



Brussels, 20.7.2016
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COMMISSION IMPLEMENTING DECISION

of 20.7.2016

**on the ENI East Regional Action Programme 2016 and 2017, Part I, 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) 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 action¹, and in particular Article 2(1) and 3(3) thereof,

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 1605/2002², and in particular Article 84(2) thereof,

Whereas:

- (1) The Commission has adopted the ENI East Regional Strategy Paper and Multiannual Indicative Programme³ for the period 2014-2020, which provides for the following priorities: Eastern Partnership including Flagship Initiatives; regional cooperation frameworks; energy and transport initiatives involving the wider region and horizontal and sectoral support.
- (2) The objectives pursued by the Annual Regional Action Programme, including a Support Measure, to be financed under the European Neighbourhood Instrument⁴ are: (1) to further improve maritime safety and security and to increase the levels of marine pollution prevention, preparedness and response in the Black and Caspian Sea Regions; (2) to support the Belarusian and Ukrainian customs and border guard services in implementing further integrated border management measures; (3) to support project cycle management and activities in the field of information and communication; (4) to help small and medium sized enterprises (SMEs) from EaP countries integrate into domestic and global value chains and access new markets with a focus on the European Union; (5) foster the active participation of young people in society and their employability in the economy by developing those skills that can support them in becoming leaders and entrepreneurs.
- (3) The first action entitled "Maritime safety, security and marine environmental protection in the Black and Caspian Sea Regions" will support the ongoing efforts of the beneficiary countries in acceding to and implementing the relevant international legislation, approximation of their regulatory frameworks with the EU legislation and improving the performance of their maritime activities. The project shall cover all three typical areas of responsibility - Flag State, Port State and Coastal State. The

¹ OJ L77, 15.3.2014, p. 95.

² OJ L 298, 26.10.2012, p. 1.

³ Decision C(2014)5200 of 28.7.2014.

⁴ OJ L77, 15.3.2014, p. 27.

action will be implemented under direct management through a grant to the European Maritime Safety Agency.

- (4) The second action entitled "Eastern Partnership Integrated Border Management Flagship Initiative: introduction of an automated intelligent video-control system at road border crossing point Novaya Huta – Novi Yarylovychi at the Belarus-Ukraine frontier" entails the procurement of an automated video control system, accompanying training on its use as well as the provision of expertise before, during and after installation/launch of the video-control system. The action will be implemented under indirect management with the International Organization for Migration (IOM).
- (5) The third action entitled "ENI-East Global Allocation 2016" is a Support Measure and will support the project cycle management in the Eastern Neighbourhood such as preparation of programmes, and information and communication activities. 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 grant and procurement contracts.
- (6) The fourth action entitled "Integrating SMEs from the EaP countries into domestic and global value chains" aims at supporting small and medium sized enterprises (SMEs) from Eastern Partnership (EaP) countries integrate into domestic and global value chains and access new markets with a focus on the European Union. This will be done by (1) assisting SMEs to produce value added goods in accordance with international and EU market requirements; (2) improving sector specific services for SMEs along the selected value chains; and (3) linking SMEs to domestic and global value chains and markets in particular within the EU. The action will be implemented under indirect management with the International Trade Centre (ITC) in cooperation with the Dutch Centre for Promotion of Imports from developing countries (CBI).
- (7) The fifth action "EU4Youth programme" will be made up of three components. (1) will empower young people with key competences and skills supporting their active participation in democratic life. Citizenship, entrepreneurship and leadership will be the main topics of capacity building actions targeting youth organisations, youth workers and leaders. The latter will be able to apply for Civil Society Fellowships to enhance their skills on policy development; (2) will aim to increase the educational and training opportunities and improve the employment perspectives for all youth. Particularly, this component will address challenges to youth entrepreneurship and disadvantaged youth by giving grants to those organisations that propose initiatives in this field and by identifying actions with significant potential for systemic impact; (3) will ensure the effective functioning of the programme by (i) exploring synergies among all components, (ii) supporting the steering committee in its coordination and monitoring functions and (iii) through communication and visibility activities. In addition, this component will support the alignment of the EU4Y programme with relevant policy dialogues and actions, thus ensuring the streamlining of youth issues at national and international level, and the sustainability of the EU4Y actions. The action will be implemented under direct management through grants for component 1 (through the Education, Audiovisual and Culture Executive Agency – EACEA) and for component 2; and through a service contract for component 3.

- (8) 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 1268/2012⁵.
- (9) It is necessary to adopt a work programme for grants the detailed rules on which are set out in 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 constituted by the Annexes 1, 3 and 6.
- (10) Component 1 of the Action "EU4Youth programme" should be implemented by the Education, Audiovisual and Culture Executive Agency (EACEA) in accordance with Decision C(2013)9189⁶, as amended by Decision C(2014)4084⁷.
- (11) The Commission should entrust budget-implementation tasks under indirect management to the entities specified in Annexes 2, 4 and 5 to this Decision, subject to the conclusion of a delegation agreement. In accordance with Article 60(1) and (2) of Regulation (EU, Euratom) No 966/2012, the authorising officer responsible needs to ensure that this entity guarantees a level of protection of the financial interests of the Union equivalent to that required when the Commission manages Union funds. The International Organization for Migration (IOM) complies 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. The International Trade Centre (ITC), which falls under the umbrella of the United Nations Secretariat, is currently undergoing the assessment under Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the authorising officer responsible deems that, based on ITC positive assessment under Council Regulation (EC, Euratom) No 1605/2002⁸ and on the long-standing and problem-free cooperation with it, budget-implementation tasks can be entrusted to this entity.
- (12) The authorising officer responsible should be able to award grants without a call for proposals provided that the conditions for an exception to a call for proposals in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012 are fulfilled.
- (13) 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.
- (14) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.

⁵ 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).

⁶ Commission Decision delegating powers to the Education, Audiovisual and Culture Executive Agency with a view to performance of tasks linked to the implementation of Union programmes in the field of education, audiovisual and culture comprising, in particular, implementation of appropriations entered in the general budget of the Union and of the EDF allocations, C(2013)9189, 18.12.2013.

⁷ Commission Decision amending Commission Decision C (2013) 9189 delegating powers to the Education, Audiovisual and Culture Executive Agency with a view to performance of tasks linked to the implementation of Union programmes in the field of education, audiovisual and culture comprising, in particular, implementation of appropriations entered in the general budget of the Union and of the European Development Fund (EDF) allocations, C(2014)4084, 25.06.2014.

⁸ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p.1).

- (15) 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 the ENI Regulation,

HAS DECIDED AS FOLLOWS:

Article 1
Adoption of the programme

The ENI East Regional Action Programme 2016, as set out in the Annexes, is approved.

The programme shall include the following actions:

- Annex 1: Maritime safety, security and marine environmental protection in the Black and Caspian Sea Regions;
- Annex 2: Eastern Partnership Integrated Border Management Flagship Initiative: introduction of an automated intelligent video-control system at road border crossing point Novaya Huta – Novi Yarylovychi at the Belarus-Ukraine frontier;
- Annex 3 : ENI-East Global Allocation 2016;
- Annex 4: Integrating SMEs from the EaP countries into domestic and global value chains;
- Annex 5: EU4Youth programme.

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 37 300 000 and shall be financed for an amount of EUR 27 750 000 from the general budget of the European Union for 2016:

- budget line 22.04.02.01 for an amount of EUR 800 000;
- budget line 22.04.02.02 for an amount of EUR 20 450 000;
- budget line 22.04.03.04 for an amount of EUR 6 500 000;

and for an amount of EUR 9 550 000 from budget line 22.04.02.02 of the general budget of the European Union for 2017 provided the adoption of the budget 2017.

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 general budget of the Union for 2017, 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 the attached Annexes 2, 4 and 5, subject to the conclusion of the relevant agreements.

The section “Implementation” of the Annexes to this Decision sets out the elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012.

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.

Article 4
Non-substantial changes

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set by the first paragraph of Article 2 (except contribution for a Support Measure), or cumulated changes to the allocations of specific actions (except allocation of a Support Measure), 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.

Increases or decreases not exceeding 20% of the contribution for a Support Measure set by first paragraph of Article 2 while not bringing that contribution above EUR 10 million, 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, 20.7.2016

For the Commission
Johannes HAHN
Member of the Commission