
- The OHQ assigns a proportion of its budget to the FHQ to be managed in theatre.
- The duties of authorising officer and accounting officer are mutually incompatible and must be segregated.
- Any payment requires the joint signature of an authorising officer and an accounting officer.
- The J8 head of section must oversee expenditure financed through Athena as decided or supervised by the headquarters where he or she is assigned.
- All decisions must be properly documented.

## 5. ACTIONS

- The J8 should secure sufficient staffing for the amounts of expenditure foreseen and anticipate changes in staffing needs.

- A J8 head of section must adequately set up his or her section with appropriate written delegations and standard operating procedures (SOPs), ensuring that:
  - o the principle of incompatibility between authorising and accounting officers is complied with (therefore, the J8 section must have at least two officers; one officer in the J8 section may discharge several functions, except for the accounting officer);
  - o no contract with a value exceeding EUR 130 000 for supplies or services and EUR 5 million for works can be concluded without his or her personal assent;
  - o all relevant documents are kept up to date;
  - o the internal control system is organised and the Athena administrator is provided with quarterly implementation reports;
  - o a register of all decisions is properly maintained.

## 3.2 ADMINISTRATIVE & FINANCIAL ACTORS' ROLE

### 1. KEY WORDS

Organisation, J8 section, responsibilities, delegations

### 2. SUMMARY

A J8 section must include at least one authorising officer and one accounting officer, since those roles are incompatible and any payment requires their joint signature. A J8 section should normally be staffed with at least four officers (one head of section = authorising officer, one budget officer, one procurement officer, one accounting officer). Operational requirements may be more demanding and staffing must be tailored to actual needs. The administrative burden of NBCs has to be taken into account for appropriate staffing.

### 3. REFERENCES

- Athena Decision: Articles 8-10, 14, 32, 34, 36, 44
- Athena Financial Rules: Articles 1- 6, 8-10 & 53 of Part I
- Fiche 3.1: Organisation of the financial chain

### 4. PRINCIPLES

- It is crucial to provide the best-quality services and minimise risk exposure by ensuring that J8 staff are properly recruited, trained in Athena financial procedures and management and equipped for their responsibilities.
- For the proper application of the Athena rules, CJ8 should have a multinational staff. For this reason, and according to the rules of budgeting and accounting, CJ8 personnel must not perform national functions in addition to the below functions under the Athena rules.
- The J8 should secure sufficient staffing for the anticipated workload.
- Any payment requires the joint signature of an authorising officer and an accounting officer; where this requirement cannot be met, an imprest account must be established by a decision in writing from the J8 head of section (and this should be only for small amounts).
- The J8 head of section must have direct access to the commander, as a close adviser.

- The following job descriptions should be respected.
  - o Head of J8 section: close adviser to the commander, responsible for the correct performance of the duties of the J8 section, directs and supervises the management of Athena funding and therefore authorises any budgetary and legal commitments. Also appoints the budget officer(s), the contracting officer(s) and the accounting officer(s). May delegate his or her powers. Must, however, personally give assent to any contract above the 'higher threshold'. Presents the draft budget for the operation, requests for deviations from procurement procedures and other proposals to the Special Committee.  
Produces the necessary SOPs to cover at least the following topics:
    - o deployment and redeployment
    - o representation and hospitality
    - o mission travel
    - o NBCs
    - o inventory.
 Participates in drafting SOPs with financial implications for the responsibilities of other Js (medical, welfare, etc.).
  - o Budget Officer: under the authority of the J8 head of section, prepares the draft budget(s) for the operation; records into the budget accounts budgetary commitments when starting a budget year in accordance with the budget proposal, legal commitments and payments; prepares as necessary any proposal for transfers of appropriations, carryovers of appropriations, and amending budgets.
  - o Contracting Officer: under the authority of the J8 head of section, conducts procurement procedures; identifies potential suppliers; requests price estimates; prepares any documents and acts of procedure necessary to procurement; ensures that Athena rules and the SOFA are complied with; keeps the signed contracts.
  - o Accounting Officer: under the authority of the J8 head of section, makes payments on common costs and nation-borne costs; checks any supporting documents relating to and subsequent to budget implementation; prepares any administrative documents relating to payment and submits them for approval; keeps the books on common costs and nation-borne costs.

## 5. ACTIONS

- The J8 head of section must adequately set up his or her section with appropriate written delegations and standard operating procedures, ensuring that:
  - o sufficient staffing is secured, in view of the anticipated workload;
  - o the principle of incompatibility between authorising and accounting officers

is complied with (one officer in the J8 section may therefore discharge several functions, except for the accounting officer);

- o no contract with a value exceeding the 'higher threshold' (EUR 130 000 for supplies or services and EUR 5 000 000 for infrastructure works) can be concluded without his or her personal assent;
  - o the mandatory documents are established and/or kept up to date (e.g. delegations, inventory of fixtures of buildings and pieces of land on arrival and departure, inventories, etc.);
  - o the internal control system is organised and the Athena administrator is provided with implementation reports.
- Within his or her HQ, the J8 head of section - in a more general way - should take care of:
- o setting out the standards expected from staff dealing with financial matters;
  - o providing proper training in financial procedures and management;
  - o promoting and encouraging a basic level of financial awareness amongst all staff.
- The J8 head of section must also:
- o give the M/OpCdr and Chief of Staff a sufficient overview of Athena, explaining in particular that:
    - spending is limited to lists of common costs and nation-borne costs and, for common costs, by a budget;
    - procurement procedures are mandatory, although deviations may be authorised, and they serve the purpose of lowering costs thus allowing the operation to buy more for its allocated budget;
    - the Special Committee has an important role (voting on budgets, granting deviations to procurement rules, granting a discharge, etc.) and trust should be established notably through regular reporting;
  - o explain to heads of other sections, notably J4 and J6, that purchases must be made through contracts concluded or purchase orders issued by the J8 section;
  - o establish a clear relationship with the FHQ or the M/OHQ based on delegations in writing, frequent exchanges of information and visits to theatre where applicable;
  - o keep the administrator and the Special Committee regularly informed of spending, activities, difficulties, operational needs, etc.

## 3.3 BANKS AND CASH

### 1. KEY WORDS

Funds, banks, cash

### 2. SUMMARY

The security of money must be ensured at all times. Moreover, any financial transaction must be recorded in the accounts.

### 3. REFERENCES

- Athena Decision: Article 14
- Athena Financial Rules: Articles 11 & 17-19 of Part I

### 4. PRINCIPLES

- Ensuring the security of funds provided by Athena is the first priority.
- Any payments made from the bank accounts, regardless of the medium used (electronic banking, paper-based orders, cheques), require the signatures of both the accounting officer (or his or her agent) and the authorising officer (or his or her agent). If the bank is not able to provide such an arrangement via a certain medium, then access to the accounts via that medium must be explicitly prohibited. This requirement may not be substituted by the budgetary workflow process in the accounting system of Athena.
- Ordering payments by fax should be prohibited in all cases.
- Funds provided by Athena must be kept in separate, dedicated bank accounts. Funds for common costs and nation-borne costs (NBCs) must be in separate bank accounts at all levels.
- Only sight or short-term deposits are allowed.
- Accounts held by the operation may not be overdrawn. Any form of borrowing, including but not limited to overdrafts, loans and credit cards, is not allowed.
- All EU OHQs should have a permanent bank account for EU operations, in order to be in a position to receive funds early in the operation. Such a bank account should be in euros, with a bank with its head office in Europe.

- All FHQs should wherever possible open a bank account in theatre.
- All MHQs should open a bank account with the bank of Athena Central and, if needed, another bank account in theatre.
- In theatre:
  - o Wherever possible, deposits must be made with a bank with its head office in the European Union. Where this is not possible, funds may be deposited with a bank having its head office outside the EU.
  - o The choice of bank may be influenced by security considerations and non-partisanship in local conflicts.
  - o Accounts may be opened in foreign currencies when this is necessary to facilitate local transactions and in order to avoid foreign exchange losses. A balance must be sought between the economies to be gained from holding foreign currencies, and the risks involved therein. Holdings of foreign currencies which exceed the foreseeable needs for the next 60 days are not recommended.
- Where operationally needed, funds may be kept and transported in cash. If so, and where the SOFA so allows, funds must be escorted by a sufficient number of armed personnel. Funds must be kept in a locked safe; only one person should be in possession of the key or code, with the local commander keeping a copy in a sealed envelope. The safe's code must be changed every six months and each time a new person takes charge.

## 5. ACTIONS

- Identify potential banks in theatre and select one with a view to ensuring firstly the security of funds, and secondly the best value for money. Negotiate the best terms possible, with a special emphasis on the cost of converting currencies (foreign exchange spread).
- Ensure that cash is kept in safes and is properly escorted. Ensure that mandatory provisions on safe keys and codes are observed.
- Ensure that any cash flow is properly recorded in cash books.
- Ensure that cash books are reconciled at least once a month with the accounts.
- Ensure that third parties are introduced into the banking system on the basis of the financial identification form received from the supplier. From that point onwards, payments should be made only on the basis of the accounts stored in the banking system, and not on any payment details which may be written on the supplier's invoices, remittance advices or emails, or mentioned in telephone calls or other communication. Should suppliers wish to change the account into which they receive payments from Athena, they must provide a new financial identification

form for the new account, and the accounting officer must ensure that the form is genuine and that it has been provided by a person having the legal capacity to represent the supplier. Where the bank account of the supplier is stipulated in a contract for the operation, the contract should also be duly amended to reflect the change.



## 3.4 INTERNAL CONTROL

### 1. KEY WORDS

Common costs, budget, finance, internal control, external audit, internal audit

### 2. SUMMARY

The M/OpCdr must ensure proper internal control. Internal auditors of the GSC (General Secretariat of the Council) and the Athena College of Auditors carry out audits on mission expenditure. The external auditors report to the Special Committee and the internal auditors report to the administrator. Both verify the proper operation of budgetary implementation systems and procedures, report on the quality of management and control systems, and promote sound financial management.

### 3. REFERENCES

- Athena Decision: Article 8, and Articles 39 to 41
- Athena Financial Rules: Articles 3, 5, 7 and 55 of Part I

### 4. PRINCIPLES

- The mission/operation commander and the force commander, assisted by their respective J8, must set up internal controls to ensure that expenditure is in conformity with the principles of sound financial management (efficiency, economy, good value-for-money ratio), property and funds are preserved and the inventories and accounts reflect reality.
- Athena's administrator can initiate out-of-cycle audits.
- Audits check the accounts, the procurement procedures as documented, the inventories, measures taken to preserve property and funds, and the organisation.
- Audits encompass both common costs and nation-borne costs.
- The administrator and auditors are entitled to access, without delay and without giving prior notice, the documents and the contents of all data carriers related to the relevant expenditure (hard copies and computers), and the premises where those documents and carriers are kept. They may make copies. Those involved in implementing Athena's expenditure must give the administrator and the auditors the necessary assistance in performing their task.
- Any financial actor which considers that an action required by a superior is irregular or contrary to the principles of sound financial management is required to inform the authorising officer by delegation and, if the latter fails to take action,

the administrator. Any illegal activity, fraud or corruption must be reported to the mission/operation commander and/or the administrator, as appropriate.

- Procurement contracts must include appropriate clauses requiring contractors and consultants to make available all records which may be required for audit purposes.
- Athena's administrator, on request, can provide the OHQ J8 with audit support.

## 5. ACTIONS

All J8s must:

- o familiarise themselves with the relevant procurement procedures, inventories and accounting procedures;
- o raise the awareness of the mission/operation commander, the force commander and other sections of the need to comply with those procedures;
- o ensure sufficient internal control and observation of Athena procedures;
- o keep the Athena Central Staff informed regularly and continually on issues that have financial implications;
- o properly document all procurement procedures, derogations and other relevant decisions;
- o ensure that auditors have access to all relevant premises and documents at any time.

# 4.1 ATHENA CONTRACTING: GENERAL FRAMEWORK

## 1. KEY WORDS

Procurement principles, standard procedures, derogations, geographical scope, competent court

## 2. SUMMARY

Procurement must comply with Athena's Financial Rules and procedures. These are based on standard procedures, similar to national procedures, with possible derogations, notably for extreme urgency. The applicable law and the competent court for hearing disputes as well as the 'geographical scope' (list of countries which candidates may come from) are also set out in the Financial Rules. Athena procurement must ensure the basic principle of public procurement: transparency, equal treatment, fairness and open competition, proportionality and sound financial management.

## 3. REFERENCES

- **Principles:**
  - Financial Rules: Articles 1, 2, 5 & 6 of Part II
  - Financial Rules applicable to expenditure financed through Athena:
    - o in EU military operations where Headquarters are provided by EU Member States: Article 1 of Part III;
    - o in EU military operations with recourse to NATO assets and capabilities: Article 1 of Part IV.
- **Potential derogation:** Financial Rules: Articles 7 & 8 of Part II; Article 4 of Part IV
- **Geographical scope:** Financial Rules: Part II & Article 3 of Part IV
- **Applicable law & competent court for hearing disputes:** Financial Rules: Article 27 of Part II

## 4. PRINCIPLES

- o Athena's Financial Rules are guided by EU legislation (Directive 2014/24/EU on public procurement and Directive 2009/81/EC on public procurement in the fields of defence and security), taking into consideration operational requirements and constraints. Standard procedures are therefore similar to

those in EU Member States' national legislation.

- o The operation commander, as authorising officer for the operation he or she commands, may order procurement within the list of common costs, nation-borne costs, costs relating to third-party-contributions, and the budget in force for the operation, as necessary for the operation. Procurement procedures set out in the Financial Rules must be complied with. The OHQ J8 has a particular role, and may delegate powers, notably to the FHQ J8. The J8 ensures strict control over budget implementation and reports regularly to the mission commander and the administrator. The head of J8 also monitors the activity of the J8 of any subordinate HQ.
- o Where the OHQ is provided by an EU Member State or is the EU Operations Centre, or where there is no EU HQ, Part II of Athena's Financial Rules is applicable. Where an operation makes recourse to NATO assets and capabilities, NATO financial rules are applicable to procurement financed through Athena.
- o The basic common principles are set out below.
  - Procedures must aim to ensure, through fair and open competition, the most efficient procurement meeting the operational requirements (Article 2).
  - All staff involved in procurement procedures must treat economic operators equally and without discrimination, must act in a transparent way and must not disclose information forwarded to them by economic operators designated as confidential (Article 2).
  - No outsourcing of a military capability (e.g. armed guards) which could not be obtained in the force generation process, but is still requested by the operation commander, may be undertaken before it has been authorised by the Special Committee (Article 5).
  - Contracts must be in writing and must consist in a commitment and administrative and technical specifications (Article 26(1)).

#### – Geographical scope (Article 3)

- o No distinction may be made between economic operators established in the European Union or in certain countries with which the EU has agreements (Iceland, Liechtenstein, Norway, Albania, Chile, FYROM, Mexico and Montenegro). The criterion is the place of residence of the person or company, not nationality.
- o Procurement procedures are open to candidates from the host state.
- o The European Union and its Member States, within the World Trade Organisation or through bilateral agreements, have undertaken to open their public procurement above a threshold to competitors from a number of other countries. No candidate from one of these countries may be refused

in a procurement procedure above the 'higher threshold' (EUR 130 000 for goods or services, EUR 5 million for works) on the basis of geographical origin. The countries in question include Aruba, Canada, Chinese Taipei, Hong Kong, Israel, Japan, Singapore, South Korea, Switzerland and the USA.

- o This 'geographical scope' of procurement procedures is defined in Article 3 of Parts II and IV. Check the list before refusing candidates from a non-EU Member State because of their origin.

#### – Standard procedures and deviations

- o As in national legislation, procurement above the 'higher threshold' (EUR 130 000 for goods or services, EUR 5 million for infrastructure works) should in principle be through an open or restricted tender procedure or competitive dialogue. Below this threshold, procurement may be through a negotiated procedure with or without publication of a contract notice and wherever possible with at least three candidates being consulted.
- o A number of standing derogations apply at all times, with no need for prior authorisation (if a contract already concluded by an EU Member State, an EU institution or an international organisation is used by an operation; where a central purchasing body is used; to select a bank; for transportation; to secure buildings or property).
- o In addition, until full operational capability (FOC) is declared, a negotiated procedure with or without publication of a contract notice and with at least three candidates being consulted may be used for all goods, services and infrastructure works, whatever their value.
- o In other cases, specific prior authorisation is necessary to:
  - deviate from tender procedures in favour of negotiated procedures with or without publication of a contract notice, including where justified with a single source;
  - deviate from the geographical scope;
  - deviate from the obligation to have contracts in writing;
  - apply security measures and notably abstain from publication.
    - Admissible justifications are limited. Extreme urgency is one of them.
    - Authorisations are granted by the chief J8 up to EUR 130 000, the administrator up to EUR 1 million and the Special Committee above that threshold.
- o Specific NATO thresholds apply in EU military operations with recourse to NATO assets and capabilities.

#### – Applicable law and the competent court for hearing disputes

- o Before the signature of the contract: any disputes arising from a procurement procedure until the relevant contract is signed may be submitted, by

agreement, for conciliation to the Special Committee, which will devise appropriate measures.

- o The contract must specify the applicable law and the competent court.
- o Belgian courts are competent for any legal dispute when other methods of redress have

## 5. ACTIONS

- Delegate authority as necessary.
  - o The operation commander is responsible for the adequate staffing of the budget-finance section (J8) (Financial Rules - Articles 1 & 2 of Part I).
  - o Delegations must be made in writing and recorded in the Register of Administrative Decisions.
  - o The chief J8 of the HQ concerned must give his or her consent for contracts above the higher threshold.
- The operation commander and other branches, notably J4, J6 and J1, must be made aware of:
  - o the possibilities for procuring with funds provided through Athena;
  - o limitations (list of common costs and nation-borne costs, the budget);
  - o the timelines and other constraints (e.g. the need to draft clear and precise technical specifications) stipulated in the procurement procedures;
  - o the fact that only the J8 or an officer who received a delegation in writing from the J8 may procure anything.
- In the initial phase of the operation, any request for derogation which may be necessary (to select the appropriate procedure) should be submitted ASAP in order to be able to acquire the necessary items or services (see Fiche 4.5 - Derogations).
- Follow procurement procedures: the general workflow is set out below.

## 1. PREPARATION OF PROCUREMENT DOCUMENTS

### 1.1 Tender specifications (always required), which should provide the following minimum information.

**Technical specifications (Article 21):** a clear description of the purchase, quality, volume, standards, timelines for delivery, place, variations (where authorised), etc. They should include minimum requirements for technical compliance for all aspects.

**Criteria: exclusion, selection, award.**

Exclusion (Article 16): to determine whether the economic operator is allowed to participate, evidence is requested before the signing of the contract for values above the higher threshold (pass/fail test). Article 16 can simply be copied into the tender specifications..

Selection (Articles 22, 23, 24, 25): to ensure that the economic operator has the financial, economic, technical and professional capacity required to perform the contract (pass/fail test). Evidence could be requested at any stage of the procedure and is subject to a pass/fail test.

Award: the most economically advantageous tender must be chosen - at this stage the value of the tender is evaluated, not the economic or technical capacity. Two award methods can be used: lowest price or best value for money. For the latter, the ranking method with weighting must be included.

### **1.2 Draft contract or conditions (always):**

terms of contracts, including payments and guarantees.

### **1.3 Invitation to tender or to negotiate (always):**

provide the administrative details and outline the procedural requirements (specify the rules for submission, the list and form of the documents to be submitted by the tenderer, the terms, the deadline for submission and validity period of tenders, the rules on contacts between the contracting authority and tenderers).

### **1.4 Contract notice or other advertisement documents (when applicable):**

the contract notice provides essential information about the procurement procedure. An electronic form called 'Tenders Electronic Daily' is used to publish in the Official Journal of the EU. Once the other documents have been properly finalised, the Athena secretariat should be contacted in order to prepare the publication.

In certain cases (Article 32), other documents (prior information notice or call for expression of interest) could be used and must be prepared.

## **2. PUBLICATION AND INVITATION TO TENDER**

### **2.1 Ex-ante advertisement (when applicable):**

prior information notice or call for expressions of interest

### **2.2 Publication of contract notice (when applicable):**

Official Journal of the European Union. For open procedures, which always require publication of a contract notice, the set of other documents must be made available by electronic means from the date of publication of the contract notice.

### **2.3 Distribution of the invitation to tender or to negotiate (always):**

for open procedures, which always require publication of a contract notice, the invitation distributed with the other documents must be made available by electronic means.

For restricted or negotiated procedures, the invitation must be dispatched with the other documents simultaneously by electronic means (separate emails to avoid interaction between potential competitors).

## **3. SUBMISSION AND RECEIPT OF TENDERS**

During this phase, contacts between the contracting authority and tenderers are possible. Before receipt of tenders, this can occur on the initiative of the contracting authority or the tenderer. After receipt of tenders, this must only be on the contracting authority's initiative. Any contact should be in writing only and answers should be communicated simultaneously to all tenderers by the same means.

## **4. OPENING AND EVALUATION**

### **4.1 Opening committee: appointed by a formal decision.**

It checks compliance of tenders with the submission rules, and initials the envelopes and tenders.

### **4.2 Evaluation committee:**

evaluates and ranks tenders, and drafts the evaluation report containing the detailed evaluation of each tender, ranking of tenders and award proposal.

## **5. AWARD OF THE CONTRACT AND EX-POST INFORMATION**

### **4.1 Award decision:**

the contracting authority decides to whom the contract is to be awarded on the basis of the ranking by the evaluation committee.

### **4.2 Notification of the award decision:**

all tenderers must be informed of the award decision simultaneously and in writing.

### **4.3 Standstill period:**

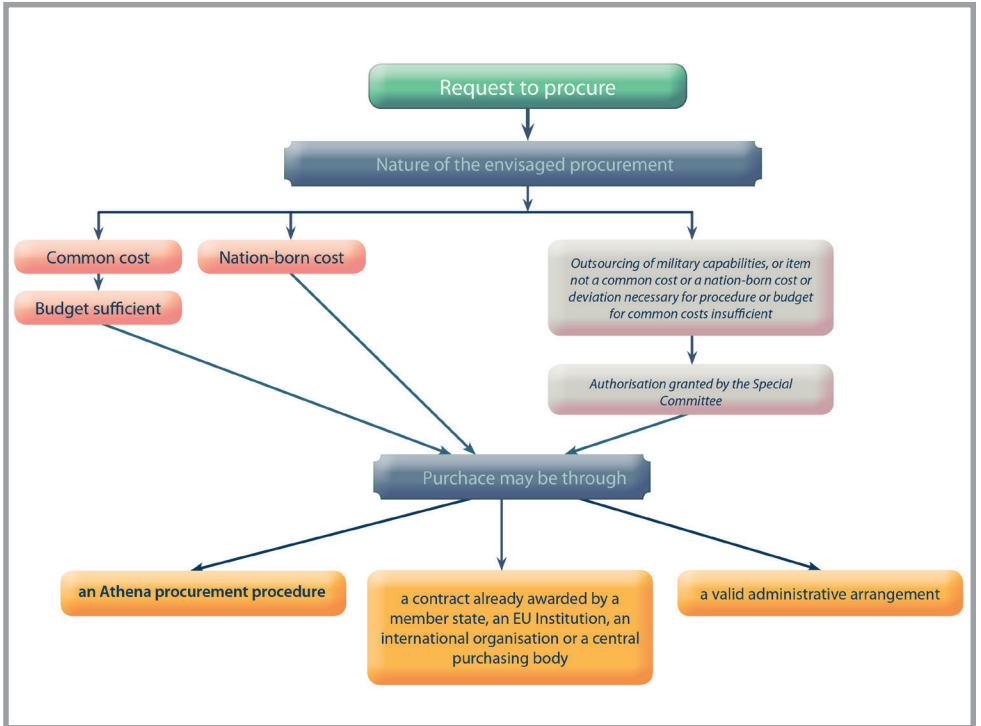
for contracts above the higher threshold, a standstill period is recommended during which the contract may not be signed for 10 days (even if it is not clearly required in the rules).



#### 4.4 Signature of the contract

#### 4.5 Publication of an award notice

(when a contract notice has been published): must include the subject of the contract, the name of the contractor, and the amount.



## 4.2 PROCUREMENT PROCEDURES: STANDARD/DEROGATIONS

### 1. KEY WORDS

procedure, thresholds, derogation

### 2. SUMMARY

The choice of a procedure depends on the estimated value of the intended purchase (excluding VAT) but can also be influenced by operational factors. In this respect, derogations may be possible.

### 3. REFERENCES

- **Thresholds and applicability of procedures:** Financial Rules, Articles 4 & 6 of Part II
- **Procedures:**
  - Open or restricted procedure: Financial Rules, Articles 39-41 of Part II
  - Negotiated procedure: Financial Rules, Articles 42-43 of Part II
  - Use of electronic auctions: Financial Rules, Articles 44-45 of Part II
  - Competitive dialogue: Financial Rules, Articles 46-47 of Part II
- **EU military operations with recourse to NATO assets and capabilities:** Financial Rules, Part IV

### 4. PRINCIPLES

- The estimated value of the intended purchase (excluding VAT) determines the standard procurement procedures which may be used. Exceptions to the standard procedures, called derogations, are available to shorten time limits or use negotiated procedures, and require specific prior authorisations.
- The operation commander is the authorising officer for the operation which he or she commands. Authorising officers by delegation may be appointed by the mission commander (usually the head of the J8). The OHQ J8 has a specific role which he or she may delegate, notably to the FHQ J8. The OHQ or the FHQ J8 must give his or her assent to contracts of a value exceeding EUR 130 000 (the higher threshold).
- The chief J8 of the HQ responsible for the intended purchase must choose the appropriate procedure within Athena's Financial Rules and, where necessary, request a derogation.

## 5. ACTIONS

– In order to ensure transparency and the audit trail, the choice must be documented.

TYPE OF PROCEDURE	PUBLICATION OF CONTRACT NOTICE	STAGES	SPECIFICATION	TENDER
Open procedure	Mandatory	One	Open procedure	Open procedure
Restricted procedure	Mandatory	Two: 1. request to participate 2. submission of tender	Defined by contracting authority, no changes possible	No changes possible after first submission
Competitive dialogue	Mandatory	Several	Solution to suit the needs could be reached during the dialogue	Change possible until the end of the dialogue
Negotiated procedure to in Article 9(A)	Only in the cases referred contract notice is required	One or two when publication of a contract notice is required	Defined by contracting authority, no changes possible	Could be changed on the request of the contracting authority

RESHOLDS (VAT EXCLUDED)	STANDARD PROCEDURES	POSSIBLE PROCEDURES WITH A SPECIFIC PRIOR AUTHORISATION REFERRED TO IN ARTICLES 8 AND 9 OF PART II	POSSIBLE PROCEDURES THROUGH PERMANENT DEROGATIONS REFERRED TO IN ARTICLE 7
Up to EUR 5 000	Payment against invoice without any procedure		
Up to EUR 30 000 (‘LOWER THRESHOLD’)	(a) Whenever possible, negotiated procedure with at least three candidates; publication not required  or (b) Where necessary, single- source procedure without prior publication (J8 decides)		(a) Through a contract already awarded by a Member State, an EU institution or an international organisation  (b) Through an Athena framework contract or administrative arrangement  (c) Until mission FOC reached, negotiated procedure without publication with at least three candidates whenever possible
Up to HIGHER THRESHOLD:  – EUR 130 000 for supplies and services  – EUR 5 000 000 for public works/ infrastructure	(a) Open or restricted tender procedure  or (b) Negotiated procedure with at least three candidates	Single-source procedure, without publication (cases referred to in Article 9(B)(1)(a) of Part II)	(a) Through a contract already awarded by a Member State, an EU institution or an international organisation  (b) Through an Athena framework contract or administrative arrangement  (c) Until mission FOC reached, negotiated procedure without publication, with at least three candidates whenever possible

Above HIGHER THRESHOLD	<p>(a) A competitive dialogue</p> <p>(b) An open or restricted tender procedure</p>	<p>(a) Negotiated procedure with prior publication and whenever possible with the consultation of at least three candidates (cases referred to in Article 9(A) of Part II; mainly when standard procedure fails)</p> <p>or</p> <p>(b) Negotiated procedure without publication with, if necessary, a single source (cases referred to in Article 9(B) of Part II: monopoly, duopoly, urgency, additional need, repetition of similar works or services)</p>	<p>(a) Through a contract already awarded by a Member State, an EU institution or an international organisation</p> <p>(b) Through an Athena framework contract or administrative arrangement</p> <p>(c) Until mission FOC reached, negotiated procedure with publication, with at least three candidates whenever possible</p>
For the choice of a bank	Negotiated procedure with or without publication, with at least three candidates whenever possible		

For transportation	Negotiated procedure with or without publication, with at least three candidates whenever possible		
Buildings and pieces of land	Single-source negotiated procedure with owner of site meeting operational requirements		

Whatever the threshold, if the contract is declared secret, where its performance must be accompanied by special security measures, or when the protection of essential interests of the EU or its Member States are concerned (special cases referred to in Article 10 of Part II), derogations may be granted through specific prior authorisation. These derogations will apply only to publication requirements.

**In EU military operations with recourse to NATO assets and capabilities, NATO procedures will apply to expenditure financed in common through Athena.**

# 4.3 PROCUREMENT PROCEDURES: TIME LIMITS DURING A PROCEDURE

## 1. KEY WORDS

Time limits, procedure, shortened deadlines

## 2. SUMMARY

Specific timelines apply to the publication of prior information notices, contract notices and award notices. These are determined based on the procedure chosen, the means of transmission used and the level of access to contract documents. Duly substantiated urgency can also have an effect.

## 3. REFERENCES

- **Financial thresholds:** Financial Rules, Article 4 of Part II
- **Ex-ante advertisement:** Financial Rules, Article 32 of Part II
- **Timelines for all procedures:** Financial Rules, Article 33 of Part II
- **Description of procedures:**
  - **Open and restricted procedures:** Financial Rules, Articles 39-41 of Part II
  - **Negotiated procedures:** Financial Rules, Articles 42 & 43 of Part II
  - **Use of electronic auctions:** Financial Rules, Articles 44 & 45 of Part II
  - **Competitive dialogue:** Financial Rules, Articles 46 & 47 of Part II
- **Publication of an award notice:** Financial Rules, Article 51 of Part II

## 4. PRINCIPLES

Type of procedure		Open procedure & competitive dialogue	Restricted procedure		Negotiated procedure with prior publication of a contract notice		Negotiated procedure without prior publication of a contract notice
		Tenders	Requests to participate	Tenders	Requests to participate	Tenders	
A. WITHOUT pre-information notice	1. Standard deadline	52 days	37 days	40 days	37 days	No mandatory minimum	No mandatory minimum
	2. Where notice transmitted to EU Official Journal by electronic means	- 7 days	- 7 days		- 7 days	-	-
	3. Where electronic access to tender documents (internet) offered to candidates	- 5 days	- 5 days			-	-
	Minimum time limit	40 days	30 days	35 days	30 days		Authorising officer's decision



<b>B. WITH pre-information notice</b>	1. Standard deadline	22 days		22 days	N/A	N/A	-
	2. Where notice transmitted to EU Official Journal by electronic means		- 7 days		N/A	N/A	-
	3. Where candidates access tender documents electronically (internet)				N/A	N/A	-
	Minimum time limit	22 days	30 days	22 days			Authorising officer's decision
<b>C. Set by J8</b>	<b>Minimum time limits in case of urgency</b>	<b>No reduction for urgency</b>	<b>10 days<sup>1</sup></b>	<b>10 days</b>	<b>10 days<sup>1</sup></b>	<b>Set by J8</b>	<b>Set by J8</b>

From registration of the contract notice in TED to publication: 12 days

<sup>1</sup> 15 if not sent electronically.

Athena's Financial Rules do not regulate the time limits for a negotiated procedure without prior publication of a contract notice. It is the authorising officer's responsibility to determine these time limits for each contract on a case-by-case basis.

#### – Additional information

- No time limits are set in negotiated procedures without publication. However, in order to ensure that the best possible offer can be identified, a procedure with prior publication of a contract notice, a call for expression of interest or a pre-information notice is preferred wherever possible. It must be borne in mind that publication is likely to attract more candidates, increase the probability that the required goods, services or works can be obtained, and lead to more advantageous conditions. Publication also improves the operation's image vis-à-vis the Special Committee, suppliers, local authorities and auditors.
- The time limits given above constitute minimums, run from the date of dispatch of the notice to the EU Official Journal for publication and are expressed in calendar days. If the last day of a minimum time limit falls on a holiday or a weekend, the period to be taken into account should as far as possible include the next working day.
- The actual time limits must be long enough to allow interested parties a reasonable and appropriate period to prepare and submit their tenders, taking particular account of the complexity of the contract. Longer time limits must be allowed where there is a requirement for a prior visit to the site or on-the-spot consultation of certain documents. Longer deadlines mean wider competition and better-quality tenders.
- During the procedure, the time limits for the two phases (processing of the requests to participate and the tenders) must not be aggregated. The two phases must be kept distinct and separate to allow for the selection of suitable candidates for tendering.
- The contract may be a document signed by the parties or an offer accepted by the contracting authority. The contract takes effect on the date of receipt of the notification by the other party, unless the contract itself provides for another date.

## 5. ACTIONS

#### – Contract notice and award notice

- When a notice must be published in the Official Journal of the European Union, the Office for Official Publications of the European Union must ensure publication no later than 12 calendar days after the notice is dispatched. That period is reduced to five calendar days in urgent cases and if the notice has been prepared and sent electronically. As mandatory deadlines are counted from dispatch of the notice

to the Office, these delays do not affect the length of procedures. Contracting authorities must be able to provide evidence of the date of dispatch.

- In order to take advantage in open and restricted procedures and in competitive dialogue of the reduced time limit allowed by the publication of a pre-information notice, this notice must be dispatched no less than 52 days and no more than 12 months before the date on which the contract notice is dispatched. However, this is only possible in cases when needs can be forecasted for the following year.
- Where a contracting authority has awarded a contract or concluded a framework agreement with a total value, exclusive of value added tax, exceeding the 'higher threshold, it must send a notice of the results of the award procedure for publication in the Official Journal of the European Union within 48 days of the award of the contract or the conclusion of the framework agreement.
- Whatever the contract value, the contracting authority must inform candidates and tenderers as soon as possible of decisions reached concerning the conclusion of a framework agreement, the award of a contract or admittance to a dynamic purchasing system, including the grounds for any decision not to conclude a framework agreement or award a contract for which there has been a call for competition or to recommence the procedure or implement a dynamic purchasing system; that information is to be given in writing upon request to the contracting authority.
- The contracting authority must reply as quickly as possible to a request from an unsuccessful candidate. Replies must in all circumstances be provided within 15 days from receipt of a written request.

#### – **Electronic auctions**

- In open, restricted or negotiated procedures in the case referred to in Article 9(A)(1)(b) of Part II, the contracting authority may decide that the award of a public contract will be preceded by an electronic auction when the contract specifications can be established with precision. Before proceeding with an electronic auction, the contracting authority must make a full initial evaluation of the tenders in accordance with the award criterion/criteria set and with the weighting fixed for them. All tenderers who have submitted admissible tenders will be invited simultaneously by electronic means to submit new prices and/or new values. The electronic auction may not start sooner than two working (not calendar) days after the date on which invitations are sent out.

# 4.4 PROCUREMENT PROCEDURE: PUBLICATION, COMMUNICATION AND LANGUAGE

## 1. KEY WORDS

Publication of a notice, advertisement, Official Journal of the EU, communication, electronic means, language

## 2. SUMMARY

Publication is intended to ensure the most efficient procurement meeting operational requirements through fair and open competition.

## 3. REFERENCES

- **Financial thresholds:** Financial Rules, Article 4 of Part II
- **Publication:** Financial Rules, Articles 32 & 51 of Part II
- **Communication means:**
  - o **Electronic signature and documents:** Financial Rules, Articles 15 & 16 of Part I
  - o **Participation, offers and notification:** Financial Rules, Articles 34-37, 49 & 51 of Part II
- **Choice of the procedure:** Fiche 4.2
- **Time limits during a procedure:** Fiche 4.3
- **Specific prior authorisations for deviations:** Fiche 4.5

## 4. PRINCIPLES

- **Publication**
  - o What can be published?
    - In open and restricted procedures, competitive dialogue and negotiated procedures with prior publication, a contract notice must be published and must be followed by a notice of the results of the award procedure.
    - A call for expressions of interest may be published in order to pre-select candidates who may be invited to submit tenders in future restricted tender procedures or negotiated procedures over a period of time not exceeding three years.

- A prior information notice may be published at least in the Official Journal of the European Union. This can be done where the contracting authority is able to give information about its intended purchases over the next 12 months. Where the pre-information notice is dispatched for publication no less than 52 days and no more than 12 months before the date on which the contract notice is dispatched, this has the advantage of allowing the contracting authority to shorten the deadlines for receiving offers to 22 days in open tender procedures.
- Each time, the contracting authorities must be able to provide evidence of publication as well as of the date of dispatch of the notice to the EU Official Journal. This date is the starting point for counting time limits for receiving expressions of interest, requests to participate or tenders.
- Thresholds have an effect on publication.
  - For contracts of an estimated total value exceeding the 'higher threshold', the different notices will be published (at least) in the Official Journal of the European Union.
    - When these notices have been published in the Official Journal of the European Union, they will be published on Athena's website and may also be published through the third-party logistic support system as well as local and specialised press.
  - Contracts of an estimated total value below the 'higher threshold' can be advertised by appropriate means, chosen by the contracting authority, in order to ensure competitive tendering, non-discrimination and impartiality in the procurement procedure. Such advertising may be through the local or specialised press or through the local chambers of commerce and industry, for example. Publication in the Official Journal is not mandatory but is also possible.
  - Contracts may be advertised in any other way, notably in electronic form (e.g. internet web pages) or through the general, local or/and specialised press. Any such advertising must refer to the notice published in the Official Journal of the European Union, if one has been published, and may not precede the publication of that notice, which alone is authentic. Such advertising may not introduce any discrimination between candidates or tenderers nor contain details other than those contained in the contract notice, if one has been published.
  - For security reasons and after having received the appropriate specific authorisation, publication rules may be altered (see Fiche 4.5: Derogations).

- EU Office for Official Publications.
  - Where the Financial Rules provide that a notice is to be published in the Official Journal of the European Union, it is the responsibility of the Office for Official Publications to ensure publication by a set deadline (see Fiche 4.3).
  - Where the Financial Rules do not provide that a notice is to be published in the Official Journal of the European Union, a specific short timeline must be agreed for advertisement by other means in order to ensure that the notice is published quickly and there is no discrimination between candidates or tenderers.
  - Publication in the Official Journal of the European Union requires access to TED (Tenders Electronic Daily), the electronic form used for the Official Journal of the EU, published daily. The appropriate template must be requested from Athena Central and the request for publication should be forwarded to Athena Central.
- The contracting authority must inform all candidates and tenderers of the result of the award of contracts or the grounds for any decision not to conclude a contract.

#### – Means of communication

- Electronic signatures and electronic documents are allowed, bearing in mind that the corresponding authentic documents must be provided in due time.
 

Requests to participate, tenders and notifications may be submitted to or by the contracting authority by all means of communication provided that the date and time of their receipt can be acknowledged beyond doubt and that the confidentiality of tenders is preserved.
- If all documents issued by the contracting authority are freely, fully and directly accessible by electronic means, the notice must give the internet address at which those documents can be consulted.

#### – Language(s)

- The contracting authority may choose the language(s) in which procurement procedures will be conducted, taking into account the need to reach out to potential suppliers.
- Contract notices may mention that all written communication in the procurement procedure and contracts must be in the specific language(s) chosen by the contracting authority and that all documents and certificates in other languages must be accompanied by a certified translation in that language. Moreover, the selection criteria related to technical and

professional capacity may also set out a requirement for the contracting party, during the award procedure and the execution of the contract, to work in the language selected by the contracting authority.

- **In EU military operations with recourse to NATO assets and capabilities, NATO procedures will apply to expenditure financed in common through Athena.**

## **5. ACTIONS**

### **– Publication**

- Estimate the value of the contract and select the procedure, which determines obligations regarding publication.
- Publish as appropriate the pre-information, contract and award notices.
- During establishment of the HQ, create a user name for direct access to the Office for Official Publications in order to fill in the different notices online.

### **– Communication**

- Implement measures making it possible to acknowledge beyond doubt the date of receipt of requests and tenders.

### **– Derogations**

- Where necessary, a request for derogation may be submitted, including when a need for secrecy precludes publication (see Fiche 4.5).

# 4.5 PROCUREMENT PROCEDURE: DEROGATIONS

## 1. KEY WORDS

Permanent derogations, specific prior authorisations, urgency, choice of procedures

## 2. SUMMARY

Derogations from standard procedures are available to accommodate operational requirements where urgency can be an important factor. Some derogations are available all the time and for purchases of any amount while others require specific prior authorisation on a case-by-case basis.

## 3. REFERENCES

- **Permanent derogations:** Financial Rules, Article 7 of Part II
- **Specific prior authorisations:** Financial Rules, Article 8 of Part II
- **Cases for a negotiated procedure with 3:** Financial Rules, Article 9(A) of Part II
- **Cases for a single-source procedure:** Financial Rules, Article 9(B) of Part II

## 4. PRINCIPLES

### – Permanent derogations

These deviations are available at all times, whatever the amount to be purchased.

- a) Use of a contract already awarded by an EU Member State, an EU institution or an international organisation (NATO, United Nations): no procurement procedure by the operation. The existing contract can be used if the state, institution or organisation agrees; this is likely to require a memorandum of understanding or similar arrangement with the state, institution or organisation concerned to define the arrangements for the use of its contract.
- b) Choice of a bank: negotiated procedure without publication of a contract notice and wherever possible with three candidates consulted.  
  
NB: Banks must meet the requirements set out in Article 18 of Part I of the Financial Rules.
- c) Air and maritime transport services anywhere, and other transport services in theatre: negotiated procedure with or without publication of a contract notice and wherever possible with at least three candidates consulted.



- d) Buildings and pieces of land: to be obtained from public authorities free of charge whenever possible. Where this is not possible, a direct negotiation with the lessor of the site which meets operational requirements is possible with a view to either renting or buying property.
- e) **In a new operation, until full operational capability (FOC) is reached:** regardless of the amount of the purchase, a negotiated procedure with or without publication of a contract notice and wherever possible with at least three candidates consulted can be used.

– **A specific prior authorisation is necessary in certain cases**

1. Where a procurement does not fall under one of the permanent derogations above and there are operational reasons for which the standard procedures are too lengthy or are unlikely to yield the desired results, a negotiated procedure can be used.
  - o In the cases provided for in Article 9(A) of Part II (negotiated procedure with publication of a contract notice with, wherever possible, at least three candidates being consulted).
    - When no tenders or no suitable tenders or no applications have been submitted in response to an open or restricted procedure, the contracting authority may use a negotiated procedure with, whenever possible, at least three candidates being consulted. Contracting authorities need not publish a contract notice where they include in the procedure all or some of the tenderers which satisfied the criteria for the earlier open or restricted procedure.
  - o In the cases provided for in Article 9(B) of Part II (without publication and with, if necessary, a single source).

Examples of cases where a single-source procedure may be accepted:

- extreme urgency,
- when, for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the contract may be awarded only to a particular economic operator,
- additional supplies, where a change in supplier would create technical difficulties,
- additional works or services unforeseen in the original project but necessary for its completion and not exceeding 50 % of initial works,
- repetition of similar works or services entrusted to the economic operator

to which the same contracting authority awarded an original contract (only after three years following the conclusion of the original contract).

2. In order to deviate from the Financial Rules as regards mandatory publications, where a contract is declared to be secret, where its performance must be accompanied by special security measures or when the protection of essential interests of the European Union or one or more of its Member States so require (Article 10 of Part II).
3. In order to deviate from the rules on geographical scope (set out in Article 3 of Part II) for the purpose of allowing or prohibiting the participation in procurement procedures of candidates originating in countries not listed in the Financial Rules.
4. In order to deviate from the provision that contracts must be in writing (Article 27 of Part II).

– **Who may grant a specific prior authorisation?**

1. It depends on the estimated value of the intended purchase exclusive of value added tax.

(EUR)	Competent Authority	Modalities
≤ 30 000	Head of the budget-finance section	No particular justification needs to be recorded
[ 30 000 - 130 000 ]	Head of the budget-finance section	Decision with justifications in writing and filed
[ 130 000 - 1 000 000 ]	Administrator	Request from head of the budget-finance section of the EU OHQ
≥ 1 000 000	Special Committee	Operation commander through the head of the budget-finance section

2. The administrator may also grant an authorisation in the following two cases.
  - o When the value is below EUR 130 000 and where no head of the budget-finance section in the EU Headquarters has been appointed.

- o Whatever the estimated value of the intended purchase, when, for reasons of extreme urgency brought about by events unforeseeable by the contracting authorities in question, the time limits for other procedures cannot be complied with, the administrator may grant, insofar as is strictly necessary, the prior authorisation allowing this contracting authority to award public contracts through a negotiated procedure with, if necessary, a single source for public works, supply or services contracts. Of course, the circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority.
3. In principle, the Special Committee meets once a month but could be convened within at most 15 days if the operation commander or the administrator so requests. Based on operational constraints, the administrator may also forward a request from the operation commander to the Special Committee under a silence procedure.

#### – Justification for requesting derogations

1. Where a derogation is authorised, justification must be duly provided and documented in the file, notably with a view to ensuring a proper audit trail.
2. The justification for a request for a derogation must contain, after a description of the intended purchase: the actions already taken for this purchase (if any); the different potential courses of action, identifying the pros and cons of each; the way ahead chosen and the reasons for it; and the operational impact should the request be refused. After the decision has been taken, it will be added to the file alongside a record of the actions taken on the basis of the decision.

## 5. ACTIONS

- Plan and undertake procurement as early as possible, in order to make as much allowance as possible for standard procedures, which provide for wider competition and thus for lower prices/better conditions. Where necessary, requests for derogations and the necessary justification should be sent ASAP to the administrator, especially in the early stages of the operation.
- If standard procedures do not seem compatible with operational requirements, notably because of operational urgency:
  - o For intended purchases of up to EUR 30 000, the chief J8 concerned may decide to forgo consulting three candidates and to negotiate with a single source on his or her own authority.
  - o For intended purchases between EUR 30 000 and EUR 130 000, the chief J8 concerned may also decide to forgo consulting three candidates and to proceed with a single source. The decision from the chief J8 must, however, be in writing and filed.

- o For intended purchases above EUR 130 000, the chief J8 must send a duly justified request to the administrator. A scanned letter from the operation commander or from the OHQ J8 will suffice for the request.
  - If the intended purchase remains below EUR 1 million, the administrator will take the decision personally.
  - If the intended purchase exceeds EUR 1 million, the administrator will submit the request to the Special Committee. The OHQ J8 is likely to have to come to the Special Committee to justify the request.
  - The decision, duly signed, will be scanned and emailed back to the M/OHQ.

# 4.6 USE OF EXISTING CONTRACTS, FRAMEWORK CONTRACTS AND ADMINISTRATIVE ARRANGEMENTS

## 1. KEY WORDS

Administrative arrangements, framework contracts, EU institutions, international organisations, existing contracts, Member States

## 2. SUMMARY

During the preparatory and deployment phases of an operation, intense time pressure and a lack of information on reliable potential suppliers in the various fields who are actually capable of delivering and meeting operational needs in a timely fashion can pose significant challenges for meeting deadlines and reaching the required operational capability. With a view to mitigating the above and making the necessary procurement in operations easier, faster, safer and more economical, contracting authorities can make use of contracts already awarded by Member States, EU institutions or international organisations, Athena framework contracts or administrative arrangements.

## 3. REFERENCES

- Council Decision (CFSP) 2015/528: Article 11
- Athena Financial Rules: Article 7(1) & (2) of Part II

## 4. PRINCIPLES

- The operation may enter into agreements with other actors in an operation or use administrative arrangements where items are reimbursed either as common costs or nation-borne costs (approved by the Special Committee); otherwise, notably for transport, it remains for states participating in the operation to procure what they need.
- The use of existing contracts should not be the default solution but should be explored where this would present clear advantages from the point of view of cost and efficiency. A memorandum of understanding will need to be concluded which sets out clear provisions on access to the goods, services or works in question and clearly outlines the responsibilities of all parties.

- An operation may also make use of an administrative arrangement, where one has been concluded between Athena and another organisation. The activation of an administrative arrangement does not require a bidding process.
- Administrative arrangements are subject to consultation in the SC for arrangements with Member States, Union institutions or bodies and to approval by the SC for third states or international organisations.
- Such arrangements must be signed by the administrator or where appropriate the respective operation commander. There is no obligation to use the arrangement once in place.
- Framework contracts signed by Athena and a private entity are another possible option being explored that may assist operations in the future. Currently, only framework contracts signed by public entities and accessible through administrative arrangements are available to operations.

## 5. ACTIONS

- To make use of an existing contract when the eligibility of the service has been established, the agreement of the EU Member State, the EU institution or the international organisation party to the contract must be sought. Negotiate a memorandum of understanding (MoU) or a similar arrangement with the EU Member State, the EU institution or the international organisation concerned and submit this to Athena before signing it.
- Request information on existing administrative arrangements from Athena.
- Precisely identify, analyse and formalise the operational needs covered by the existing arrangements.
- Compare the pros and cons of activating an arrangement against launching a new procurement procedure.
- Identify, quantify and update the required appropriations in the budget.
- Justify the choice during a Special Committee meeting.

# 5.1 COUNCIL DECISION & PREPARATION OF THE REFERENCE AMOUNT

## 1. KEY WORDS

Preparatory phase, common costs, Council Decision, reference amount

## 2. SUMMARY

A Council Decision is a legal text adopted by the Council of the European Union outlining operational action that is deemed necessary by the EU. It forms the legal basis establishing a new operation. A Council Decision includes a reference amount (estimate of the common costs for the duration of the operation) and authorises the operation commander to commit and pay up to given percentages of the reference amount. Contributions are immediately called for from Member States for the defined percentage of the reference amount.

## 3. REFERENCES

- Athena Decision: Articles 15, 25(1), 33, 34(1) & (3), 36; Annexes II & III (Parts A, B and C)
- Athena Financial Rules: Chapter II of Part I
- Fiche 2.1: Common costs financed by Athena
- Fiche 6.1: Budget implementation
- Fiche 5.3: Organising the preparatory missions

## 4. PRINCIPLES

- The preparation of the reference amount is the responsibility of the administrator.
- The reference amount needs to be prepared early enough. Parameters of the operation need to be set using the assumptions concerning the structure, size, etc.
- Items of common costs need to be listed and justifications must be gathered to support the proposal vis-à-vis Member States.
- The following questions need to be answered.
  - o What will the major needs of the new operation be?
  - o How will those needs be met (national contribution through force generation process or procurement)?
  - o If procurement is necessary, how will it be done? What will the costs be?
  - o If there is a contribution, will it be on a reimbursable basis? What might be expected?

- Which costs are eligible to be financed in common?
  - What will the need for funds be between adoption of the Council Decision and 30 days after adoption of the budget for the operation? (This will give the percentage of the reference amount which will be the basis for calling for contributions immediately. The next contributions will be called for only when the budget is adopted; they will be payable within 30 days and the operation must function until then.)
  - Will the operation need to commit to a higher percentage as a predefined need for funds?
- To enable the administrator to adequately prepare the estimates, good cooperation with the planning team (CMPD, EUMS, etc.) is necessary.
  - If an OHQ and its personnel have been identified, they will support the administrator and the administrator's team in collecting as much information as possible, as early as possible, on plans and ideas to form a complete picture of the needs of the future operation.
  - The same principles are applicable in the case of a renewal of the existing operation. The preparation of the reference amount is the responsibility of the administrator, who will draw largely on the experience of existing expenditure when preparing the estimates.

## 5. ACTIONS

- Ensure that Athena, the future HQ, J8s, J4s and other necessary specialists, if identified, are part of fact-finding or other preparatory missions.
- If HQ staff has not been identified yet, EUMS should be able to provide necessary expertise and cooperate closely with Athena staff.
- Athena and the future HQ J8s, if identified, must collect information on prospective items of expenditure and prices; prepare a global estimate of common costs for the duration of the operation (this will be the proposed reference amount); and prepare a global estimate of needs for funds between adoption of the Council's Decision and 30 days after the foreseen adoption of the budget for the operation (this will give the percentage of the reference amount to be proposed to the Council).
- The J8 sections must be sufficiently staffed in view of the management of prospective common costs and nation-borne costs. This needs to be incorporated into the activation of the HQs and in the force generation process.



# 5.2 EXPENDITURE UNDER REFERENCE AMOUNT PERIOD

## 1. KEY WORDS

Active phase (early beginning), common costs, budget

## 2. SUMMARY

Once a reference amount has been approved, the spending before the adoption of the budget (at the earliest at the beginning of the active phase and at the latest four months after the approval of the reference amount) is subject to the same rules as a budget. The only difference is that the spending limit is global and covers common costs as a whole.

## 3. REFERENCES

- Athena Decision: Articles 7(3)(c), 13, 15(2), 17, 25(1), 34(3), 36; Annexes II & III (Parts A, B & C)
- Athena Financial Rules: Article 12 of Chapter I of Part I
- Fiche 2.1: Common costs financed by Athena
- Fiche 6.1: Budget implementation
- Fiche 6.2: Budget execution reporting
- Fiche 9.1: Budgetary reports
- Fiche 10.2: Model budget SOP (tbc)

## 4. PRINCIPLES

- The Council of the European Union, when adopting the Council Decision establishing a new operation, approves a reference amount (the global estimate of the common costs for the operation) and authorises spending up to 30 % of this reference amount, unless a different percentage is defined in the Council Decision.
- This entails the following:
  1. The Council Decision usually also appoints the operation commander, and as a consequence the operation enters into the active phase. Therefore, the list of common costs changes from Annex II to elements of Annex III to the Council Decision on Athena.
  2. The operation commander may start spending on these common costs from the day the Council Decision is approved, up to the limit defined by the

reference amount.

3. The administrator calls for contributions from contributing Member States at the level defined by the reference amount. These are payable within 30 days from dispatch of the calls, save in case of a rapid response operation.
  - The spending limit is expressed globally as 30 % of the reference amount, unless defined otherwise.
  - Expenditure based on the reference amount will have to be charged to the budget when it is approved. Therefore, this expenditure must be recorded and booked in accordance with the same breakdown as the future budget. It will be included in budget implementation reports and accounts. Expenditure incurred before the Council Decision was approved (i.e. during the preparatory phase) must be recorded and booked separately.
  - The operation commander or the OHQ J8 may wish to set limits on spending per item of common costs. This matter is purely internal to the chain of command and these limits may be changed freely by the operation commander or the OHQ J8.
  - A draft budget for the common costs of the operation must be prepared for submission to the Special Committee as soon as possible and at most within four months after the approval of the reference amount.
  - Funds are to be requested from the administrator, with appropriate justifications.
  - Until a budget is approved, reports on expenditure must be provided to the Special Committee as described in chapter 9 of this manual.

## 5. ACTIONS

- During this period, the HQ J8 section must be organised in such a way as to:
  - o authorise eligible expenditure;
  - o avoid any expenditure whatsoever by non-authorised personnel.
- The J8 must ensure that monthly budgetary reports provided to Athena are constructed in line with chapter 9 of this manual.
- Procurement should be executed in line with chapter 4 of this manual.

# 5.3 ORGANISING THE PREPARATORY MISSIONS

## 1. KEY WORDS

Organisation, preparatory phase, reference amount

## 2. SUMMARY

Preparatory missions must include finance specialists (future J8, member of Athena administrator's team). Participants should collect all relevant information necessary to estimate the reference amount and the budget of the future operation. They should identify and define the nature and the amount of the common costs necessary to support the operation during its active phase. Taking into account the local legal environment as well as the local customs, they should also collect the practical information which will be necessary to the operation (availability in theatre of banks, suppliers, means of transportation and communications, etc.).

In the case of new operations, the preparation of the reference amount, including the preparatory mission, happens before the HQ and consequently J8 staff is identified. In this case the administrator's team may be accompanied by personnel from EUMS and/or CMPD to provide necessary expertise.

## 3. REFERENCES

- Athena Decision: Articles 33 & 34(1); Annex II, Annex III (Parts B and C)
- Fiche 2.1: Common costs financed by Athena
- Fiche 5.1: Council Decision and preparation of the reference amount

## 4. PRINCIPLES

- If the Council has approved the Crisis Management Concept (CMC), the operation is in the preparatory phase and common costs (Annex II to the Athena Decision) include transport and lodging necessary for exploratory missions and preparations (in particular fact-finding missions and reconnaissance) with a view to setting up a specific EU military operation.
- Before leaving for such a preparatory mission, it is crucial to identify:
  - o the main and most expensive needs for the operation (infrastructure, CIS, logistics, intelligence, air monitoring, medical care, etc.), for which reason contacts must be set up as far as possible with the future J5, J4, J6, chief of staff, force commander and operation commander, if they have been identified;

- o how these needs will be fulfilled (force generation process, pre-existing arrangements between Athena and Member States or other organisations, national offers, open-market purchase, direct local purchase, other possibilities, etc.);
- o what will be expected from Athena (in view of operational needs, which items of expenditure should be funded in common and which should be nation-borne costs).

### SUMMARY TABLE OF USEFUL INFORMATION TO BE COLLECTED FOR COMMON COSTING

Finance	Subject	Remarks
<b>Finance</b>	Banking environment	<ul style="list-style-type: none"> <li>- Local currency, taxes, specific rules</li> <li>- Resources (EU banks?)</li> <li>- Safety and cost/remuneration</li> </ul>
<b>Infrastructure, barracks &amp; lodging</b>	Establishment of the HQ (FHQ, CCHQ, MHQ)	<ul style="list-style-type: none"> <li>- General needs for preparation of the site (works, real-life support and storage) and nature of lodging (hard buildings, tents, shelters)</li> <li>- Possibilities and conditions for occupation</li> <li>- Water and electricity, heating, air-conditioning, waste removal</li> </ul>
	Establishment of the forces	Same elements
	Ports & lines of communication used by the whole of the force	<ul style="list-style-type: none"> <li>- APOD, SPOD, railways &amp; road</li> <li>- Estimate of works necessary for deployment, support and redeployment</li> <li>- Storage (POL, transit) and maintenance, associated costs</li> <li>- Taxes</li> </ul>
<b>Transport/mission expenses</b>	Personnel of the HQ	<ul style="list-style-type: none"> <li>- Transport and handling costs (air, rail, road, sea, customs)</li> <li>- Hiring of vehicles and conditions of maintenance</li> <li>- Cost of fuel</li> <li>- Handling and lifting equipment</li> </ul>

<b>Support/ administration</b>	Companies	<ul style="list-style-type: none"> <li>- Chamber of commerce and local associations of trade and industry</li> <li>- Local press for commercial ads</li> <li>- International and local companies (references and reliability)</li> </ul>
	Resources of the host nation	<ul style="list-style-type: none"> <li>- Water supply (potable, sanitary) and food products</li> <li>- Offers for services and contracts, associated costs (maintenance, laundry, etc.)</li> <li>- Environmental policy</li> </ul>
<b>CIS</b>	Resources of the host nation	<ul style="list-style-type: none"> <li>- Networks and suppliers (local, international)</li> <li>- Nature and costs of the services (hiring, maintenance)</li> </ul>
<b>Civilian personnel</b>	Local labour	<ul style="list-style-type: none"> <li>- Availability of local resources (drivers, interpreters, technicians, etc.) and international resources (consultants and experts)</li> <li>- Social security and labour law used</li> <li>- Statistics (average wages)</li> </ul>
<b>Information</b>	Information campaign	Media and networks available (+ costs)
<b>Other</b>	International organisations	<ul style="list-style-type: none"> <li>- Cooperation (and conflict of interest)</li> <li>- Influences on the market costs, different implications, etc.t</li> </ul>
	Equipment	Specific needs
	Gaps	<ul style="list-style-type: none"> <li>- For infrastructure works (cement)</li> <li>- For deployment &amp; supplies (electricity generators, water pumps, food, drinkable water, etc.)</li> </ul>
	Aerial or satellite surveillance	
	Existing/necessary medical means	- Roles 2 and 3: available, usable, prices
	Mine clearance	
	Storage facilities	- Fuel/ammunition depots/food

## 5. ACTIONS

- Collect as much information as possible on the views of the future operation commander, COS, J5, J4 and J6, if identified, regarding the future operations, the probable structure and needs.
- Organise the preparatory mission (adequate number of participants, major fields of expertise represented, trained and qualified personnel).
- Specify practical arrangements in an organisation note: participants' particulars and responsibilities, points of contact, financing (Annex II to the Athena Decision), equipment (dress code, luggage, CIS), vaccinations, visas, reservations (flights, hotel).
- Draft a programme and plan contacts to be undertaken (potential sites, Presidency of the Council of the EU, Commission and Member States' local representatives, local civilian and military authorities, potential suppliers + IOs, GOs, NGOs).
- On site, collect all useful information (cf. attached summary table) to carry out the expected financial estimates as to the amount and the budgetary breakdown of common costs:
  - o possible sites for HQs (FHQ or MHQ in theatre) and forces, locally offered possibilities for support (consult the local delegation of the EU local representatives, local authorities, other IOs represented),
  - o potential suppliers or operators (banking environment, chambers and local associations of trade and industry),
  - o local labour market (recruitment possibilities, applicable labour law, security concerns, etc.).
- At the end of the mission, produce a report gathering all relevant data for formulating the reference amount.

## 5.4 ADVANCE PARTIES

### 1. KEY WORDS

Preparatory phase, beginning of active phase, finance, common costs, bank accounts, monthly then quarterly budgetary report

### 2. SUMMARY

Advance parties should be deployed sufficiently early, in order to facilitate the launching of the operation and the contracting process. They should be sufficiently staffed and should include - within one single multinational team or HQ on each site - 'spending sections' (J4, J6, J1) together with the J8. Division of labour should be in line with concepts approved by the Military Committee and Athena's Financial Rules.

### 3. REFERENCES

- Athena Decision: Articles 33 & 34(1); Annexes II and III
- Fiche 1.1: Athena support
- Fiche 2.1: Common costs financed by Athena
- Fiche 5.1: Council Decision and preparation of the reference amount

### 4. PRINCIPLES

- Advance parties should be deployed as soon as possible to theatre to facilitate the launching of the operation: for common funding, they can be sent to theatre after approval of the Crisis Management Concept (financing subject to Annex II) or after the Council's Decision has been approved (financing subject to Annex III).
- Advance parties' composition and duration should be adequate to the developing operation (appropriate number of participants to ensure sufficient staffing and proper division of labour, trained and qualified personnel, appropriate language skills, etc.).
- Proper reporting and links to the HQ should be established. This requires arrangements to be made in the advance party and in the OHQ to ensure swift communications. The advance party should receive guidance and answers to its questions from the OHQ.
- Consideration should be given in advance to suitable locations in which advance parties could be established (striking a good balance between force protection, good operation visibility and sound management).
- Financing of advance parties in common is subject to rules established in the

Athena Decision and in particular in Annexes II and III.

- o the main and most expensive needs for the operation (infrastructure, CIS, logistics, intelligence, air monitoring, medical care, etc.), for which reason contacts must be set up as far as possible with the future J5, J4, J6, chief of staff, force commander and operation commander, if they have been identified;
- o how these needs will be fulfilled (force generation process, pre-existing arrangements between Athena and Member States or other organisations, nation

## 5. ACTIONS

- Contact Athena (athena.mechanism@consilium.europa.eu) as soon as possible to make arrangements for specific training.
- Issue an organisation note detailing the composition and duration of the advance parties, particulars and responsibilities, points of contact, financing, equipment (dress code, luggage, CIS), vaccinations, visas, reservations (flights, hotel), etc.
- Organise the programme and contact priorities on site:
  - o identify official points of contact (potential helpers: Presidency of the Council of the EU, Commission and forces local representatives, local civilian and military authorities, envisaged suppliers + IOs, GOs, NGOs);
  - o immediately start contracting if needed.
- Become familiar as soon as possible with:
  - o the local market (potential suppliers or operators, banking environment, chambers and local associations of trade and industry);
  - o the local labour market (recruitment possibilities, applicable labour law, etc.).
- Open bank accounts dedicated to the common funds and take necessary safety measures (bank having its headquarters in the European Union).
- Establish from the start accounting/reporting procedures and inventories for common costs, as well as nation-borne costs (to be made a national responsibility when necessary).



# 6.1 BUDGET IMPLEMENTATION

## 1. KEY WORDS

Common costs, budget, active phase

## 2. SUMMARY

A budget for an operation is a title in Athena's aggregate budget and is divided into chapters and articles. It may be adopted at any time by the Special Committee on the basis of estimates and a presentation made by M/OHQ and FHQ J8s with help from the administrator's team. The Special Committee's authorisation is given for articles and any further sub-division remains the HQs' internal affair. The authorisation is granted for a given calendar year ending on 31 December. It may, however, be possible to start implementation earlier ('anticipated implementation' from the date of budget adoption) and to extend beyond 31 December the period during which appropriations may be used (carryovers of appropriations).

## 3. REFERENCES

- Athena Decision: Articles 18-34, 38
- Athena Financial Rules: Articles 5-8, 12-13, 20-23 of Part I
- Fiche 2.1: Common costs financed by Athena
- Fiche 4.1: Athena contracting: general framework- Fiche 9.1: Budgetary reports
- Fiche 9.3: Multiannuals
- Fiche 10.2: Model budget SOP (tbc)

## 4. PRINCIPLES

- Any spending financed through Athena must follow this order of procedure:
  - o Commitment of appropriations in the budget (budgetary commitment): this must be the first operation, as soon as the budget has been approved. Its purpose is to reserve the appropriations necessary to cover subsequent legal commitments and payments and to ensure that the budget will never be exceeded. The J8 section must already have been informed of the intended purchase at this stage.
  - o The contract or purchase order can then be issued by the authorising officer (HQ J8). This forms the legal commitments vis-à-vis third parties. The budgetary commitment and the purchase order or the contract must be adopted by the same authorising officer (HQ J8) save in duly substantiated

cases. A commitment of appropriations in the budget must cover any legal commitment.

- o Expenditure is validated and authorised by issuing a payment order (e.g. payment of an invoice). A payment must always be linked to and covered by a legal commitment.
- No payment may be made if there are no sufficient appropriations (on the budgetary commitment made to cover that payment).
- When a payment concerns several commitments, each part must be clearly identified, possibly with a justification document/explanatory comments.
- If appropriations are insufficient on a given article in the budget, a transfer of appropriations may be made.
  - o The total of the appropriations for the operation remains unchanged, but their breakdown between articles is amended.
  - o Within the three months following the launching of the operation, the mission/operation commander may make any transfer of appropriations within the title of Athena's budget relating to his or her operation; he or she must report on such transfers during the second and fourth months following the launching of the operation.
  - o When the three months following the launching of the operation have expired, the mission/operation commander may propose transfers of appropriations to the administrator. The Special Committee must be informed of such transfers three weeks in advance, except in cases of emergency; the Special Committee's assent is necessary where the planned transfer exceeds 10 % of the chapter from which the appropriations are to be drawn.
- If the total of the appropriations for the operation should be changed, an amending budget may be proposed at any time. It will follow the same procedure as the initial budget and will notably require the Special Committee's approval. It is unlikely that a supplementary budget will be approved easily and the M/OHQ should, as far as possible, undertake to keep expenditure within the limits of the initial budget for the operation and back up the proposal with a detailed business case.

## 5. ACTIONS

- The necessary organisation has to be set up both at M/OHQ and FHQ levels and between branches and supporting departments. Related SOPs should therefore focus on decentralisation of implementation and centralisation through reporting between various HQs J8s.
- The OHQ J8 has to organise and formalise with subordinate J8s:
  - o sharing of the budget delegated to FHQ and subordinate HQs;
  - o information reports to OHQ (regularly and on an overview basis);

- o adequate and requested procedures (reallocation of the budget by OHQ, transfer requests, etc.).
- Within his or her own M/HQ, the ACOS J8 must ensure that the J8 of the relevant HQ:
  - o authorises expenditure or delegates properly in writing;
  - o in all cases prevents expenditure by non-authorised personnel.
- In short, the J8 must make sure also that the three budgetary phases are well distinguished and implemented.
  - o **Budgetary commitment:** appropriations must be reserved before spending starts in order not to exceed the budget. The commitments should always be made at the beginning of the calendar year based on the budget estimations.
  - o **Legal commitment:** the contract or purchase order has to be signed by a properly empowered officer.
  - o **Payment:** any payment requires the joint signature of an authorising officer and an accounting officer. Payments on account before work starts or when progress is made are allowed. The final balance would be issued only when delivery is certified to be in conformity with the contract/purchase order and related invoice.

**NB: It is recommended to use the model budget SOP and the matrices annexed to the budgetary report.**

# 6.2 BUDGET EXECUTION REPORTING

## 1. KEY WORDS

Common costs, nation-borne costs, quarterly basis, budget, cash flow table

## 2. SUMMARY

The operation commander must report to the administrator every month until a budget for the operation is adopted, and then on a quarterly basis. These implementation reports on expenditure financed by Athena must detail budget commitments, legal commitments, payments made and updated cash flow tables. They have to be provided no later than one month after the end of the period.

## 3. REFERENCES

- Athena Decision: Articles 28, 36, 38
- Athena Financial Regulation: Articles 12 & 13 of Part I
- Fiche 2.1: Common costs financed by Athena
- Fiche 2.2: Nation-borne costs and third-party expenses
- Fiche 6.1: Budget implementation

## 4. PRINCIPLES

- The mission/operation commander must provide Athena's administrator with implementation reports no later than one month after the end of the period:
  - o every month until a budget for the operation has been adopted;
  - o then, quarterly:
    - by the end of April (period up to the end of March);
    - by the end of July (period up to the end of June);
    - by the end of October (period up to the end of September);
    - by the end of January (period up to the end of December).

*The first report will show all expenditure to the end of the relevant quarter. Each subsequent report will show expenditure for the previous quarter as well as cumulative expenditure for the year.*

- **For common costs**, these reports must detail:
  - o budgetary appropriations, budgetary commitments, legal commitments, payments made, interest received, proceeds for sales and the miscellaneous revenues.
- **For common costs**, the following information must be added:
  - o the interim balance sheet for the operation showing the position vis-à-vis third parties and net treasury position,
  - o the interim outturn account for the operation,
  - o the associated cash flow table.
- These reports should include a comment on expenditure incurred and foreseen. The comment must be sufficiently substantial for members of the Special Committee - who have little familiarity with the operation - to understand where the funds provided have been spent.
- The following examples are generated from the Athena financial system.

## ANNEX 1A: BUDGET TEMPLATE COMMON COSTS QUARTERLY REPORT

NB: The budget template is valid for the year in force. Another (Y-1) is requested for the execution of the carryovers.

EUFOR/EUTM XX	Budget in force						Budget in force				Commitments
Budget: 20XX  From: 1 January 20XX To: 31 December 20XX	Year N commitments			Year N payments			<a href="#">Click here for legend</a>				Amounts in EUR
	[A]	[B]	[C] = [A] + [B]	[D]	[E]	[F] = [D] + [E]	[G]	[H]	[I]	[J]	[K] = [C] - [G]
	Initial	Amend.	Total	Initial	Amend.	Total	Budget comm.	Legal comm.	Payment ordered	Payments registered	Available
Chapter 01 General support											
0110 Employment of personnel	00	00	00	00	00	00	00	00	00	00	00
0120 Administration and office/ accommodation support	00	00	00	00	00	00	00	00	00	00	00
0130 Medical evacuations and services	00	00	00	00	00	00	00	00	00	00	00
0140 Public relations	00	00	00	00	00	00	00	00	00	00	00
0150 Miscellaneous	00	00	00	00	00	00	00	00	00	00	00
	00	00	00	00	00	00	00	00	00	00	00



EUFOR/EUTM XX		Budget in force					Budget in force				Commitments
Budget: 20XX  From: 1 January 20XX To: 31 December 20XX	Year N commitments			Year N payments			Click here for legend				Amounts in EUR
	[A]	[B]	[C] = [A] + [B]	[D]	[E]	[F] = [D] + [E]	[G]	[H]	[I]	[J]	[K] = [C] - [G]
	Initial	Amend.	Total	Initial	Amend.	Total	Budget comm.	Legal comm.	Payment ordered	Payments registered	Available
Chapter 84 Provisional appropriations											
8410 Provisional appropriations		00	00	00	00	00	00	00	00	00	00
		00	00	00	00	00	00	00	00	00	00
<b>TOTAL EXP.</b>		00	00	00	00	00	00	00	00	00	00
Chapter 99 Revenue		00	00	00	00	00	00	00	00	00	00
9910 Contributions		00	00	00	00	00	00	00	00	00	00
9920 Financial revenue		00	00	00	00	00	00	00	00	00	00
9930 Proceeds of sales or services		00	00	00	00	00	00	00	00	00	00
9960 Miscellaneous revenue		00	00	00	00	00	00	00	00	00	00





# 6.3 PAYMENTS

## 1. KEY WORDS

Payments, rules of procedure, treasury management

## 2. SUMMARY

Payments can be made on production of proof that the performance is in accordance with what has been agreed, and that the expenditure is duly authorised by the authorising officer. The accounting officer is responsible for the proper implementation of payments.

## 3. REFERENCES

- Athena Decision: Articles 9, 14
- Athena Financial Rules: Articles 10, 13, 14 of Part I; Section 3 of Chapter V
- Fiche 8.1: Accounting
- Fiche 8.2: Accounting officer
- Fiche 9.2: Closure of the accounts

## 4. PRINCIPLES

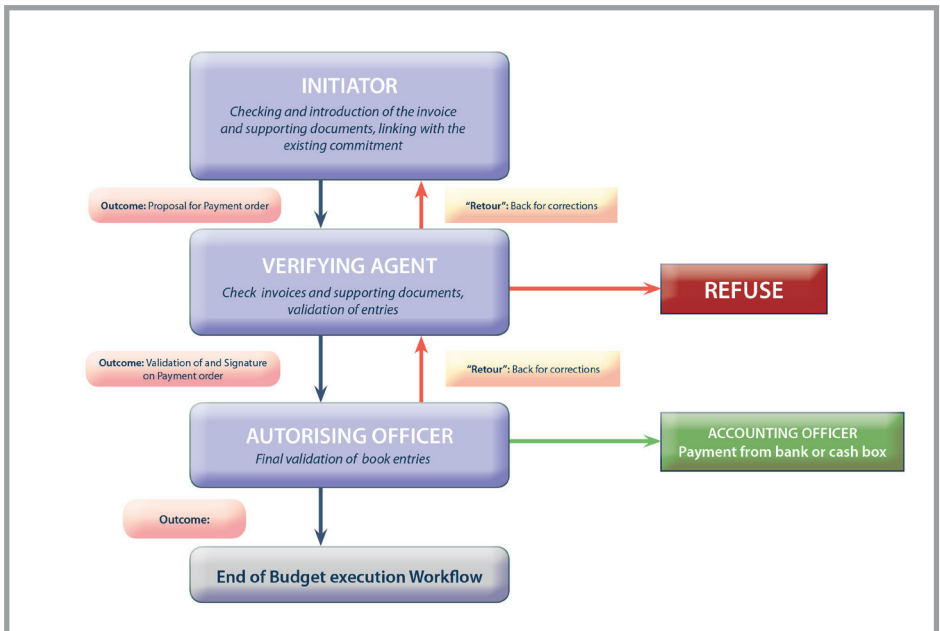
- A payment for goods, services or works requires that:
  - o the invoice to be paid is linked to a valid legal commitment;
  - o the invoice has been authorised by the authorising officer;
  - o the certification that the goods were delivered, the service rendered or the work completed is signed by the officer responsible for verifying the delivery.
- No payment must be made that is not covered by:
  - o an existing legal commitment;
  - o an invoice linked to that commitment;
  - o authentic supporting documents.
- The payment is not admissible if any one requirement is not met.
- Any bank payment requires the joint (electronic) signature of the accounting officer (or his or her agent) and the authorising officer (or his or her agent).
- The payment must be made by the accounting officer within the limit(s) of the funds available, performed as required either as a cash payment or a transfer from the specific bank account designated for that type of expenditure (CC or NBC or TPFC).

- The payment must be made within no more than 30 days from the date of issue of an admissible payment order.

## 5. ACTIONS

- Follow the workflow for payments involving all steps, proofs and staff (e.g. authorising officer, initiator, verifying agent, accounting officer) involved in the execution of payments.
- The accounting officer must ensure:
  - o payments are entered into the accounts;
  - o payment documents and their relevant authentic supporting documents are archived.

## APPENDIX 1: WORKFLOW (MODEL)



# 6.4 IMPREST ACCOUNTS

## 1. KEY WORDS

'Four eyes' principle, imprest account, isolation, derogation

## 2. SUMMARY

Imprest accounts can be utilised when it is impossible to have an authorising officer and an accounting officer in the same place (isolation).

## 3. REFERENCES

- Athena Financial Rules: Articles 38-42 of Chapter VII of Part I
- Athena Operating Manual: Fiche 10.10: Model imprest account note SOP

## 4. PRINCIPLES

- Imprest administrators can be either commissioned officers, NCOs or officials of the EU.
- A budgetary commitment must be made for the imprest.
- An imprest account is created by a decision of the accounting officer on the basis of a duly substantiated proposal by the authorising officer; any amendment to the terms of the imprest account should follow the same procedure.
- Funds may be provided to the imprest administrator, and funds may be replenished when justified by expenditure and within the constraints of the respective budgetary commitment.
- The imprest administrator must regularly provide the authorising officer and the accounting officer with justifications (invoices, bank statement or cash balance).
- Accounting and authorising officers are responsible for checking the related imprest account.
- Items above EUR 5 000 each should be purchased in accordance with Athena's procurement rules.
- This limit can be set at a lower value in agreement with the J8 section.

## 5. ACTIONS

- The administrator of Athena must be informed within seven days of setting up an imprest account, appointing an imprest administrator or amending the operating terms of an imprest account.
- Officers operating an imprest account must:
  - o obtain and retain invoices to support each payment from the imprest account;
  - o make adequate arrangements in their office for the safe custody of the account;
  - o produce, upon the request of the J8 section, cash and all invoices to the total value of the imprest account;
  - o record transactions properly in a journal of expenditure;
  - o reconcile and balance the account at least monthly (reconciliation sheets to be signed and retained by the imprest holder);
  - o provide the J8 section every year with a certificate provided by the bank attesting to the amount held on account at 31 December, by the end of March of the following year;
  - o ensure that the imprest is never used to cash personal cheques or to make personal loans and that payments into the account are solely reimbursement of the imprest for purchases made from it.
- On ceasing to hold an imprest, the imprest holder must account to the related J8 section for the amount advanced to him or her.
- All non-computerised records relating to imprest accounts must be maintained in written form.

# 6.5 EXEMPTIONS FROM TAXES, CUSTOMS DUTIES AND PROCEDURES

## 1. KEY WORDS

Taxes, VAT, exemption, customs duties, customs procedures

## 2. SUMMARY

Goods and services which are purchased in the EU and in theatre, or imported to theatre for an EU operation, and which have military or defence implications should, in principle, be exempt from taxes, customs duties and customs procedures. Only taxes, which are essentially charges for public utilities or services rendered may be paid.

## 3. REFERENCES

- Decision concerning privileges and immunities granted to Athena (EU OJ L 261, 6.8.2004)
- SOFA with host nation

## 4. PRINCIPLES

- For purchases within the EU, a Decision of the Representatives of the Member States concerning privileges and immunities granted to Athena was adopted in 2004. Nevertheless, in order to enter into force, the Decision needs to have been ratified by the Member States. As at the time of issue of this document some ratifications are still outstanding. The OHQ should check with the administrator whether this Decision has been ratified, notably by the EU Member State where the OHQ is located.
- With respect to purchases in theatre or imports to theatre, the EU usually obtains from the host nation a full exemption from taxes, VAT, customs duties and customs procedures, and agrees to pay only those taxes which are in consideration of services rendered. These exemptions are obtained firstly through an exchange of letters between the host nation's authorities and the Council Secretary-General/ High Representative, and at a later stage through the SOFA. The exact scope of exemptions has to be checked in those texts.
- Exemptions from taxes and customs duties are granted to Athena and are to be used solely for purchases for the operation. Unless such privileges are explicitly extended by the state granting the exemptions to the personnel serving in the operation

## 5. ACTIONS

- Within the EU, the M/OHQ should contact the tax and customs authorities of the EU Member State where it is located and enquire about procedures to have tax and duties exemptions granted to Athena applied in practice. Until ratification is completed, it will be necessary to ask the national authorities if they have already ratified the Decision, and whether they agree to apply it unilaterally.
- In theatre, the advance party and later the FHQ (more specifically their LEGAD and J8) will need to insist to local authorities that exemptions are acknowledged and applied. This is likely to require negotiations with local customs, fiscal authorities and port or airport authorities. It may be necessary to involve the force commander or the mission/operation commander in order to have the host nation's highest authorities issue the necessary instructions to their subordinate authorities. It may be necessary to negotiate memoranda of understanding (MoUs) with some local authorities in order to explicitly define the scope and conditions of the exemptions in the appropriate detail.

## 6. FUNCTIONING OF VAT EXEMPTIONS

VAT exemptions, depending on the local practice, can function in one of the following ways:

1. **Deliveries to the operation are granted the status of non-taxable or taxable with zero-percent VAT.** In practice this means that the operation does not pay VAT when purchasing goods or services. The functioning of this method requires the operation to inform the supplier ex ante of its VAT exemption and provide it with the required proof thereof. The supplier will then issue an invoice without VAT or with zero VAT. If this is the method of exemption provided by the government of the country in which the HQ operates, it is essential that the operation does not accept any invoice of material value which includes VAT, under the assumption that the VAT can later be recovered. It is highly probable that such a possibility does not exist or that it would be prohibitively costly and/or time consuming.
2. **The operation is required to pay VAT to the supplier, but the paid VAT can be claimed from the national revenue agency which, after verifying that all legal prerequisites are in place, refunds the VAT to the operation.** Under this scheme, the operation is to keep a strict record of the VAT paid. Such records should not allow the deletion of data, and must leave an 'audit trail' of all transactions. The technical realisation of this is to be discussed with the Athena accounting officer. The J8 must research the procedure for making the claims to the revenue agency and: (1) ensure that all required registrations are carried

out before purchasing begins, when such registrations are a prerequisite for the later refund of VAT; and (2) ensure that the refund procedures and deadlines are strictly followed.

3. **The operation is required to pay VAT to the supplier, but the paid VAT can be claimed back from the supplier, subject to the completion of a specific procedure.** Under this scheme the operation should inform its suppliers *ex ante* of its exemption and its intention to claim the VAT following the pre-established procedure. This is in order to ensure that the supplier is willing to cooperate during this procedure. The operation is to keep a strict record of the VAT paid. Such records should not allow the deletion of data, and must leave an 'audit trail' of all transactions. The technical realisation of this is to be discussed with the Athena accounting officer. The J8 must research the procedure for making the claims to the suppliers and: (1) ensure that all required registrations are carried out before purchasing begins, when such registrations are a prerequisite for the later refund of VAT; and (2) ensure that the refund procedures and deadlines are strictly followed.

When the procedure for recovering VAT is such that it is exceptionally onerous for the J8 cell or the involvement of a local accounting professional is required by law, the J8 may procure the services of such a professional or a company offering such services.



# 6.6 EMPLOYMENT OF CIVILIAN PERSONNEL

## 1. KEY WORDS

Direct employment by Athena, common costs, contracting, recruitment

## 2. SUMMARY

Civilian personnel can be directly recruited and employed by Athena when the force generation process did not provide adequate staffing or when it proves to be economically advantageous to directly employ staff. This practical guidance should be followed, provided that the approval of the Athena Special Committee has been obtained to hire civilian personnel.

## 3. REFERENCES

– Athena Financial Rules: Part VI

## 4. PRINCIPLES

### – Before starting recruitment

- o There are three categories of civilian personnel.
  1. Civilian personnel working on EU territory (selected from nationals of EU Member States and citizens of third states participating in the operation; nationals from other states may be recruited only after authorisation from the Special Committee; the laws of the EU Member State of employment apply to employment).
  2. International civilians (working outside EU territory; nationals of EU Member States and/or of a third country participating in the operation; not permanent residents in the host state(s)).
  3. Local civilian hires (nationals or permanent residents of the host state(s), to whose employment the labour laws of the state of employment apply – in as much as there are such laws actually in force and they do not contradict EU principles).
- o Information must be collected (from a specialised lawyer/expert, local authorities, embassies of EU Member States, Member States already deployed in the area or other source) on salaries paid in the domestic labour market for similar jobs and on labour legislation - if applied - of the state of employment

(including relevant collective agreements), notably:

- provisions concerning social security
  - indemnities/allowances to be paid in case of terminating employment (indefinite vs fixed-term contract)
  - the minimum wage
  - working conditions/security at work.
- o Remuneration has to be carefully studied:
- Salaries should be negotiable, and for local civilian hires (determined by M/OpCdr) should not significantly exceed average salaries in the domestic market for similar jobs.
  - Salaries should be negotiated taking into account the principle of sound financial management. All paramount parameters, including the domestic salary conditions, the overall cost for the employer and salaries of personnel working for other EU organisations (e.g. EU delegation) present in the area of operations must be considered.
  - Salaries must be determined by mutual agreement between the employer and each member of the civilian personnel. Salaries must be set out in the employment contracts.
  - The currency and form must be clearly expressed, as well as any obligatory allowances and, if required by the local law, the severance grant (for example a percentage of basic monthly remuneration for each month spent in consecutive employment).
  - Social security/insurance (difference by categories to be noted), calculation of contribution for local civilian hires by local authority, if available.

## – Recruitment/contracting

- o Publication of vacancy (EU territory: publication of vacancy notice; other: advertisement by all appropriate means), and spontaneous 'applications' from locals (possible advisory board).
- o Decision on type of contract (fixed vs indefinite term) by comparing legal possibilities/constraints, costs, difficulties and cost of contract termination.

NB: In cases where the duration of the operation or the duration of employment cannot be predicted accurately, it is usually cheaper and more flexible to conclude indefinite-term contracts, and terminate them when the employees are no longer needed. In any case, the choice between fixed and indefinite terms must be based on a cost/benefit analysis of both formulas and/or local legal considerations.

- o In selecting personnel, security requirements must be considered. This applies both to medical risks and to loyalty in crisis situations.
- o Contracts must always be in writing in the language required by applicable legislation, as well as in language understood by the parties, i.e. it must contain at least the basic elements and must be thoroughly understood by/explained to the employee.
  - In case of doubt on the laws to be applied, advice should be obtained from the Athena administrator.
  - Contracts are to be signed by the employer's representative: M/OpCdr, or the holder of a delegation (J1) or a sub-delegation to recruit civilian personnel.
  - No employment contract is to be signed until the person concerned has provided a security clearance or has initiated the procedure to obtain such clearance, at the level required for his or her future position, and a certificate which proves that he or she is medically fit for the position.
- o The employer's representative, when drafting the particular employment contracts, must:
  - ensure the conformity of the contract with the SOFA, the national or local legislation and, where appropriate, collective labour agreements applicable to the employment of the employee concerned;
  - take into consideration operational needs and, notably for local civilian hires, local customs;
  - wherever necessary seek the advice and assistance of a lawyer practising within the state whose legislation is applicable to the employment of the employee concerned.
- o The employer's representative may also consult local authorities as appropriate.

– **Principle of exceptionality**

- o The first means of filling the posts in the operation (crisis establishment) is the force generation process, and the utmost effort should be made to do so. However, the hiring of civilian personnel may be considered if the required expertise is not provided by the force generation process. The operation should be able to demonstrate to the Special Committee that all possible efforts have been made to obtain the required personnel through force generation, and should also inform the Special Committee in advance about the intent to recruit civilian personnel.i

## 5. ACTIONS

- Evaluate needs and define where, for which tasks and which category of personnel need to be employed.
- Gather information on salaries in the labour market concerned and on the law of the state(s) of employment.
- Any recruitment of a contracted civilian must be specifically authorised by the Special Committee.
- All draft operational budgets must be accompanied by a dedicated annex on staffing requirements. This annex should indicate the number and the category of civilian personnel already employed and those to be employed, as well as the foreseen contract duration. All costs (including tax, social contribution, possible allowances, etc.) must be reflected in the budget proposal provided to the Special Committee.
- Publish vacancy notices/get the information out through all appropriate means.
- Decide on the type of contract (fixed vs indefinite term).
- Select civilians to be employed (consider whether candidates meet the criteria set out in the notice, any medical requirements, whether a medical check-up is needed before recruitment, vaccinations, security concerns and clearance, relevant responsibilities, financial constraints, the remuneration of the person to be chosen).
- Draft and conclude contracts with the selected applicants.
- Administrative obligations related to employment:
  - o keep employee register
  - o issue pay slips
  - o provide work certificates.

# 6.7 MISSION EXPENSES IN EU OPERATIONS

## 1. KEY WORDS

Common costs, travelling, mission expenses

## 2. SUMMARY

Mission expenses incurred when travelling for the HQs are funded in common. The rules on mission expenditure are those of the Member State which provided the core of the HQ concerned. The rules on mission expenditure for missions where there are no headquarters provided by a Member State or NATO are those defined by the Athena administrator according to the Athena Financial Rules. As a matter of principle, travel by air should be in economy class.

## 3. REFERENCES

- Athena Decision: Articles 15, 32(4), 34(1) & (2); Annex III (Parts A & B)
- Athena Financial Rules: Chapters I and II of Part I, Part V
- Athena doc. 16-0444 of 5 October 2016
- Fiche 2.1: Common costs financed by Athena

## 4. PRINCIPLES

Missions while working for the HQs are funded in common. These include travelling on behalf of the EU operation within the area of operations and for official meetings in Brussels and/or duty travel to attend meetings and conferences related to operational issues.

- Mission expenditure of forces remains a national responsibility, unless the Council has taken a decision otherwise for the operation.
- The rules governing mission expenditure by HQ officers are those of the Member State which provided the core of the HQ.
- The rules on mission expenditure for missions where there are no headquarters provided by a Member State or NATO are those defined by the Athena administrator using doc. 16-0444 of 5 October 2016, according to the Athena Financial Rules.
- Travelling by air should be in economy class, except in the following cases:
  - a) for missions shorter than one week where a direct flight is to last at least six hours,

- b) where it is more economical to travel by other means, taking into account the cost for luggage,
  - c) when specific security rules related to the transport of classified material do not allow it.
- The annual maximum amount spent on flying business class should, however, be limited to 10 % of the total travelling budget.

## 5. ACTIONS

- The J8:
  - o must establish SOPs to ensure that HQ personnel are aware of the rules and procedures regarding travelling. These SOPs should notably specify procedures for obtaining travel tickets and reservations, indicate that economy class is mandatory when travelling by air, with possible exceptions, and lay out rules on rotations paid for in common.
  - o should if possible establish a small 'travel office' in its section for booking tickets. This should both provide practical support to HQs and ensure that rules are complied with.

# 6.8 REPRESENTATION EXPENSES COVERED BY ATHENA

## 1. KEY WORDS

Common costs, representation, gifts, hospitality, responsibility

## 2. SUMMARY

Some reasonable official reception & representation expenses (linked with gifts and hospitality for HQ activities) can be financed in common by Athena when directly beneficial to the operation for an official purpose.

## 3. REFERENCES

- Athena Decision: Articles 15, 34(1) & (2) and 37; Annex III (Parts A, B & C)
- Athena Financial Rules: Chapter II of Part I
- Fiche 2.1: Common costs financed by Athena

## 4. PRINCIPLES

- Codes of conduct and sound management must be followed at all times. The regular scope of expenditure includes food and beverages, minor gifts to promote operations, and other goods or services for official purposes which serve the interest of the operation.
- Common rules should be set up in SOPs for each HQ, governing reception and representation expenditure on behalf of the EU operation, including local events within the area of operations and official meetings (Brussels, New York, etc.).
- In particular, consideration should be given in SOPs to the acceptability of gifts or hospitality offered to HQ representatives (national or GSC rules might serve as inspiration).

## 5. ACTIONS

- The J8 must ensure that SOPs implementing rules and procedures regarding representation, gifts and hospitality have been validated, released and understood by HQ personnel.

- These SOPs should include the following:
  - o specific cost limits and registration procedures,
  - o the requirement for all requests for receptions, representation costs or purchases of representational items to be officially validated,
  - o the requirement for the expenditure of funds (not exceeding the amount authorised) to be monitored,
  - o limitations on the acceptability of gifts or hospitality.



# 6.9 TRAVEL AND TRANSPORT COVERED BY ATHENA

## 1. KEY WORDS

Common costs, transport, MEDEVAC, responsibility

## 2. SUMMARY

The personnel deployment/redeployment costs for deployed HQs (M/FHQ-CCHQs) are always financed in common. All transport/travel costs for HQ personnel within the theatre of operation are always financed in common, while transport of the forces is not unless the Council so decides. Emergency MEDEVAC for the forces as a whole are financed in common. Proper identification and invoicing procedures must be set up.

## 3. REFERENCES

- Athena Decision: Articles 15, 32(4), 34(1) & (2); Annex III (Parts A & B)
- Athena Financial Rules: Chapter II of Part 1
- Council Declaration on battle groups
- Fiche 2.1: Common costs financed by Athena

## 4. PRINCIPLES

- Transport expenditure to be reimbursed by Athena is as follows:
  - o During the preparatory phase (Annex II to the Council Decision on Athena):
    - incremental costs of transport necessary for exploratory missions and preparations by military and civilian personnel with a view to a specific Union military operation.
  - o During the active phase (Part A of Annex III to the Council Decision on Athena):
    - incremental transport/travel costs within theatre for all HQs,
    - incremental transport costs to/from the theatre of operations for deployable HQs (M/FHQs and CCHQs); deployment to/repatriation from the OHQ have to be paid by the sending state.
  - o Transport of the forces (Part B of Annex III to the Council Decision on Athena):

- to/from theatre only when the Council so decides.
- o Incremental transport costs for land, sea and air deployment of battle groups at short notice to the joint area of operations in accordance with the EU Battle Group Concept in line with the Council Declaration on battle groups.

## 5. ACTIONS

- Issue SOPs regarding transport to/from/within theatre, stating clearly that:
  - o OHQ transport/travel is a common cost only within the area of operation (NB: deployment to an OHQ is not a common cost);
  - o common funding of transport/travel for deployable HQs (M/FHQ-CCHQ) includes their deployment, transport in theatre, rotations and repatriation.
- The fact that transport notably for the M/FHQ and for MEDEVAC is financed in common, while transport of the forces usually is not, implies that the J8 must ensure that states deploying personnel/equipment to the FHQ or using MEDEVAC get transport costs paid or reimbursed through Athena. They should submit invoices.
- When the same aircraft or ship is used to deploy, sustain or repatriate personnel and equipment for the FHQ, MEDEVAC and forces, the costs relating to transport for the FHQ and MEDEVAC must be paid or reimbursed through Athena. Procedures must be set up with the J4 to ensure that this separation is made and that eligible transport is recorded, invoiced and paid for.

# 6.10 DISPUTES & LIABILITIES COVERED BY ATHENA

## 1. KEY WORDS

Common costs, responsibility, damage, claims, SOFA

## 2. SUMMARY

The SOFA usually provides for exemptions from judicial procedures in the host state regarding claims against personnel of an EU force or the EU force itself. It also provides for a procedure to deal with such claims with the host state's authorities. Waivers of claims usually protect an EU force and its personnel from claims by EU Member States, third states participating in the operation, the United Nations, etc. The OPLAN may establish internal procedures to deal with claims.

Damage caused by an HQ financed in common are covered through Athena as common costs. Damage caused by forces have to be borne by the Member State of origin of the contingent concerned in accordance with its national rules, the SOFA, applicable waivers of claims and the OPLAN.

Situations in which compensation may be claimed back from HQ personnel who cause damage should be examined on a case-by

## 3. REFERENCES

- Athena Decision: Article 44
- Relevant SOFA
- Relevant waivers of claims
- OPLAN

## 4. PRINCIPLES

- Together with the LEGAD, check:
  - o the SOFA for the exact scope of exemptions and for procedures to deal with claims with the host state's authorities;
  - o the waiver of claims between EU Member States, with third states participating in the operation, with the UN, etc.;
  - o the OPLAN for procedures to deal with claims.
- Ensure that all Senior National Representatives understand the following:

- o National contingents may have to pay compensation for damage they cause to the local population and for damage caused to their personnel by other contingents participating in the EU operation or by a United Nations mission.
- o Athena will pay only for the contractual and non-contractual liabilities incurred by HQs financed in common. SNRs should be informed of applicable procedures and should have the necessary authority and funds to ensure swift compensation where necessary.
- o Athena, in accordance with Article 44(1) and (4) of the Council Decision on Athena, will examine on a case-by-case basis situations in which compensation may be claimed back, and when concluding that damage has been caused by gross negligence or wilful misconduct, will recuperate the costs related to it from the nation whose force generation resulted in the presence of the responsible person.

## 5. ACTIONS

- Issue an SOP regarding the settlement of damages, clearly stating the following:
  - o Amicable settlement must first be sought between the claimant and the involved representative in accordance with the SOFA and the OPLAN.
  - o Damage caused by an HQ must be dealt with by that HQ through Athena as common costs.
  - o Troop-contributing nations which allegedly cause damages will have to settle them in accordance with the SOFA, the OPLAN and their national legal systems.
  - o Practical considerations, notably the need to safeguard good relations between the EU force and the local population, may call for compensation to be paid swiftly. Local customs may have to be taken into account.
- If necessary, to ensure swift compensation for damage caused to the local population it may be advisable to propose to the Special Committee that compensation be treated as a nation-borne cost (i.e. paid by the FHQ and reimbursed by the state concerned).

# 6.11 INVENTORIES & RELATED SOFTWARE

## 1. KEY WORDS

Inventory of property, assets, finances, closure of accounts

## 2. SUMMARY

Non-consumable goods are to be recorded in a property inventory. Assets must be registered and clearly identified as Athena property as soon as they are acquired, so as to be preserved. Assets appear in the balance sheet of the annual accounts at the end of each year. At the end of the operation, it is important to determine the future destination of the assets.

## 3. REFERENCES

- Athena Decision: Articles 9(4), 35-37, 42(5)
- Athena Financial Rules: Part VII
- Fiche 8.1: Accounting
- Fiche 9.2 : Closure of the accounts
- Fiche 6.12: Disposal of assets
- Fiche 6.13: Infrastructure financed through Athena
- Fiche 6.14: Inventories of fixtures of land and buildings

## 4. PRINCIPLES

- Definition of an asset: all items with a period of use normally greater than one year (and which are not consumables and have an initial value of more than EUR 420) are to be entered in the financial inventory and recorded in the assets accounts.
- Asset information: the mandatory minimum data in the AMS (asset management system) should contain:
  - a) the inventory number;
  - b) the category of the asset which will determine the rate of depreciation;
  - c) the description of the asset;
  - d) the asset's location;
  - e) the implementation date of the asset;
  - f) the initial value of the asset;
  - g) the invoice number(s) related to the acquisition of the asset in order to provide

a link to the accounting system.

- A physical inventory must be organised at least once a year and certainly at the end of the operation.
- Recording all events: the inventory must be as close as possible to reality. Every movement (handovers, moves, losses, breakages, thefts, etc.) must be registered without delay. A specific procedure applies to write-offs, whatever their cause.
- Owner of the items: the items funded in common belong to Athena. They are linked to the budget of the operation from which they are bought. However, some items coming from outside or from Athena's other operations could be incorporated in the inventory. All the items taken into account by the responsible officer are to be registered in the local inventory. There must be at least one person responsible for the inventory per site (OHQ, FHQ, etc.).
- Link to accounts: the workflow should be organised so that invoices received and inventories are compared quarterly.
- Software: for ease of use and communication, it is recommended to use the same software across all of the different locations relevant to the operation.
- Infrastructure works: an inventory of fixtures must be established and jointly signed with the lessor upon arrival and departure. The J8 should decide, based on actual circumstances, whether infrastructure works should also be recorded as fixed assets in the accounts. This depends notably on the legal situation (is an operation the lessor or a tenant?) and on the possibility of selling the infrastructure and recovering costs at a later stage (if not, in accordance with the principle of conservatism, it may be prudent to consider works as expenditure).

## 5. ACTIONS

- Officers operating the inventory must:
  - o register any new asset bought, together with all the information necessary to manage the inventory, including the reference to the budget/financial management;
  - o register any items lent by another organisation or EU operation; these items should be sent back to their owner at a later stage;
  - o check quarterly that invoices for equipment or infrastructure are matched by corresponding entries in inventories;
  - o regularly check (at least once a month) the inventories against the accounts;
  - o register all transfers of assets, including the location and responsible officer;
  - o record all disposals;

- o organise a physical check of inventories at least once a year and certainly at the end of the operation;
  - o provide a proposal for the final destination of the assets registered in the inventory to the Special Committee, and take the appropriate action following its decision.
- All non-computerised records relating to inventories must be maintained in written form.

# 6.12 DISPOSAL OF ASSETS

## 1. KEY WORDS

equipment, infrastructure, inventories, controls

## 2. SUMMARY

During an operation, it may be necessary to write off equipment or infrastructure which has been destroyed, damaged beyond repair or lost, or that is obsolete. This issue is different from the 'final destination of equipment and infrastructure', which must be decided towards the end of an operation, before the recovery starts.

## 3. REFERENCES

- Athena Financial Rules: Articles 3 and 7 of Part VII

## 4. PRINCIPLES

- In any operation the common costs of which are financed through Athena, the authorising officer must establish a disposal committee.
- This disposal committee must include the authorising officer, accounting officer and the head of the responsible branch concerned. The idea is to give the committee the capacity to assess the state of the equipment and the possibility of using it further, repairing it or selling it, taking into account operational, technical and financial aspects.
- The best-value-for-money solution should be sought. In particular, possible options for repairing or selling the equipment or infrastructure should be actively sought before a decision is made.
- When disposing of equipment or infrastructure, a number of factors may have to be taken into account (impact on the local security situation, on public health, on the environment, etc.).
- Disposal decisions must be in writing. They must state the reasons for the write-off. They must be recorded in the register of important acts and decisions.
- The inventories and the accounts must be adapted to reflect disposal decisions.
- It may be useful to submit to the Special Committee a disposal policy for the operation if disposals are likely to be necessary on a large scale.



- Under certain conditions, the Special Committee's approval is needed for disposal decisions (initial asset value above EUR 130 000, voluntary free transfer, final destination of assets when winding up the operation).
- Disciplinary procedures may be necessary if a loss or damage was due to negligence. The respective national authorities should be provided with the necessary information by the EU chain of command.

## 5. ACTIONS

- Ensure that operational, technical and financial aspects are explored before a decision to dispose is made. In particular, explore possible options for repairing or selling the equipment or infrastructure.
- Explore the impact on other aspects (local security, public health, the environment, etc.).
- Produce an estimate of the costs of various possible alternative solutions.
- Put any disposal decision in writing, stating the reasons. Record the decision in the register, and seek the Special Committee's approval when needed.
- Ensure that the equipment or infrastructure is taken out of the financial inventory and the accounts.

# 6.13 INFRASTRUCTURE FINANCED THROUGH ATHENA

## 1. KEY WORDS

Common costs, land, buildings, infrastructure, rental, property, real estate, inventory of fixtures

## 2. SUMMARY

Some infrastructure expenditure can be funded in common according to the Athena rules. Every effort must be made to obtain buildings and land free of charge from the host nation but where this is not possible the operation may enter into contractual relations with private landowners as well as procure construction services. Improvements to host nation property must be kept to an absolute minimum.

## 3. REFERENCES

- Athena Decision: paragraphs 1.2(g) and 2(a) of Part A of Annex III, Part C of Annex III, Annex IV
- Athena Financial Rules: Article 6(1)(d) & (h) of Part I
- Fiche 2.1: Common costs financed by Athena
- Fiche 6.14: Inventories of fixtures of land and buildings
- Fiche 7.1: Anticipating the winding-up phase

## 4. PRINCIPLES

- The SOFA usually provides that the host nation's authorities make property available to the EU operation free of charge. The SOFA also usually exempts the EU operation from taxes. This does not apply to fees for services rendered by public authorities. The J8 must check if such provisions are included in the SOFA and must ensure that they are complied with.
- Property may be bought or rented, notably from private lessors. In such a case, Athena procurement procedures must be complied with. A permanent derogation from the standard procedures is available which allows a negotiated procedure with the owner of a site meeting operational requirements. It is important to ensure that investments in property observe the principle of proportionality with respect to operational requirements and the duration of the operation.

- For every location, before occupying the premises, an agreement with the lessor must be established in writing in order to ascertain rights and obligations and avoid later disputes.
- The J8 assumes the following duties:
  - o Ensuring that an incoming inventory of fixtures is established before the EU operation occupies a location, with maps and photos (presumably with the help of the J4). This inventory should be co-signed by the lessor. This is necessary to avoid disputes over damage when the operation leaves the premises.
  - o Ensuring that works financed through Athena are kept to the minimum necessary to meet operational needs, within the limit of common costs and the budget in force. Reallocation of budget resources between projects covered by the approved budget is admissible. However, new projects need to be approved by the Special Committee.
  - o Ensuring that an agreement is reached with the lessor before the EU operation leaves a location. Such an agreement should be based on an outgoing inventory of fixtures, with maps and photos. This inventory should also be co-signed by the lessor. This is necessary to avoid disputes over damage after the operation has left the premises.
  - o Ensuring that repairs are kept to a minimum, where the damage can in good faith be attributed to the operation. No improvement should be made towards the end of the operation. However, some works may be necessary before the operation leaves (depollution, destruction of installations such as embankments or walls which could be used in future conflicts, etc.).
  - o Preparing, at the end of the operation, the proposal for the depreciation rate and the final destination of infrastructure financed through Athena (sale or transfer to the host nation, to a Member State or to a third party).

## 5. ACTIONS

- The J8 must:
  - o obtain proper budget authorisation for infrastructure projects;
  - o identify applicable legislation and SOFA provisions regarding property and exemptions granted to the EU operation;
  - o establish a contract in writing with the lessor, delineating in particular responsibility for maintenance and repairs;
  - o ensure that property and works are properly reflected in the accounts and keep this information up to date;

- o prepare for possible repairs and cleaning works, as necessary, sufficiently early before the operation leaves;
- o make a proposal to the Special Committee for the final destination of infrastructure;
- o prepare SOPs detailing the duties of the officer assigned responsibility for the property;
- o regularly check the proper use and maintenance of infrastructure at any handover to new personnel and at the end of each financial year.

# 6.14 INVENTORIES OF FIXTURES OF LAND AND BUILDINGS

## 1. KEY WORDS

Infrastructure, record, management, handover, incoming and outgoing inventory of fixtures

## 2. SUMMARY

The incoming inventory of fixtures and fittings is a document signed by the tenant (mission) and the owner (lessor), which is used to describe the state of property at the time of entry. The outgoing inventory of fixtures will be carried out at the time of the mission's departure.

This document makes it possible to compare the state of the land and the buildings occupied at the beginning and at the end of the tenancy and to determine, in the event of necessary repairs, those costs which fall to the owner and those for which the tenant will be held responsible.

## 3. REFERENCES

- Council Decision: paragraph 1.2(g) of Part A of Annex III
- Athena Financial Rules: Article 6(1)(d) of Part I
- Fiche 6.13: Infrastructure financed through Athena
- Fiche 7.1: Anticipating the winding-up phase

## 4. PRINCIPLES

- Generally, the SOFA principles stating that land and infrastructure should be made available free of charge apply.
- Properties may exceptionally be rented from private lessors through Athena during an EU-led military operation.
- A written agreement has to be sought with the lessor before the EU operation occupies a location.
- Inventories of fixtures and fittings of land and buildings must:
  - o be precise and complete;
  - o be agreed jointly between representatives of the mission and the property owner;
  - o be formalised in a document which describes land & housing rented by the

HQ, lists and describes each item included in the property, as well as any equipment supplied by the owner (maps and photos showing the premises should be included);

- o be done in at least two copies and signed by both parties;
- o establish the initial state of fixtures and fittings placed at the disposal of the operation (with an accurate description of their nature and their operating condition);
- o note the defects for which the lessor is responsible, offering possible negotiations for repair, and establish the respective responsibility of the tenant and the lessor.

It is strongly recommended to annex this document to the agreement for occupation or the leasing agreement of the selected premises.

- An outgoing inventory of fixtures (also containing maps and photos) must be jointly performed, recorded and signed by both the lessor and the mission representatives before the EU operation leaves a location. This inventory will be compared to the initial one in determining any possible mission responsibility upon vacating the premises.
- This final inventory should lead to a specific written agreement with the lessor.
- Since the mission could be liable for environmental damage, this issue must be closely monitored and appropriate expert advice sought to avoid disputes, legal claims and potential supplementary costs. Particular attention will be paid to environmental protection during the initial inventory of fixtures of land, buildings and their close surroundings, in order to assess potential health hazards and environmental concerns. The environmental damage (if any) as a result of the deployment will be recorded and compared to the initial assessment.

## 5. ACTIONS

- The J8 must do the following:
  - o Work in close contact with the J4/infrastructure cell to prepare and establish inventories of equipment and fixtures funded by Athena, with precise maps and detailed photos, before the operation enters and upon leaving the premises.
  - o Record all works done in order to negotiate repairs.
  - o Take and date pictures of any defect in or improvement to fixtures in order to be able to show precisely the evolution of the state of the premises.
  - o Constantly monitor the state of the premises with a view to facilitating the winding-up phase.

- o Prepare sufficiently early before the operation leaves for repairs and cleaning works, if necessary. Other works may be necessary before the operation leaves (depollution, destruction of installations such as embankments or walls which could be used in future conflicts, etc.). These should be kept to a minimum.
- o Ensure that a written agreement is reached with the lessor before the EU operation leaves a location. Such an agreement should be based on an outgoing inventory of fixtures, with maps and photos (presumably with the help of the J4).

NB: It is recommended to use the template for inventories of fixtures and fittings of land and buildings (Fiche 10.5).

# 7.1 ANTICIPATING THE WINDING-UP PHASE

## 1. KEY WORDS

Winding up, closure, decisions, final destination of equipment, proposal

## 2. SUMMARY

The end of the active phase of the operation is a critical stage where accounts must be finalised and decisions on commonly funded infrastructure must be taken, respecting the principles of sound financial management. The work of the J8 cell will increase and close coordination with Athena Central is essential.

## 3. REFERENCES

- Athena Decision: Articles 35, 42, 43; Annex IV
- Athena Financial Rules: Article 51 of Part I, Article 7 of Part VII
- Fiche 2.1: Common costs financed by Athena
- Fiche 7.2: Final destination of equipment and infrastructure
- Fiche 9.2: Closure of the accounts

## 4. PRINCIPLES

The J8 section may need to be reinforced.

To ensure a smooth transition to the winding-up phase of the operation it is important for the HQ to conclude all pending financial actions before it ceases its activities. To facilitate this conclusion, attention should be paid to the following matters:

- **Contracts and lease:** these should be terminated in a timely fashion.
- **Payments:** all payments should take place during the active phase. No open disputes may be left unresolved.
- **Bank accounts:** bank accounts (common costs + nation-borne costs) must be recorded and reconciled with the bank statements, verified and dated. Remaining funds must be transferred to Athena and accounts closed.
- **Equipment:** decisions on the final destination of equipment and infrastructure must be taken according to the Athena Financial Rules.



- **Financial statements:** the necessary information to establish annual accounts must be transmitted to the Athena accountant by 31 March or within four months following the end of the operation, whichever is earlier.
- **Documentation:** documentation on the mission's financial transactions will be sent to Athena Central where it will be stored for a period of five years. Due attention must be paid to electronic documents as well.

## 5. ACTIONS

- Draft J8 SOP, ensuring the following tasks are included:
  - o settling of the bills and claims in theatre
  - o payment of all invoices in theatre before leaving
  - o acquisition of a receipt for each payment made
  - o acquisition of a certificate from each supplier attesting that no debt remains
  - o settling of claims which are the HQ's responsibility.
- Regarding equipment and infrastructure bought with Athena's funds, make proposals early enough (before repatriation starts) to prepare for the Special Committee's decision for their final destination.
- Following inventories, recover equipment before HQ/forces leave theatre; store it provisionally or sell, give or repatriate it as decided by the Special Committee.
- Based on the initial inventory of fixtures compared with the current situation, vacate the premises in theatre:
  - o where necessary, negotiate repairs taking into account works done;
  - o get lessor/local authorities to acknowledge the release of any obligations.
- Regarding accounts:
  - o draw the HQ's account;
  - o send remaining funds back to Athena and close the bank account.

# 7.2 FINAL DESTINATION OF EQUIPMENT AND INFRASTRUCTURE

## 1. KEY WORDS

End of active phase, equipment, infrastructure, inventories, controls

## 2. SUMMARY

Well before the end of the operation, the operation commander must make a proposal to the Special Committee regarding the final destination of equipment and infrastructure paid for in common through Athena. Equipment may be repatriated and stored for another operation, or disposed of. Infrastructure works may be sold or given away. This is likely to require preparations and specific measures, e.g. to store equipment or find buyers.

## 3. REFERENCES

- Athena Decision: Article 35
- Athena Financial Rules: Article 51 of Part I; Article 7 of Part VII

## 4. PRINCIPLES

- Operations are responsible for making proposals for the final destination of equipment and infrastructure.
- Inventories must be kept up to date throughout the operation and according to the Athena Financial Rules (Part VII). They are particularly important in tracking equipment at the end of the operation.
- Depreciation and amortisation of assets are calculated on a monthly basis. This is done by the accounting officer in close cooperation with the Athena accountant in accordance with the Financial Rules. These calculations will form the basis for calculating the residual value of an asset.
- Decisions regarding disposal are taken by a disposal committee which is convened at least once annually by the authorising officer.
- Where the committee decides that an asset should be disposed of this can be done in the following three ways:
  - o Scrapping - this involves decommissioning the asset and subsequently destroying or recycling it. Lost items are also scrapped.

- o Transfer free of charge - this involves transferring ownership to either the host country or a third party, usually a charity).
- o Sale - the disposal committee may decide that the asset should be sold in which case this is done for the market value of the asset.
- Decisions regarding disposal (final destination) are taken by the Special Committee.
- Where the asset concerned is real estate, the following considerations apply:
  - o Written agreements with land owners as well as inventories of fixtures (co-signed by the lessor with maps and photos), established before the EU operation occupies a premises, will be important in ascertaining rights and obligations and avoiding disputes regarding damages.
  - o Environmental issues should be taken into account (does the infrastructure require depollution and at what cost?).
  - o The security implications should be assessed (can infrastructure be left as it is or should it be destroyed or used in future conflicts and, if so, at what cost?).
- Liabilities should be settled before disposing of items or vacating premises.

## 5. ACTIONS

- Try to find potential buyers (local companies in theatre, EU Member States, the European Commission, a United Nations mission, companies in the EU, etc.).
- Identify possibilities for storage where useful.
- Submit to the Special Committee a proposal for the final destination of equipment and infrastructure, indicating for each category whether it is recommended to sell it (and at what price), to store it for a future EU operation or to give it away.
- Where necessary, submit to the Special Committee a proposal to enter appropriations in the budget to cover final costs (transport of equipment, storage costs, depollution of sites, destruction of infrastructure, etc.).
- Organise a rear party to implement the Special Committee's decision, which will remain active in theatre after the recovery of the HQ and forces.
- Take measures to ensure that personnel return the equipment paid for in common before leaving theatre, notably electronic devices (computers, phones, cameras, etc.).

- Ensure that inventories of fixtures of land and buildings are established when leaving premises. Repair work before leaving theatre should be kept to the bare minimum, in view of damage actually caused by the EU force and of improvements brought to property. A comparison with inventories of fixtures established upon arrival is then useful.
- Ensure that lessors/owners/buyers certify that the mission no longer owes them any debt before the EU rear party leaves theatre.
- Implement the Special Committee's decision to sell, store or dispose of. This is likely to require the reconditioning of equipment, handling, transportation, storage, etc. to be organised and contracted.

# 8.1 ACCOUNTING

## 1. KEY WORDS

Accounting standards, accounting rules, accounting principles, EUAR, IPSAS, chart of accounts

## 2. SUMMARY

Athena prepares its financial statements on the basis of the European Union accounting rules in force, adopted in accordance with Article 143 of the Financial Regulation, applicable to the general budget of the European Union (Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council).

## 3. REFERENCES

- Athena Decision: Articles 9 & 10
- Athena Financial Rules: Articles 10, 11, 14; Chapter X
- Fiche 6.3: Payments
- Fiche 6.11: Inventories and related software
- Fiche 8.2: Accounting officer
- Fiche 8.3: Accounting software
- Fiche 9.2: Closure of the accounts

## 4. PRINCIPLES

- The applicable accounting standards for the Athena mechanism are the accounting rules of the European Union.
- As a consolidated entity the operation prepares and presents accounts using the chart of accounts defined by the accounting officer of Athena.
- The format of the monthly and annual reports is defined by the accounting officer of Athena and is provided to the operations. The operations may alter the reporting templates only after prior consultation with the accounting officer of Athena.
- The following resources are to be consulted with regards to the accounting processes: the accounting rules of the European Union, presentations from the training provided by Athena, closure instructions issued by the accounting officer of Athena, process documentation for Atrium, module documentation for Atrium, and the knowledge base accumulated in Freshdesk.

## 5. ACTIONS

- Become acquainted with the trial balance and accounts used by the operation.
- Use the interface of PIA to review previous bookings and try to understand the logic behind them.
- Understand and verify the link between the accounting postings and the underlying primary accounting documents.
- Read the available Atrium process documentation for all processes involved in the day-to-day work.
- Become acquainted with the monthly reporting tool used by Athena. Understand how to prepare it, but also how to use it to verify the accuracy of the accounting data.
- When faced with technical issues, check if documentation is available on the subject, and if not, review past Freshdesk tickets. If no solution/answer is available, open a new ticket in Freshdesk.

## 8.2 ACCOUNTING OFFICER

### 1. KEY WORDS

Accounting officer, segregation of duties

### 2. SUMMARY

The authorising officer is to establish, perform and validate the documents for the implementation, execution and reporting of the budget. The accounting officer is responsible for proper implementation of payments, collection of revenues, entries into accounts, keeping of accounts, preparation of the accounts for reports and treasury management. He or she alone is empowered to manage monies and other assets.

### 3. REFERENCES

- Athena Decision: Articles 9 & 10; Chapters 4, 6, 8, 10 and 11
- Athena Financial Rules: Chapters II, III, IV, V and VIII of Part I
- Fiche 3.3: Banks and cash
- Fiche 6.1: Budget implementation
- Fiche 6.3: Payments
- Fiche 6.11: Inventories and related software
- Fiche 9.1: Budgetary reports
- Fiche 8.1: Accounting
- Fiche 8.3: Accounting software
- Fiche 9.2: Closure of the accounts

### 4. PRINCIPLES

- The roles of authorising officer and accounting officer are mutually incompatible and cannot be performed by the same person.
- The accounting officer must refuse any order deemed to be incompatible with the applicable legislation or with the proper discharge of his or her duties.
- The accounting officer is responsible for keeping the accounts of the operation in line with the applicable accounting standards and in compliance with the legislation applicable to Athena.

- The accounting officer must ensure that enough cash is available to the operation in order to meet its legal obligations, while at the same time not allowing excess cash to accumulate in the operation's bank/cash accounts.

## 5. ACTIONS

The duties of the accounting officer of the operation include the following:

1. booking bank statements
2. managing the cash books and entering all cash transactions in the accounting system
3. handling advances to staff (e.g. for missions, etc.)
4. booking ForEx gains/losses
5. initiating the budgeting of ForEx gains/losses when needed
6. third-party clearing
7. reconciling the asset accounts (class 2) with the asset management system
8. informing Athena Central when revenue needs to be booked
  - The accounting officer is to act on recovery orders for amounts receivable duly established by the authorising officer. He or she must exercise due diligence to ensure that Athena's revenue is received and must see that its rights are safeguarded.
9. claiming recoverable VAT or equivalent tax
10. monthly reporting following the procedure established by the accounting officer of Athena
11. annual closure of the accounts
12. preparation of the annual financial statements.



## 8.3 ACCOUNTING SOFTWARE

### 1. KEY WORDS

Budgetary accounting, contracting, recording of assets, reporting & closure of accounts

### 2. SUMMARY

The Athena financial software consists of several modules sharing one database (e-modules: EPM, ECM, EBM; accounting: PIA5) and a standalone asset management system (Scan2Inventory). This package requires specific training.

### 3. REFERENCES

- Athena Decision: Article 36
- Athena Financial Rules: Articles 47, 48, 50, 51, 52, 54

### 4. PRINCIPLES

- Athena's accounting system (Atrium) is the only financial software to be used by EU military operations. The aim is to provide a tool for the daily operational bookkeeping and accounting through a smooth workflow between all relevant staff (budget officer, contracting officer, accounting officer, officer responsible for the property inventory).
- Athena provides specific initial training and ad hoc updates for all J8 personnel being deployed.

### 5. ACTIONS

- J8 must ensure that:
  - o deployed J8 personnel have been trained on Atrium before being sent to theatre; they should also have been trained on Athena itself;
  - o additional current information given by the Athena accounting officer to update accounting procedures concerning liabilities, receivables and assets are properly received, understood and implemented;
  - o instructions given by the Athena accounting officer regarding the (annual) closure of accounts are properly received, understood and implemented.

# 9.1 BUDGETARY REPORTS

## 1. KEY WORDS

Common costs, quarterly basis, budget, cash flow table

## 2. SUMMARY

The mission/operation commander must provide the administrator, every month until a budget for the operation is adopted and then on a quarterly basis, with implementation reports on expenditure financed through Athena, detailing budget commitments, legal commitments and payments made. These reports are circulated to the Special Committee and are essential in establishing trust in the chain of command in Member States.

## 3. REFERENCES

- Athena Decision: Articles 36, 38
- Athena Financial Rules: Article 13 of Part I
- Fiche 2.1: Common costs financed by Athena
- Fiche 6.1: Budget implementation
- Fiche 6.2: Budget execution reporting

## 4. PRINCIPLES

- Any spending financed through Athena must follow this order of procedure:
  1. Commitment of appropriations in the budget: this must be the first operation. Its purpose is to reserve the appropriations necessary to cover subsequent legal commitments and payments and to ensure that the budget will never be exceeded.
  2. Then, a contract can be signed or a purchase order can be issued by the authorising officer. This constitutes the legal commitment. The budgetary commitment and the purchase order or the contract must be adopted by the same authorising officer. A commitment of appropriations in the budget must cover any legal commitment.
- o The validation and authorisation of expenditure are done by issuing a payment order (e.g. payment of an invoice). A payment must always be linked to and covered by a budgetary commitment.
- o A payment is regarded as made when the bank account has been debited or

cash has been transferred to the creditor.

- The mission/operation commander must provide Athena's administrator with implementation reports:
  - o every month until a budget for the operation has been adopted;
  - o then, quarterly:
    - by the end of April (period up to the end of March);
    - by the end of July (period up to the end of June);
    - by the end of October (period up to the end of September);
    - by the end of January (period up to the end of December).
- These reports must show expenditure during the previous three months and since the beginning of the year.
- These reports must detail:
  - o for common costs: budgetary commitments, legal commitments, payments ordered and payments made;
  - o separately, for nation-borne costs: legal commitments, payments ordered and payments made.
- These reports should include a comment on expenditure incurred and foreseen.

## 5. ACTIONS

- Ensure that the FHQ reports to the OHQ in due time, both on common costs and nation-borne costs.
- Add comments.
- Send the reports to Athena's administrator in due time.

The following table provides a summary of the output which can be expected when different parameters are used for the 'budget execution reports' function of the Athena financial system.

Budget year	Dates	Carry-over only	All payments	Result
CY	CY	No	No	BER on current year budget only. This report will not include the payment appropriations in the CY budget reserved for payment on multiannual commitments from PYs
CY	CY	Yes	No	- No useful information -
CY	CY	No	Yes	'All payments' means 'show all payments regardless of when the commitment originated'. All columns are the same as the CY BER except 'payments ordered' and 'payments registered', which include payments during the CY made on carryovers from PYs. Consequently it is normal that some amounts in these two columns appear in red.
CY	CY	Yes	Yes	- No useful information -
PY	CY	No	No	Shows the portion of the CY payments budget foreseen to cover multiannual commitments from PYs, as well as the execution of it.
PY	CY	Yes	No	Shows carryovers from PY executed during CY.
PY	CY	No	Yes	- No useful information -

CY - current year

PY - previous year

## 9.2 CLOSURE OF THE (ANNUAL) ACCOUNTS

### 1. KEY WORDS

Presentation of the accounts, year-end closure, financial statements

### 2. SUMMARY

The closure of the operation's accounts is a critical step, usually performed as year-end closure, but also when the operation is completed. The mission/operation commander must provide the Athena accounting officer with the annual financial statements of the operation he or she commands by 31 March following the end of the financial year. The structure of the accounts is provided by the accounting officer of Athena, along with additional instructions. For the winding-up of an operation, the HQ's accounting officer(s) must remain available until the final accounts of the operation have been accepted by the Athena accounting officer.

### 3. REFERENCES

- Athena Decision: Articles 9 & 10; Chapter 11
- Athena Financial Rules: Article 10; Chapter VIII of Part I
- Fiche 6.3: Payments
- Fiche 7.1: Anticipating the winding-up phase
- Fiche 8.1: Accounting
- Fiche 8.2: Accounting officer

### 4. PRINCIPLES

- The operation commander must provide the Athena accounting officer with the accounts for the financial year or for the operation, when closed.
- The accounts should include all accounting transactions which are applicable for the financial year in accordance with EU accounting rules, and all budgetary transactions for the year in accordance with the Athena Financial Rules.
- Closed financial years are no longer editable. Any errors or omissions identified after the closure exercise are to be rectified in the following financial year.
- Year-end reporting is to be performed strictly by using the reporting templates for the reported year, as provided by the accounting officer of Athena.

# 9.3 MULTIANNUAL COMMITMENTS

## 1. KEY WORDS

Multiannual commitments, multiannual contracts, legal commitment, differentiated budget

## 2. SUMMARY

The budgetary system of Athena allows for the legal commitment to take place in one financial year, while the payment may span more than one financial year or take place in a different year to the legal commitment.

## 3. REFERENCES

- Athena Decision: Article 19
- Athena Financial Rules: Articles 25-26

## 4. PRINCIPLES

The Athena mechanism operates a differentiated budget. A differentiated budget makes a distinction between the right to legally commit (commitment appropriations) and the right to disburse money (payment appropriations). This is thoroughly implemented in the Atrium system. In most cases, the act of entering into a legal commitment and the act of payment occur within the same financial year. There are cases, however, when the legal commitment takes place in one financial year, but the payment spans more than one year or happens in a different year to the one in which the legal commitment was made. Such cases are referred to as 'multiannual commitments' or, colloquially, 'multiannuals'. They are not to be confused with 'carryovers', which also relate to a situation where a commitment is made in one financial year, and payment in another. Carryovers are an anomaly, in the sense that they are legal commitments which were expected to be paid in the same year, but for one reason or another this has become impossible. Even though they are paid in a subsequent year, carryovers still utilise the payment budget of their original legal commitment. Conversely, multiannuals are planned. They do not consume the payment appropriations of the year of the legal commitment; instead their payment budget utilises the payment appropriations of two or more financial years according to their payment calendar. Thus multiannual commitments do not require all the funds necessary for their settlement to be called for from the start. Instead they are 'hard coded' into the future budgets and called for only year by year.

It is important to make a distinction between multiannual contracts and multiannual commitments. Not all multiannual contracts need multiannual commitments. A multiannual commitment implies that a firm legal commitment is entered into which requires the payment of fixed or predictable amounts during one or more subsequent years. A typical example could be a construction contract, for which milestone payments are made over more than one financial year. Another example is any fixed-term service agreement, spanning more than one year, which cannot be terminated prematurely, or can be terminated only at a considerable cost. Conversely, multiannual contracts on a pay-as-you-go basis, for which there is no firm commitment and which can be terminated on short notice and at no or little cost, do not require multiannual commitments. They should be considered legally committed for each started period of less than one year (monthly or quarterly), but never span more than one financial year.

Identifying the multiannuals is an essential part of the budget planning process. This applies both to multiannual commitments to be entered into during the year, for which a budget is planned, and those which have been entered into already. Clearly, if these are not taken into account, the budget cannot be correctly calculated.

Once the multiannual commitment is made, it should be introduced as such in Atrium. This requires the creation of a multiannual contract in ECM with the proper multiannual calendar of payments. All further bookings related to this commitment must be made against it. Any deviation from this rule will make it impossible to utilise the budget in force.

## 5. ACTIONS

- Understand the differentiated nature of the budget of Athena. Understand the meaning of the terms 'commitment appropriations' and 'payment appropriations'.
- Identify the multiannual commitment needs during the budget planning process.
- Understand the difference between a 'multiannual contract' and a 'multiannual commitment'. Identify which multiannual contracts require the creation of a multiannual commitment.
- Create budgetary commitments for each multiannual commitment. Then introduce the multiannual contracts in ECM - one contract per budgetary commitment. Link any related execution orders and/or invoices with the contracts previously created in ECM. Failure to do so will lead to incorrect execution of the budget and possible inability to pay the supplier.
- Do not use the budgetary commitments created in relation to the multiannual contracts for any purpose other than the specific contract for which they were intended.
- Report the current state of all active multiannual commitments via the monthly reporting tool (dashboard).

# 9.4 THIRD-PARTY FINANCIAL CONTRIBUTION

## 1. KEY WORDS

Finance, costs not eligible for common funding, specific projects

## 2. SUMMARY

A specific project or expenditure that cannot be financed by the Athena budget could be financed by a third-party financial contribution (TPFC). To this extent, the Athena administrator may negotiate and sign an administrative arrangement (AA) with the contributor outlining the conditions and practicalities of the contribution.

## 3. REFERENCES

- Athena Decision: Article 30
- Athena Financial Rules: Article 44

## 4. PRINCIPLES

- The initiative for a TPFC may come from an EU Member State or third country (not necessarily a TCN), or any other contributor or group of contributors. The trigger for an offer could be a follow-up to previous discussions on financing for a specific project or need that cannot be financed by the Athena budget or a new specific project that additionally supports the tasks of the operation as outlined in the OPLAN.
- The PSC has to accept the contribution or project (it agrees that the contribution is in line with the mission's mandate).
- The Athena SC has to agree to manage the contribution, which should be managed by the operation within existing means and resources.
- An administrative arrangement setting the conditions for the contribution is negotiated and signed by the administrator. This arrangement outlines the purpose of the contributions and all the arrangements for its management.
- Budgetary follow-up to and reporting on the contribution are to be done in the same way as the accounting for common-cost expenditure in the Atrium system. The contribution is recorded in a separate establishment under the title of the operation concerned.



- A specific bank account is to be opened by the operation for the funds provided by the TPFC.
- Unless otherwise defined in the AA with the contributor, the TPFC should be subject to the same rules regarding accounting, procurement, asset management and disposal, auditing, liability and reporting as for common-cost expenditure.

## 5. ACTIONS

- If information is received on a potential contribution, contact Athena ([athena.mechanism@consilium.europa.eu](mailto:athena.mechanism@consilium.europa.eu)) or your POC as soon as possible to make arrangements for negotiations with the contributor, presentation to the PSC and Athena SC, and management of the contribution.
- When approving and recording the expenditure be sure to make a clear distinction between the expenditure eligible for common funding to be recorded in the Athena budget, expenditure relating to NBCs, and expenditure based on TPFCs.
- A specific bank account is to be opened for the funds from TPFCs and funds are not to be mixed with CC or NBC funds.
- Funds should be spent in accordance with the aim of the TPFC as defined in the AA.
- Each project (normally subject to an AA with one or several contributors) should be recorded in a specific establishment in the accounting system (under the specific operation/title); the contribution could be split into different articles in accordance with accounting principles and planned expenditure. An update of the article breakdown has to be requested from Athena Central (no need for a formal decision).
- Any procurement procedures should be executed in respect of Athena procurement rules.
- The report on the execution of TPFCs (extract from the system) should be part of the three-monthly BER under Article 38 of the Council Decision on Athena.
- At the end of each calendar year the remainder of the contribution is transferred to the next calendar year.
- At the end of the project (or end of an operation, whichever comes first) the operation is to prepare a detailed narrative report on the expenditure arising from the TPFC.
- Unless otherwise defined in the AA, any assets bought using the TPFC should be

property of the operation receiving the TPFC and should be treated in accordance with Athena asset policy. Assets should be tracked in the S2I system with a code that clearly distinguishes them from assets bought by CC funds; contact your POC for more details.

- The final destination of such assets may be predefined in the AA; otherwise, it is subject to a decision of the SC based on a recommendation by the OpCdr.
- The validity of the AA should usually be limited either by the complete use of the funds for the defined purpose or by the end of the mission. Any unused, remaining funds are normally returned to the contributor (unless it has been predetermined that they will be given to another operation, for example).
- Use of the contribution may be subject to Athena internal and external audit.

# 9.5 CARRYOVERS OF APPROPRIATIONS

## 1. KEY WORDS

Carryover of payment appropriations, carryover of committed appropriations, carryover of commitment appropriations, carryover of non-committed appropriations

## 2. SUMMARY

Under certain conditions appropriations can be carried over from the current calendar year to the following one. Those carried-over appropriations need to be reported and closely followed up on.

## 3. REFERENCES

- Athena Decision: Article 22
- Athena Financial Rules: Articles 22-23

## 4. PRINCIPLES

The Athena mechanism operates a budget based on commitment appropriations and payment appropriations. In principle any appropriations which have not been utilised by the end of the financial year are lapsed, unless they are carried over. Just as there are two types of appropriations, there are also two types of carryovers: carryover of committed appropriations (also referred to as 'carryover of payments') and carryover of non-committed appropriations (also referred to as 'carryover of commitments').

The arrangements for their use are laid down in Articles 22-23 of the Athena Financial Rules, but it has to be noted that by far the more utilised form of carryover is committed appropriations (payments). Carryover of non-committed appropriations is possible only in exceptional cases.

Carryovers are only possible (and necessary) on the common-cost budget.

## 5. ACTIONS

- Understand the difference between carryover of committed and non-committed appropriations.
- Understand the requirements for both types of carryovers.
- Take note of and observe the deadlines for reporting the carryovers.
- Ensure that existing legal commitments are duly introduced in EPM via purchase/execution orders. At the same time, ensure that the POs/EOs in the system correspond exclusively to actual legal commitments.
- The deadline for informing the Special Committee of the carryovers of committed appropriations (carryover of payments) is 15 February. As these need to be verified and there is administrative work related to informing the SC, Athena Central normally requires the carryovers to be transmitted to Brussels no later than the end of January.
- The following checklist may be used in order to ascertain if a carryover of payment appropriations is possible:
  - o Is there a budgetary commitment in place?
  - o Is there a real legal commitment in place?
  - o Is there a purchase order or execution order introduced in the accounting system which corresponds to the legal commitment in question? Does the amount and third party of the PO correspond to those of the actual commitment?
  - o Is the commitment eligible for common-cost funding?

If the answer to all these questions is 'yes', the payment appropriations may be carried over.

- The list of carryovers is an integral part of the annual reporting package used by the operations.

# 9.6 ATHENA SPECIAL COMMITTEE

## 1. KEY WORDS

Organisation, acts, authority and management bodies

## 2. SUMMARY

Athena is managed under the authority of the Special Committee. The Special Committee is composed of one representative of each participating Member State. The Athena Special Committee takes decisions in unanimity on the financing of the common costs of the EU operations/missions.

## 3. REFERENCES

- Athena Decision: Article 6

## 4. PRINCIPLES

- Participation and composition of the Athena SC.
- Decisions by the Athena SC require unanimity.
- Athena SC decides on the financing of the common costs of all EU operations/missions.

## 5. MANAGEMENT BODIES AND STAFF OF ATHENA

- Athena is managed, under the authority of the Special Committee, by:
  - a) the administrator;
  - b) the commander of each operation;
  - c) the accounting officer.

## 6. COMPOSITION

- The Presidency of the Council convenes and chairs the meetings of the SC.
- The administrator provides the secretariat for the SC, without taking part in its votes.
- The accounting officer participates as necessary without taking part in votes.
- The SC is composed of one representative of each participating Member State.
- Representatives of the European External Action Service (EEAS) and the Commission

will be invited to attend the meetings without taking part in votes.

- When the financing of the common costs of a given operation are being discussed:
  - a) the SC is composed of one representative of each contributing Member State;
  - b) representatives of contributing third states participate in the proceedings without taking part in or being present at votes;
  - c) the operation commander or his or her representative participates in the proceedings without taking part in votes.

## 7. ORGANISATION AND TASKS

- The presidency convenes the SC, within at most 15 days of a request from a Member State, the administrator or the operation commander.
- The administrator informs the SC of any claims or disputes involving Athena.
- Decisions at the SC are taken unanimously amongst its members with the right to vote, and its decisions are binding.
- The SC approves all budgets.
- The SC generally exercises all competences pursuant to the Council Decision on Athena.
- All acts approved by the SC pursuant to the Council Decision on Athena must be signed by the chair of the SC and by the administrator.
- When in doubt on eligibility issues, please contact the administrator's team.

## 8. ACTIONS

Prepare all reports and information pertaining to the Council Decision on Athena or requested by the SC.

Be aware of any decisions by the SC in connection with a relevant operation/mission and keep track of them.

If in any doubt on how to reach the SC, contact the Athena POC for the operation/mission:

[athena.mechanism@consilium.europa.eu](mailto:athena.mechanism@consilium.europa.eu)



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