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**COMMISSION IMPLEMENTING DECISION**

**of 28.10.2016**

**on the Special Measure 2016 for Public Administration Reform in favour of Ukraine to  
be financed from the general budget of the European Union**

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### on the Special Measure 2016 for Public Administration Reform in favour of Ukraine to be financed from the general budget of the European Union

THE EUROPEAN COMMISSION,

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

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 action<sup>1</sup>, and in particular Article 2(1) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 84(2) thereof,

Whereas:

- (1) The European Council on 19 March 2015 confirmed the EU support to Ukraine's reform process, together with other donors and in line with the International Monetary Fund (IMF) conditionality. It acknowledged the Ukrainian Government's reform efforts so far and called on it to further intensify its work.
- (2) In the framework of the fragile situation in Ukraine it was not possible to finalise the multi-annual programming exercise. In order to face the urgent needs related to the transition process in the country the Commission opted for implementing a Special Measure in 2016.
- (3) The objective pursued by the Special Measure 2016 to be financed under the European Neighbourhood Instrument (ENI)<sup>3</sup> is to support the implementation of Ukraine's Public Administration Reform Strategy. The Special Measure contains one action.
- (4) The action entitled "Support to Comprehensive Reform of Public Administration in Ukraine" contributes to improve professionalism, accountability, effectiveness and efficiency of the Ukrainian public administration. The action will be implemented under direct management through budget support, service contracts, twinning and under indirect management with the World Bank.
- (5) It is necessary to adopt a financing decision the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012<sup>4</sup>.

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<sup>1</sup> OJ L 77, 15.3.2014, p. 95.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

<sup>3</sup> Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

<sup>4</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

- (6) It is necessary to adopt a work programme for grants the detailed rules of which are set out in Article 128(1) of Regulation (EU, Euratom) No 966/2012 and in Article 188(1) of Delegated Regulation (EU) No 1268/2012. The work programme is constituted by the Annex (section 5.4.1).
- (7) The Commission should entrust budget-implementation tasks under indirect management to the entity specified in this Decision, subject to the conclusion of a delegation agreement. In accordance with Article 60(1) and (2) of Regulation (EU, Euratom) No 966/2012, the authorising officer responsible needs to ensure that this entity guarantees a level of protection of the financial interests of the Union equivalent to that required when the Commission manages Union funds. The World Bank is currently undergoing the assessment under Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the authorising officer responsible deems that, based on the entity's positive assessment under Council Regulation (EC, Euratom) No 1605/2002<sup>5</sup> and on the long-standing and problem-free cooperation with it, budget-implementation tasks can be entrusted to this entity.
- (8) It is necessary to allow the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012.
- (9) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (10) The measures provided for in this Decision are in accordance with the opinion of the European Neighbourhood Instrument Committee set up by Article 15 of the ENI Regulation,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### **Adoption of the measure**

The “Special Measure 2016 for Public Administration Reform in favour of Ukraine”, as set out in the Annex, is approved.

The Special Measure 2016 shall include the following action:

- Annex: Support to Comprehensive Reform of Public Administration in Ukraine.

#### *Article 2*

##### **Financial contribution**

The maximum contribution of the European Union for the implementation of the Special Measure 2016 referred to in Article 1 is set at EUR 104 million and shall be financed from budget lines 22 04 02 01 (EUR 70.5 million) and 22 04 03 03 (EUR 33.5 million) of the general budget of the European Union for 2016.

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

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<sup>5</sup> Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p.1).

### *Article 3*

#### **Implementation modalities**

Budget-implementation tasks under indirect management may be entrusted to the entities identified in the attached Annex (section 5.4.3) subject to the conclusion of the relevant agreement.

The section “Implementation” of the Annex to this Decision sets out the elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012.

The eligibility of costs incurred by the World Bank may be authorised as of the dates set out in the Annex.

### *Article 4*

#### **Non-substantial changes**

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set by 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 94(4) of Delegated Regulation (EU) No 1268/2012, provided that they do not significantly affect the nature and objectives of the action.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 28.10.2016

*For the Commission*  
*Johannes HAHN*  
*Member of the Commission*