



Brussels, 30.11.2022
C(2022) 8940 final

COMMISSION IMPLEMENTING DECISION

of 30.11.2022

on the financing of the annual action plan in favour of Kosovo* for 2022

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

COMMISSION IMPLEMENTING DECISION

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on the financing of the annual action plan in favour of Kosovo* for 2022

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) 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, amending Regulations (EU) No 1296/2013, (EU) No 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, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 110 thereof,

Having regard to Regulation (EU) No 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession Assistance (IPA III)² and in particular Article 9(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the Annual Action Plan in favour of Kosovo for 2022, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2022. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.
- (2) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU³.
- (3) The actions provided for in this Decision contribute to climate and biodiversity mainstreaming in line with the European Green Deal⁴ and the inter-institutional agreement.
- (4) The Commission has adopted a Pre-Accession Assistance ('IPA III') Programming Framework⁵ for the period 2021 – 2027, which identifies five thematic windows for the delivery of the specific objectives and thematic priorities of Regulation (EU) No 2021/1529.
- (5) The objectives pursued by the annual action plan in favor of Kosovo for 2022 are to contribute to a stable multi-ethnic society with an effective and accountable justice system; to enhance capacities of the Kosovo administration in the approximation with the EU acquis, for the efficient use of IPA funds and for rapid response to urgent political, economic, health or social needs; to contribute to the gradual transition of the

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1 OJ L 193, 30.7.2018, p.1.

2 OJ L 330, 20.9.2021, p.1.

3 www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

4 COM(2019)640 of 11.12.2019

5 Decision C(2021) 8914 of 10.12.2021

energy sector towards decarbonisation and further energy efficiency, fostering an integrated waste management system and transition to a circular economy in Kosovo and improvement of wastewater collection and treatment services and to stabilise the socio-economic situation of non-majority communities in Kosovo and to develop an inclusive and multi-cultural society through inclusion of minority students in education and an enhanced environment for youth volunteering.

- (6) The objective of the action entitled “EU for Fundamental Rights” is to support public and non-governmental actors in Kosovo in implementing a sustainable, gender sensitive return and reintegration of up to 260 displaced families to Kosovo and to facilitate the judges, prosecutors and lawyers to obtain knowledge on European Human Rights standards and the EU *acquis*, including gender equality *acquis*.

The objective of the action entitled “EU for approximation” is to support Kosovo with approximation to the EU *acquis* through strengthening the technical and administrative capacity of the administration and in implementing measures related to urgent political, environmental (including for the implementation of Environmental Impact Assessments, Strategic Environmental Assessment and Climate Risk and Vulnerability Assessment) and economic priorities in the framework of Kosovo's European perspective.

The objective of the action entitled “EU for Environment and Green Energy” is to contribute to the gradual transition of the energy sector towards decarbonisation and further energy efficiency, fostering an integrated waste management system and transition to a circular economy in Kosovo and improvement of wastewater collection and treatment services.

The objective of the action entitled “EU for Inclusive Socio-economic development” is to contribute to the stabilisation of the socio-economic situation of non-majority communities in Kosovo as well as developing an inclusive and multi-cultural society through stable support to minority communities, inclusion of minority students in education at all level and the enabling environment for youth volunteering.

- (7) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (8) The Commission should authorise the launch of a call for proposals and tenders by means of a suspensive clause before the adoption of this Decision.
- (9) Pursuant to Article 9(1) of Regulation (EU) No 2021/1529, indirect management is to be used for the implementation of the action plan.
- (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 the Financial Regulation.

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)⁶ of the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.

- (11) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of the Financial Regulation.

⁶ Except for the cases referred to in Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment.

- (12) In order to allow for flexibility in the implementation of the annual action plan in favor of Kosovo for 2022, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (13) The annual action plan in favour of Kosovo for 2022 provided for in this Decision is in accordance with the opinion of the IPA III Committee set up by Article 17 of Regulation (EU) No 2021/1529⁷.

HAS DECIDED AS FOLLOWS:

Article 1
The action plan

The annual financing decision, constituting the annual work programme for the implementation of the annual action plan in favour of Kosovo for 2022, as set out in the Annex(es), is adopted.

The action plan shall include the following actions:

- EU for Fundamental Rights as set out in Annex I.
- EU for Approximation as set out in Annex II.
- EU for Environment and Green Energy as set out in Annex III.
- EU for Inclusive Socio-Economic development as set out in Annex IV.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan referred to in Article 1 is set at EUR 62 250 000 and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

- budget line 15.020101.01: EUR 13 800 000;
- budget line 15.020201: EUR 48 450 000;

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

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(es), may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in in point 4.3 of the Annex(es).

Article 4
Flexibility clause

Increases⁸ or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in Article 2, first paragraph, or cumulated changes to the allocations of specific actions not

⁷ The Member States have declared, recalling the Council Conclusions of 18 February 2008, that the adoption of this action plan does not prejudice the position of each individual Member State on the status of Kosovo, which will be decided in accordance with their national practice and international law.

⁸ These changes can come from external assigned revenue made available after the adoption of the financing Decision.

exceeding 20% of that contribution, as well as extensions of the implementation and execution period shall not be considered substantial for the purposes of Article 110(5) of the Financial Regulation, provided that 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, Procurement

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annexes. Grants may be awarded to the bodies selected in accordance with point 4.3.1 of Annex II EU for Approximation.

Launching a call for proposals or tender under a suspensive clause before the adoption of this Decision shall be authorised as of the date set out in the Annexes: Annex I EU for Fundamental Rights, Annex II. EU for Approximation, Annex III. EU for Environment and Green Energy and Annex IV. EU for Inclusive Socio-Economic development.

Done at Brussels, 30.11.2022

For the Commission
Olivér VÁRHELYI
Member of the Commission