



Brussels, 4.10.2018
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COMMISSION IMPLEMENTING DECISION

of 4.10.2018

on the ENI East Regional Action Programme 2018 part II (including one action on the 2019 budget) to be financed from the general budget of the Union

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union (TFEU),

Having regard to Regulation (EU, Euratom) No 1046/2018 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union¹ ('the Financial Regulation'), and in particular Article 110 thereof,

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action², and in particular Article 6(3)(a) thereof,

Whereas:

- (1) In order to ensure the implementation of the “ENI East Regional Action Programme 2018 part II (including one action on the 2019 budget”, it is necessary to adopt a multiannual financing decision, which constitutes the multiannual work programme for 2018 and 2019. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (2) The envisaged assistance is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU.
- (3) The Commission has adopted the European Neighbourhood Instrument (ENI) East Regional Strategy Paper³ for the period 2014-2020 and the Multiannual Indicative Programme⁴ for the period 2017-2020, which prioritises: (1) economic development and market opportunities; (2) strengthening institutions and good governance; (3) connectivity, energy efficiency, environment and climate change; (4) mobility and people-to-people contacts.
- (4) The objectives pursued by the ENI East Regional Action Programme 2018 part II, to be financed under the ENI⁵ are: (1) develop a sustainable and equitable economic growth in the Eastern Partnership countries (2) strengthen the role of civil society in promoting reforms and accountability (3) aims to contribute to the Eastern Partnership

¹ Regulation (EU) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union and amending Regulation (EC) No 2012/2002, Regulations (EU) No 1296/2013, (EU) 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014 of the European Parliament and of the Council and Decision No 541/2014/EU of the European Parliament and of the Council and repealing Regulation (EU, Euratom) No 966/2012, OJ L...

² OJ L77, 15.3.2014, p. 95.

³ Decision C(2014)5200 of 28.7.2014.

⁴ Decision C(2017)5408 of 4.8.2017

⁵ OJ L77, 15.3.2014, p. 27.

countries' increase of stability and resilience related to strengthening the rule of law and anti-corruption mechanisms and implementing key judicial reforms.

- (5) The first action entitled "EU4Business: investing in the Neighbourhood East" aims at development of sustainable and equitable economic growth in the Eastern Partnership (EaP) countries. The action will be implemented in direct management through a call for proposals and procurement of services. The second action entitled "Regional East Civil Society Facility 2018" aims to strengthen the role of civil society as governance actors in the Eastern Partnership and beyond. The action will be implemented in direct management through a call for proposals to establish framework partnership agreements, direct award of grants and procurement of services. The third action entitled "Support to Rule of Law and Justice in the Eastern Partnership" aims at increasing the Eastern Partner countries' stability and resilience through the strengthening of the rule of law, anti-corruption mechanisms and the implementation of key judicial reforms. The action will be implemented in indirect management with the Council of Europe and in direct management through a direct award of grant.
- (6) The Commission should acknowledge and accept contribution from other donors in accordance with Article 21(2) of Regulation (EU) 2018/1046, subject to the conclusion of the relevant agreement. Where such contribution is not denominated in euro, a reasonable estimate of conversion should be made.
- (7) It is appropriate to authorise the award of grants without a call for proposals, pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046 to the Council of Europe (indirect management) because of its strong comparative advantage and expertise in standard setting, monitoring and coordination, to the World Bank (direct management) because of its longstanding expertise and experience in the design and implementation of justice surveys worldwide, to the European Endowment for Democracy (direct management) and to the Black Sea Trust for Regional Cooperation/ German Marshall Fund of the US (direct management) because of their specific expertise in democracy support in the wider Eastern Neighbourhood.
- (8) The Commission should authorise the eligibility of costs as of a date preceding that of submission of a grant application, which is prior to the date of adoption of this Decision, for reasons of extreme urgency in crisis management aid or in other exceptional and duly substantiated emergencies, whereby an early engagement by the Union would be of major importance.
- (9) Pursuant to Article 4(7) of Regulation (EU) No 236/2014, indirect management is to be used for the implementation of the programme.
- (10) The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of Regulation (EU, Euratom) 2018/1046.
- (11) To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of Regulation (EU, Euratom) 2018/1046
- (12) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU) 2018/1046
- (13) The measure provided for in this Decision is in accordance with the opinion of the European Neighbourhood Instrument Committee established under Article 15 of the financing instrument referred to in recital 4

HAS DECIDED AS FOLLOWS:

Article 1
The programme

The ENI East Regional Action Programme 2018 Part II, as set out in the Annexes, is adopted.
The programme shall include the following actions:

- Annex 1: "EU4business: investing in the neighbourhood East"
- Annex 2 : "Regional East Civil Society Facility 2018"
- Annex 3: "Support to Rule of Law and Justice in the Eastern Partnership"

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme referred to in Article 1 is set at EUR 40 000 000 and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- EUR 30 000 000 from the general budget of the Union for 2018:
 - budget line 22 04 02 01 for an amount of EUR 21 000 000;
 - budget line 22 04 02 02 for an amount of EUR 9 000 000;
- EUR 10 000 000 from budget line 22 04 02 01 of the general budget of the Union for 2019.

The appropriations provided for in the first paragraph may also cover interest due for late payment.

The implementation of this Decision is subject to the availability of the appropriations provided for in the draft budget for 2019 following the adoption of that budget by the budgetary authority or as provided for in the system of provisional twelfths.

Article 3
Methods of implementation and entrusted entities or persons

The implementation of the actions carried out by way of indirect management, as set out in the Annex 3, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5.3.1.1. of the Annex 3.

Article 4
Flexibility clause

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution, as well as extensions of the implementation period shall not be considered substantial within the meaning of Article 110(5) of Regulation (EU) 2018/1046, where these changes do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may apply the changes referred to in the first paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

Article 5 Grants

Grants may be awarded without a call for proposals pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046 to the bodies referred to in point 5.3. of the Annexes 2 and 3.

The eligibility of costs prior to the submission of grant applications and which is prior to the date of adoption of this Decision shall be authorised as of the date set out in Annex 2

Done at Brussels, 4.10.2018

For the Commission
Johannes HAHN
Member of the Commission