



Brussels, 5.12.2022
C(2022) 9157 final

COMMISSION IMPLEMENTING DECISION

of 5.12.2022

on the financing of the annual action plan contributing to the Western Balkans Energy Support Package in favour of Kosovo* for 2023

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

COMMISSION IMPLEMENTING DECISION

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on the financing of the annual action plan contributing to the Western Balkans Energy Support Package in favour of Kosovo* 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 966/2012¹, 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 the annual action plan contributing to the Western Balkans Energy Support Package in favour of Kosovo for 2023, it is necessary to adopt an annual financing Decision, which constitutes the annual work programme for 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 TFEU³.
- (3) The action provided for in this Decision contribute to climate mainstreaming in line with the European Green Deal⁴ and the inter-institutional agreement.
- (4) The Commission has adopted a Pre-Accession Assistance ('IPA III') Programming Framework⁵ 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 objective pursued by the annual action plan is to provide an effective and urgent response to the social and economic impact of the current energy crisis generated by Russian war of aggression against Ukraine.

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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 of 11.12.2019

⁵ 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.

- (6) The objective of the action entitled “State and Resilience Building Contract for Kosovo” is to assist Kosovo in reducing the socio-economic impact of the rising energy prices, in particular on small and medium sized enterprises and households, and to strengthen the Government’s overall capacity to deliver tailor-made services to vulnerable households and support the long-term socioeconomic recovery, energy security, and energy transition of Kosovo.
- (7) 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.
- (8) 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.
- (9) The action plan provided for in this Decision is in accordance with the opinion of the IPA III Committee set up by Article 17 of Regulation (EU) 2021/1529⁶.

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 contributing to the Western Balkans Energy Support Package in favour of Kosovo for 2023, as set out in the Annex, is adopted.

The action plan shall include the following action: “State and Resilience Building Contract for Kosovo” as set out in the Annex.

Article 2

Union contribution

The maximum Union contribution for the implementation of the action plan referred to in Article 1 is set at EUR 75 000 000 and shall be financed from the appropriations entered in budget line 15 02 02 01 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 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

Flexibility clause

Increases⁷ 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

⁶ 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.

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

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, 5.12.2022

For the Commission
Olivér VÁRHELYI
Member of the Commission