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**COMMISSION IMPLEMENTING DECISION**

**of 27.11.2022**

**on the financing of the individual measure for EU support to strengthen the fight against migrant smuggling and trafficking in human beings in the Western Balkans for 2023**

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## on the financing of the individual measure for EU support to strengthen the fight against migrant smuggling and trafficking in human beings in the Western Balkans for 2023

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 966/2012<sup>1</sup>, 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)<sup>2</sup>, and in particular Article 9(1) thereof,

Whereas:

- (1) In order to ensure the implementation of EU support to strengthen the fight against migrant smuggling and trafficking in human beings in the Western Balkans, it is necessary to adopt an annual financing Decision, which constitutes the annual work programme, for 2022. 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 TFEU<sup>3</sup>.
- (3) The Commission has adopted a Pre-Accession Assistance ('IPA III') Programming Framework<sup>4</sup> 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.
- (4) The objectives pursued by the annual individual measure aim at strengthening the rule of law in the Western Balkans, by enhancing the criminal justice response to identify, investigate and prosecute migrant smuggling and trafficking in human beings networks and border management capacities to deny irregular border crossings.
- (5) Migratory flows from the Western Balkans to the EU have significantly intensified, with over three times more illegal border crossings and attempts in 2022 compared to the same period in 2021. A rise in the identification of smuggling activities has also

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<sup>1</sup> OJ L 193, 30.7.2018, p.1.

<sup>2</sup> OJ L 330, 20.9.2021, p.1.

<sup>3</sup> [www.sanctionsmap.eu](http://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.

<sup>4</sup> Commission Implementing Decision C(2021)8914 of 10.12.2021 on the Instrument for Pre-Accession Assistance (IPA III) Programming Framework for the period 2021-2027.

been noted. In this regard, supporting the Western Balkans in a continuous and uninterrupted manner in bolstering their ability to combat the smuggling of migrants and trafficking in human beings while working more closely with EU Member States and in accordance with EU rules is crucial.

- (6) Initiatives aimed at supporting the rule of law and offer a high degree of security, notably by giving IPA III recipients improved tools for managing migration are essential. This is what the current regional action seeks to accomplish by strengthening border control and criminal justice response capabilities throughout the Western Balkans.
- (7) The objective of the action “EU support to strengthen the fight against migrant smuggling and trafficking in human beings in the Western Balkans” is to strengthen the rule of law in the Western Balkans through enhancing the fight against migrant smuggling and trafficking in human beings.
- (8) Pursuant to Article 9(1) of Regulation (EU) 2021/1529, indirect management may be used for the implementation of the 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 the Financial Regulation.
- (10) 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)<sup>5</sup> of the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (11) 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.
- (12) In order to allow for flexibility in the implementation of the measure, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (13) 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) 2021/1529<sup>6</sup>.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The measure*

The annual financing Decision, constituting the annual work programme for the implementation of the individual measure for EU support to strengthen the fight against migrant smuggling and trafficking in human beings in favour of the Western Balkans as IPA III beneficiaries, as defined in Annex 1 of the IPA III Regulation, and as set out in the Annex to this Decision, is adopted.

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<sup>5</sup> 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.

<sup>6</sup> 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.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the measure referred to in Article 1 is set at EUR 30 000 000 and shall be financed from the appropriations entered in budget line 15.020101.03 of the general budget of the Union.

The appropriations 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 general budget of the Union for 2023 as adopted by the budgetary authority or as provided for in the system of provisional twelfths.

*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 4.2.1 of the Annex(es).

*Article 4*  
*Flexibility clause*

Increases<sup>7</sup> 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 the Financial Regulation, 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, 27.11.2022

*For the Commission*  
*Olivér VÁRHELYI*  
*Member of the Commission*

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<sup>7</sup> These changes can come from external assigned revenue made available after the adoption of the financing Decision.