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**COMMISSION IMPLEMENTING DECISION**

**of 18.10.2022**

**on the financing of the multiannual action plan in favour of the NDICI Neighbourhood  
East Region for 2022 and 2023**

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## on the financing of the multiannual action plan in favour of the NDICI Neighbourhood East Region for 2022 and 2023

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) 2018/1046<sup>1</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>2</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(2) thereof,

Whereas:

- (1) In order to ensure the implementation of the NDICI Neighbourhood East Regional Action Programme for 2022 and 2023, it is necessary to adopt a multiannual<sup>3</sup> financing Decision, which constitutes the annual work programme, for 2022 and 2023. 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>.
- (3) The actions provided for in this Decision contribute to climate and biodiversity mainstreaming in line with the European Green Deal<sup>5</sup> and the inter-institutional agreement.
- (4) The Commission has adopted the Multiannual Indicative Programme for the Neighbourhood East Region<sup>6</sup> for the period 2021-2027, which sets out the following

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

<sup>2</sup> OJ L 209, 14.6.2021, p.1.

<sup>3</sup> Multiannual financing Decision shall always constitute a multiannual action plan/measure

<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> COM(2019)640 final of 11.12.2019

priorities areas: 1: Resilient, sustainable and integrated economies; 2: Accountable institutions, the rule of law and security; 3: Environmental and climate resilience; 4. Resilient digital transformation; 5: Resilient, gender equal, fair and inclusive societies.

- (5) The objectives pursued by the multiannual action plan to be financed under the Neighbourhood East regional programme of Regulation (EU) 2021/947 should contribute to 1: Resilient, sustainable and integrated economies; 2: Accountable institutions, the rule of law and security; 3: Environmental and climate resilience; 4: Resilient digital transformation; 5: Resilient, gender equal, fair and inclusive societies.
- (6) The action entitled ‘Supporting Decarbonisation, Climate Resilience and Energy Security in the Eastern Partnership’ (Annex I) aims at enabling progress of the Eastern Partners towards climate resilience and neutrality, and strengthening their energy security, as well as responding to the wider situation in the energy sector and the needs exacerbated by the Russian war of aggression against Ukraine. The action will prepare the ground for municipal and other infrastructure investments in line with the Economic and Investment Plan for the Eastern Partnership (EaP) and the projected needs for a green reconstruction of Ukraine.
- (7) The action entitled ‘Improving Road Safety in the Eastern Partnership Region’ (Annex II) aims at supporting the Eastern Partnership countries to promptly advance towards the reduction of road traffic fatal and non-fatal injuries in the Eastern Partnership Region.
- (8) The action entitled ‘EU4Business Facility: Investing in the Eastern Neighbourhood - Phase 3’ (Annex III) aims at contributing to the implementation of the Economic and Investment Plan for the Eastern Neighbourhood by monitoring its related country flagships in the field of support to the private sector, and maximising visibility of the EU support to small and medium-sized enterprises (SMEs).
- (9) The action entitled ‘EU4Digital: Investing in Broadband Connectivity’ (Annex IV) aims at supporting EaP countries in preparing bankable investment projects in broadband connectivity, and mobilising public and private investments for rural expansion and diversification of international broadband networks, also supporting Ukraine’s reconstruction needs.
- (10) The action entitled ‘Partnership on the Rule of Law and Good Governance Monitoring’ aims at contributing to strengthened good governance and rule of law in Eastern Neighbourhood countries (Annex V).
- (11) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (12) Pursuant to Article 26(1) of Regulation (EU) 2021/947, indirect management is to be used for the implementation of the actions.
- (13) 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.  
To this end, such entities and persons are to be subject to an assessment of their

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<sup>6</sup> Commission Implementing Decision C(2021)9370 of 15/12/2021 adopting a multiannual indicative programme for the Eastern neighbourhood for the period 2021-2027

systems and procedures in accordance with Article 154(4) of the Financial Regulation<sup>7</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.

- (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 allow 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 Neighbourhood, Development and International Cooperation Instrument Committee established under Article 45 of Regulation (EU) 2021/947.

HAS DECIDED AS FOLLOWS:

*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 the NDICI Neighbourhood East Region for 2022, as set out in the annexes, is adopted.

The action plan shall include the following actions:

- (a) Annex I: Supporting Decarbonisation, Climate Resilience and Energy Security in the Eastern Partnership
- (b) Annex II: Improving Road Safety in the Eastern Partnership Region
- (c) Annex III: EU4Business Facility: Investing in the Eastern Neighbourhood - Phase 3
- (d) Annex IV: EU4Digital: Investing in Broadband Connectivity
- (e) Annex V: Partnership on the Rule of Law and Good Governance Monitoring

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the action plan for 2022 is set at EUR 35 717 000<sup>8</sup>, and shall be financed from the appropriations entered in budget line 14.020111 of the general budget of the Union.

The maximum Union contribution for the implementation of the action plan for 2023 is set at EUR 14 000 000<sup>9</sup>, and shall be financed from the appropriations entered in budget line 14.020111 of the general budget of the Union.

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<sup>7</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>8</sup> This amount must include the appropriations corresponding to assigned revenue, if they are available at the time the financing decision is adopted.

<sup>9</sup> This amount must include the appropriations corresponding to assigned revenue, if they are available at the time the financing decision is adopted.

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:

- (a) provided for in the draft general budget of the Union for 2022 as adopted by the budgetary authority;
- (b) provided for in the draft general budget of the Union for 2023, following the adoption of that budget 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 Annexes I and V, 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 Annex I, 4.3.1 of Annex V and 4.3.1 of Annex VI.

### *Article 4*

#### *Flexibility clause*

Increases<sup>10</sup> or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in the first paragraph of Article 2, considering each financial year separately, 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.

### *Article 5*

#### *Grants*

Grants may be awarded without a call for proposals in accordance with the conditions set out in Annexes I and II. Grants may be awarded to the bodies selected in accordance with point 4.3.2 of Annex I and point 4.3.1 of Annex II.

Done at Brussels, 18.10.2022

*For the Commission*

*Olivér VÁRHELYI*

*Member of the Commission*

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<sup>10</sup> These changes can come from external assigned revenue made available after the adoption of the financing Decision.