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**COMMISSION IMPLEMENTING DECISION**

**of 22.11.2013**

**on the ENPI East Regional Action Programme 2013 Part II to be financed from the  
general budget of the European Union**

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### on the ENPI East Regional Action Programme 2013 Part II to be financed from the general budget of the European Union

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI)<sup>1</sup>, and in particular Article 12 thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup> (hereinafter referred to as 'the Financial Regulation'), and in particular Article 84(2) thereof,

Whereas:

- (1) The Commission has adopted the ENPI East Regional Strategy Paper and Indicative Programme for the period 2010-2013<sup>3</sup>, which provides for the following priorities: democracy, good governance and stability; economic development (including, inter alia, transport); climate change, energy and environment; and advancing integration with the EU and promoting regional cooperation.
- (2) The objective pursued by the Action Programme is: (1) to facilitate the movement of persons and goods across borders in the Eastern Partnership countries; (2) to protect the environment, the population, the cultural heritage, the resources and the infrastructures of the region by strengthening the countries' resilience, preparedness and response to man-made and natural disasters; (3) to promote sustainable development between neighbouring regions through territorial cooperation; (4) to facilitate the implementation of the multilateral dimension of the Eastern Partnership, the Black Sea Synergy and the Northern Dimension; (5) to support the preparation of programmes in the eastern neighbourhood and activities in the field of information and communication; (6) to support the role and contribution of culture and creativity to the social and economic development of the region.
- (3) This Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (hereinafter referred to as 'the Rules of Application').
- (4) The Commission should entrust budget-implementation tasks under indirect centralised management for the activities described in the Annex 9 to the Education, Audiovisual and Culture Executive Agency (EACEA) in accordance with the Decision

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<sup>1</sup> OJEU L 310, 9.11.2006, p. 1

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

<sup>3</sup> C(2010)1144

C(2012)9474 amending Commission Decision No 2009/336/EC setting up the Education, Audiovisual and Culture Executive Agency for the management of Community action in the fields of education, audiovisual and culture in application of Council Regulation (EC) No 58/2003.

- (5) The Commission may entrust budget-implementation tasks under indirect centralised management (indirect management with a Member State agency) to the entity identified in this Decision (Annex 8), subject to the conclusion of a delegation agreement. The responsible authorising officer has accordingly ensured that this entity complies with the conditions of Article 56(1) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>4</sup> (hereinafter referred to as 'the Financial Regulation 1605/2002') and of Article 35 of its Implementing Rules<sup>5</sup>.
- (6) The Commission may entrust budget-implementation tasks under joint management (indirect management with an international organisation) to the entities identified in this Decision (Annexes 2, 3, 4, 5, 6, 9 and 11), subject to the conclusion of contribution agreements. The responsible authorising officer has ensured that these entities comply with the conditions of Article 53d of the Financial Regulation 1605/2002 and of Articles 35 and 43 of its Implementing Rules.
- (7) It is appropriate to acknowledge that grants may be awarded without a call for proposals by the responsible authorising officer who ensures that the conditions for an exception to a call for proposals according to Article 190 of the Rules of Application are fulfilled. The reasons for and potential beneficiaries of such award should be identified, where known, in this Decision for reasons of transparency.
- (8) For the action defined in Annex 6 (EUBAM 10), in order to ensure a smooth transition from the previous implementing partner (United Nations Development Programme) to the new implementing partner (International Organisation for Migration), and uninterrupted activity implementation by EUBAM, it is appropriate to decide that the costs incurred by the new implementing partner may be eligible as of 16 July 2013.
- (9) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of the Financial Regulation and Article 111(4) of the Rules of Application.
- (10) The Commission is required to define the term "non-substantial change" in the sense of Article 94(4) of the Rules of Application to ensure that any such changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (hereinafter referred to as the 'responsible authorising officer').
- (11) The measures provided for in this Decision are in accordance with the opinion of the ENPI Committee set up under Article 26 of Regulation (EC) No 1638/2006,

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<sup>4</sup> OJ L 248, 16.9.2002, p.1. These provisions remain applicable until 31 December 2013 according to Article 212 of the Financial Regulation.

<sup>5</sup> Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities. OJ L 357, 31.12.2002, p.1. These provisions remain applicable according to Article 212 of the Financial Regulation.

HAS DECIDED AS FOLLOWS:

*Article 1*

**Adoption of the programme**

The ENPI East Regional Action Programme 2013 Part II, constituted by the actions identified in the second paragraph, is approved.

The actions, the description of which is set out in the attached Annexes 1 to 11, respectively, shall be:

- Eastern Partnership Integrated Border Management – Capacity Building Project;
- Eastern Partnership Integrated Border Management project - Strengthening surveillance and bilateral coordination capacities at the Belarusian-Ukrainian state border with a particular focus on central and western areas of that frontier;
- Eastern Partnership Integrated Border Management project - Construction of jointly operated border crossing point Palanca on the territory of the Republic of Moldova;
- Eastern Partnership Integrated Border Management project - Joint border patrolling on green/blue border between Republic of Moldova and Ukraine;
- Eastern Partnership Integrated Border Management project - Better coordination of protection of the land border between Georgia and Azerbaijan;
- European Union Border Assistance Mission to the Republic of Moldova and Ukraine - Phase 10 (EUBAM-10);
- Prevention, Preparedness and Response to natural and man-made disasters in the Eastern Partnership countries – PPRD East II;
- Eastern Partnership Territorial Cooperation Programmes;
- Implementation of the Eastern Partnership multilateral dimension and support to the implementation of the Black Sea Synergy and the Northern Dimension;
- ENPI-East Global Allocation 2013;
- Eastern Partnership Culture Programme II.

*Article 2*

**Financial contribution**

The maximum contribution of the European Union authorised by this Decision for the implementation of this programme is set at EUR 80.8 million to be financed from budget line 19 08 01 03 of the general budget of the European Union for 2013.

*Article 3*

**Implementation modalities**

Budget-implementation tasks under indirect centralised and joint management may be entrusted to the entities identified in the attached Annexes, subject to the conclusion of the relevant agreements.

Section 4 of the Annexes referred to in the second paragraph of Article 1 sets out the elements required by Article 94(2) of the Rules of Application.

Grants may be awarded without a call for proposals by the responsible authorising officer according to Article 190 of the Rules of Application. Where known at the moment of the adoption of this Decision, the reasons for this as well as the potential beneficiaries shall be identified in the attached Annexes.

The Commission authorises as of 16 July 2013 the eligibility of costs incurred by the International Organisation for Migration for the action set out in Annex 6.

The financial contribution referred to in Article 2 shall also cover any possible interests due for late payment.

#### *Article 4*

##### **Non-substantial changes**

Increases or cumulated changes to the allocations of specific actions not exceeding 20 % of the contribution referred to in the first paragraph of Article 2 shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the actions. The use of contingencies shall be taken into account in the ceiling referred to in this article.

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

Done at Brussels, 22.11.2013

*For the Commission*  
*Štefan FÜLE*  
*Member of the Commission*