



Brussels, 5.12.2022
C(2022) 9167 final

COMMISSION IMPLEMENTING DECISION

of 5.12.2022

on the financing of the annual action plan in favour of Bosnia and Herzegovina for 2022

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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) 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 in favour of Bosnia and Herzegovina for 2022, 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 TFEU³.
- (3) The actions 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

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.

the delivery of the specific objectives and thematic priorities of Regulation (EU) 2021/1529.

- (5) The objectives pursued by the annual action plan should support the authorities of Bosnia and Herzegovina to effectively meet EU accession requirements.
- (6) The objective of the action entitled “EU Support to Justice” is to contribute to aligning the justice system of Bosnia and Herzegovina with the European standards and the EU *acquis*.
- (7) The action entitled “EU for Public Administration Reform Increased Administrative Capacity” will support public administration reform in Bosnia and Herzegovina including statistics systems in alignment with EU standards and rules.
- (8) The action entitled “EU for Public Finance Management” will increase the overall efficiency of the revenue collection system in Bosnia and Herzegovina through strengthening indirect taxation by introduction and implementation of new procedures and EU best practices.
- (9) The action entitled “European Integration Facility” will provide support to institutions in Bosnia and Herzegovina at all levels with respect to the needs stemming from the EU integration process, including support to socio-economic reform process and to utilisation of EU financial assistance.
- (10) The action entitled “EU for Environment and Climate Change” will provide support to reduce vulnerability and increase the adaptive capacity of Bosnia and Herzegovina to respond to impacts of climate change.
- (11) The action entitled “EU for People (Employment and Social protection)” will aim to accelerate Bosnia and Herzegovina’s employment, education and social reforms and socio-economic recovery post COVID-19 crisis.
- (12) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (13) The Commission should authorise the launch of a call for proposals by means of a suspensive clause before the adoption of this Decision.
- (14) Pursuant to Article 9(1) of Regulation (EU) 2021/1529, indirect management may be used for the implementation of the action plan.
- (15) 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 systems and procedures in accordance with Article 154(4)⁶ of the Financial Regulation

⁶ 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.

and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.

- (16) 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.
- (17) 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.
- (18) 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) 2021/1529⁷.

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 Bosnia and Herzegovina for 2022, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- EU Support to Justice, as set out in Annex I;
- EU4 Public Administration Reform Increased Administrative Capacity, as set out in Annex II;
- EU4 Public Finance Management, as set out in Annex III;
- EU Integration Facility, as set out in Annex IV;
- EU4 Environment and Climate change, as set out in Annex V;
- EU4 People (Employment and Social Protection), as set out in Annex VI.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan referred to in Article 1 is set at EUR 45 500 000 and shall be financed from the appropriations entered in the following lines of the general budget of the Union for year 2022:

- budget line 15.020101.01: EUR 18 500 000;

⁷ 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.

- budget line 15.020201: EUR 27 000 000.

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 Annexes, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.3.2. of the Annex IV and 4.3.1. of the Annex VI.

Article 4
Flexibility clause

Increases⁸ or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in Article 2, first paragraph, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution, 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.

Article 5
Grants

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

Done at Brussels, 5.12.2022

For the Commission
Olivér VÁRHELYI
Member of the Commission

⁸ These changes can come from external assigned revenue made available after the adoption of the financing Decision.