



Brussels, 19.11.2019
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COMMISSION IMPLEMENTING DECISION

of 19.11.2019

on the ENI East Regional Action Programme 2019 part 4

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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 European Neighbourhood Instrument (ENI) East Regional Action Programme (RAP) 2019 Part 4, it is necessary to adopt a annual³ 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 TFEU⁴.
- (3) The Commission has adopted the ENI East Regional Strategy Paper for the period 2014-2020 and the Multiannual Indicative Programme for the period 2017-2020, 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.
- (4) The objectives pursued by the annual action programme to be financed under the European Neighbourhood Instrument⁵ are (1) to foster the clean energy transition and decarbonisation in the Eastern Neighbourhood countries through evidence-based energy policy design and (2) to cooperate on culture in order to enrich contacts

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 77, 15.3.2014, p. 95.

³ Multiannual financing decision shall always constitute a multiannual action programme.

⁴ 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.

⁵ 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).

between societies, promote cultural diversity and intercultural dialogue as well as to contribute to developing the potential of cultural and creative sectors.

- (5) The action entitled ‘Promoting the Clean Energy Transition in the Eastern Partnership countries: EU4Energy Phase II’ (Annex 1) will foster the low carbon and clean energy transition in the six Eastern Partnership (EaP) partner countries. To this end, the proposed action will focus on (i) strengthening energy legislative, regulatory frameworks and evidence-based energy policy design capabilities; (ii) fostering the implementation of a conducive environment for sustainable energy investments and prioritisation of infrastructure projects, and, where appropriate, an increase in regional market integration/intra-regional trade.
- (6) The action entitled ‘EU4Culture’ (Annex 2) will strengthen the links between culture, economic growth and the promotion of intercultural dialogue and experiences in the Eastern Partnership (EaP) partner countries. To this end, the proposed action will focus on (i) the promotion of local cultural heritage as well as culture and creative industries as resources for regional economic development, inclusion and citizen participation; (ii) fostering intercultural dialogue for peaceful inter-community relations and knowledge exchanges across the EaP region and between the EaP partner countries and the EU; (iii) improving local governance in the culture sector through support to regulatory processes and policy dialogue
- (7) The Commission should acknowledge and accept contributions from other donors in accordance with Article 21(2) of Regulation (EU, Euratom) 2018/1046, subject to the conclusion of the relevant agreement. Where such contributions are not denominated in euro, a reasonable estimate of conversion should be made.
- (8) It is appropriate to authorise the award of grants without a call for proposals, pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046, to the Energy Community Secretariat due to its strong expertise in legislative and regulatory work in the energy sector for the EaP countries.
- (9) Pursuant to Article 4(7) of Regulation (EU) No 236/2014, indirect management is to be used for the implementation of the programme.
- (10) 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, Euratom) 2018/1046.
- (11) 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) of Regulation (EU, Euratom) 2018/1046 and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.
- (12) 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.
- (13) 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.
- (14) The actions 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 ENI East Regional Action Programme 2019, Part 4, as set out in the Annexes, is adopted.

The programme shall include the following actions:

- (a) Annex 1: Promoting the Clean Energy Transition in the Eastern Partnership countries: EU4Energy Phase II;
- (b) Annex 2: Strengthening the links between culture, economic growth and the promotion of intercultural dialogue and experiences in the Eastern Partnership countries: EU4Culture.

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme for 2019 is set at EUR 16 850 000 and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- (a) 22.04.02.02: EUR 16 850 000.

The amount referred to in the first paragraph includes contributions from other donors to the general budget of the Union as external assigned revenue as provided for in Annex 1.

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 5.3.2 of Annex 1 and 5.3.1 of Annex 2.

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.

Article 5
Grants

Grants may be awarded without a call for proposals pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046 to the bodies referred to in point 5.3.1 of Annex 1.

Done at Brussels, 19.11.2019

For the Commission
Johannes HAHN
Member of the Commission