



Brussels, 27.5.2024
C(2024) 3543 final

COMMISSION IMPLEMENTING DECISION

of 27.5.2024

on the financing of the annual action plan in favour of Montenegro for 2024

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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 annual action plan in favour of Montenegro for 2024, it is necessary to adopt an annual financing Decision, which constitutes the annual work programme, for year 2024. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') 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 action plan provided for in this Decision "EU support for Environment and Climate Change in Montenegro - Preparation for Sector Operational Programme implementation" should contribute to climate and biodiversity mainstreaming in line with Commission Communication 'The European Green Deal'⁴ and in the Interinstitutional Agreement of 16 December 2020 between the European Parliament,

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 COM(2019)640 final of 11 December 2019.

the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources⁵.

- (4) The Commission has adopted a Pre-Accession Assistance ('IPA III') Programming Framework⁶ 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.
- (5) The objectives pursued by the annual action plan should contribute to strengthening of the rule of law, as well as support the area of environment and climate change and employment and social policy through preparation for the implementation of respective Sector Operational Programmes 2024-2027. In addition, support to capacity building related to the EU accession process is foreseen while ensuring the effectiveness and impact of actions financed through IPA.
- (6) The objective of the action entitled "European Union support to the Rule of Law IV (EUROL IV)" is to contribute to the rule of law by strengthening and modernising Montenegro's judicial and law-enforcement systems in order for Montenegro to meet the objectives of the EU accession negotiations, in particular the interim benchmarks under the chapters 23 and 24. It will support key judicial reforms and strengthen the independence of the judiciary and the autonomy of the prosecution, effectively leading to more efficient fight against high level corruption and organised crime and producing a convincing track record.
- (7) The objective of the action entitled "European Union Integration Facility (EUIF)" is to provide capacity building related to the EU accession process and it should ensure the effectiveness and impact of actions financed through IPA. This Action will focus on legislative alignment, building administrative capacities of Montenegrin authorities to fully and effectively implement sector policies and the adopted legislation as well as assume the obligations of membership and in addition, it will support the digitalisation efforts.
- (8) The objective of the action entitled "European Union support for Environment and Climate Change in Montenegro - Preparation for Sector Operational Programme 2024-2027 implementation" is to promote the Green Agenda by reinforcing environmental protection, contributing to mitigation, increasing resilience to climate change, accelerating the shift towards a low-carbon and circular economy and develop the digital economy and society, through development of a mature project pipeline for the future Operational Programme (OP) 2024-2027 "Environment and Climate Change".
- (9) The objective of the action entitled "European Union support for Employment and Social Policy in Montenegro - Preparation for Sectoral Operational Programme 2024-2027 implementation" will assist Montenegro with preparatory activities for the Operational Programme 2024-2027 for Employment and Social Policy (OP ESP). It

⁵ OJ L 433I, 22.12.2020, p. 28.

⁶ 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.

will also build capacity for efficient and effective use of EU cohesion policy/European Social Funds (ESF+) at the time of EU accession.

- (10) Pursuant to Article 62(1), point (c) of the Financial Regulation, indirect management may be used for the implementation of the action plan.
- (11) 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 the Financial Regulation.
- (12) 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)⁷ of the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (13) In addition, part of the action plan may be implemented in indirect management with the IPA III beneficiary. To that end, the Commission, should be able to entrust the implementation to the IPA III beneficiary or the bodies designated by it subject to the conclusion of a financing agreement in accordance with Article 158 of the Financial Regulation.
- (14) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of the Financial Regulation.
- (15) In order to allow for flexibility in the implementation of the action plan, it is appropriate to determine the changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (16) The action plan provided for in this Decision is in accordance with the opinion of the IPA III Committee.

HAS DECIDED AS FOLLOWS:

⁷ 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.

Article 1
The action plan

The annual financing Decision, constituting the annual work programme for the implementation of the annual action plan in favour of Montenegro for 2024, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) European Union support to the Rule of Law IV (EUROL IV), as set out in Annex I
- (b) European Union Integration Facility (EUIF), as set out in Annex II
- (c) European Union support for Environment and Climate Change in Montenegro - Preparation for Sector Operational Programme 2024-2027 implementation, as set out in Annex III
- (d) European Union support for Employment and Social Policy in Montenegro - Preparation for Sectoral Operational Programme 2024-2027 implementation, as set out in Annex IV

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan referred to in Article 1 is set at EUR 26 600 000 and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

-budget line 15.020101.01: EUR 18 000 000

-budget line 15.020201: EUR 8 600 000

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 Annexes, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.3.1 of the Annex I, 4.3.4 of the Annex II, 4.4.1 of the Annex III and 4.3.2 of the Annex IV.

Article 4
Flexibility clause

Increases or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in Article 2, first paragraph, or cumulated changes to the allocations of specific actions not

exceeding 20% of that contribution, as well as extensions of the implementation and execution period eligibility period and execution period shall not be considered substantial for the purposes of Article 110(5) of the 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.

Done at Brussels, 27.5.2024

For the Commission
Olivér VÁRHELYI
Member of the Commission