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COMMISSION IMPLEMENTING DECISION

of 17.10.2019

on the ENI East Regional Action Programme 2019, part 3, including some actions to be carried out in 2020, 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) 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) 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 2(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the European Neighbourhood Instrument (ENI) East Regional Action Programme 2019, part 3, including some actions to be carried out in 2020, it is necessary to adopt a multiannual financing Decision, which constitutes of a multiannual work programme, for the years 2019 and 2020. 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 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.

¹ OJ L 193, 30.7.2018, p.1

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

- (4) The objectives pursued by the multiannual action programme to be financed under the ENI⁶ are to reduce organised and serious international crime in the EaP region, strengthen participatory and inclusive democracy in the Eastern Neighbourhood, improve the business and investment climate and infrastructure and strengthen economic governance and public finance sustainability.
- (5) The action entitled ‘Fight against organised crime’ (Annex 1) aims to reduce organised and serious international crime in the Eastern Partnership (EaP) region. To this end, the proposed action will focus on strengthening the strategic and operational cooperation between law enforcement authorities in the EaP region, EU Member States and EU agencies. Additionally, the action will work on an increased capacity to recover assets linked to organised criminal activity.
- (6) The action entitled ‘Structural Reform Facility (2)’ (Annex 2) will build on the result of the Structural Reform Facility (1) and contribute towards the development of sustainable and equitable economic growth models in the EaP countries, which can generate more investments and improve socio-economic conditions and employment opportunities for citizens.
- (7) The action entitled ‘Mayors for Economic Growth 2’ (Annex 3) follows up on the Mayors for Economic Growth (M4EG) initiative, launched by the EU in 2017 to support mayors and municipalities of the EaP countries to become active facilitators for sustainable economic growth and job creation.
- (8) The action entitled ‘EU4Digital: Connecting research and education communities’ (EaPConnect)” (Annex 4) will continue and step up the work done under the first EaPConnect project, launched by the EU in 2015 to improve EaP intra-regional connectivity and facilitate participation of local scientists, students and academics in EU and global Research and Education (R&E) collaborations.
- (9) The action entitled ‘Civil Society Facility’ (Annex 5) aims to increase civil society organisations’ capacity to engage in the policy-making processes and policy dialogue, promote reforms, including electoral reforms, and public accountability, foster local democracy, local development and engage citizens in public debate, and to promote social innovation and social entrepreneurship in the Eastern Neighbourhood.
- (10) It is appropriate to authorise the award of grants without a call for proposals, pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046.
- (11) The Commission should authorise the eligibility of costs as of a date preceding that of submission of a grant application, which is prior to the date of adoption of this Decision, for reasons of extreme urgency in crisis management aid or in other exceptional and duly substantiated emergencies, whereby an early engagement by the Union would be of major importance.
- (12) Pursuant to Article 4(7) of Regulation (EU) No 236/2014, indirect management is to be used for the implementation of the programme.
- (13) 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

⁶ 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).

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. To this end, the Commission, in accordance with Article 154(6) of Regulation (EU, Euratom) 2018/1046, retains the financial management responsibilities laid down in Annex 1.

- (14) 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.
- (15) In order to allow for flexibility in the implementation of the programme, 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.
- (16) The actions provided for in this Decision are in accordance with the opinion of the ENI 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 2019, part 3, including some actions to be carried out in 2020, as set out in the Annexes, is adopted.

The programme shall include the following actions:

- Annex 1: Fighting organised crime in the EaP region;
- Annex 2 : Structural Reform Facility 2;
- Annex 3 : Mayors for Economic Growth 2;
- Annex 4 : EU4Digital: Connecting research and education communities (EaP Connect);
- Annex 5 : Civil Society Facility.

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme is set at EUR 90 000 000 and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

(a) for 2019:

- budget line 22 04 02 01 : EUR 29 000 000;
- budget line 22 04 02 02 : EUR 27 000 000;

(b) for 2020:

- budget line 22 04 02 01 : EUR 24 000 000;
- budget line 22 04 02 02 : EUR 10 000 000.

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 2020 as adopted by the budgetary authority.

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 Annexes 1, 2, 3 and 5.

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 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 110(5) of Regulation (EU, Euratom) 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.

Article 5

Grants

Grants may be awarded without a call for proposals pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046 to the bodies referred to in Annexes 4 and 5.

The eligibility of costs prior to the submission of grant applications and which is prior to the date of adoption of this Decision shall be authorised as of the date set out in Annex 5.

Done at Brussels, 17.10.2019

For the Commission

Johannes HAHN

Member of the Commission