



Brussels, 15.5.2020
C(2020) 3252 final

COMMISSION IMPLEMENTING DECISION

of 15.5.2020

**on the ENI East Regional Action Programme 2020 Part 1, 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, 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) 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 action², and in particular Article 2(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action programme in favour of the Eastern Partnership region for 2020, part 1, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2020. 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) The Commission has adopted the European Neighbourhood Instrument (ENI) East Regional Strategy Paper for the period 2014-2020⁴ and the Multiannual Indicative Programme for the period 2017-2020⁵, which provide for the following priorities: (1) economic development and market opportunities; (2) strengthening institutions and good governance; (3) connectivity, energy efficiency, environment and climate change; (4) mobility and people-to-people contacts.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 77, 15.3.2014, p. 95.

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 Decision C(2014)5200 of 28.7.2014.

⁵ Decision C(2017)5408 of 4.8.2017

- (4) The objectives pursued by the annual action programme to be financed under the European Neighbourhood Instrument⁶ are to extend the European Geostationary Navigation Overlay Service (EGNOS) to the Eastern European Neighbourhood.
- (5) The extension of EGNOS to the Eastern European Neighbourhood is considered critical because it is part of a larger project extending EGNOS to the whole EU neighbourhood, including the southern Mediterranean. Overall, the project will roll out the latest EGNOS version that will also be implemented in the EU.
- (6) In particular Ukraine would like to use EGNOS for aviation, which requires the conclusion of an international agreement. At the most recent EU-Ukraine High Level Industrial and Regulatory Dialogue, both parties agreed to initiate negotiations in compliance with corresponding mandates, respectively, for such international agreement in 2019." Negotiations started on 12 March 2020.
- (7) The action entitled "Extension of EGNOS (the European Geostationary Navigation Overlay Service) to the Eastern European Neighbourhood" will enable the extension of the EGNOS coverage to the six ENP East countries. The activities will consist of deploying two EGNOS ground stations (called Ranging and Integrity Monitoring Stations, hereinafter referred to as "RIMS",) in Ukraine and Azerbaijan, in addition to a RIMS in Kyiv that is procured separately.
- (8) The deployment of the RIMS is to use them in a number of sectors, such as aviation (in particular, landing and take-off of aircraft), precision agriculture, inland water transport and road transport (e.g. dangerous goods), and maritime transport.
- (9) This measure is urgent because it is part of a larger project extending EGNOS to the whole EU neighbourhood, including the southern Mediterranean. The project will roll out the latest EGNOS version that will also be implemented in the EU. In case the eastern neighbourhood is not part of the project, the EGNOS extension to that region will be postponed for many years. Ukraine would like to use EGNOS for aviation. This requires the conclusion of an international agreement. At the latest EU-Ukraine High Level Industrial and Regulatory Dialogue, both sides agreed to start negotiations to that effect in 2019. Both sides have already a negotiation mandate for such extension and negotiations have started on 12 March 2020. This is another reason to start the EGNOS extension to European Neighbourhood Policy (ENP) East as from 2020.
- (10) The action entitled "Extension of EGNOS (the European Geostationary Navigation Overlay Service) to the Eastern European Neighbourhood" will enable the extension of the EGNOS coverage to the six ENP East countries by deploying two EGNOS ground stations (called RIMS, Ranging and Integrity Monitoring Stations) in Ukraine and Azerbaijan, in addition to a RIMS in Kyiv with the aim to use it in a number of applications such as aviation (in particular, landing and take-off of aircraft), precision agriculture, inland water transport and road transport (e.g. dangerous goods).
- (11) Pursuant to Article 4(7) of Regulation (EU) No 236/2014, indirect management is to be used for the implementation of the programme.
- (12) 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 Regulation (EU,

⁶ 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).

Euratom) 2018/1046. To this end, the Commission, in accordance with Article 154(6) of Regulation (EU, Euratom) 2018/1046, retains the financial management responsibilities laid down in the Annex.

- (13) 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.
- (14) 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.
- (15) The action provided for in this Decision are in accordance with the opinion of the European Neighbourhood Instrument Committee established under Article 15 of the financing instrument referred to in recital 4.

HAS DECIDED AS FOLLOWS:

Article 1
The programme

The annual action programme in favour of the Eastern Partnership region for 2020 part 1, as set out in the Annex, is adopted.

The programme shall include the following action: “Extension of EGNOS (the European Geostationary Navigation Overlay Service) to the Eastern European Neighbourhood”, set out in the Annex.

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme for 2020 is set at EUR 7.950.000 and shall be financed from the appropriations entered in the budget line 22.04.02.02 of the general budget of the Union.

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 Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5.3.2 of the Annex.

Article 4
Flexibility clause

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set in the first paragraph of Article 2, 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 110(5) of Regulation (EU, Euratom) 2018/1046, where 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, 15.5.2020

For the Commission
Olivér VÁRHELYI
Member of the Commission