



Brussels, 28.5.2018
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COMMISSION IMPLEMENTING DECISION

of 28.5.2018

**on the ENI East Regional Action Programme 2018, 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, 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 1605/2002¹, and in particular Article 84(2) thereof,

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 action², and in particular Article 2(1) thereof,

Whereas:

- (1) The Commission has adopted the European Neighbourhood Instrument (ENI) East Regional Strategy Paper³ for the period 2014-2020 and the Multiannual Indicative Programme⁴ for the period 2017-2020, which provide for the following priorities: (1) economic development and market opportunities; (2) strengthening institutions and good governance; (3) connectivity, energy efficiency, environment and climate change; (4) mobility and people-to-people contacts.
- (2) The objectives pursued by the Annual Regional Action Programme 2018, Part 1, to be financed under the ENI⁵ are: (1) encourage inter-agency cooperation at the Moldovan-Ukrainian border; (2) complete the demarcation of the Belarus-Ukraine border and facilitate inter-agency cooperation;
- (3) The first action, "Eastern Partnership Integrated Border Management Flagship initiative: Demarcation of the Belarus-Ukraine border, installation of a stationary X-ray complex at Novaya Guta border crossing point and development of a mobile application supporting the crossing of state borders", foresees three components. The first is aimed at completing the demarcation of the Belarus-Ukraine border and at facilitating inter-agency and international coordination and cooperation on the issues of border demarcation and control. The second concerns the purchase and installation of a new stationary X-ray scanning complex at the main road border crossing point at the Belarus-Ukraine border. The third aims at supporting citizens and traders planning to cross the external borders of Belarus and Ukraine, by means of an application for mobile devices.

¹ OJ L 298, 26.10.2012, p. 1.

² OJ L77, 15.3.2014, p. 95.

³ Decision C(2014)5200 of 28.7.2014.

⁴ Decision C(2017)5408 of 4.8.2017

⁵ OJ L77, 15.3.2014, p. 27.

- (4) The second action, "Eastern Partnership Integrated Border Management Flagship Initiative: Implementation of a video-control system at road border crossing points and support for sustainable joint blue border surveillance" aims to encourage inter-agency cooperation through joint control and information exchange on persons/vehicles/goods crossing the Moldovan-Ukrainian border, and through joint border surveillance along common border.
- (5) 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 1268/2012⁶.
- (6) The envisaged assistance to Belarus, Moldova and Ukraine is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU.
- (7) The Commission should entrust budget-implementation tasks under indirect management to the entity specified in Annexes 1 and 2 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. The International Organization for Migration (IOM) complies with the conditions of points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary.
- (8) The authorising officer responsible should be able to award grants without a call for proposals only in the exceptional cases set out in Article 190 of Delegated Regulation (EU) No 1268/2012.
- (9) 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.
- (10) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, any substantial change to a financing decision that has already been adopted should follow the same procedure as the initial decision. It is therefore appropriate that the Commission defines the changes to this Decision that are considered non-substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (11) 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 2018 Part 1, as set out in the Annexes, is approved.

The programme shall include the following actions:

⁶ 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).

- Annex 1: Eastern Partnership Integrated Border Management Flagship initiative: Demarcation of the Belarus-Ukraine border, installation of a stationary X-ray complex at Novaya Guta border crossing point and development of a mobile application supporting the crossing of state borders;
- Annex 2: Eastern Partnership Integrated Border Management Flagship Initiative: Implementation of a video-control system at road border crossing points and support for sustainable joint blue border surveillance;

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 indicatively EUR 10.192.000,00 for the period 2017-2020 and shall be financed from the general budget 2018 of the European Union, from budget line 22.04.02.01.

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 entities identified in the attached Annexes 1 and 2, subject to the conclusion of the relevant agreements.

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.

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 while not bringing that contribution above EUR 10 million, 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, 28.5.2018

For the Commission
Johannes HAHN
Member of the Commission