



Brussels, 16.12.2021
C(2021) 9749 final

COMMISSION IMPLEMENTING DECISION

of 16.12.2021

on the financing of the multi-country multiannual action plan in support of the Western Balkans Investment Framework 2021-2027 and the provisioning of the ELM legacy portfolio for past EIB operations for IPA beneficiaries

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on the financing of the multi-country multiannual action plan in support of the Western Balkans Investment Framework 2021-2027 and the provisioning of the ELM legacy portfolio for past EIB operations for IPA beneficiaries

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) 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 multi-country multiannual action plan in support of the Western Balkans Investment Framework 2021–2027 and the provisioning of the ELM legacy portfolio for past EIB operations for IPA beneficiaries, it is necessary to adopt a multiannual³ financing decision, which constitutes the multiannual work programme, for 2021-2027. Article 110 of Regulation (EU, Euratom) 2018/1046 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 TFEU⁴.
- (3) Part of the actions provided for in this Decision contribute to climate and biodiversity mainstreaming in line with the European Green Deal⁵ and the inter-institutional agreement.
- (4) The Commission has adopted an IPA III Programming Framework⁶ for the period 2021 – 2027, which identifies five thematic windows for the delivery of the specific objectives and thematic priorities of Regulation (EU) 2021/1529. The Commission adopted a comprehensive Economic and Investment Plan for the Western Balkans which aims to spur the long-term economic recovery of the region, support a green

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 330, 20.9.2021, p.1.

³ A multiannual financing Decision shall always constitute a multiannual action plan/measure.

⁴ 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.

⁵ COM(2019) 640 final

⁶ Commission Decision C(2021)8914 of 10.12.2021 on the Instrument for Pre-Accession Assistance (IPA III) Programming Framework for the period 2021-2027

and digital transition, foster regional integration and convergence with the European Union.⁷

- (5) The objectives pursued by the multiannual action plan are to provide assistance for actions addressing issues of regional nature, or when a regional approach will allow for greater efficiency in two thematic windows in line with the IPA III Programming Framework: (thematic window 3) Green agenda and sustainable connectivity; and (thematic window 4) Competitiveness and inclusive growth.
- (6) The objective of the action 1 entitled, “*EU contribution to the Western Balkans Investment Framework (WBIF) 2021-2023*” is to contribute to the long-term recovery of the Western Balkans - backed by a green and digital transition - leading to sustained and sustainable economic growth via supporting the implementation of the Economic and Investment Plan for the Western Balkans and the accompanying Green Agenda for the Western Balkans, as well as the Western Balkans Agenda on Innovation, Research, Education, Culture, Youth and Sport. The objective of the action 2 entitled, “*EU contribution to Sustainable Transport Connectivity in the Western Balkans 2021-2027*” is to support the implementation of mature transport flagship projects identified in the EIP, as well as to support road and rail safety investments. The objective of the action 3 entitled, “*EU contribution to the provisioning of the External Lending Mandate (ELM) Legacy portfolio for past EIB operations in Turkey 2021*” is to support the implementation of the EIB’s ELM legacy in Turkey, which was extended to end 2021 to ensure continuity between ELM and EIB-dedicated window under the new EFSD+ instrument.
- (7) Pursuant to Article 9(1) of Regulation (EU) 2021/1529, indirect management is to be used for the implementation of part of the action plan.
- (8) 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.

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 and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.
- (9) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046.
- (10) In order to allow for flexibility in the implementation of the action plan, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.
- (11) The action plan provided for in this Decision is in accordance with the opinion of the IPA III Committee set up by Article 16 of Regulation (EU) No (IPA III Regulation)⁸,

⁷ COM(2020) 641 final

⁸ 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.

HAS DECIDED AS FOLLOWS:

Article 1

The action plan

The multiannual financing decision, constituting the multiannual work programme for the implementation of the multi-country multiannual action plan in support of the Western Balkans Investment Framework 2021–2027 and the provisioning of the ELM legacy portfolio for past EIB operations for IPA beneficiaries, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) EU contribution to the Western Balkans Investment Framework (WBIF) 2021-2023, as set out in Annex 1;
- (b) EU contribution to Sustainable Transport Connectivity in the Western Balkans 2021-2027, as set out in Annex 2;
- (c) EU contribution to the provisioning of the External Lending Mandate (ELM) Legacy portfolio for past EIB operations in Turkey 2021, as set out in Annex 3.

Article 2

Union contribution

The maximum Union contribution for the implementation of the action plan referred to in Article 1 is set at EUR 3 194 801 816 and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

- (a) budget line 15 02 02 01.02: EUR 2 938 530 000 for year 2021-2027 (out of which EUR 657 230 000 for year 2021, EUR 656 300 000 for year 2022, EUR 615 000 000 for year 2023, EUR 410 000 000 for year 2024, EUR 300 000 000 for year 2025, EUR 200 000 000 for year 2026, EUR 100 000 000 for year 2027);
- (b) budget line 15 02 02 03.01: EUR 200 000 000 for year 2021-2023 (out of which EUR 0 for year 2021, EUR 60 000 000 for year 2022 and EUR 140 000 000 for year 2023);
- (c) budget line 15 02 02 03.04: EUR 56 271 816 for year 2021-2023 (out of which EUR 13 976 838 for year 2021, EUR 20 657 329 for year 2022 and EUR 21 637 649 for year 2023).

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 general budget of the Union for 2022-2027 as adopted by the budgetary authority.

* 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.

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 Annexes, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.2.2. and 4.2.1 of Annex 1 and 2.

Article 4
Flexibility clause

Increases⁹ or decreases of up to EUR 10 million not exceeding 20% of the contribution set in Article 2, first paragraph, considering each financial year separately, or cumulated reassignments of funds between actions contained in an action plan not 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 Regulation (EU, Euratom) 2018/1046, provided that they 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
Financial instruments

The Green for Growth Fund (GGF) is established.

The provision of financial support by means of contribution to the structured fund Green for Growth Fund (GGF) for the amount set out in the Annex, may be entrusted to the entities referred to or selected in accordance with the criteria laid down in point 4.2.2.5 of Annex 1: EU contribution to the Western Balkans Investment Framework (WBIF) 2021-2023.

Done at Brussels, 16.12.2021

For the Commission
Olivér VÁRHELYI
Member of the Commission

⁹ These changes can come from external assigned revenue made available after the adoption of the financing Decision.