



Brussels, 5.12.2018
C(2018) 8208 final

COMMISSION IMPLEMENTING DECISION

of 5.12.2018

adopting an Annual Action Programme for Serbia for the year 2018

COMMISSION IMPLEMENTING DECISION

of 5.12.2018

adopting an Annual Action Programme for Serbia for the year 2018

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) No 2018/1046¹, 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 of the implementation of the Union's instruments for financing external action² and in particular Article 2(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the Annual Action programme for Serbia for the year 2018, it is necessary to adopt a financing decision, which constitutes the annual work programme, for 2018. Article 110 of Regulation (EU) 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 TFEU³.
- (3) Regulation (EU) No 231/2014⁴ lays down the objectives and main principles for pre-accession assistance to beneficiaries listed in Annex I to that Regulation.
- (4) In accordance with Article 7 of Regulation (EU) No 231/2014 the assistance should be implemented through annual or multi-annual, country-specific or multi-country programmes. These programmes should be drawn up in accordance with the framework for assistance referred to in Article 4 of Regulation (EU) No 231/2014 and the relevant country or multi-country indicative strategy papers referred to in Article 6 of that Regulation.
- (5) The Council established an Accession Partnership or a European Partnership for all beneficiaries listed in Annex I of Regulation (EU) No 231/2014. The Commission

¹ 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 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 193, 30.7.2018, p.l.

² OJ L 77, 15.03.2014, p. 95.

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 Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (OJ L 77, 15.03.2014, p. 11).

adopted an indicative strategy paper for Serbia for 2014-2020⁵ on 19 August 2014, revised in 2018⁶, which provides indicative allocations for the sectors for pre-accession assistance.

- (6) Considering the proposals for action submitted by the beneficiary concerned, the Annual Action Programme for Serbia for the year 2018 aims at providing assistance for actions in the following sectors: Democracy and Governance, Competitiveness and Innovation, Agriculture and Rural Development, Environment, Energy and Climate action and Education, Employment and Social policies.
- (7) It is appropriate to authorise the award of grants without a call for proposals, pursuant to Article 195 of Regulation (EU) 2018/1046 to to the bodies identified in the Annex and for the reasons provided therein.
- (8) Pursuant to Article 4(7) of Regulation (EU) 236/2014, indirect management is to be used for the implementation of the programme.
- (9) The Commission should be able to entrust budget-implementation tasks under indirect management to the IPA II beneficiary specified in this Decision, subject to the conclusion of a Financing Agreement. In accordance with Article 154(3) and (4) of Regulation (EU) 2018/1046 and first subparagraph of Article 14(3) of the Commission Implementing Regulation (EU) No 447/2014⁷ the authorising officer responsible needs to ensure that the entrusted entity guarantees a level of protection of the financial interests of the Union equivalent to that required when the Commission manages Union funds.

The entrusted entity is currently undergoing a complementary assessment of its systems and procedures. In anticipation of the results of this review, the authorising officer responsible deems that, based on its compliance with the conditions previously in force other indirect management actions were awarded to the IPA II beneficiary and based on a long-lasting problem-free cooperation,, the IPA II beneficiary can also now implement this action under indirect management, pending the finalisation of the ex-ante assessment. In accordance with Article 154(5) of Regulation (EU) 2018/1046, the authorising officer responsible needs to ensure that measures are taken to supervise and support the implementation of the entrusted tasks. A description of these measures and the entrusted tasks are laid down in the Annex to this Decision.

- (10) The Commission should be able to entrust budget-implementation tasks under indirect management to the entities indicated or to be selected in this Decision, subject to the conclusion of a delegation or contribution agreement. In accordance with Article 154(3) and (4) of Regulation (EU) 2018/1046, the authorising officer responsible needs to ensure that these entities guarantee a level of protection of the financial interests of the Union equivalent to that required under Regulation (EU) 2018/1046, when the Commission manages Union funds.

To this end, such entities and persons have been subject to an assessment of their systems and procedures in accordance with Article 154(4) FR and appropriate supervisory measures are in place in accordance with Article 154(5) FR, except for

⁵ C(2014) 5872 of 19.8.2014

⁶ C(2018) 5064 of 10.8.2018

⁷ Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II) (OJ L 132, 3.5.2014, p. 32).

grants (Kreditanstalt für Wiederaufbau) and financial instruments (United Nation Office for Project Services and Gesellschaft für Internationale Zusammenarbeit).

- (11) 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.
- (12) The action programme provided for by this Decision are in accordance with the opinion of the IPA II Committee set up by Article 13 of Regulation (EU) No 231/2014.

HAS DECIDED AS FOLLOWS:

Article 1

The programme

The Annual Action Programme for Serbia for the year 2018 under the Instrument for Pre-accession Assistance (IPA II) as set out in the Annex, is hereby approved.

Article 2

Union contribution

The maximum amount of the European Union contribution for the implementation of the programme referred to in Article 1 is set at EUR 179,100,000.00 and shall be financed as follows from the appropriations entered in the following lines of the general budget of the Union:

EUR 57,385,000.00 from the budget line 22.02.01.01 of the general budget of the EU for year 2018

EUR 121,715,000.00 from the budget line 22.02.01.02 of the general budget of the EU for year 2018.

The appropriations provided for in the first sub-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, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in the Annex.

Article 4

Flexibility clause

The following changes shall not be considered substantial, within the meaning of Article 110(5) of Regulation (EU) 2018/1046, provided that they do not significantly affect the nature and objectives of the actions:

- (a) increases⁸ or decreases for not more than 20% of the maximum contribution set in the first paragraph of Article 2, and not exceeding EUR 10,000,000.00;
- (b) cumulated reassignments of funds between specific actions not exceeding 20% of the maximum contribution set in the first paragraph of Article 2;
- (c) extensions of the implementation and closure period;
- (d) within the limits of 20% referred to in points (a) and (b) above, up to 5% of the contribution referred to in the first paragraph of Article 2 of this financing decision may serve to finance actions which were not foreseeable at the time the present financing decision was adopted, provided that those actions are necessary to implement the objectives and the results set out in the programme.

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

Article 5

Grants without a call for proposals

Grants may be awarded without a call for proposals pursuant to Article 195 of Regulation (EU) 2018/1046 to the bodies identified in the Annex, in accordance with the conditions set out therein.

Done at Brussels, 5.12.2018

For the Commission
Johannes HAHN
Member of the Commission

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