



Brussels, 29.11.2018
C(2018) 8184 final

COMMISSION IMPLEMENTING DECISION

of 29.11.2018

**on the ENI East Regional Action Programme 2018 part III to be financed from the
general budget of the 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 1046/2018 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union¹ (the Financial Regulation'), 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 for the implementation of the Union's instruments for financing external action², and in particular Article 6(3)(a) thereof,

Whereas:

- (1) In order to ensure the implementation of “EU4Digital: Improving Cyber Resilience in the Eastern Partnership Countries”, it is necessary to adopt an annual financing decision, which constitutes the annual work programme for 2018. Article 110 of Regulation (EU, Euratom) 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) The Commission has adopted the European Neighbourhood Instrument (ENI) East Regional Strategy Paper⁴ for the period 2014-2020 and the Multiannual Indicative Programme⁵ for the period 2017-2020, which sets out 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.
- (4) The objectives pursued by the ENI East Regional Action Programme 2018 part III, to be financed under the European Neighbourhood Instrument⁶ are to improve the cyber-

¹ Regulation (EU) 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...]

² OJ L 77, 15.3.2014, 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 Decision C(2014)5200 of 28.7.2014.

⁵ Decision C(2017)5408 of 4.8.2017

⁶ OJ L77, 15.3.2014, p. 27.

resilience and criminal justice response of EaP Partner countries and focus on two key building blocks: cybersecurity and cybercrime.

- (5) The action, entitled "EU4Digital: Improving Cyber Resilience in the Eastern Partnership Countries" aims at firstly, the development of technical and cooperation mechanisms that increase cybersecurity and preparedness against cyber-attacks, such as the strengthening the institutional governance and legal framework, developing the critical information infrastructure structure, and increasing the incident management capacities. Secondly, the full implementation of an effective framework to combat cybercrime, including substantive and procedural criminal legislation; law enforcement and judicial authorities' capacity to investigate, prosecute and adjudicate cases of cybercrime; measures to enable international cooperation; and cooperation between public authorities and private entities. The Budapest Convention continues to provide the benchmark for an effective framework.
- (6) The Commission should acknowledge and accept contribution from other donors in accordance with Article 21(2) of Regulation (EU) 2018/1046, subject to the conclusion of the relevant agreement. Where such contribution is not denominated in euro, a reasonable estimate of conversion should be made.
- (7) Pursuant to Article 4(7) of Regulation (EU) No 236/2014, indirect management is to be used for the implementation of the programme.
- (8) Entities and persons entrusted with the implementation of Union funds by indirect management shall ensure a level of protection of the financial interests of the Union as referred to in Article 154(3) of Regulation (EU) 2018/1046. To this end, such entities and persons have been subject to an assessment of their systems and procedures in accordance with Article 154(4) of the Financial Regulation and appropriate supervisory measures are in place in accordance with Article 154(5) of the Financial Regulation.
- (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) 2018/1046.
- (10) The measure provided for in this Decision is in accordance with the opinion of the European Neighbourhood Instrument Committee established under Article 15 of the financing instrument referred to in recital 4.

HAS DECIDED AS FOLLOWS:

Article 1
The programme

The ENI East Regional Action Programme 2018 Part III, as set out in the Annex, is adopted.

The programme shall include the following action:

- Annex: "EU4Digital: Improving Cyber Resilience in the Eastern Partnership Countries "

Article 2
Union contribution

The maximum contribution of the European Union for the implementation of the programme for 2018 is set at EUR 7 000 000 and shall be financed from the appropriations entered in the following line of the general budget of the Union:

(a) budget line 22 04 02 01: EUR 7 000 000.

The amount referred to in the first paragraph includes contributions from other donors to the general budget of the Union as external assigned revenue as provided for in action ‘Component 2: Cybercrime’.

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, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5.3 of the Annex.

Article 4

Flexibility clause

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set in 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 110(5) of Regulation (EU) 2018/1046, where 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.

Done at Brussels, 29.11.2018

For the Commission

Johannes HAHN

Member of the Commission