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COMMISSION IMPLEMENTING DECISION

of 10.6.2015

**on the ENI East Regional Action Programme 2015 Part 1 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)232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument,

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 implement integrated border management at the Red Bridge Border crossing point between Georgia and Azerbaijan (2) to create an Eastern Partnership Research and Education Network supporting science and education, (3) to support project cycle management and (4) to facilitate the implementation of the multilateral dimension of the Eastern Partnership and the Black Sea Synergy.
- (3) The first action entitled "Eastern Partnership Integrated Border Management Flagship Initiative: Support to the development of Red Bridge Border crossing point between Georgia and Azerbaijan" will support the Governments of Azerbaijan and Georgia in securing their borders and facilitating the transit of goods at the Red Bridge Border Crossing Point (BCP). It will do so by providing common training on BCP sanitary and phytosanitary (SPS) controls, as well as developing the necessary infrastructure and equipment on both sides, namely a secured customs area in Azerbaijan and SPS

¹ OJ L77, 15.3.2014, p. 95.

² OJ L 298, 26.10.2012, p. 1.

³ Decision C(2014)5200.

⁴ OJ L77, 15.3.2014, p.27.

control facilities in Georgia, including sampling equipment. The action will be implemented under indirect management with UNDP.

- (4) The second action entitled "E@P Connect" will procure, install and operate equipment and links forming a high speed and highly reliable interconnection network among the six Eastern Partnership countries as well as towards the pan-European network for research and education GÉANT. It will also procure and federate the access to high quality scientific content (publications, web services, software, educational material etc.) for the region and stimulate integration towards GÉANT services. The action will be implemented under direct management through a grant contract.
- (5) The third action entitled "ENI-East Global Allocation 2015" is a Support Measure and will support the project management cycle 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 "Implementation of the Eastern Partnership multilateral dimension and support to the implementation of the Black Sea Synergy" will provide a flexible mechanism giving the possibility to finance small-scale actions in line with the objectives and priorities of the Eastern dimension of the European Neighbourhood Policy by supporting the multilateral dimension of the Eastern Partnership, and of the Black Sea Synergy. The situation of EU-Russia relations will be kept under review and may have an impact on the activities in the Black Sea Synergy in which Russia could be involved. The action will be implemented under direct management through service contracts.
- (7) 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.
- (8) 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 2 (section 5.3.1) and 3 (section 5.3.1).
- (9) The Commission should entrust budget-implementation tasks under indirect management to the entity specified in Annex 1 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. UNDP 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 UNDP positive assessment under Council Regulation (EC, Euratom) No 1605/2002⁶ and on the long-standing and problem-free cooperation with it, budget-implementation tasks can be entrusted to this entity.

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 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).

- (10) 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.
- (11) This Decision should allow for the award of grants in the form of lump sums and/or unit costs and/or flat-rate financing for the reasons and amounts set out in Annex 2 on the basis of Article 124 of Regulation (EU, Euratom) No 966/2012 and Article 182 of Delegated Regulation (EU) No 1268/2012.
- (12) 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.
- (13) 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.
- (14) 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 2015 Part 1, as set out in the Annexes, is approved.

The programme shall include the following actions:

- Annex 1: Eastern Partnership Integrated Border Management Flagship Initiative: Support to the development of Red Bridge Border crossing point between Georgia and Azerbaijan;
- Annex 2I: E@P Connect;
- Annex 3: ENI-East Global Allocation 2015;
- Annex 4: Implementation of the Eastern Partnership multilateral dimension and support to the implementation of the Black Sea Synergy.

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 25.128 million (including EUR 6 million contribution for a Support Measure) and shall be financed from the following budget lines of the general budget of the European Union for 2015:

- budget line 21.03.02.01 for an amount of EUR 2.128 million;
- budget line 21.03.02.02 for an amount of EUR 13 million;
- budget line 21.03.03.03 for an amount of EUR 10 million.

The financial contribution provided for in the first paragraph may also cover interest due for late payment.

Article 3
Implementation Modalities

Budget-implementation tasks under indirect management may be entrusted to the entity identified in the attached Annex 1, subject to the conclusion of the relevant agreement.

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.

The Commission authorises the use of lump sums and/or unit costs and/or flat-rate financing exceeding EUR 60 000 per beneficiary, in accordance with the conditions set out in the Annex 2.

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, 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, 10.6.2015

For the Commission
Johannes HAHN
Member of the Commission