



Brussels, 27.11.2017
C(2017) 7963 final

COMMISSION IMPLEMENTING DECISION

of 27.11.2017

on the ENI East Regional Action Programme 2017 Part 2 (including two actions on budget 2018 and two actions on budget 2018 & 2019), to be financed from the general budget of the European Union

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THE EUROPEAN COMMISSION,

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

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 1605/2002¹, and in particular Article 84(2) 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 Articles 2(1) and 3(3) thereof,

Whereas:

- (1) The envisaged assistance to Belarus, Moldova, the Russian Federation and Ukraine is deemed to strictly follow the conditions and procedures set out by the EU restrictive measures concerning the said countries.
- (2) The Commission has adopted the ENI East Regional Strategy Paper³ for the period 2014-2020 and the Multiannual Indicative Programme for the period 2017-2020⁴, which provide for the following priorities: (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.
- (3) The objectives pursued by the Annual Regional Action Programme 2017 Part 2, to be financed under the European Neighbourhood Instrument⁵ are: (1) achieve the European Union's objective to move from financing to supporting civil society in Eastern Partnership countries; (2) encourage inter-agency cooperation at the Moldovan-Ukrainian border; (3) complete the demarcation of the Belarus-Ukraine border and facilitate inter-agency cooperation; (4) support the development and implementation of climate-related policies by the Eastern Partnership countries in line with the 2016 Paris Agreement on Climate Change; (5) help Partner Countries preserve their natural capital and increase people's environmental well-being; (6) contribute to eliminating existing obstacles and barriers for pan-European online services; (7) support the design and implementation of structural reforms; (8) support

¹ OJ L 298, 26.10.2012, p. 1.

² OJ L 77, 15.3.2014, p. 95.

³ Decision C(2014)5200 of 28.7.2014.

⁴ Decision C(2017)5408 of 4.8.2017

⁵ 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.

the setup of a pilot school offering high quality education to pupils from partner countries; (9) finance policy priorities and processes, as well as small-scale actions, within the Eastern dimension of the European Neighbourhood Policy, and within the Northern Dimension and Black Sea Synergy policy frameworks; (10) support project management cycle in the Eastern Neighbourhood.

- (4) The first action entitled "Eastern Partnership Civil Society Facility 2017 – Regional Actions" aims to advance the European Union's objective to move from financing to supporting civil society in Eastern Partnership countries. The action proposes a series of instruments relevant across countries or regionally, pursuing on the one hand, increased impact of policy advocacy on sector governance issues prioritised during the 2015 Riga Eastern Partnership Summit, on the other hand, creating the premises for higher trust in civil society work across the region. The action will be implemented under direct management through grants and procurement of services.
- (5) The second action entitled "EU4Climate" aims to support the development and implementation of climate-related policies by the Eastern Partnership countries which contribute to their low emission and climate resilient development and their commitments to the 2016 Paris Agreement on Climate Change. The action will be implemented under indirect management with the United Nations Development Programme (UNDP).
- (6) The third action entitled "EU4Environment" aims to help partner countries preserve their natural capital and increase people's environmental well-being. The action is relevant for 9 out of 17 Sustainable Development Goals. The action will be implemented under direct management through grants and under indirect management with the United Nations Industrial Development Organisation (UNIDO).
- (7) The fourth action entitled "Support to the implementation of the EU4Digital initiative in the Eastern Partnership region" will contribute to eliminating existing obstacles and barriers for pan-European online services for citizens, public administrations and businesses, including through the harmonisation of the digital environments among the Eastern Partnership countries and with the EU. The action will be implemented under direct management through grants and procurement of services.
- (8) The fifth action entitled "Structural Reform Facility: ENI East" will support the design and implementation of structural reforms in order to contribute to the development of sustainable and equitable economic growth models in the Eastern Partnership countries. The action will be implemented under direct management through grants.
- (9) The sixth action entitled "European School for the Eastern Partnership in Georgia" will support the setup of a pilot school offering high quality education to pupils from partner countries, increasing their educational and employment opportunities, and promoting multi-cultural understanding, tolerance, fundamental values and a better understanding of the EU. The action will be implemented under direct management through procurement of services and under indirect management with the United Nations Office for Project Services (UNOPS).
- (10) The seventh action entitled "Implementation of the Eastern Partnership multilateral dimension and support to the implementation of the Black Sea Synergy and the Northern Dimension" entails a flexible mechanism giving the European Commission the possibility to decide on the financing of policy priorities and processes, as well as small-scale actions, in line with the objectives of the Eastern dimension of the European Neighbourhood Policy, and of the Northern Dimension and Black Sea

Synergy policy frameworks. The action will be implemented under direct management through grants and procurement of services and under direct management with the United Nations Development Programme (UNDP).

- (11) The eighth action entitled "ENI East Global Allocation 2017-2019" aims at supporting project management cycle in the Eastern Neighbourhood such as preparation, follow-up and monitoring of programmes and Eastern Partnership thematic Platforms and related expert groups, and activities in the field of information and communication to achieve more understanding of and increased credibility for the EU among citizens across the EaP region. The Russian Federation will also benefit from the action, whenever relevant and in line with Council conclusions. The action will be implemented under direct management through grants and procurement of services and of supplies.
- (12) 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 1268/2012⁶.
- (13) In the case of recurrent actions, the Commission may adopt multiannual action programmes for a period of up to three years on the basis of Article 6(3)(a) of Regulation (EU) No 236/2014.
- (14) It is necessary to adopt a work programme for grants in accordance with 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 set out in Annexes 1, 5, 6, 7, 9 and 10.
- (15) The Commission should entrust budget-implementation tasks under indirect management to the entities specified in Annexes 2, 3, 6 and 7 to this Decision, subject to the conclusion of delegation agreements. In accordance with Article 60(1) and (2) of Regulation (EU, Euratom) No 966/2012, the authorising officer responsible needs to ensure that these entities guarantee a level of protection of the financial interests of the European Union equivalent to that required when the Commission manages European Union funds. These entities comply with the conditions of points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary.
- (16) The authorising officer responsible should be able to award grants without a call for proposals only in the exceptional cases set out in Article 190 of Delegated Regulation (EU) No 1268/2012.
- (17) For the action set out in Annex 6 the Commission should authorise the eligibility of costs as of a date preceding that of the adoption of the present Commission Implementing Decision in order to permit a rapid start of the implementation, allowing in turn the European School for the Eastern Partnership to start hosting pupils as from the autumn of 2018.
- (18) 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.
- (19) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, any substantial change to a financing decision that has already been adopted should follow the same

⁶ 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).

procedure as the initial decision. It is therefore appropriate that the Commission defines the changes to this Decision that are considered non substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.

- (20) 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 Regulation (EU) No 232/2014,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the programme

The ENI East Regional Action Programme 2017 Part 2 (including four actions on budget 2018 and two actions on budget 2018 & 2019), as set out in the Annexes, is adopted.

The programme shall include the following actions:

- Annex 1: Eastern Partnership Civil Society Facility 2017 – Regional Actions;
- Annex 2: EU4Climate;
- Annex 3: EU4Environment;
- Annex 4: Support to the implementation of the EU4Digital initiative in the Eastern Partnership region;
- Annex 5: Structural Reform Facility: ENI East.
- Annex 6: European School for the Eastern Partnership in Georgia;
- Annex 7: Implementation of the Eastern Partnership multilateral dimension and support to the implementation of the Black Sea Synergy and the Northern Dimension;
- Annex 8: ENI East Global Allocation 2017-2019.

Article 2

Financial Contribution

The maximum contribution of the European Union for the implementation of the programme referred to in Article 1 is set at EUR 86 500 000 and shall be financed for an amount of:

- EUR 48 500 000 from the general budget of the European Union for 2017:
 - budget line 22 04 02 01 for an amount of EUR 8 000 000;
 - budget line 22 04 02 02 for an amount of EUR 27 000 000;
 - budget line 22 04 03 04 for an amount of EUR 13 500 000;
- EUR 25 500 000 from the general budget of the European Union for 2018:
 - budget line 22 04 02 01 for an amount of EUR 0;
 - budget line 22 04 02 02 for an amount of EUR 13 000 000;
 - budget line 22 04 03 04 for an amount of EUR 12 500 000;
- EUR 12 500 000 from the general budget of the European Union for 2019:
 - budget line 22 04 02 02 for an amount of EUR 6 000 000;

- budget line 22 04 03 04 for an amount of EUR 6 500 000.

The financial contribution 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 2018 and 2019 following the adoption of that budget by the budgetary authority or as provided for in the system of provisional twelfths.

Article 3 Implementation Modalities

Budget-implementation tasks under indirect management may be entrusted to the entities identified in Annexes 2, 3, 6 and 7, subject to the conclusion of the relevant agreements.

The elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012 are set out in the Annexes to this Decision.

Grants may be awarded without a call for proposals by the authorising officer responsible in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012.

The eligibility of costs prior to the adoption of the present Decision shall be authorised as of the date set out in the Annex 6.

Article 4 Non-substantial changes

Annexes 1 to 7:

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set by the first paragraph of Article 2, considering each financial year separately, 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 actions.

Annex 8:

Increases or decreases not exceeding 20% of the initial contribution for a support measure set in the first paragraph of Article 2, considering each financial year separately, and which do not cause the total contribution to exceed EUR 10 million, 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 actions.

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

Done at Brussels, 27.11.2017

*For the Commission
Johannes HAHN
Member of the Commission*