



Brussels, 26.6.2023
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COMMISSION IMPLEMENTING DECISION

of 26.6.2023

**on the financing of the individual measure to strengthen migration management
capacities in the Western Balkans for 2023**

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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) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession Assistance (IPA III)², and in particular Article 9(1) thereof,

Whereas:

- (1) In order to ensure the implementation of an individual measure to strengthen migration management capacities in the Western Balkans for 2023, it is necessary to adopt an annual financing decision, which constitutes the annual work programme for 2023. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (2) The envisaged assistance should comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU³.
- (3) The Commission has adopted a Pre-Accession Assistance ('IPA III') Programming Framework⁴ for the period 2021 – 2027, which identifies five thematic windows for the delivery of the specific objectives and thematic priorities of Regulation (EU) 2021/1529. The thematic window 1 – Rule of Law, Fundamental Rights and Democracy and the priorities addressed by this measure are set out in the Annex.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 330, 20.9.2021, p.1.

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 Commission Implementing Decision C(2021)8914 of 10 December 2021 on the Instrument for Pre-Accession Assistance (IPA III) Programming Framework for the period 2021-2027.

- (4) The objectives pursued by the individual measure are to strengthen border and migration management capacities in the Western Balkans. The measure should respond to the most urgent needs in the region and address shortcomings in current border and migration management capacities in light of increasing migratory flows through the region.
- (5) The objective of the measure entitled, 'Individual Measure to strengthen migration management capacities in the Western Balkans for 2023' is to further capacitate the Western Balkan partners to effectively manage migration and border management. The measure will also strengthen the capacities of law enforcement, in particular in the fight against smuggling of migrants and trafficking in human beings (THB).
- (6) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (7) In accordance with Article 26(1) of Regulation (EU) 2021/947⁵ applicable pursuant to Article 9(1) of Regulation (EU) 2021/1529, indirect management may be used for the implementation of the measure.
- (8) 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.
- (9) To that end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4)⁶ of Regulation (EU, Euratom) 2018/1046 and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the same Regulation before a contribution agreement can be signed.
- (10) 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.
- (11) In order to allow for flexibility in the implementation of the measure, it is appropriate to determine the changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.
- (12) The measure provided for in this Decision is in accordance with the opinion of the IPA III Committee set up by Article 17 of Regulation (EU) 2021/1529⁷.

⁵ OJ L 209, 14.6.2021

⁶ Except for the cases referred to in Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment.

⁷ The Member States have declared, recalling the Council Conclusions of 18 February 2008, that the adoption of this action plan does not prejudice the position of each individual Member State on the status of Kosovo, which will be decided in accordance with their national practice and international law.

HAS DECIDED AS FOLLOWS:

Article 1
The measure

The annual financing decision, constituting the annual work programme for the implementation of the individual measure to strengthen migration management capacities in the Western Balkans for 2023 as set out in the Annex, is adopted.

The individual measure shall consist of the measure set out in the annex.

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure for 2023 is set at EUR 54 000 000, and shall be financed from the appropriations entered in budget line 15.020101.01 of the general budget of the Union.

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 4.3.3 of the Annex.

Article 4
Flexibility clause

Increases⁸ or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in Article 2, first paragraph, as well as extensions of the implementation and execution period shall not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046, provided that 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 in accordance with the conditions set out in the Annex and in accordance with Article 195 of Regulation (EU, Euratom) 2018/1046.

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

Grants may be awarded to the bodies referred to in the Annex selected in accordance with point 4.3.1 of the Annex.

Done at Brussels, 26.6.2023

For the Commission
Olivér VÁRHELYI
Member of the Commission