



Brussels, 28.11.2019
C(2019) 8733 final

COMMISSION IMPLEMENTING DECISION

of 28.11.2019

adopting an Annual Action Programme for Kosovo* for the year 2019 - Part II

* 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.

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adopting an Annual Action Programme for Kosovo* for the year 2019 - Part II

THE EUROPEAN COMMISSION,

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

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 of the implementation of the Union's instruments for financing external action¹ and in particular Article 2(1) thereof,

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 966/2012², and in particular Article 110 thereof,

Whereas:

- (1) In order to ensure the implementation of Annual Action Programme for Kosovo for the year 2019 - Part II, it is necessary to adopt a financing decision, which constitutes the annual work programme, for 2019. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (2) The envisaged assistance is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU³.
- (3) Regulation (EU) No 231/2014⁴ lays down the objectives and main principles for pre-accession assistance to beneficiaries listed in Annex I to that Regulation.
- (4) In accordance with Article 7 of Regulation (EU) No 231/2014 the assistance should be implemented through annual or multi-annual, country-specific or multi-country programmes. These programmes should be drawn up in accordance with the framework for assistance referred to in Article 4 of Regulation (EU) No 231/2014 and the relevant country or multi-country indicative strategy papers referred to in Article 6 of that Regulation.

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¹ OJ L 77, 15.3.2014, p. 95.

² OJ L 193, 30.7.2018, 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 Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (OJ L 77, 15.03.2014, p. 11).

- (5) The Council established an Accession Partnership or a European Partnership for all beneficiaries listed in Annex I of Regulation (EU) No 231/2014. The Commission adopted an indicative strategy paper for Kosovo for 2014 - 2020 on 20 August 2014, revised on 10 August 2018 which provides indicative allocations for the sectors for pre-accession assistance.⁵
- (6) Considering the proposals for action submitted by the beneficiaries concerned, the Annual Action Programme for Kosovo for the year 2019 - Part II aims at providing assistance for actions in the following sectors: democracy and governance, environment, climate action and energy and competitiveness, innovation, agriculture and rural development.
- (7) The Commission should authorise the eligibility of costs as of a date preceding that of submission of a grant application, which is prior to the date of adoption of this Decision, for reasons of extreme urgency in crisis management aid or in other exceptional and duly substantiated emergencies, whereby an early engagement by the Union would be of major importance.
- (8) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046.
- (9) In order to allow for flexibility in the implementation of the programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.
- (10) The action programme provided for by this Decision is in accordance with the opinion of the IPA II Committee set up by Article 13 of Regulation (EU) No 231/2014⁶.

HAS DECIDED AS FOLLOWS:

⁵ Decision C(2018)5031, adopted on 20.08.2018, amending Commission Decision C(2014)5772, adopted on 20.08.2014

⁶ The Member States have declared, recalling the Council Conclusions of 18 February 2008, that the adoption of this programme 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.

Article 1

The programme

The Annual Action Programme for Kosovo for the year 2019 - Part II as set out in the Annex, is adopted.

Article 2

Union contribution

The maximum Union contribution for the implementation of the programme referred to in Article 1 is set at EUR 48 360 000⁷ and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

EUR 6 000 000 million from the budget line 22.02.01.01

EUR 42 360 000 million from the budget line 22.02.01.02

The appropriations provided for in the first sub-paragraph may also cover interest due for late payment.

Article 3

Flexibility clause

The following changes shall not be considered substantial, within the meaning of Article 110(5) of Regulation (EU, Euratom) 2018/1046, provided that they do not significantly affect the nature and objectives of the actions:

- a) increases⁸ or decreases for not more than 20% of the maximum contribution set in the first paragraph of Article 2, and not exceeding EUR 10 million;
- b) cumulated reassignments of funds between specific actions not exceeding 20% of the maximum contribution set in the first paragraph of Article 2;
- c) extensions of the implementation and closure period.

The use of contingencies shall be taken into account in the ceiling set by this Article.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 28.11.2019

For the Commission

Johannes HAHN

Member of the Commission

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

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