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COMMISSION IMPLEMENTING DECISION

of 17.11.2017

on the Neighbourhood East Regional Action Programme 2017 Part I (including 1 action on budget 2018 and 2019), to be financed from the general budget of the European Union

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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 for the implementation of the Union's instruments for financing external action¹, and in particular Article 2(1) 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 1605/2002², and in particular Article 84(2) thereof,

Whereas:

- (1) The Commission has adopted the ENI East Regional Strategy Paper and Multiannual Indicative Programme³ for the period 2017-2020, which provides for the following priorities: Integrated Border Management, Private sector and economic development, evidence-based decision-making based on increased availability and quality of official statistics.
- (2) The objectives pursued by the Annual Regional Action Programme to be financed under the European Neighbourhood Instrument⁴ are: (1) to contribute to the Republic of Moldova⁵'s and Ukraine's efforts to effectively manage their common border and actively support concrete measures linked to the settlement of the Transnistrian conflict; (2) to strengthen institutional frameworks and delivery of government support to SMEs, to support monitoring and evaluation of SME policies and improve production of business statistics, to support evidence-based policy making and regional benchmarking and to stimulate reform implementation (3) to support evidence based policy-making by improving the availability and quality of statistical data from the European Neighbourhood Policy East (ENP-East) countries as well as their dissemination to the wider public.
- (3) The first action entitled "European Union Border Assistance Mission to the Republic of Moldova and Ukraine (EUBAM 12)" will contribute to the peaceful settlement of the Transnistrian conflict, ensure the full implementation of Integrated Border Management practices at the Moldova-Ukraine border, and more effectively combat

¹ OJ L77, 15.3.2014, p. 95.

² OJ L 298, 26.10.2012, p. 1.

³ Decision C(2017)5408 of 04.08.2017.

⁴ Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

⁵ Hereinafter referred to as Moldova.

cross-border crime. The action will be implemented under indirect management with the International Organization for Migration (IOM).

- (4) The second action entitled "Supporting firm competitiveness and business environment reforms in the Eastern Partnership: an EU4Business initiative" entails a multi-country project to support SME competitiveness and economic development in Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The action will be implemented under direct management.
- (5) The third action entitled "Regional Programme on Statistics with Eurostat in the Eastern Partnership" aims to support evidence based policy-making by improving the availability and quality of statistical data from the European Neighbourhood Policy East (ENP-East) countries as well as their dissemination to a wider public. This action will be implemented under direct management.
- (6) It is necessary to adopt a financing decision the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012⁶.
- (7) The envisaged assistance to Belarus, Moldova and Ukraine is deemed to strictly apply with the conditions and procedures set out by the EU restrictive measures concerning the said countries
- (8) In the case of recurrent actions, the Commission may adopt multiannual action programmes for a period of up to three years on the basis of Article 6(3)(a) of Regulation (EU) No 236/2014.
- (9) It is necessary to adopt a work programme for grants the detailed rules on which are set out in Article 128(1) of Regulation (EU, Euratom) No 966/2012 and in Article 188(1) of Delegated Regulation (EU) No 1268/2012. The work programme is constituted by the Annex 2 (section 5.3.2).
- (10) The Commission should entrust budget-implementation tasks under indirect management to the entity specified in Annex 1 to this Decision, subject to the conclusion of a delegation agreement. In accordance with Article 60(1) and (2) of Regulation (EU, Euratom) No 966/2012, the authorising officer responsible needs to ensure that this entity guarantees a level of protection of the financial interests of the Union equivalent to that required when the Commission manages Union funds. The International Organization for Migration (IOM) complies with the conditions of points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary.
- (11) The authorising officer responsible should be able to award grants without a call for proposals provided that the conditions for an exception to a call for proposals in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012 are fulfilled.
- (12) For the action set out in Annex 2 the Commission should authorise the eligibility of costs as of a date preceding that of the adoption of the present Commission Implementing Decision in order to ensure continuity with the activities and with the team implementing the predecessor project "Supporting SME Competitiveness Reforms in the Eastern Partner Countries – Implementing the Recommendations of the SME Policy Index 2012" implemented by the Organisation for Economic Co-

⁶ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

operation and Development (OECD) and funded under the ENPI East Regional Action Programme 2013 Part I⁷.

- (13) It is necessary to allow the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012.
- (14) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (15) The measures provided for in this Decision are in accordance with the opinion of the European Neighbourhood Instrument Committee set up by Article 15 of the the financing instrument referred to in Recital 2,

HAS DECIDED AS FOLLOWS:

Article 1
Adoption of the programme

The ENI East Regional Action Programme 2017 Part I, as set out in the Annexes, is approved.

The programme shall include the following actions:

- Annex 1: "European Union Border Assistance Mission to the Republic of Moldova and Ukraine (EUBAM 12)" ;
- Annex 2: "Supporting firm competitiveness and business environment reforms in the Eastern Partnership: an EU4Business initiative";
- Annex 3: "Regional Programme on Statistics with Eurostat in the Eastern Partnership".

Article 2
Financial Contribution

The maximum contribution of the European Union for the implementation of the programme referred to in Article 1 is set at EUR 21 500 000 and shall be financed for an amount of:

- EUR 11 500 000 from the general budget of the European Union for 2017:
 - budget line 22 04 02 01 for an amount of EUR 5 000 000;
 - budget line 22 04 02 02 for an amount of EUR 4 000 000;
 - budget line 22 04 02 03 for an amount of EUR 2 500 000;
- EUR 5 000 000 from budget line 22 04 02 03 of the general budget of the European Union for 2018.
- EUR 5 000 000 from budget line 2204 02 03 of the general budget of the European Union for 2019.

The financial contribution provided for in the first paragraph may also cover interest due for late payment.

⁷ Decision C(2013)3998 of 28.06.2013.

The implementation of this Decision is subject to the availability of the appropriations provided for in the draft budget of the Union for 2018 and 2019 after adoption of the budget for that financial year or as provided for in the system of provisional twelfths.

Article 3
Implementation Modalities

Budget-implementation tasks under indirect management may be entrusted to the entity identified in the attached Annex 1, subject to the conclusion of the relevant agreement.

The section “Implementation” of the Annexes to this Decision sets out the elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012.

Grants may be awarded without a call for proposals by the authorising officer responsible in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012.

The eligibility of costs prior to the adoption of the present Decision shall be authorised as of the date set out in the Annex 2.

Article 4
Non-substantial changes

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set by 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 94(4) of Delegated Regulation (EU) No 1268/2012, provided that they do not significantly affect the nature and objectives of the actions.

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

Done at Brussels, 17.11.2017

For the Commission
Johannes HAHN
Member of the Commission