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**COMMISSION IMPLEMENTING DECISION**

**of 25.3.2022**

**on the financing of the individual measure in favour of Moldova and other eligible countries in the Eastern Neighbourhood region<sup>1</sup> for 2022**

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<sup>1</sup> NDICI regulation, Annex I, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32021R0947&from=EN>

# COMMISSION IMPLEMENTING DECISION

of 25.3.2022

## on the financing of the individual measure in favour of Moldova and other eligible countries in the Eastern Neighbourhood region<sup>1</sup> for 2022

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU, Euratom) 2018/1046<sup>2</sup> 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, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/947<sup>3</sup> of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument - Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009 , and in particular Article 23(3)thereof,

Whereas:

- (1) In order to ensure the implementation of Action Document for Supporting Protection, Transit, Repatriation and Reintegration of Affected Eastern Partnership Citizens and Third Country Nationals in the Eastern Neighbourhood region affected by the conflict in Ukraine, it is necessary to adopt an individual measure, 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>4</sup>.

On 15/12/2021, the Commission has adopted the Regional Multiannual Indicative Programme (MIP) for EU support to the Eastern Neighbourhood for the period 2021-2027<sup>5</sup>, which sets out the following regional priorities: resilient, sustainable and integrated economies; accountable institutions, the rule of law and security; environmental and climate resilience; resilient digital transformation; resilient, The regional priorities and actions 2021-2027 will be guided by the five policy objectives

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<sup>1</sup> NDICI regulation, Annex I, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32021R0947&from=EN>

<sup>2</sup> OJ L 193, 30.7.2018, p.1.

<sup>3</sup> OJ L 209, 14.6.2021, p.1.

<sup>4</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>5</sup> C(2021)9370, adopted on 15/12/2021

under the overarching framework of resilience outlined in the Joint Communication on the Eastern Partnership policy beyond 2020 of 18 March 2020, which was welcomed in the EU Council Conclusions of May 2020 and endorsed by the Eastern Partnership Leaders in June 2020<sup>6</sup>. With the overall objectives of strengthening resilience and generating concrete benefits to the people, the new agenda is structured around two pillars (i) investment - supported by an Economic and Investment Plan,<sup>7</sup> and (ii) governance - underpinned by reforms and fundamental shared values. The policy objectives, the Economic and Investment Plan as well as the new targets will underpin the regional programming 2021, setting out common priorities, along with the joint documents between the EU and partner countries, (e.g. Partnership Priorities and Association Agendas).

- (3) The objectives pursued by the individual measure to be financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI) of Regulation (EU) 2021/947 should support the Moldovan government and possibly other governments in the region, notably Ukraine, in coping with the challenges of migratory flows as result of the present crisis in Ukraine.
- (4) Following the full-scale invasion of Ukraine by the Russian Federation on 24 February 2022, the migratory movements from Ukraine towards its neighbouring countries have been increasing daily, in addition to many thousands more displaced within Ukraine. Since then, more than 1,300,000 Ukrainian nationals have already fled into neighbouring countries, with the numbers expected to rise in the coming days. Prior to the conflict, there were an estimated 470, 000 Third Country Nationals (TCNs) in Ukraine, including about 136 000 international students, migrant workers, tourists as well as irregular migrants. Moldova, which shares a direct border with Ukraine is directly impacted by the conflict in Ukraine. A rapid response action is needed to support effective border and migration management in the context of conflict-induced mass displacement in Moldova, and possibly other countries in the Eastern Neighbourhood.
- (5) The action entitled 'Supporting Protection, Transit, Repatriation and Reintegration of Affected Eastern Partnership Citizens and Third Country Nationals in the Eastern Neighbourhood region affected by the conflict in Ukraine' will aim to support effective border and migration management in the context of conflict-induced mass displacement in Moldova, and possibly other countries in the Eastern Neighbourhood, with the purpose of ensuring effective and dignified first line processing of Ukrainian citizens and third country nationals in line with internationally accepted humanitarian border management standards, as well as safe and dignified voluntary repatriation and reintegration of vulnerable third country nationals to their countries of origin .
- (6) In accordance with Article 43 of Regulation (EU) 2021/947, the action is of a global, trans-regional or regional nature, fostering regional cooperation with the countries eligible under the NDICI regulation for repatriation and reintegration measures. The action's objective and design fulfil the criteria for Official Development Assistance established by the OECD/DAC, as per the requirements of Article 3(3) of Regulation (EU) 2021/947, contributing to the sustainable development of partner countries and the implementation of the 2030 agenda by supporting the repatriation and reintegration

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<sup>6</sup> Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions Brussels 18 March 2020, JOIN(2020)

<sup>7</sup> Brussels, 2 July 2021, SWD(2021) 186 final

of their nationals. Due to the project's nature and the importance to ensure complete regional coverage, the eligibility of the action extends exceptionally to the countries eligible under NDICI regulation for repatriation and reintegration measures, as their participation constitutes a substantial element to ensure the coherence and effectiveness of Union financing or to foster regional or trans-regional cooperation.

- (7) Pursuant to Article 26(1) of Regulation (EU) 2021/947, indirect management is to be used for the implementation of this individual measure.
- (8) 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.
- (9) 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 the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (10) 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.
- (11) In order to allow for flexibility in the implementation of the action plan, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (12) For reasons of urgency and emergency is necessary that this decision applies retroactively as of 24 February 2022.
- (13) The measure provided for in this Decision is in accordance with the opinion of the NDICI Committee established under Article 45 of Regulation (EU) 2021/947.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The measure*

The annual financing Decision, constituting the annual work programme for the implementation of the Action Document for Supporting Protection, Transit, Repatriation and Reintegration of Affected Eastern Partnership Citizens and Third Country Nationals in the Eastern Neighbourhood region affected by the conflict in the Ukraine, as set out in the annex, is adopted.

The measure shall consist of the action set out in the annex.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the measure for 2022 is set at EUR 15,000,000, and shall be financed from the appropriations entered in budget line 14 02 01 11 – Eastern Neighbourhood of the general budget of the Union.

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 point 4.3 of the Annex.

### *Article 4*

#### *Flexibility clause*

Increases or decreases<sup>8</sup> of up to EUR 10 million and not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution, as well as extensions of the implementation period shall not be considered substantial within the meaning 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 acting in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 25.3.2022

*For the Commission*

*Olivér VÁRHELYI*

*Member of the Commission*

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<sup>8</sup> These changes can come from assigned revenue made available after the adoption of the financing decision.