



Brussels, 30.9.2019
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COMMISSION IMPLEMENTING DECISION

of 30.9.2019

**adopting a Special Measure as regards Strengthening the Response Capacity of the
Republic of Serbia to Manage Effectively Mixed Migration Flows**

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adopting a Special Measure as regards Strengthening the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows

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 of the implementation of the Union's instruments for financing external action¹, and in particular Article 2(1) thereof,

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 966/2012², and in particular Article 110 thereof,

Whereas:

- (1) In order to ensure the implementation of the special measure “Strengthening the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows”, it is necessary to adopt an annual financing decision for the year 2019. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (2) This special measure aims to strengthen protection and resilience of migrant or refugee populations in the Western Balkans, in particular in Serbia, and to improve the capacity of authorities to manage migration flows including enhancing shelter capacity and delivery of services.
- (3) Considering the proposals for action submitted by the beneficiaries concerned, the special measure on Strengthening the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows for 2019 aims at providing assistance for actions in the sector of Home Affairs.
- (4) The envisaged assistance should follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 of the Treaty on the Functioning of the European Union³.
- (5) Regulation (EU) No 231/2014 of the European Parliament and of the Council⁴ lays down the objectives and main principles for pre-accession assistance to beneficiaries listed in Annex I to that Regulation.

¹ OJ L 77, 15.3.2014, p. 95.

² OJ L 193, 30.7.2018, 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.

- (6) In accordance with Article 7 of Regulation (EU) No 231/2014 the assistance should be implemented through annual or multi-annual, country-specific or multi-country programmes. Those programmes should be drawn up in accordance with the framework for assistance referred to in Article 4 of Regulation (EU) No 231/2014 and the relevant country or multi-country indicative strategy papers referred to in Article 6 of that Regulation.
- (7) It is appropriate to authorise the award of grants without a call for proposals, pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046, to the Commissariat for Refugees and Migration, which is the responsible specialised government agency to operate all reception facilities for migrants in Serbia and to the Ministry of Health, which is responsible for health policies and services and in charge of the Governments' response in that sector of migration management.
- (8) Pursuant to Article 4(7) of Regulation (EU) 236/2014, indirect management is to be used for the implementation of a part of this special measure.
- (9) 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 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.
- (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 special measure, 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.
- (12) The special measure provided for by this Decision is in accordance with the opinion of the IPA II Committee set up by Article 13 of Regulation (EU) No 231/2014,

HAS DECIDED AS FOLLOWS:

⁴ Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (OJ L 77, 15.3.2014, p. 11).

Article 1

The measure

The annual financing decision constituting the annual work programme for the implementation of the special measure “Strengthening the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows under the Instrument for Pre-accession Assistance (IPA II)”, as set out in the Annex, is adopted.

Article 2

Union contribution

The maximum Union contribution for the implementation of the special measure referred to in Article 1 is set at EUR 27,450,000.00 and shall be financed from the appropriations entered in the following line of the general budget of the Union:

EUR 27,450,000.00 from the budget line 22.02.01.01

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 the Annex.

Article 4

Flexibility clause

The following changes shall not be considered substantial within the meaning of Article 110(5) of Regulation (EU, Euratom) 2018/1046, provided that they do not significantly affect the nature and objectives of the actions:

- (a) Increases⁵ or decreases for not more than 20% of the maximum contribution set in the first paragraph of Article 2, and not exceeding EUR 10 million;
- (b) Cumulated reassignments of funds between specific actions not exceeding 20% of the maximum contribution set in the first paragraph of Article 2;
- (c) Extensions of the implementation and closure period;
- (d) Within the limits of 20% referred to in points (a) and (b), up to 5% of the contribution referred to in the first paragraph of Article 2 of this Decision may serve to finance actions which were not foreseeable at the time the present financing decision was adopted, provided that those actions are necessary to implement the objectives and the results set out in the programme.

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

⁵ These changes can come from external assigned revenue made available after the adoption of the financing decision.

Article 6

Grants

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

Done at Brussels, 30.9.2019

For the Commission

Johannes HAHN

Member of the Commission